

City of Kingsville, Texas

AGENDA CITY COMMISSION

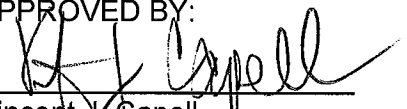
**WEDNESDAY, DECEMBER 19, 2012
SPECIAL MEETING**

**HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS
CITY HALL/200 EAST KLEBERG AVENUE
12:00 P.M.-noon**

I. Preliminary Proceedings.

OPEN MEETING

APPROVED BY:



Vincent J. Capell
City Manager

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law

II. Public Hearing - (Required by Law).¹

1. None.

III. Reports from Commission & Staff.² (City Manager's Staff Report Attached).

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor. No formal action can be taken on these items at this time."

IV. Public Comment on Agenda Items³

1. Comments on all agenda and non-agenda items.

V.

Consent Agenda

Notice to the Public

The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:

(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)

1. Motion to approve resolution authorizing participation in Local Border Security Program FY2013 with the Texas Department of Public Safety for law enforcement personnel overtime and operational costs, authorizing the Chief of Police to act on the City's behalf with such program. (Chief of Police).
2. Motion to approve final passage of an ordinance amending the zoning ordinance by granting a Special Use Permit for 607 South 13th (Lots 5, Block 30, Retama Park) for an off-site caterer/bakery. (Director of Planning & Development Services).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Executive Session: Pursuant to Section 551.074, Texas Government Code, Open Meetings Act, Personnel Matters, the City Commission shall convene in Executive Session to deliberate the evaluation of the City Manager. (Mayor Fugate).
4. Consider resolution authorizing the Mayor to execute a Professional Services Contract for the position of City Manager with Vincent J. Capell. (Mayor Fugate).

VII. Adjournment.

1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizens comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

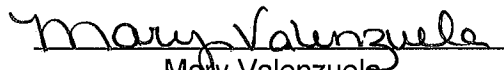
NOTICE

This City of Kingsville and Commission Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive

services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail mvalenzuela@cityofkingsville.com for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board in the City Hall, 200 East Kleberg, of the City of Kingsville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

December 14, 2012 at 1:00 P.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.


Mary Valenzuela
City Secretary
City of Kingsville, Texas

This public notice was removed from the official posting board at the Kingsville City Hall on the following date and time: _____

By: _____
City Secretary's Office
City of Kingsville, Texas

MINUTES OF PREVIOUS MEETING(S)

PUBLIC HEARING(S)

CONSENT AGENDA

AGENDA ITEM #1

RESOLUTION #2012-_____

A RESOLUTION AUTHORIZING PARTICIPATION IN LOCAL BORDER SECURITY PROGRAM FY2013 WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR LAW ENFORCEMENT PERSONNEL OVERTIME AND OPERATIONAL COSTS; AUTHORIZING THE CHIEF OF POLICE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Local Border Security Program FY2013 has funding to provide additional manpower by local law enforcement agencies for state led border security enhancement operations for improved border security via a grant to local law enforcement agencies for payment of overtime and operational costs for local law enforcement officers (commissioned peace officers); and

WHEREAS, the Texas Department of Public Safety is providing grants through funding from Local Border Security Program FY2013; and

WHEREAS, the City of Kingsville has previously applied for similar grants for the reimbursement of overtime for law enforcement personnel and operational costs that will assist with improved border security through enhanced patrolling of the roadways through our city, especially US 77.

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Kingsville, Texas:

I.

THAT the City authorize the Kingsville Police Department through the Chief of Police to participate in Local Border Security Program FY2013 and to seek reimbursement for the allowed expenses of law enforcement personnel overtime and operational costs necessary to assist with improved border security in our area in conformance with this program. The City is approving the application and acceptance of any LBSP grant funds that the Texas Department of Public Safety, Texas Rangers Division issues for the period of performance of January 1, 2013 through August 31, 2013.

II.

THAT the Chief of Police is hereby authorized and directed to act on the City's behalf in all matters pertaining to Local Border Security Program FY2013 including any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

III.

THAT this Resolution shall be and become effective on or after adoption.

PASSED AND APPROVED by a majority vote of the City Commission on the 19th
day of December, 2012.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**KINGSVILLE POLICE DEPARTMENT
INTER-OFFICE MEMORANDUM**

December 13, 2012

TO : Vincent J Capell, City Manager
FROM : Ricardo Torres, Chief of Police
SUBJECT : Local Border Security Program (LBSP-13)

The Local Border Security Program FY2013 (LBSP-13), hereinafter referred to as LBSP-13, is funded by House Bill 1 Article V Rider 41 of the General Appropriations Act for fiscal year ending August 31, 2013 *to provide additional manpower by local law enforcement agencies for state led border security enhanced operations for improved border security. Using these funds, the Texas Department of Public Safety provides grants to local law enforcement agencies for payment of **overtime and operational costs** for local law enforcement officers (commissioned peace officers).*

*The Texas Legislature has appropriated funds for **overtime and operational costs** for increased patrol and investigative capacity for certified peace officers. It further directed that the Department of Public Safety's Overtime Policy should be used to define overtime. Certain operational costs incurred as part of these overtime patrols and investigations, such as fuel/mileage and additional cost for minor emergency repairs may also be funded.*

The LBSP-13 is a **reimbursement program of actual costs for eligible activities**.

The State of Texas has an urgent security challenge caused by the increased threat from organized crime, terrorism, and their allies that is exacerbated by the continued flow of illegal immigrants. These security challenges require a unified strategy to provide the State of Texas with a framework to respond. These threats will continue to threaten the security of Texas and the United States for the foreseeable future. Organized criminal, drug trafficking, and illegal immigration activities originating and transiting from Mexico to the United States and Texas will continue until the air, land, and sea transit areas are secured. These criminal elements also use these air, land, and sea transit areas and routes from the United States and Texas to Mexico for the movement of funds, weapons, and stolen vehicles.

Criminal activities, including drugs and human smuggling, are extensive in the border regions and within the transportation corridors from the borders to major metropolitan areas. Relatively small groups of substantially financed illegal immigrants or potential terrorist often can infiltrate the United States and adversely impact population centers, critical infrastructure, and citizens.

The State of Texas will facilitate the conduct of sustained interagency law enforcement operations from ***January 1, 2013 through August 31, 2013*** to dominate the Texas-Mexico Border area at points and times of its choosing and thereby deny criminal actions therein; provide a safe and secure environment where Texas citizens can prosper; contribute to the reduction of potential acts of terror within Texas and the United States; and promote regional stability.

The Kingsville Police Department as a member of the South Texas Sheriffs Coastal Alliance will be applying for overtime and fringe benefits as well as operational costs for fuel & maintenance to assist us in our target goals. Our City Attorney Courtney Alvarez has drafted a resolution in support of this project for consideration by our city commission. Please place this item on the next available City of Kingsville Commission agenda for consideration.

Thank you for your assistance regarding this matter.

AGENDA ITEM #2

ORDINANCE NO. 2012-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR 607 SOUTH 13TH STREET (LOTS 5, BLOCK 30, RETAMA PARK) FOR AN OFF-SITE CATERER/BAKERY; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of Maria del Rosario Perez, for amendment to the zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, November 14, 2012, during a meeting of the Planning Commission, and on Monday, December 10, 2012, during a meeting of the City Commission, in the Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning Commission by an unanimous 8-0 vote APPROVED the requested rezone; and

WHEREAS, the City Commission has determined that this amendment would best serve public health, necessity, and convenience and the general welfare of the City of Kingsville and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for an off-site caterer/bakery on the premises known as 607 South 13th Street, Lots 5, Block 30, Retama Park, as more specifically describe on site plan attached as Exhibit A.

SECTION 2. That the Special Permit granted in Section 1 of this Ordinance is subject the following conditions:

1. ALLOWED USE: The only uses authorized by this Special Permit other than the permitted "R1" Single Family District uses is as an off-site caterer/bakery.

2. HANDICAP PARKING: A handicapped accessible parking space shall be properly designated for one of the two required parking stalls for ADA customers. All parking stalls shall be of an impervious surface, either asphalt or concrete.

3. TIME LIMIT: This Special Permit is good for the duration of the business from the date of this ordinance **unless** the property is not being used for the purpose outlined in Condition 1, or any other conditions have not been complied with, or if there is a change in

ownership of the business.

4. **SPECIAL CONDITION:** The applicant shall obtain all required permits for building, fire and health thereby meeting all adopted codes to operate said business, and shall cooperate with all annual fire safety, health, and sanitation inspections, in order to maintain compliance with state and city regulations for the operation of an off-site caterer/bakery.

SECTION 3. That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendment to the Zoning Ordinance made by Section 1 of this ordinance.

SECTION 4. That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

SECTION 5. That to the extent that this amendment to the Zoning Ordinance represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

SECTION 6. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

SECTION 7. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.

INTRODUCED on this the 10th day of December, 2012.

PASSED AND APPROVED on this the ____ day of _____, 201__.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:


Courtney Alvarez, City Attorney



Planning & Development Services Department

TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

FROM: Michael Kellam, AICP, Director of Planning & Development Services 

SUBJECT: Special Use Permit request to operate an off-site caterer/bakery in a residential area at 607 S. 13th St.

DATE: November 28, 2012

The City of Kingsville Planning and Zoning Commission met on November 14, 2012 at 7:00 p.m. in regard to a request made by the Ms. Maria del Rosario Perez, to allow for the operation of a catering/bakery operation, specializing in off-site catering and some on-site business interaction, to be located in a residentially zoned area at 607 S. 13th St. The property is located in a R-2 Two Family Residential District and is immediately adjacent to a C-2 Retail District and existing commercial uses to the east. This type of use requires a special use permit to be approved by the City Commission as it is not a use allowed by right. There were no persons in opposition present at the Planning & Zoning Commission meeting or on the record with the Planning Department. One individual other than applicant came and spoke in favor of the request and we received one written statement in favor of the proposed use.

All pertinent notices were published and sent out to the surrounding property owners that are within the 200ft radius 15 days prior to the meeting. No concerns or complaints regarding this special use permit were made to the Planning Department.

Staff presented the attached staff report, supplemental information and applicant information to the Planning & Zoning Commission. As stated in the staff report the request was found to not be a detriment to the surrounding uses which consist of both residential and commercial uses. The property is currently vacant with commercial activity immediately to the east, across the street. This property is one block from 14th Street, one of the busiest commercial corridors of the city.

Additionally, given the proximity to the existing commercial corridor, neighboring commercial uses and the aforementioned findings, staff is comfortable with the issuance of the special use permit. This specially permitted use is a lesser intense quasi-commercial activity that can co-exist with the existing surrounding uses, while also allowing for future residential occupancy upon the ceasing of this operation.

Planning staff recommends conditional approval of this rezoning request. The Planning & Zoning Commission recommended **Conditional Approval** of the request with a unanimous 8/0 vote, with the following conditions:

1. To avoid the perception and/or potential for spot zoning for a commercial property within a residential area, this special use permit shall expire should the approved special use cease, or in the case of a change in ownership.
2. A handicapped accessible parking space shall be properly designated for one of the two required parking stalls for ADA customers. All parking stalls shall be of an impervious surface, either asphalt or concrete.
3. The business shall obtain all permits for building, fire and health thereby meeting all adopted codes to operate said business.

Attachments

**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
November 14, 2012**

Planning and Zoning Members Present

Robert McCreight
Lupe Alvarez
Steve Zamora
Tom Dock
Bill Aldrich
Debbie Tiffie
Albert Garcia

Citizens Present

Francisco Aguiniga

Staff Present

Michael Kellam, Director of Planning &
Development Services
Jessica Storck, Planning Secretary

1. **The meeting was called to order at 7:00 p.m.**
2. **Discuss and take action on the meeting minutes of October 17, 2012.**
Mr. Lupe Alvarez made a motion to accept the minutes as circulated. Robert McCreight seconds. All in favor/ none oppose.
3. **Public comments on items on and not on the agenda.**
None.
4. **Discuss and take action on – Maria del Rosario Perez- Request approval for the special use permit to allow for a bakery, specializing in off-site catering and some on-site business interaction, within Lot 5, Block 30 of Retama Park, property located at 607 S. 13th St., currently zoned R-2 Two- Family Residential District.**

Mr. Kellam stated that this request is for a catering business request with minimal customer traffic onsite. The use is not allowed as a matter of right within the current zoning district, but is allowed via a special use permit. It would be predominantly used as a delivery/carry out bakery. The property is currently unoccupied and is near a residential area to the west and a commercial area to the east and had historically been used as a residence. The business will operate from 10:00 am to 7:00pm, and off street parking will be provided. A floor plan was provided by the applicant and shows minimal changes to the interior. He also stated that a written response was received from Ms. Yolanda Zapata, who owns a neighboring property and is in favor of the request. No responses were received in opposition to the request. A full review of the application and field

inspection was completed by staff and a recommendation of conditional approval was presented with the following conditions.

1. To avoid potential spot zoning for a commercial property within a residential neighborhood, this special use permit shall expire should the approved special use cease, or in the case of a change in ownership.
2. A handicapped accessible parking space shall be properly designated for one of the two required parking stalls for ADA customers. All parking stalls shall be of an impervious surface, either asphalt or concrete.
3. The business shall obtain all permits for building, fire and health thereby meeting all adopted codes to operate said business.

Mr. Alvarez stated there is a fence in the area where parking should be. He asked if it would need to be removed. Mr. Kellam stated that the fence would probably need to be removed to allow access for a parking area. (This will be reviewed at the time of plan review and permitting)

Mr. Alvarez asked what type of signage would be allowed. Mr. Kellam stated that small signage would be allowed or commercial monument signage. He also stated that the board could recommend another condition for the signage placing additional limitations if they felt it was necessary.

Mr. Steve Zamora asked if the request was going to be treated as a regular business front since it is going to be catering. Mr. Kellam stated that it will maintain its residential look and feel but the inside would function as a bakery.

Mr. Fransico Aguinia, 704 W. Corral Apt.403, stated that Mr. Cerda, the property owner, is his friend and he is helping him with the application. He continued to state that Ms. Perez was already making cakes for friends and wanted to open a business. He also stated that they would follow all guidelines and conditions they needed to.

Mr. Albert Garcia made a motion to accept the request for the special use permit. Ms. Debbie Tiffie seconds. All in favor/ none oppose.

Mr. Kellam stated that there were no requests for the month of December. Holiday greetings were passed along to each of the board members.

5. Adjourn.

Meeting adjourned at 7:16 p.m.

Staff Report to the PLANNING & ZONING COMMISSION and CITY COMMISSION

by the Planning & Development Services Department, Planning Division
City of Kingsville, Texas

Request: APPROVAL OF A SPECIAL USE PERMIT TO ALLOW FOR A BAKERY,
SPECIALIZING IN OFF-SITE CATERING AND SOME ON-SITE BUSINESS
INTERACTION AT 607-609 S. 13TH STREET.

Petitioner and Agent: Maria del Rosario Perez

Date of P&Z Hearing: November 14, 2012

Comprehensive Plan Land Use: Low Density Residential
Existing Zoning Classification: R-2 Two-Family Residential District
Adjacent Zoning: North, South & West: R-2 Two Family Residential District
East: C-2 Retail District

EXISTING INFRASTRUCTURE

Transportation: Fordyce Street- Local
13th Street- Local
Community Facilities: Services provided
Capital Improvements: Services Provided
Fire Station Proximity: Within one mile
100 Year Flood Plain: The property is not within a floodplain

EXHIBITS PRESENTED

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)
- City of Kingsville Master Plan (present at meeting)
- Site Plan
- Mailing list of owners within 200 feet

BACKGROUND AND HISTORY

The petitioner is requesting a special use permit to allow the operation of a carry out bakery specializing in wedding and specialized cakes, with some occasional on site business. The property is currently unoccupied but historically has been utilized as a residential unit. The applicant has permission from the owner for the proposed use, and at the writing of the staff report we have received one written response to the proposal from a neighboring property owner who indicated they are in favor of the request.

FIELD INSPECTION AND PERTINENT DATA

The site is located near the southwest corner of the E. Fordyce and S. 13th Street intersection. The entire structure consists of 1344 square feet of which approximately 500 square feet are to be utilized for the proposed bakery, according to the information submitted by the applicant. The property is currently vacant with commercial activity immediately to the east, across the street. This property is one block from 14th Street, one of the busiest commercial corridors of the city.

The applicant is proposing minor remodeling of the structure and has provided a proposed floor plan. The exterior of the structure is to remain as is, with the only addition being a wooden advertising sign. The proposed hours of operation are 10:00am to 7:00pm, with minimal customer traffic as most of the baked goods will be delivered to the customer's location. Onsite parking exists for approximately two vehicles, which meets the minimum parking code of one per every 250 square feet of retail/service space. The parking area will be required to be paved with an impervious surface to fully comply with the parking code of the City. Given the location and the minimal traffic anticipated by on-site customers, the traffic patterns will not be increase to an unacceptable level. Additionally, the plans have been submitted to the health department by planning staff for review since the operation involves the preparation of food for consumption by the public. Additional requirements may be placed on the business in order to comply with health, building and fire codes. These inspections will take place once the remodel begins and a full plan review is completed.

Given the proximity to the existing commercial corridor, neighboring commercial uses and the aforementioned findings, staff is comfortable with the issuance of the special use permit. This specially permitted commercial use is a lesser intense commercial activity that can co-exist with the existing surrounding uses, while also allowing for future residential occupancy upon the ceasing of this operation.

STAFF REVIEW & RECOMMENDATION

In general, the Planning & Zoning Commission shall consider the following factors when making a recommendation on the Special Use Permit request:

1. The proposed special use permit is in harmony with the general purpose, goals, objectives and standards of the adopted city master plan;
2. The use will not be detrimental to existing adjacent uses or to uses permitted generally in the zoning district in which the proposed conditional use is to be located;
3. The use will not generate volumes and/or types of vehicular traffic that will be hazardous to or conflict with the existing or anticipated traffic in the surrounding area; and
4. The proposed use meets the height, area and design standards established in the zoning district.

Staff recommends **Conditional Approval** of this request with the following findings:

1. To avoid spot zoning for a commercial property within a residential neighborhood, this special use permit shall expire should the approved special use cease, or in the case of a change in ownership.
2. A handicapped accessible parking space shall be properly designated for one of the two required parking stalls for ADA customers. All parking stalls shall be of an impervious surface, either asphalt or concrete.
3. The business shall obtain all permits for building, fire and health thereby meeting all adopted codes to operate said business.

And with the following findings:

1. The proposed special use permit is in harmony with the general purpose, goals, objectives and standards of the adopted city master plan;

Maria del Rosario Perez- 607-609 S. 13th St.
Lots 5, Block 30 of Retama Park,
Located at the SW Corner of E. Fordyce & 13th Street

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November 14, 2012

2. The use will not be detrimental to existing adjacent uses or to uses permitted generally in the zoning district in which the proposed conditional use is to be located;
3. The use will not generate volumes and/or types of vehicular traffic that will be hazardous to or conflict with the existing or anticipated traffic in the surrounding area; and
4. The proposed use meets the height, area and design standards established in the zoning district.

Prepared by:



Michael Kellam, AICP
Director of Planning & Development Services

**CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION**

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 609 S. 13th Nearest Intersection FORDYCE ST.
 (Proposed) Subdivision Name _____ Lot 5 Block 30
 Legal Description: Refama Park
 Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Maria del Rosario Phone 5228744 FAX _____
 Email Address (for project correspondence only): agustincerda69@yahoo.com
 Mailing Address 800 Gral Cavazos 1003 City Kingsville State Tx. Zip 78363
 Property Owner Agustin Cerda Phone 5228744 FAX _____
 Email Address (for project correspondence only): _____
 Mailing Address _____ City _____ State _____ Zip _____

Select appropriate process for which approval is sought. Attach completed checklists with this application.

<input type="checkbox"/> Annexation Request..... No Fee	<input type="checkbox"/> Preliminary Plat..... Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA)..... \$ 250.00	<input type="checkbox"/> Final Plat..... Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request..... \$ 250.00	<input type="checkbox"/> Minor Plat..... \$ 100.00
<input type="checkbox"/> Re-zoning Request..... \$ 250.00	<input type="checkbox"/> Re-plat..... \$ 250.00
<input type="checkbox"/> SUP Request/Renewal..... \$ 250.00	<input type="checkbox"/> Vacating Plat..... \$ 50.00
<input type="checkbox"/> Zoning Variance Request (ZBA)..... \$ 250.00	<input type="checkbox"/> Development Plat..... \$ 100.00
<input type="checkbox"/> PUD Request..... \$ 250.00	<input type="checkbox"/> Subdivision Variance Request..... \$ 25.00 ea.

Please provide a basic description of the proposed project: Opening a Take out
Cake Shop

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's Signature: Maria del Rosario Date: 10-18-2012
 Property Owner(s) Signature: Agustin Cerda Date: 10-18-2012
 Accepted by: _____ Date: _____

Application Check List for Special Use Permits

The following must be submitted prior to the application deadline. Otherwise, the application will be deemed incomplete and may result in unnecessary delays: (Please ✓ when complete)

Site and landscape plans: Applicant must provide 15 - 11"x17" or 8 ½"x11" copies of the plans, plus the following:

- ☒ 1.
- ☒ 2. The location, dimension, material and configuration of all buildings, structures and other improvements.
- ☒ 3. The location and extent of usable open space.
- ☒ 4. The location, access and other dimensions of proposed off-street parking and loading facilities and the number and configuration of spaces to be provided.
- ☒ 5. The location, dimensions and materials of sidewalks, driveways and other impervious surfaces.
- ☒ 6. The location and intensity of illumination of any illuminated areas.
- ☒ 7. The proposed use of open space.
- ☒ 8. A landscaping plan, which shall include existing and proposed landscaping on both the subject property and adjacent public areas and including an installation schedule.
- ☒ 9. The location of all utilities, including electric lines, storm drainage, sanitary sewers and water service.
- ☒ 10. The location and extent of required setbacks and yards.
- ☒ 11. The elevation of all buildings and structures to depict height.
- ☒ 12. The lot size in square feet and the dimensions thereof.
- ☒ 13. Any areas proposed for outdoor storage, refuse collection, exterior mechanical equipment, exterior communication devices and utility apparatus.
- ☒ 14. The dimensions, location and landscaping of required landscape/buffer setbacks and screening.
- ☒ 15. The land uses surrounding the lot(s) for which site plan approval is being sought.
- ☒ 16. The zoning on the lots and parcels surrounding the lot(s) for which site plan approval is being sought.
- ☒ 18. Such additional information as the Director of Development Services may deem pertinent and essential to the application.

Please note that this process can take up to 100 days.

Also, make sure you contact 595-8020 for information on City-required inspections and certificate of occupancy.

Kingsville City Board

To Whom It May Concern:

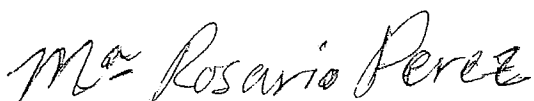
October 18, 2012

My name is Maria del Rosario Perez. I am interested in opening a take out Cake shop. I am specialized in cake decoration. I have been making and selling cakes in my apartment for friends and family for three years. Therefore, I would like the Members of the City Board to give me an opportunity to open my own small business. At the moment, my husband Agustin Cerda owns a vacant building located in 609 South 13th Lot 5 Block 30 RETAMA PARK. I Plan remolded it for the cake shop. The hours for the store will be 10:00 am to 7:00 pm. This building will be used only as a business. A three feet wall section at the entrance will be replaced by a beam so that more work space is available. I plan to use one of the existing rooms for storage. The rest of the space will be used as a work station, without modification, for decorating and packaging cakes. A parking space will be created so that customers have room to park within the business area. The building will be under go minor remodeling to make it suitable.

Layouts of the original and remolded building will be provided with this proposal. Residential grade equipment will be installed in the kitchen area and will employ two workers all year round for delivery. We expect a small number of clients to pick up their cakes, but deliver the majority of them. We believe this business will not be a major disruption to traffic in the area.

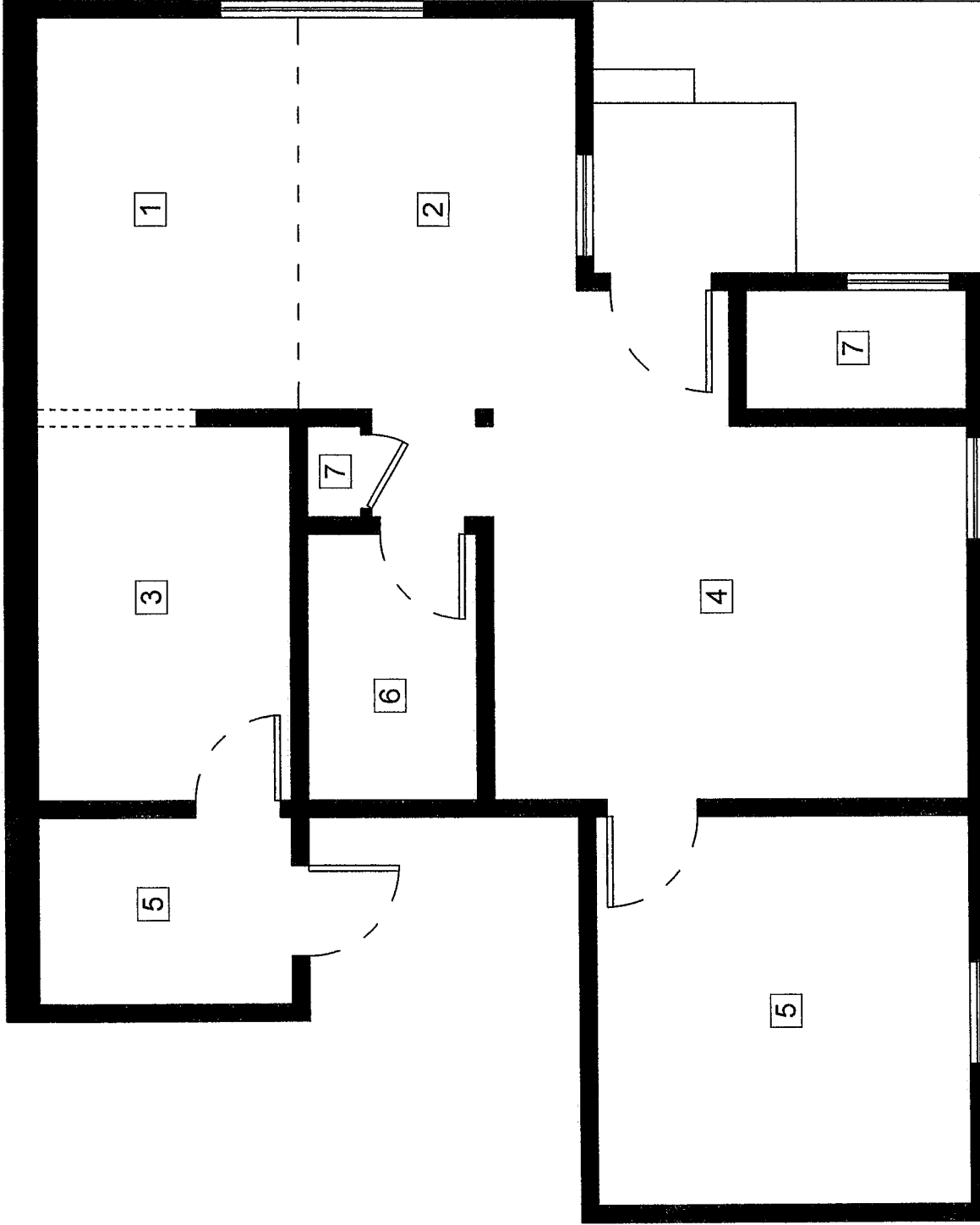
The exterior character of the building will be preserved by placing only a small wooden sign with small lights on the front of it to advertise the business. We also plan to preserve the interior of the building, except for the small partial wall replacement mentioned above, and replacing some carpet floors with linoleum.

Sincerely,

A handwritten signature in cursive script that reads "Ma Rosario Perez". The signature is written in dark ink and is positioned above the printed name.

Maria del Rosario Perez

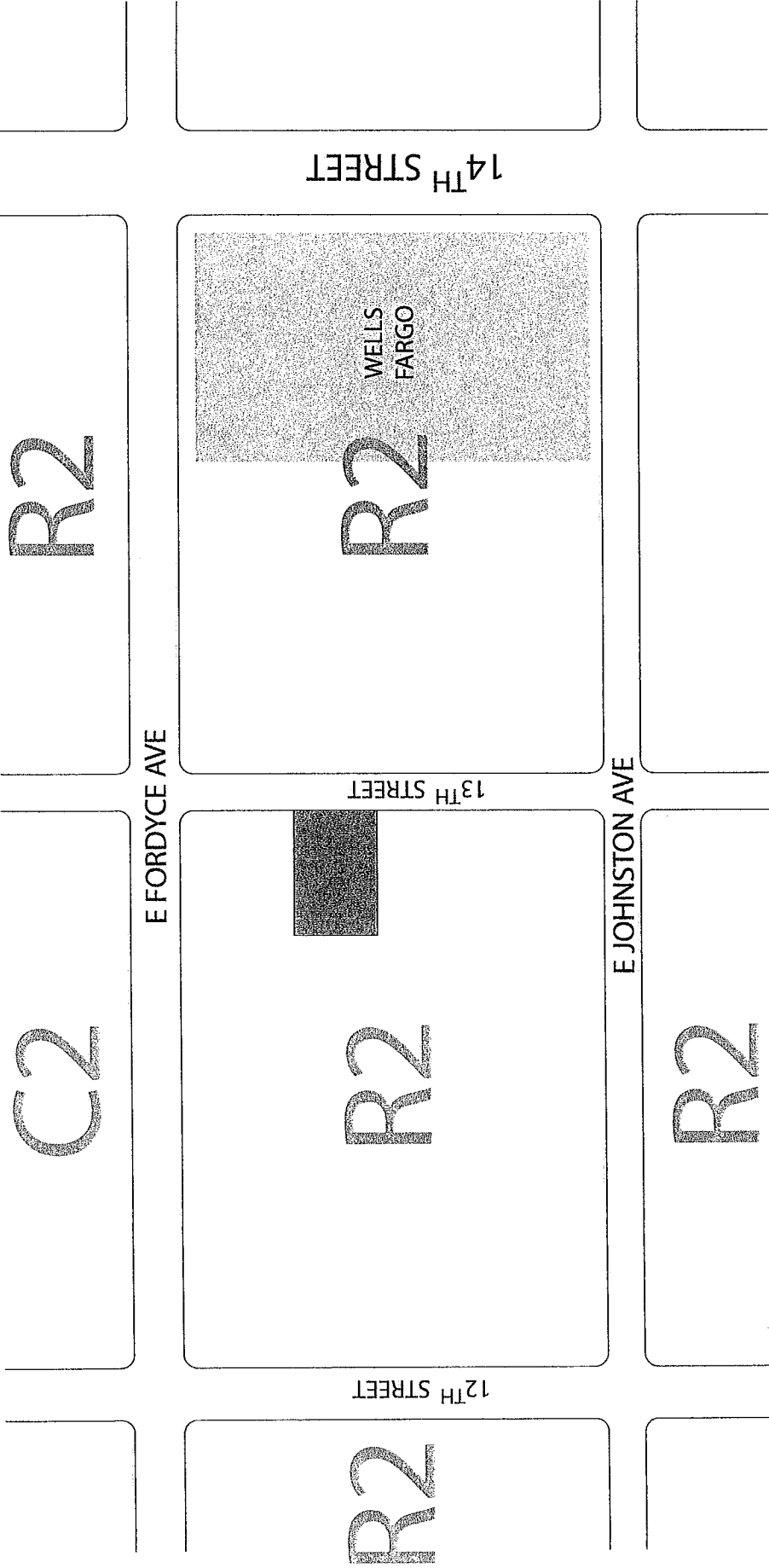
- 1 - WORK AREA
- 2 - DISPLAY/WAITING
- 3 - KITCHEN
- 4 - DISPLAY AREA
- 5 - STORAGE
- 6 - BATHROOM
- 7 - CLOSET

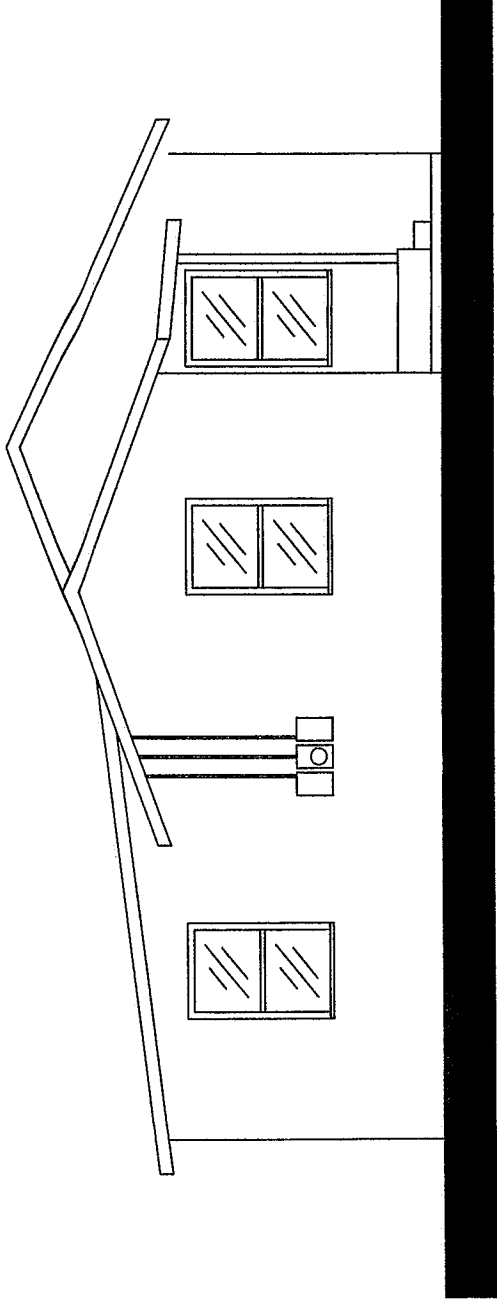


BAKERY - FLOOR PLAN

1

NOT TO SCALE

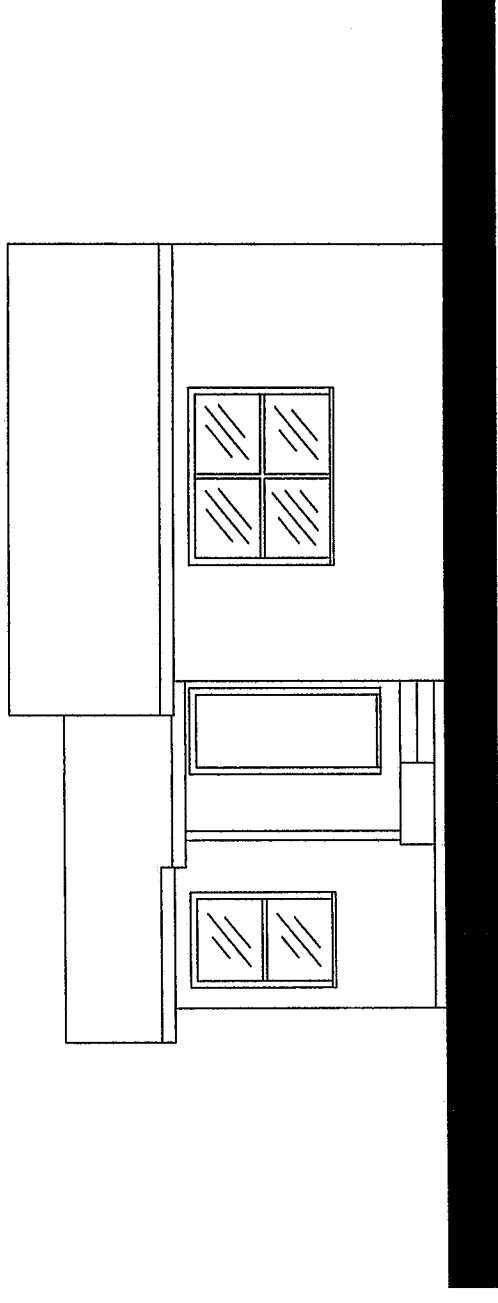




BAKERY - SOUTH ELEVATION

NOT TO SCALE

3



BAKERY - EAST ELEVATION

NOT TO SCALE

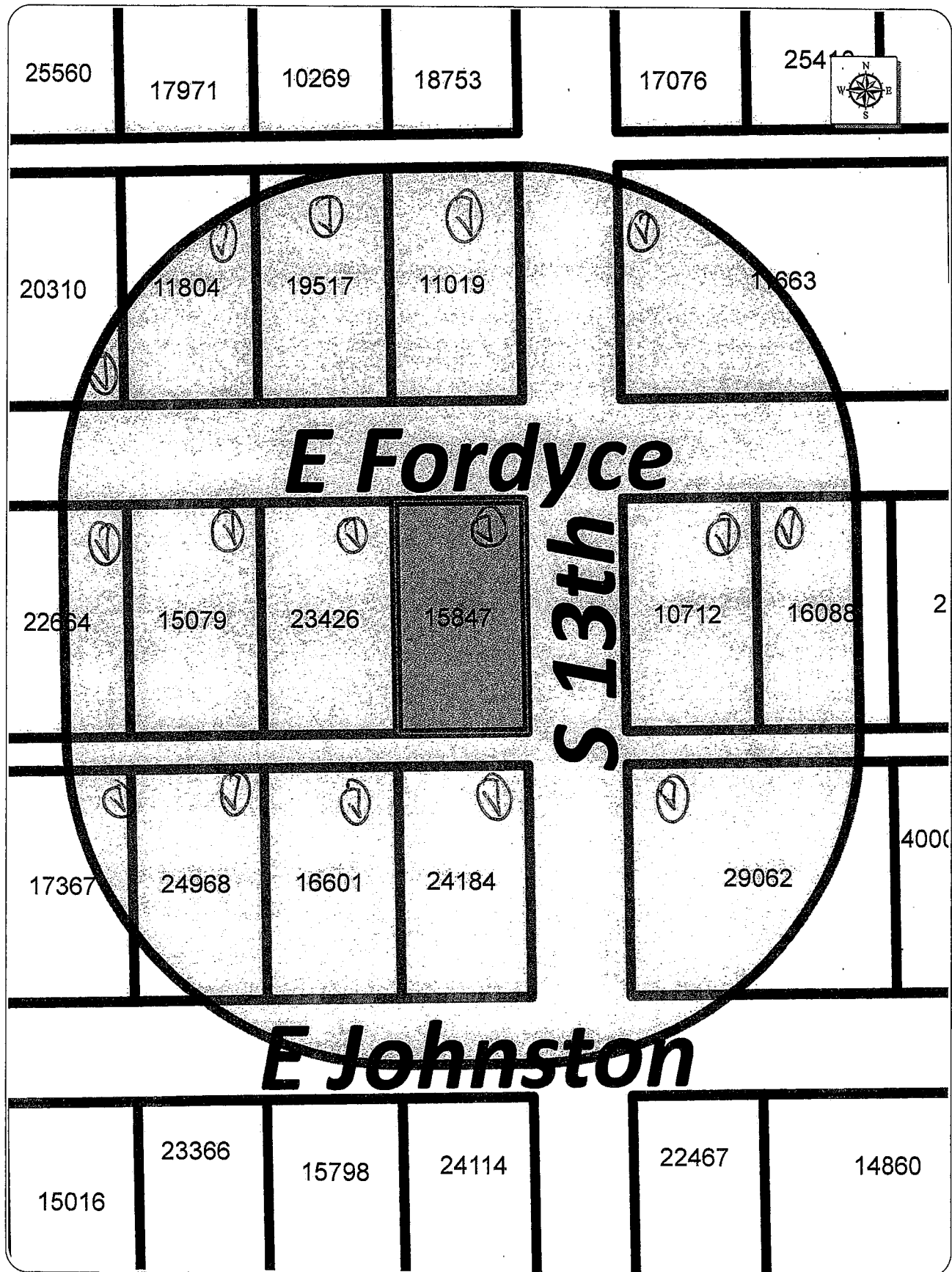
3

Application for a Special Use Permit for a Caterer/Bakery at 607 S. 13th Street located in an

R-2 Two-Family Residential District- Ms. Maria del Rosario Perez



607 S. 13th



Drawn By:

Last Update: 10/24/2012

Note:

DISCLAIMER
THIS MAP IS FOR VISUAL PURPOSES ONLY.
THE INFORMATION ON THIS SHEET MAY
CONTAIN INACCURACIES OR ERRORS.
THE CITY OF KINGSVILLE IS NOT
RESPONSIBLE IF THE INFORMATION CONTAINED
HEREIN IS USED FOR ANY DESIGN,
CONSTRUCTION, PLANNING, BUILDING,
OR ANY OTHER PURPOSE.



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
200 East Kleberg
Kingsville, Texas 78363
Office: 361-595-8005
Fax: 361-595-8035

REGULAR AGENDA

AGENDA ITEM #3

AGENDA ITEM #4

RESOLUTION #2012-_____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR THE POSITION OF CITY MANAGER WITH VINCENT J. CAPELL; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the chief administrator for the City of Kingsville ("City") is the City Manager and the professional services contract for the position of City Manager expires the end of March 2013; and

WHEREAS, the City Commission is charged with filling the position of City Manager and approving any contract for services for the position; and

WHEREAS, the City Commission desires to retain the services of the current City Manager and has decided to consider a renewal of his professional services contract prior to its expiration; and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to enter into the agreement attached hereto.

NOW THEREFOR, BE IT RESOLVED by the City Commission of the City of Kingsville, Texas:

I.

THAT the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into a Professional Services Contract for the position of City Manager with Vincent J. Capell in accordance with Exhibit A hereto attached and made a part hereof.

II.

THAT all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

III.

THAT this Resolution shall be and become effective on and after adoption.

PASSED AND APPROVED by a majority vote of the City Commission on the
19th day of December, 2012.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney