

**PLANNING AND ZONING COMMISSION
OCTOBER 27, 2010
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Carlos Lopez
Mario Garza
Rene Flores

P&Z ABSENT

Luann Caudle
Marisela Marin
Jose G. Vela

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Annette Zavala
Susana De Luna

GUESTS PRESENT

Margie Briseño
Antonio Cruz
Cristina Villarreal
Elena Priscila Lozano
Juan Rosel
Hema Gordham
Jorge E. Delgado
Javier Garcia

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:04 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR OCTOBER 11 & 13, 2010

Chairman Sheats asked if there were any corrections to the minutes. There being no corrections, Mr. Flores moved to approve the minutes of October 11 & 13, 2010 as presented. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:05 p.m.

Ended: 5:08 p.m.

Item# 1.1

Conditional Use Permit:

**Place a 8' X 14' portable building for
The Sale of Sno-Cones and Snacks
1800 W. Griffin Parkway
Lot 11, Inspiration Point Subdivision
C-3
Life of Use
Luis Alberto Briseño**

Mr. Salinas briefed over the write-up stating that the site is located on the NW corner of Inspiration Road and Griffin Parkway. The applicant has been authorized by the owner to place his portable building along the east area of the property that faces Inspiration Road. There is some moderate landscaping that will deflect the inherent

portable building's effect. He can also use the restroom facilities within Leo's Drive – In Convenience Store.

- **Hours of Operation:** Everyday from 12:00 p.m. to 9:00 p.m.
- **Staff:** The applicant and his wife will be operating the stand.
- **Parking:** There are 33 existing parking spaces for the entire site. The convenience store requires 15 parking spaces and the portable is required 4 spaces and will be placed on 2 spaces, thus leaving 12 extra spaces available for both businesses.
- A business license is required prior to occupancy.
- Must meet the City's Sign Ordinance.
- Requires the approval of the Health Department.
- Skirting for the portable must be installed prior to occupancy.

Staff recommended approval subject to: **1)** 1 year re-evaluation, **2)** must meet the City's sign ordinance, **3)** approval by the Health Department (Health Cards, etc.), **4)** skirt the building, and **5)** acquisition of a business license.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

Chairman Sheats asked if the applicant or representative were present.

The applicant's wife, Mrs. Margie Briseño who resides at 1805 W. 21st Street in Mission was present to address any questions that the Board might have.

Chairman Sheats asked if she was receptive to staff's recommendations.

Mrs. Briseño replied, "Yes".

There being no further discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as recommended by staff. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:08 p.m.

Ended: 5:14 p.m.

Item# 1.2

Conditional Use Permit:

**To place a 6' X 10' portable building
For the Sale of Hot Dogs
2105 W. 3 Mile Road
Lot 3, Block 4,
Taurus Estates Subdivision #9 Phase I
C-3**

Life of Use Antonio Cruz

Mr. Salinas briefed over the write-up stating that the site is located approximately 550' east of Moorefield Road along the south side of 3 Mile Road. The portable will be placed in alignment to the east wall of the elongated commercial suites. Access to the site is from a 36' driveway along Mile 3 that leads to a common parking area for the plaza. The restroom facilities at suites 2 & 3 will be available for the stand.

- **Hours of Operation:** Everyday from 7:00 p.m. to 12:00 a.m. (Restrooms will be made available at these late hours).
- **Staff:** The applicant and one other employee will be running the stand.
- **Parking:** Paved common parking is available for all users including this temporary use.
- A business license is required.
- Must obtain approval from the City Health Department.

Staff recommended approval subject to: **1)** approval for 1 year. [Note: The City Council may be adopting an ordinance on Monday, October 25th to prohibit 'sheet metal' structures along major streets which includes 3 Mile Road – if passed, it will be effective on Oct. 29th, thus, there will be no renewal next year, i.e., for 1 year only as a 'grandfathered' structure], **2)** approval from the Health Department, **3)** must meet the sign code (no flags, etc.), and **4)** acquire a business license.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

Chairman Sheats asked if the applicant or representative was present.

Mr. Antonio Cruz who resides at 8423 Tornillo Street in Mission was present to address any questions that the Board might have.

Mr. Salinas stated that he would like to add to the staff's recommendation that the applicant gets written permission from the owner next door allowing them to use a portion of their property.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as recommended by staff including the authorization letter from the next door neighbor. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:14 p.m.

Ended: 5:19 p.m.

Item# 1.3

Conditional Use Permit:

**Sale and On-Site Consumption of
Alcoholic Beverages – Villa Del Mar
207 E. Expressway 83
Lot 3, El Pueblo Phase II Subdivision
C-3
Life of Use
Angel H. Villarreal**

Mr. Salinas briefed over the write-up stating that P&Z may recall this particular restaurant site which is located within a plaza approximately 600' east of Conway Avenue along the north side of the Expressway. This site's related CUP was originally approved on 1/6/10. Since business is doing well and the opportunity was presented to them, they wish to expand the restaurant to the next suite making it 4,500 sq.ft.

The applicant is proposing a 'bar' component within the restaurant which requires the use of Sec. 1.56 (3a) of the Zoning Code which states: *Bars, cocktail lounges, taverns, cantinas, saloons, dancehalls, discotheques, discos or nightclub:* "the property line of the lot of any of the above mentioned businesses which have late hours (after 10:00 p.m.) must be at least 300 feet from the nearest residence, church, school or publicly owned property..." There are residences located to the rear of the property, i.e., north of Del Mar Street.

In talking to the applicant, they stated that they are a restaurant that only offers beer, there will be NO liquor or mixed drinks served. They said that the bar area would be more like a diner. They also mentioned that they would like to see if they could close at 11:00 p.m. on Fridays and Saturdays.

- **Hours of Operation:** Everyday from 10:00 a.m. to 9:00 p.m. They are proposing to close at 11:00 p.m. on Fridays and Saturdays. Alcoholic beverages (beer) will only be served during allowable State selling hours.
- **Parking:** In viewing the floor plan, there will now be 194 total seating spaces for the restaurant, which require 65 parking spaces (194 total seating spaces / 3 = 65 parking spaces). It is noted that the parking area is held in common (225 existing parking spaces) and is adjacent to other parking lots.
- There is also a small stage for 'light' music from a single guitar player or a piano; no loud DJs or Bands will use the stage area.

Since it appears that the restaurant is still considered the primary use of the building and they will be closing at 11:00 p.m., which again is more similar to a restaurant than a bar. Staff recommended approval subject to: **1)** perpetual 1 year re-

evaluations, **2)** waiver of the 300' separation requirement, and **3)** comply with the City's Noise Regulations.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

Chairman Sheats asked how staff proposes to limit the use of DJs and bands and keep it as light music.

Mr. Salinas stated that this would be based on the Noise Ordinance that would be enforced by the Police Department.

Chairman Sheats asked Mr. Salinas if staff would be monitoring this restaurant.

Mr. Salinas stated that staff would not be going in the restaurant to inspect.

Chairman Sheats stated that his only concern was regarding the noise since this restaurant backs up to a residential area.

Mr. Flores asked why was staff requiring a 300' separation.

Mr. Salinas stated that a section of the code required bars to be 300' apart from residential areas and this restaurant was about 50' from the nearest residence. He added that because this restaurant was within the plaza staff has waived this separation on other similar cases.

Mr. Flores asked if the City would normally waive this requirement.

Mr. Salinas stated that this was normally a recommendation to P&Z and then to the City Council.

Chairman Sheats stated that normally this separation was waived unless there was some indication that this would be real wild club with live music and dance floor. He asked Mr. Salinas where the stage was located.

Mr. Salinas stated that the stage was towards the front of the building away from the residential area.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Flores moved to approve the conditional use permit as recommended by staff. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:19 p.m.

Ended: 5:21 p.m.

Item # 1.4

Conditional Use Permit Renewal:

Sale and On-Site Consumption of Alcoholic Beverages – Yoko’s

Sushi Restaurant

122 S. Shary Road, Ste. ‘K’

Lot 2, Home Depot Subdivision # 2

C-4

Life of Use

Elena Priscila Lozano

Mr. Salinas went over the write up stating that this CUP was previously approved by P&Z on 10/14/09. The 1,400 sq.ft. restaurant is located 1,200 north of Expressway 83 along the west side of Shary Road within a commercial plaza. Ms. Lozano has been operating Yoko’s over the past year.

- All parking, landscaping, and sign codes are being met.
- The hours of operation are: Sunday – Thursday from 11:00 a.m. to 11:00 p.m. and Friday and Saturday from 11:00 a.m. to 12:00 a.m. Alcoholic beverages are only served during allowable State selling hours.
- There have been no negative incidents relating to the CUP within the past year.
- Since there are no churches or schools within 300’ of the subject site and the sale of alcohol is not the primary use, staff does not object to this proposal.

Staff recommended approval to continue the CUP subject to a 1 year re-evaluation.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

Chairman Sheats asked if the applicant or representative were present.

The applicant, Mrs. Elena Priscilla Lozano who resides at 2004 Jonquil Avenue in Mission was present to address any questions that the Board might have.

Chairman Sheats asked Mrs. Lozano if she was receptive to staff’s recommendations.

Mrs. Lozano replied, “Yes”.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as recommended by staff. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:21 p.m.

Ended: 5:46 p.m.

Item # 2.0

Single Lot Variance:

A 3.060 acre tract of land

Out of Lot 20-11

West Addition to Sharyland Subd.

C-3

David Garcia

Mr. Salinas went over the write up stating that the property is located on the east side of the intersection of Bryan Road and E. 8th Street. This irregular shaped property has 399' to Bryan Road and tapers off as it goes east. The subject site currently has a building, which is proposed to be a mechanic shop. We note that via the business permit process; the building will be retrofitted to meet minimum City Building & Fire codes prior to occupancy.

There is an existing 6" AC water line along the east side of Bryan that has to be replaced (or escrowed) with an 8" line via commentary from the Public Works Department. According to Ord. 2841, fire hydrants are required along both sides of Bryan Road. There is currently no fire hydrant installed on the east side of Bryan Road in this area. The applicant must also install or escrow a fire hydrant in the amount of \$3,000.00.

There is an existing 6" sanitary sewer line along the south side of the property that may be utilized to serve this property. The Capital Sewer Recovery Fee of \$2,295 is also required (\$750/acre).

The property fronts Bryan Road a future 100' ROW, 65' B/B paved street. The MPO requires a minimum of 50' ROW from centerline to be dedicated. The survey shows 40' from Bryan's centerline, thus an additional 10' is required. In maneuverability issues, we recommend that once the canal is interred, it may be wise to record for later use an internal egress – ingress maneuvering lane to later be linked up to the old Fontana site. This will provide for safer traffic flow within the 2 commercial users that currently adjoin each other.

The applicant must also provide proof of exclusion from the Water District; install a 6' opaque buffer along the south side to adjoining residences having chain link (non-opaque) fencing; provide an additional 10' u.e. required along the south side and to the NE as hi-lighted in the survey – See Exhibit "A"

Staff recommended approval subject to: **1)** must pay the sewer capital recovery fee, **2)** install or escrow: 1 hydrant and the 8" water line along Bryan Road, **3)** provide proof of water district exclusion, **4)** provide 10' additional ROW along Bryan Road via MPO requirements, **5)** provide 10' utility easement along the southern perimeter; and a 10' u.e. in a NE fashion via the hi-lighted exhibited "A" - see attached, and **6)** record an instrument in the County's deed records to have an egress - ingress maneuvering lane easement to later link up to the old Fontana's site (once the canal is eventually interred).

Chairman Sheats asked if the applicant or representative were present.

Representing the applicant, Mr. Juan Rosel stated that they were requesting this variance simply because they had clients who were interested in opening a business in Mission. He added that they were not interested at this time to start selling or leasing to restaurants. Mr. Rosel mentioned that they just wanted to rent the area towards the back and maybe it would bring them some business, which would be good for Mission. He added that he was not able to commit himself to giving up the 10' of ROW, escrows or any other requirements since he was not the owner of the property. Mr. Rosel mentioned that they could probably commit to staff's recommendations once they were ready to subdivide, selling lots, leasing or renting. Mr. Rosel stated that all they were asking for was a variance to single this land as a 1-lot subdivision so they could go ahead and find a client to rent the building. He added that the building had been used as a construction company for Tom Kraft and an Allied Rehab Office. Mr. Rosel stated that the City of Mission would have to approach the owner in the future regarding the required easements if he was not going to subdivide.

Chairman Sheats stated that to his understanding the applicant would have to comply with staff's recommendations before any other business or commercial activity could take place. Chairman Sheats asked Mr. Zavala if he was correct.

Mr. Zavala stated that the Subdivision Code, which was linked to zoning, indicated if the applicant wanted to operate a business in the City of Mission, they must comply with all the city's laws which included the subdivision code. He added that one of the methods to meet the subdivision code would be to file a 1-lot subdivision or pursue a single lot variance. Mr. Zavala mentioned that what he understood from Mr. Rosel was that they didn't really want to subdivide and just wanted P&Z to give them the approval by waiving everything and subdivide at a future point. Mr. Zavala stated that he would have to recommend against Mr. Rosel's request because it did not meet the City's subdivision code. Mr. Zavala added that the City had been more than reasonable in only requiring the minimum because the engineering fees had already been extracted from the equation. He mentioned that if the applicant wanted to leave the land as is then no business would be allowed because it would be illegal for him to issue a license on a property that doesn't meet the City's subdivision code.

Mr. Rosel asked Mr. Zavala if he could explain the conditions once more because he didn't really understand them.

Mr. Zavala stated that one of the requirements was for them to pay a capital sewer recovery fee. He added that everybody who subdivides a property must pay the capital sewer recovery fee whether it was a house, apartment, city hall, a business owner, and if it was commercial it would be based on acre inside city limits which is (\$750 p/acre). Mr. Zavala stated that the reason for imposing the capital sewer recovery fee was because the city entered into a loan to extend sanitary sewer throughout our CCN to people who didn't have sanitary sewer. This fee is imposed in order to pay back the sewer loan. He added that the fire hydrant was imposed because of the type of street (Bryan Road) which was a major thoroughfare just like Shary Road, Griffin Parkway, and Conway, it was not conducive to have water lines going across the major avenue for safety and emergency access purposes. Mr. Zavala continued explaining the water district exclusion requirement which he stated that the city had an agreement with the water district that as property was developed from agricultural use to now a non-agricultural use then an exclusion would be required from the water district, where a certain percentage will be given to the city for municipal use.

Chairman Sheats suggested that this item be tabled since the property owner was not present and the representative present did not have the owner's permission to commit to staff's recommendations.

Mr. Zavala stated that he would rather P&Z act on the item. He added that the single lot variance process was simple if the owner agreed with staff's recommendations great, if not then they could appeal to the city council.

Mr. Rosel asked Mr. Zavala if he could continue explaining the recommendations and that way he could decide whether they could work something out.

Mr. Zavala asked Chairman Sheats if he could continue explaining the requirements.

Chairman Sheats asked Mr. Zavala to continue explaining.

Mr. Zavala stated that as far as the ROW and the 10' utility easement, the owner would need to record a document dedicating the ROW & easement. He added that the 10' utility easement could be used for landscaping and parking but they can't build on it.

Mr. Rosel stated that he understood the requirements and he would accept staff's recommendations. He added that he would explain everything to the owner and he didn't foresee any problems with the owner accepting the requirements imposed.

Mr. Zavala stated that the last requirement was to record an instrument in the County's deed records to have an egress – ingress maneuvering lane easement to later link up to the old Fontana's site (once the canal is eventually interred) and this might be used or not but would like to secure it just in case it was needed.

Mr. Rosel stated that he would accept it and would comply.

Representing the Fontana property owners, Mr. Javier Garcia who resides at 2811 Guajillo in Edinburg, Texas and part owner Mr. Tarnel Harsh stated that they didn't have any problem with the business, their concern was the egress-ingress location that was being considered by the city for that site. Mr. Garcia mentioned that their property might have pre-existed the 1974 subdivision code and may not need to subdivide. He added that he would like for the city to know that they were against this egress-ingress location and would want it factored as a condition of approval since it would not be beneficial to them as property owners of the Fontana site. Mr. Garcia asked if this specific requirement could be 'tabled' for a future date or contested in any manner.

Mr. Zavala stated that in regards to the old Fontana site if they own the property before August 1974 then they would not need to subdivide and he could not force them to do that linkage so really the linkage would not take effect. He added that on the other hand if his acreage does not meet the August 1974 requirement then they would need to subdivide and the city would require that linkage. Mr. Zavala stated that his comments could be factored in the document recorded.

Chairman Sheats mentioned that all the city was asking for the applicant to do was to make the linkage available just in case it is needed in the future.

Mr. Zavala stated that he could factor Mr. Garcia comments in indicating that if the adjoiners to the north do not need to subdivide then the egress-ingress easement be automatically voided. He stated that he understood Mr. Garcia because he was considering the Fontana site and he appreciated that but as a City Official staff needs to have a wider focus.

Mr. Garcia stated that his only concern was putting a street somewhere in their property that would be an inconvenience for them if they didn't pre-exist 1974 and had to subdivide.

Mr. Zavala stated that he had seen Mr. Garcia's layout/concept and ingress-egress access would be possible he would only need to get rid of one or two parking spaces.

There being no discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the single lot variance as recommended by staff. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously

Started: 5:46 p.m.

Ended: 5:51 p.m.

Item # 2.1

Single Lot Variance:

**1 acre out of a 7.12 acre tract
Lot 20-1,
West Addition to Sharyland Subdivision
C-3
Hema Gordham**

Mr. Salinas went over the write up stating the subject site is located approximately 130' west of Adams on the north side of Business HWY. 83. The vacant property has 123' of frontage to Business HWY 83 and is situated between a Laundromat/Auto shop and a car wash. The applicant desires to have a drive-thru convenience store.

There are existing AC 6" and 8" lines along Business HWY. 83, and existing 4" lines in alley. The applicant will need to replace the lines w/12" PVC. (Developer to incur cost of 8" & city to oversize/install). There is an existing 6" sanitary sewer line along rear alley.

There is 1 hydrant at NW corner of Business HWY. 83 / Adams (185' to front center of tract), and 1 hydrant approximately 300' to the west. 1 hydrant is required at the SW corner to meet hydrant spacing in C-zones.

No additional ROW along Business 83 is required. There is an existing paved 20' alley ROW to north. The property is already excluded from the Water District. The Capital Sewer Recovery Fee of \$750/acre is required. An E-W egress-ingress easement is required to provide internal maneuverability for cross-traffic within the commercial users. A 5' sidewalk is required during the permit process.

Staff recommended approval subject to: **1)** record egress-ingress paved easement to be perpetual and un-interrupted; to be paved with the 1st building permit, **2)** pave 5' sidewalk (with building permit), **3)** pay capital sewer recovery fee (\$750), **4)** buffer alley to the north (building permit / before final occupancy), **5)** pay cost for 8" sized PVC line with city to oversize to 12", and **6)** pay cost of 1 hydrant; city to install.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Hema Gordham who resides at 1786 W. Highway 83 was present to address any questions from the Board.

Chairman Sheats asked them if they were receptive to a staff's recommendations.

Mrs. Gordham stated that she was receptive to staff's recommendations.

There being no discussion, Chairman Sheats entertained a motion. Mr. Lopez moved to approve the single lot variance as recommended by staff. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously

Started: 5:51 p.m.

Ended: 6:02 p.m.

Item # 3.0

Tabled Conditional Use Permit:

**To move in a 10' X 16' portable building
For the use of a sales office
1720 W. Griffin Parkway
Lot F, Girasol Estates Subdivision
C-3
Jorge E. Delgado**

Chairman Sheats entertained a motion to remove the item from the 'Table'. Mr. Garza moved to remove the item from the 'Table'. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Salinas went over the write up stating that the site is approximately 200' east of Salinas Drive along the north side of Griffin Parkway.

- Days and Hours of Operation – Monday - Saturday 9 a.m. to 5 p.m. & Sunday 9 a.m. to 2 p.m.
- The applicant will be the only employee.
- Landscaping is being provided along the front and rear of the lot. Additional shrubs/ trees will be required to enhance the area's aesthetics.
- Drainage for the property will be provided in the rear of the lot through the use of detention swale(s). The swales and grading must be approved by the City Engineer.
- Any proposed signs must comply with the City's Sign code.
- The applicant will use the existing paved alley driveway cut as their primary access; he will provide a paved parking lot interfacing the alley. A deferred commercial parking lot linkage document must be recorded to ensure future western connectivity.
- There will be 4 paved parking spaces.
- In viewing the evolving construction of site-built structures along Griffin Parkway, a major commercial corridor, any portable building will be very temporary. Though the use of this portable building will not be very visible (placed at the rear of the lot), the applicant is hereby placed 'on notice' that the City Council may (have) adopt(ed) an ordinance (on Oct. 25th) that restricts these types of structures (will need masonry front) along major commercial corridors. If passed (which Staff will announce), this portable building will only be valid for one year since next year such portable would seem to violate the

ordinance. Thus, any desire to continue this operation would require replacing the portable with a site-built structure which is what the P&Z has invoked to similar others along FM 495.

Staff recommended approval subject to: **1)** 1 year, **2)** provide additional trees/shrubs, **3)** City Engineer to approve the drainage plan, **4)** record a deferred commercial parking lot linkage document, **5)** 5' sidewalk along FM 495, and **6)** acquire a business license.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Jorge E. Delgado who resides at 1608 School Lane in Mission was present to address any questions that the Board might have.

Chairman Sheats asked Mr. Delgado if he was receptive to staff's recommendations.

Mr. Delgado stated that his only concern was regarding the parking lot linkage document since he didn't see any convenience for him because his entrance was through the alley.

Mr. Salinas stated that this linkage would help his business as well as the other businesses in that area. He recalled showing Mr. Delgado what had been previously approved as far as future access points in this area. There were three total which were the alley, a common central access, and one off of Salinas Drive. Mr. Salinas stated that the linkage was required because Lot E would have no way of getting access off of Griffin Parkway.

Chairman Sheats stated that it would be in his interest because it would provide two more entrances to his business.

Mr. Flores stated that he probably was considering using the front area to display his vehicles and by imposing these requirements he would need to move his cars further back. He added that Griffin Parkway was a major thoroughfare and he liked to see new businesses coming to Mission but a car lot with used cars was not very pretty to look at especially off of major highways. Mr. Flores stated that he understood Mr. Delgado's concern for his business but he needed to understand the City had to take care of the whole area and not just his property.

Mr. Delgado stated that he understood Mr. Flores but next to his property was a restaurant, parking lot for the restaurant, and then a carwash with the entrance through Griffin Parkway.

Mr. Flores asked what was the name of the carwash.

Mr. Delgado replied, "495 Carwash".

Chairman Sheats asked if there was a linkage off of Lot E.

Mr. Salinas replied, "No".

Chairman Sheats stated that the City was requiring some type of linkage but they didn't specify where it would be required or would it.

Mr. Salinas stated that it would be required in the front of the property because of the way the existing parking was situated. He added that this was based on a previous agreement with the developer. He added that the fact that there was an existing drive off of Lot D & E which was in the middle of the lot made it difficult to provide any other access points.

Mr. Flores asked if he would have to do the linkage immediately.

Mr. Salinas stated that he would if he wanted to obtain a business license.

Mr. Delgado stated that he was considering installing some type of fencing just to protect his property.

Chairman Sheats stated that if he puts some type of fencing he would be losing his access.

Mr. Flores explained that if the CUP was granted his business would only be exposed through the access area.

Mr. Salinas stated that P&Z needed to consider the portable building which might be changed in a year.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as recommended by staff. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

OTHER BUSINESS

Mr. Salinas advised the Board that in November staff was only considering having only one meeting instead of two and it would be November 17.

Board members present agreed it would be a good idea to have only one meeting in November.

4.0 ADJOURNMENT

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mr. Lopez moved to adjourn. Mr. Flores seconded the motion. Upon a unanimous vote, the meeting adjourned at 6:04 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission