

**PLANNING AND ZONING COMMISSION
JUNE 11, 2014
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Mario Garza
Marisela Marin
Carlos Lopez
Abiel Flores

P&Z ABSENT

Rene A. Flores
Diana Izaguirre

STAFF PRESENT

Daniel Tijerina
Bobby Salinas
Susana De Luna

GUEST PRESENT

Juan & Francis Noriega
Baldomero Gonzalez
Jose Elias Acevedo, Jr.
Ramon Davila, Jr.
Paula Gonzalez
Eduardo Martinez
Daniel Sanchez

CALL TO ORDER

Vice-Chairman Ned Sheats called the meeting to order at 5:00 p.m.

CITIZENS PARTICIPATION

Vice-Chairman Ned Sheats asked if there was any citizen's participation.

There was no response.

APPROVAL OF MINUTES FOR MAY 22 & 28, 2014

Vice-Chairman Ned Sheats asked if there were any corrections to the minutes for May 22 & 28, 2014. Mr. Mario Garza moved to approve both sets of minutes as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:03 p.m.

ITEM #1.1

Rezoning:

**12.10 ac. gross (10.94 ac. net) being the
S. 470.42' of the E. 1112.30' of Lot 17-2,
West Addition to Sharyland Subdivision
R-1 to P
Mission CISD**

Mr. Bobby Salinas went over the write-up stating that the site is located on the NW corner of Los Ebanos and Mile 1 South. This area is the Leal Elementary School.

SURROUNDING ZONES: The current zones are R-1 to the east and AO-I in all other directions.

LAND USES: The surrounding land uses consist of single family homes to the east, Meadow Creek Country Club to the South, and open acreage to the north and west. The subject site is the location for Leal Elementary School and consists of other accessory facilities.

FLUM: The Future Land Use Map reflects a Public (P) designation.

REVIEW COMMENTS: The Public Zone requires all public facilities such as City, County, Federal buildings; and Schools to fall within this zone. MCISD is making improvements to their elementary school which requires compliance to this new zone.

The P zone proposal and the existing use is directly consistent to the City's Future Land Use designation of Public (P). The existing school use and any future construction and/or use is exactly what the P zone is intended to regulate.

RECOMMENDATION: Staff recommends approval.

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

There was no response.

Vice-Chairman Ned Sheats asked if the applicant or representative were present.

There was no response.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mr. Mario Garza moved to approve the rezoning as per staff's recommendation. Mr. Abiel Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:03 p.m.

Ended: 5:06 p.m.

ITEM #1.2

Conditional Use Permit:

**Drive-Thru Service Window –
Davila's Cool Express
810 N. Schuerbach Road, Ste. D
Lot 1, Sylvia Plaza Subdivision
C-2
Ramon Davila, Jr.**

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the SE corner Schuerbach Road and Business 83. There is an existing 24' x 35' (840 sq.ft.) snack shop with a drive-thru service window. Access to the site is provided off of Schuerbach Road with a 45' driveway. The service window is located approximately 15' from the corner of the building which provides stacking for approximately two vehicles.

The latest CUP approved for this site was on 4-10-13. However, since a new operator is evident, a new CUP must be considered.

- **Days / Hours of operation:** Monday – Saturday from 12p.m. to 10p.m. Sundays from 2p.m. to 7p.m.
- **Staff:** 2 employees
- **Parking:** The 840 sq.ft. site requires 5 spaces. It is noted that the parking area is held in common (35 existing parking spaces, inclusive of gas pump stalls) and is shared with other businesses. Staff has calculated the entire site (the two buildings) to require 21 total parking spaces.
- A business license is required prior to occupancy for the new operator.

REVIEW COMMENTS: Staff has not received any complaints in regards to the drive-thru service window in the past CUP approvals therefore we have no objection to this initial CUP approval.

RECOMMENDATION: Staff recommends approval for 1 year subject to acquiring a new business license.

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

There was no response.

Vice-Chairman Ned Sheats asked if the applicant or representative were present.

Mr. Ramon Davila, Jr. stated that he was the owner of Cool Express and was present to address any questions from the Board.

Vice-Chairman Ned Sheats asked how long has he been in business.

Mr. Davila stated that he has been in business for about a month and they were just waiting on the approval for the Drive-Thru.

Mrs. Marisela Marin asked if the existing poles next to the drive-thru were intended for advertisement.

Mr. Davila replied, "Yes". He added that those poles were already there and they were thinking about putting some flags on them to advertise his business.

Mrs. Marisela Marin suggested that he get with staff on those flags because they are some regulations and a time frame that they are allowed. She asked if it was intended to have a fence.

Mr. Davila stated that there were two poles on the right hand side but he was not sure what they were going to do with them.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:06 p.m.

Ended: 5:14 p.m.

ITEM #1.3

Conditional Use Permit:

**Portable Building – Sale of Water
2301 Gold Avenue
Lot 97, Chaparral Heights Subdivision
C-2
Baldo Gonzalez (Watermill Express)**

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the NW Corner of Gold Avenue and Griffin Parkway. The Water Mill Express currently has an existing self-sustained, fully automated, "Watermill Express" (8' diameter hexagon structure) for the sale of purified water. The applicant now wishes to upgrade/update the existing structure with a new Water Mill Express with Ice vending machine. The new building will be 8' 10" X 12' 2". The exterior façade will be pre-cast concrete.

- **Hours of operation:** Everyday - 24-hours a day.
- **Staff:** Watermill technicians conduct service inspections on a daily basis to ensure that the water dispensing unit is clean and functioning properly.
- **Parking:** Water Mills usually do not have designated parking. Customers usually park adjacent to the water dispensing unit and wait. There is an existing 67' X 60' concrete area for the maneuvering of vehicles currently on the site. Staff has not received any complaints in regards to the parking of the existing Water Mill Express.

REVIEW COMMENTS: The proposed upgrade to the building will be a great asset to the area, however in viewing the current condition of the site, there is a need for an irrigation system and some additional landscaping as well. Staff would like to see this recommendation included with the upgrade of the Water Mill site as well.

RECOMMENDATION: Staff recommends approval of the upgrade for 1 year subject to the installation of an irrigation system and additional landscaping.

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

There was no response.

Vice-Chairman Ned Sheats asked if the applicant or representative were present.

Mr. Baldomero Gonzalez stated that he represented Watermill Express located at 1309 E. Jasmine in McAllen, Texas. He added that they have over 200 sites throughout the valley and they were going randomly town by town trying to insert some of this new type of watermills in there to provide ice service and upgrade some of the older units.

Vice-Chairman Ned Sheats asked if it was his idea over the course of the next few years to change all of his units out to this type.

Mr. Gonzalez mentioned that it was eventually going to happen although it would be a slow process because they had to cover the whole valley.

Vice-Chairman Ned Sheats asked if the black spots on the watermills were lights.

Mr. Gonzalez replied, "Yes".

Vice-Chairman Ned Sheats mentioned that this was an area that needed some lighting and he didn't see a light pole nearby.

Mr. Gonzalez mentioned that in some of the sites they had spot lights but was not sure about this site.

Vice-Chairman Ned Sheats stated that they just need to make sure that the citizens are safe.

Mr. Gonzalez stated that he agreed and understood that.

Mrs. Marisela Marin asked Mr. Salinas who was responsible for the sidewalk.

Mr. Salinas replied, "It should be the applicant".

Mrs. Marisela Marin asked if they should have sidewalk on all the front of the property.

Mr. Salinas replied, "Yes". He added that the aerial showed a portion but was not sure if they had it all along the front of the property. He stated that if he didn't have the sidewalk on that portion and along Gold it would be required during the building permit process.

Mr. Gonzalez mentioned that he didn't see a problem with that. He added that the only thing he had a problem with was with the landscaping because during the school season a lot of the parents use their parking lot to pick up their children and they have had quite a bit of a problem with trampling and graffiti.

Mr. Mario Garza asked if they could make the sidewalk as part of the recommendation.

Mr. Salinas replied, "Yes".

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mr. Mario Garza moved to approve the conditional use permit as per staff's recommendations including the sidewalk, lighting and additional landscaping. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:14 p.m.

Ended: 5:22 p.m.

ITEM #2.0

Site Plan Approval:

Construction of 8 Apartments

Lot 23, Taurus Estates Subdivision No.10

R-3

Jose Elias Acevedo

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the SE corner of Magdalena Street and Graham Avenue (in the vicinity of 2 Mile Rd. and Moorefield).

PROPOSAL: To build 1 two story complex containing 3 three bedroom apartments, 4 two bedroom apartments, and 1 one bedroom apartment for a total area of 6,901.27 sq. ft. All units to be divided by 1 hr. rated firewalls.

SETBACKS: The minimum required setbacks based on the subdivision are: Front: 20', Rear Carport Setback: 4', Corner Side: 10', Side: 6'. All setbacks are being met.

PARKING: The 8 units are calculated to require 16 parking spaces based on the 2:1 parking ratio. The applicant is proposing 8 spaces along the front of the apartments and 8 spaces along the rear of the apartments for a total of 16 spaces, thus in compliance with our parking code.

LANDSCAPING: The landscaping code requires 1 tree for every two units, thus requiring 4 shade or ornamental trees. The applicant is proposing a combination of trees, plants, and shrubs. A minimum of 4 - 7' tall - 3" caliper trees are required to be planted within the landscape areas along Magdalena Street and Graham Avenue. A 3' continuous landscape hedge is required along the parking lot facing Graham Avenue.

OTHER COMMENTS:

When the plat was recorded the Capital Sewer Recovery Fee and Park Fees were levied at 6 units per lot. The following amounts are required to pay for the additional 2 units.

- Capital Sewer Recovery Fee in the amount of \$240.00 (2 two bedroom apartments X \$120.00 = \$240.00)
- Park Fees in the amount of \$600.00 (\$300.00/2 apartments)
- The location of the dumpsters to be coordinated with BFI and screened with a 6' block wall with opaque doors.
- 4' sidewalks with ADA ramps are required along Magdalena and Graham Ave. as per plat.

RECOMMENDATION

Staff recommends approval subject to:

1. Must pay capital sewer recovery and park fees
2. Provide 4 7' – 3" caliper shade trees and 3' continuous hedge along parking lot.
3. Coordinate dumpster location with BFI and provide a block wall with opaque gates.

Vice-Chairman Ned Sheats asked if there was any input from the Board.

Mrs. Marisela Marin asked Mr. Salinas if he had inquired on the handicap parking requirements.

Mr. Salinas stated that he did inquire on the ADA requirements and it is based on the amount of apartments in this case they are required to have 1 handicap parking space.

Mrs. Marisela Marin asked if they should have it designated in the site plan because they show the ramps but no handicap parking space.

Mr. Salinas stated that it should be designated.

Vice-Chairman Ned Sheats asked if it was 1 ADA parking space per apartment.

Mr. Salinas stated they it was 1 ADA parking space per 25 spaces at least that is the minimum requirement but they could add more if they wanted too.

Mrs. Marisela Marin mentioned that there was other section of apartments in this area would this be independent or would they consider the existing apartments when calculating the amount of handicap parking spaces.

Mr. Salinas stated that since this was its own lot they could only factor his section.

Vice-Chairman Ned Sheats mentioned that basically it didn't matter how many ADA people were in the apartment complex only 1 handicap space would be required.

Mr. Salinas replied, "No". He added that if there were 30 apartments only 1 handicap space would be required, but if there were 60 apartments then they would require at least 2 spaces and this was based on a site by site location. Mr. Salinas added that they need to remember that it is 1 space for every 25.

Mrs. Marisela Marin asked if this was ADA approved because she didn't think the calculation was right because she has about 3 spaces designated as handicap in a 14 unit complex she just didn't understand how they would only be required to have 1.

Mr. Salinas stated that the minimum is 1 space but they could have more if they wanted to do so. He added that it could be that they have more than 1 ADA apartment because as long as it is accessible they have to have an ADA parking space.

Vice-Chairman Ned Sheats asked if he was correct in saying that unless the apartment was designated as ADA then it would not factor the number of apartments.

Mr. Salinas stated that he was not sure because apartments if they were 4 or more at least 1 had to be accessible but that would be something required by the state.

Vice-Chairman Ned Sheats stated that staff needed to get more information on the ADA requirements for apartments for the Board Members because they might get into discussion that could cause contractors or lot owners a lot of money.

Mr. Salinas stated that generally this was enforced by the Registered Accessibility Specialists or the State what staff would do is enforce our code.

Vice-Chairman Ned Sheats asked if the applicant was present.

Mr. Jose Elias Acevedo, Jr. stated that he was going to be the owner of the 8-plex on Lot 23, Taurus Estates #10.

Vice-Chairman Ned Sheats stated that the only issue he would like to address to the owner was that staff was requiring landscaping and shrubbery and he would like for him to comply but at the same time maintain it.

Mr. Daniel Sanchez, Building Inspector walked in the meeting at 5:21 p.m.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mr. Abiel Flores moved to approve the site plan as per staff's recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:22 p.m.

Ended: 5:31 p.m.

ITEM #3.0

**Preliminary & Final Plat Approval: Lucksinger Apartments Subdivision
A 5.32 acre tract of land being all of
Lots 89 & 92, Sharyland Orchards Subdivision
R-3
Developer: American Steel Systems & Service, Inc.
Engineer: MAS Engineering**

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the NW corner of Lucksinger and U.S. Business 83. The proposed subdivision consists of 16 lots for four-plex apartments. The lots range from 7,800 sq.ft. to 9,459.21 sq.ft. The project engineer is asking for two variances (see letter) on behalf of the developer as follows:

VARIANCE #1 – To allow the subdivision to be private and gated. The subdivision code states that a lot requires frontage on a "public" street. There are no other adjacent properties that would require access to the proposed interior streets. We have seen many similar proposals for gated communities and we do not see any issues regarding this proposal as well. Staff does not object to the proposed variance subject to the developer signing a private street agreement.

VARIANCE #2 – To allow Lots 15 & 16 to have slightly less than the required lot length. The developer is proposing two lots that have a lot length of 96.66'. The minimum lot length

for R-3 lots is 100'. Due to the width of the property and the lot orientation, these two lots are not permitted to be any longer than the 96.66'. Staff has seen similar requests where the lots are not quite meeting the minimum length. Since the variance only effects these two lots and it is only a difference of 3.34', Staff does not object to this variance request as well.

WATER

The developer is proposing water service by tapping into an existing 16" water line located off-site to the east of the proposed subdivision and heading west towards the subdivision with a new 8" line along the south side of the proposed subdivision and looping the system to an existing water line located on the NW corner of the subdivision and connecting into an existing line located on the NE corner of the street to serve the new R-3 lots. The developer is also proposing 6 new fire hydrants located via the direction of the Fire Marshal's office.

SEWER

The developer is proposing an 8" sewer network within the subdivision that will connect into an existing 8" line located at the NE corner of the subdivision. The Capital Sewer Recovery Fee is normally charged by the number of bedrooms in each apartment. The four-plex lots will require a capital sewer recovery fee in the amount of \$10,720 (\$670/Four-plex X 16 lots).

STREETS & STORM DRAINAGE

The subdivision has access to Lucksinger Road, a future 60' ROW, 37' B/B street. The developer is proposing to dedicate an additional 15' of ROW along Lucksinger to equate to the 30' from centerline as required and will be providing their portion of widening as well. There are four streets within the subdivision of which all are 50' ROW streets and of which two of the streets are 37' B-B and the other two are 32' B-B. There are also 20' wrap around alleys being provided along the entire subdivision as required by our subdivision code. The 37' main entrance will allow for two gates and an island to be installed at the northern end. There is also a proposed emergency exit gate provided along the SE corner of the subdivision. We note that the gates will need to be approved by the Planning, Public Works, and the Fire Marshal's office. Storm drainage is accomplished through a series of 24" storm lines and inlets which will flow into a private detention pond, then connect into a 24" R.C.P. that will ultimately drain into an existing inlet located at Lucksinger and School Lane.

OTHER COMMENTS

- Park Fees - \$300.00/per HUE = \$19,200.00
- A 5' sidewalk will be required along the west side of Lucksinger St. during the subdivision stage and during the building permit stage on all interior streets.
- An opaque fence buffer will be required along the perimeter for this gated subdivision.
- Must submit a street light plan for review. Internal lights must be paid by the HOA
- Water District Exclusion
- Must comply with all other format findings

RECOMMENDATION

Staff recommends approval subject to:

1. No objection to private street variance, subject to meeting private street policy;
2. Must pay capital sewer recovery and park fees;

3. Must provide water district exclusion;
4. Must comply with all other format findings.

Vice-Chairman Ned Sheats asked if there was any input from the Board Members.

There was no response.

Vice-Chairman Ned Sheats asked if the applicant or representative were present.

Mr. Mario A. Salinas who resides at 4037 W. Expressway 83 in McAllen, TX stated that he was present to address any question from the Board.

Vice-Chairman Ned Sheats asked Mr. Mario A. Salinas if they had a special material for the sheetrock to control the noise since being next to the railroad tracks would be very loud for the residents when the trains pass by.

Mr. Mario A. Salinas stated that he was not sure but he would advise the developer.

Mrs. Marisela Marin asked who would be responsible for the Home Owners Association.

Mr. Bobby Salinas asked Mr. Mario Salinas if he knew if the owner was planning on selling the lots.

Mr. Mario A. Salinas stated that they had talked about not selling the lots.

Mr. Bobby Salinas stated that in any case it would be the developer or lot owners responsible for any fees HOA fees that need to be paid and the maintenance and upkeep of the subdivision.

Mr. Mario Garza asked why it would require a Home Owners Association.

Mr. Bobby Salinas stated that the reason they require a Home Owners Association was because it was going to be a private subdivision.

There being no discussion, Vice-Chairman Ned Sheats entertained a motion. Mrs. Marisela Marin moved to approve the subdivision plat as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:31 p.m.

Ended: 5:31 p.m.

ITEM #4.0

Tabled Rezoning:

**Tract 1: The E. 1 ac. of the W. 9.28 acres out
Of a survey of 35.71 ac. out of the S. ½ of Lots 15-7
& 15-8, W.A.S. (AKA Tract/Lot 38, Melba Carter
Subdivision U/R) and
Tract 2: The S. 411.4' of the E. 1 ac. of the W. 10.58**

**Ac. out of a survey of 35.71 ac. out of the S. ½
Of Lots 15-7 & 15-8, W.A.S. (AKA a portion of Tract /
Lot 39, Melba Carter Subdivision U/R)
R-1 to C-4
Noe Abdon Olvera**

Mr. Bobby Salinas asked that this item remain on the table.

Started: 5:31 p.m.

Ended: 5:40 p.m.

ITEM #1.2

Tabled Conditional Use Permit:

**Sale and On-Site Consumption of Alcoholic
Beverages – Areli’s Celebration Hall
1905 W. Griffin Parkway
Lots 1-4, Southern Oaks, Phase I Subdivision
C-3
Daisy A. Vela**

Vice-Chairman Ned Sheats entertained a motion to remove the item from the Table. Mr. Mario Garza moved to remove the item from the table. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion was approved unanimously.

Mr. Bobby Salinas went over the write-up stating that the subject site is located 500’ west of Inspiration Road along the south side of Griffin Parkway. There is a portion of an existing 7,200 sq.ft. building that is currently being used as a Banquet/Party Hall for such activities as weddings, reunions, birthday parties, seminars, etc. that does not offer sale and on-site consumption of alcohol. The current operator of the hall will not be renewing his lease and a new applicant is now proposing to open the banquet hall, however with the sale and on-site consumption of alcohol.

Hours of Operation: The business will open on Fridays & Sundays from 6 p.m. to 12 a.m. & Saturdays from 6 p.m. to 1 a.m.

Parking: In viewing the floor plan there are 16 tables being proposed. Assuming that 10 seats are proposed per table, 53 parking spaces are required for the hall (160/3 seats = 53.3). There are a total of 114 parking spaces held in common at this development. Since activities are proposed to be held at later hours and only on weekends, when most businesses at this development should be closed, Staff does not believe that there will be any complaints regarding the number of parking. However, Staff has received complaints regarding the lack of parking lot lighting at the site. Since this business operates primarily at night, Staff is highly recommending the installation of parking lot lighting in order to avoid any incidents.

Landscaping and Sidewalks: During the approval of a similar CUP for this site back on 4/15/09, P&Z required 4 shade trees and the installation of a sidewalk along Griffin Parkway, however they were not installed. Since this has been an on-going problem at this particular site and the previous applicant, Mr. Gonzalo Arevalo, is still the same owner of the building,

Staff is recommending that these items be installed/escrowed prior to further processing of this CUP. The landscaping must also be irrigated and maintained as required by our landscaping ordinance.

Sale of Alcohol: Such uses are required to be 300' from residential uses. There is a residential subdivision within this radius; thus a waiver of the separation requirement needs consideration.

REVIEW COMMENTS: For the most part this proposal should not be a major concern, since this site has been used as a dancehall for several years without incident. However, there are a few issues that need to be dealt with prior to authorizing this CUP.

RECOMMENDATION: Staff is recommending tabling or not allowing this item to proceed to City Council until the owner installs sidewalks, landscaping, and parking lot lighting or combinations thereof to the site.

Mr. Bobby Salinas stated that no sidewalk has been installed, striping, landscaping, the lot is weedy since nothing has changed from the last meeting he recommends that this item be tabled but the applicant was present and he could probably give us an update.

Vice-Chairman Ned Sheats stated that maybe we rushed in putting this item on the agenda to help him out.

Mr. Bobby Salinas stated that in speaking to Joe Peña from TXDoT he mentioned that Mr. Gonzalo Arrevalo who is the owner of the building did submit the application for the sidewalk but he just didn't know how long the process is because they could take a while.

Vice-Chairman Ned Sheats stated that it was good to hear that at least the owner was taking some responsibility in acquiring the permit for the sidewalk unlike what the Board had heard before but he was just concern that if they approve the CUP then they might not follow through in completing the sidewalk.

Mrs. Marisela Marin stated that she would like to hear from the applicant.

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

There was no response.

Vice-Chairman Ned Sheats asked if the applicant or representative were present.

Representing the applicant, Mr. Eduardo Martinez stated that he had applied for the sidewalk permit with the City and on Monday he received a call advising him that his City permit was ready which he acquired on Tuesday. Mr. Martinez added that he plans to start to form on Saturday and be ready for inspection on Monday so he can pour the concrete. He also mentioned that he had bought the lights which would take about a day to install. Mr. Martinez added that these lights were modern and were usually seen in 4 x 4 trucks they have huge

wattage which would light up all the way to across the street. Mr. Martinez stated that as far as the weedy lot he had spoken to Mr. Aaron Balli who is the current tenant and he said he didn't want for him to touch that place until he is out which would be on June 30th. He added that he has someone going on July 1st to shave the palm trees and also hired a landscaper to build some landscaping in the front.

Mrs. Marisela Marin asked if there was anything that the Board could do to help him out since he is trying to comply with the all the requirements.

Mr. Bobby Salinas stated that the Board could actually approve the conditional use permit with the subject too's and not take it to Council until they get at least the sidewalk in since it is the main issue that way he does not get delay anymore.

Vice-Chairman Ned Sheats asked what would happen if we approve the conditional use permit and they install the sidewalk but don't comply with all the requirements.

Mr. Daniel Tijerina mentioned that the conditional use permit was for the sale & on-site consumption of alcoholic beverages and as far as going in and making all the improvements once his lease kicks in he could do that but could not have the sale & on-site consumption of alcohol so the Board could approve it.

Vice-Chairman Ned Sheats stated that he had no problem approving it because he has acquired his sidewalk permit, acquired the lights, and made arrangements to add landscaping.

Mr. Daniel Tijerina stated that to 'Table' this item would not be a good idea because once it's tabled twice he would need to reapply and send notices again.

Vice-Chairman Ned Sheats stated that he was not aware the notices had to be sent out to the property owners.

Mr. Mario Garza asked what would be the time frame for all the improvements once the tenant is out.

Mr. Eduardo Martinez stated that he was going to start with the sidewalk the bushy in the back would take about two days. He added that he had contracts for July 4-6 to have events there so it would be in his best interest to make this place look better. Mr. Martinez stated that it would not take him too much time.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #4.0
ADJOURNMENT**

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:41 p.m.

Ned Sheats, Vice-Chairman
Planning and Zoning Commission