

**PLANNING AND ZONING COMMISSION
NOVEMBER 19, 2008
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Raul Sesin
Luann Caudle
Marisela Marin
Ned Sheats
Henry Rodriguez
Jose Guadalupe Vela

P & Z ABSENT

Mario Garza

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Jaime Acevedo
Roberto Salinas
Irasema E. Dimas
Susana De Luna

GUESTS PRESENT

Pedro Treto
Joe B. Garza
Maria Flores
Angelina Flores
Karolyn Valdez
Joseph M. Kamel
Mirtala Peña

Diana Castilleja
Jose Arvizu
Jaime Sanchez
Roberto Morales
Bernard Cline
Rosa Lydia Davila
Frances Reyes

Roberto Garcia
Luis Rodriguez
Marisol Salinas
Rolando Aguirre
Margarito Aguirre
Fernando Solloa
Maria Rodriguez

CALL TO ORDER

Chairman Sesin called the meeting to order at 5:12 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR OCTOBER 15, 2008

Chairman Sesin asked if there were any corrections to the minutes. There being no corrections, Mr. Sheats moved to approve the minutes as presented. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:13 p.m.

Ended: 5:14 p.m.

Item# 1.1

Rezoning:

**Lots 1-20, Perlas De Naranja Subdivision
AO-I to R-1A
Various Owners**

Mr. Sergio Zavala went over the write-up stating that the subject site was located 1/2 mile north of Mile 2 North along the east side of Stewart Road. The surrounding zonings

included Agricultural Open Interim (AO-I) to the west, south and east. The north side was in the City of Palmdale's jurisdiction. The City's Future Land Use Map reflected a Lower Density Residential (LDR) designation, which R-1A was directly consistent with. The subdivision's minimum lot widths, lengths, and square footages (110' x 140') exceeded R-1A's minimum standards (80' x 120') and the surrounding land uses were consistent with the proposed R-1A zone. Staff recommended approval.

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

There was no response.

Chairman Sesin asked if there was input forwarding R-1A.

There was no response.

Since R-1A was consistent to area uses and the FLUM, Chairman Sesin entertained a motion. Mr. Vela moved to approve the rezoning as recommended by staff. Mr. Rodriguez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:14 p.m.

Ended: 5:16 p.m.

Item# 1.2

Rezoning:

**Lot 1, Plaza Depilite Subdivision
C-1 to C-2
Pedro Treto**

Mr. Sergio Zavala went over the write-up stating that the subject site was located on the SW corner of Hunt Valley Road (Mile 2 South) and Shary Road. The surrounding zonings included Agricultural Open Interim (AO-I) to the east and Planned Unit Development (PUD) in all other directions. The property owner wished to change from C-1 to a C-2 in order to allow for a slightly larger array of businesses for the benefit of the surrounding residential areas, though the available off-street parking limits eligible uses where a (CUP required) restaurant would be prohibited. Since this property fronted a widened Shary Road, had an existing commercial plaza, and the requested zone was not excessive from the existing C-1 zone, C-2 did not appear to be an objectionable change. Staff recommended approval.

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

There was no response.

Chairman Sesin asked if the applicant or representative were present.

The applicant, Mr. Pedro Treto, was present to address any questions that the Board might have.

Chairman Sesin had a concern over a 'restaurant' use but since staff alerted them that the parking would preclude this use, he then entertained a motion. Mr. Sheats moved to approve the rezoning as recommended by staff. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:16 p.m.

Ended: 5:16 p.m.

Item# 1.3

Rezoning:

**A 2.646 acre tract of land out of Lot 28-6,
West Addition to Sharyland Subdivision
R-3/AO-I to C-3
Geronimo Garcia**

Mr. Sergio Zavala stated that no action be taken on this item since the owner of the property had withdrawn his authorization to the agent to seek rezoning.

Started: 5:16 p.m.

Ended: 5:17 p.m.

Item# 1.4

Rezoning:

**A tract of land containing 3.03 acres
of land out of Lot 195, John H. Shary
AO-I to C-3
SARAM Development, LLC**

Mr. Sergio Zavala briefed the write-up stating that the subject site was located approximately 400' south of E. 4th Street on the east side of Shary road. Shary Road is a widened major thoroughfare in the City's Master Transportation Plan. The surrounding zonings include Agricultural Open Interim (AO-I) to the west, east and a small portion on the north side; and General Business (C-3) to the south and north. The City's Future Land Use Map reflects a recently affirmed General Commercial (GC) designation, which C-3 was directly consistent with. IHOP was located approximately 200' north of this property and the City expected commercial projects to continue south and north of the subject property; such projected land uses to be consistent of the proposed C-3 zone. Staff recommended approval of the proposed 'La Fogata Restaurant' which CUP item was also included on this same agenda.

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

There was response.

Chairman Sesin asked if the applicant or representative were present.

There was no response.

There being no further discussion, Chairman Sesin entertained a motion. Mr. Rodriguez moved to approve the rezoning as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:17 p.m.

Ended: 5:25 p.m.

Item# 1.5

Conditional Use Permit:

**Home Occupation – Registered Daycare
1809 W. 30 ½ Street
Lot 22, El Arroyo Subdivision
R-1
Life of Use
Maria Flores**

Mr. Sergio Zavala went over the write-up stating that the subject site was along the south side of 30 ½ Street between Estevan and Gabriel Street. The applicant had her SF residence thereon. A field visit revealed that there was a paved driveway on the north side of the home leading to a 20.6' x 20.9' two car garage that would be converted to the proposed daycare area. This driveway could be utilized to safely drop-off and pick-up children at the site and for general off-street parking. There was a sidewalk also leading from 30 ½ Street to the home's front door. There was no fence buffer surrounding the residence. If approved, a wood fence would be required to deflect some of the noise to the surrounding neighbors and maximize security.

Mrs. Flores had the following as her days/hours of operation: Monday – Saturday from 7:00 a.m. to 7:00 p.m. with herself and her mother (who lives elsewhere) as the only employees. Of course, if approved, DHS certification would be mandated as imposed to others. Any signage would also have to comply with the requirements of Section 1.56-1 of the Zoning Ordinance regulating home occupations.

Staff understood from several phone calls that such a home occupation allegedly violated private deed restrictions; this may be further explained upon by others. Staff recommended approval subject to: 1) the installation of a wood fence with a self latching gate, 2) 1 year re-evaluation to assess this new operation, 3) DHS certification, 4) comply with Sect. 1.56-1 of the Zoning Ordinance, and 5) acquire a business license.

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

Mrs. Marisol Salinas who resided at 3001 Estevan stated that the reason she was against this request was because, when she bought the lot she was told by the Developer that the subdivision had deed restrictions that prohibited any businesses. She mentioned

that her family sold a lot in another subdivision because the neighboring owner wanted to have a daycare business there. Mrs. Salinas stated that there had been "many incidents" where she had called the Police Department to respond to the subject property. Mrs. Salinas asserted that her Family's lives had been endangered due to the conduct of people at the applicant's site. She didn't believe her neighbor would be suitable for this type of operation for the following reasons: 1) the people have dropped their own child from the crib to the floor, and 2) they threw clothes in the front yard in the middle of the night. Mrs. Salinas also stated that she and her husband have talked to the police regarding this matter. She added that such occurrences happened on more than 4 occasions.

Chairman Sestin stated that Mr. Ruben Ortiz who resided at 3104 Gabriel Street also submitted a written letter of opposition.

Chairman Sestin asked if the applicant or representative were present.

The applicant, Mrs. Flores, stated that she didn't know Mrs. Salinas, but believed that when a person made a report with the Police Department, it's for the safety and security of their home and children. Mrs. Flores added that every person had the right to pursue a profession. She mentioned that there would be no children playing on the street and the maximum number of children allowed by the State was 12 including her own.

Chairman Sestin asked Mr. Acevedo if staff had asked for a copy of the police reports for that address.

Mr. Acevedo replied that he had requested a police report on that particular address and the only responses were two false alarms due to the house alarm system going off.

Mr. Sheats asked Mrs. Salinas if there were deed restrictions for this subdivision.

Mrs. Salinas stated that "the owner had made it very clear that no businesses would be allowed in this subdivision since it was only for residences when the contract was signed."

Mr. Sheats asked Mrs. Salinas if the restrictions were included in the deed of the property.

Mrs. Salinas replied that they were.

Chairman Sestin stated that traditionally not all the restrictions are usually included on the deed but were usually referred to by instrument number.

Chairman Sestin entertained a motion. Mr. Sheats moved to deny the request based on neighborhood opposition. Mrs. Caudle seconded the motion. Upon a vote, the motion for denial passed unanimously.

Started: 5:25 p.m.

Ended: 5:28 p.m.

Item# 1.6

Conditional Use Permit:

Home Occupation – Spanish Classes

4506 Santa Inez

Lot 58, Sharyland Plantation Village

Las Placitas Phase II Subdivision

PUD

Life of Use

Angelina Flores

Mr. Acevedo went over the write-up stating that the subject site was between San Andres and San Sebastian along the west side of Santa Inez. The applicant desired a Conditional Use Permit for Spanish Classes from her single family residence to be allowed. Mrs. Flores had a two story residence and was proposing to teach Spanish classes to a maximum of 12 students. She was proposing to convert a family room, breakfast nook, and dining area into the classrooms for her students. As far as parking, most students would be dropped off and picked up. There was a two-car concrete driveway leading to a two car garage that could be utilized to safely drop off and pick up students.

Mrs. Flores proposed the following as her days/hours of operation: Monday – Friday from 7:30 a.m. to 4:30 p.m. with herself and an assistant as the only employees. Since the applicant would only tutor the kids, DHS certification was not a requirement of the State. Any signage would also have to comply with the prevailing code. Staff recommended approval subject to: 1) acquisition of a business license, 2) 6 month re-evaluation to assess this new operation, and 3) comply with Sect. 1.56-1 of the Zoning Ordinance on signage.

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

There was no response.

Chairman Sestin asked if the applicant or representative were present.

The applicant, Mrs. Angelina Flores, stated that she just wanted permission to teach Spanish classes to kids from ages 4-6 during the day.

Chairman Sestin asked Mrs. Flores if the Home Owners Association had approved the request.

Mrs. Flores replied that she went to the Home Owners Association office and they told her that as long as the City approved the request, it would be okay with them.

After brief discussion, Chairman Segin entertained a motion. Mr. Rodriguez moved to approve the conditional use permit subject to staff's recommendation. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:28 p.m.

Ended: 5:40 p.m.

Item# 1.7

Conditional Use Permit:

**Home Occupation – Custom Jewelry Sales
1800 Crown Point Street
Lot 95, Shary Palms Unit VI Subdivision
R-1
Life of Use
Karolyn Valdez**

Mr. Acevedo went over the write-up stating that the subject site was located at the SE corner of Lucksinger Road and Crownpoint Street. The applicant was proposing to use her garage to display, make, and sell custom jewelry. The dimensions of the lot are 64' x 129.5' or 8,286 sq. ft. The interior of the home consists of three bedrooms, a dining area, a living area, a kitchen, a breakfast area, and 2 full baths (1,492 sq. ft. living, 483 sq. ft. garage, and 219 sq. ft. patio/porch; total square footage 1,975). If the conditional use permit was approved, Mrs. Valdez would utilize the garage as a display and work area for her custom jewelry sales and creations.

There would be no employees living outside the home. Only the applicant would work out of the garage. The hours and days of operation are Monday through Saturday from 1:00 p.m. to 6:00 p.m. (5 hours per day) and strictly by appointment only. The exterior of the home was nicely landscaped and well maintained. There were no perimeter sidewalks; only a walkway from Crownpoint Street to the front door. There was a driveway from Lucksinger that could accommodate a maximum of three vehicles thereon. If approved, only one 1' x 1' sign would be allowed affixed to the residence.

The frame of reference that the City of Mission had for such CUP's was in Taylor Oaks. On January 24 2007 a similar request was denied for a similar home occupation. In the Taylor Oaks CUP proposal, the applicant was requesting a 10 hour work week (Monday – Friday from 6 p.m. to 8 p.m.). Mrs. Valdez was proposing a 30 hour work week (Monday – Saturday from 1 p.m. to 6 p.m.). These hours conflicted when residents would be getting home, when children were at play, and when there was generally more traffic activity. Staff typically doesn't alert P&Z of deed restrictions prohibiting such proposed non-residential uses but this was brought to our office by a property-owner and was being divulged for their information, too, i.e., 'No lot shall be used for any

purpose other than ...a one-family dwelling...'. Finally, on November 5, 2008, staff received a call from a neighbor in opposition of this CUP proposal. Since P&Z unanimously denied an identical CUP on January 24, 2007, staff recommended denial.

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

There was no response.

Chairman Sesin asked if the applicant or representative were present.

The applicant, Mrs. Valdez stated that in February, one of her sons got a skull fracture and she wanted to stay at home to care for him; that was the reason for the request. She added that her business on 10th Street is closed most of the time because she sold her jewelry on the outside. Mrs. Valdez stated that she goes to businesses like the Chamber of Commerce, Attorneys offices, shows, etc. to offer her jewelry. She mentioned that she wanted this to be her work area to design her jewelry pieces in order to be able to take care of her children while working. Mrs. Valdez stated that she didn't anticipate any traffic since it would be by appointment only.

Mr. Zavala stated that P&Z could consider the request since in the Taylor Oaks example there was a lot of neighborhood opposition but not on this request. Mr. Zavala did question the hours of operation, though.

Mrs. Valdez stated that the hours she had requested were incorrect because it would be only in the afternoons since she was also a provider for her mother and brother. Mrs. Valdez stated that the maximum hours she would be working would be approximately 3 to 4 hours a day.

Mr. Sheats asked 'If she was proposing to have the garage open displaying the merchandise and, once the appointments were done, would she close the garage door or would the people come to the front door and knock?'

Mrs. Valdez stated that they would come to the front door.

Mrs. Marin asked how she would be advertising.

Mrs. Valdez stated that, if allowed, she would have a small sign.

Chairman Sesin asked the type of work that would be done at home.

Mrs. Valdez stated that she would just customize the jewelry.

Mr. Rodriguez asked if she would take any walk-ins.

Mrs. Valdez replied it would be strictly by appointment only, since she already had her clientele.

Chairman Sesin asked Mrs. Valdez how she would receive her merchandise.

Mrs. Valdez stated that she would personally go and purchase it herself; and there would be no home deliveries.

After brief discussion, Chairman Sesin entertained a motion. Mr. Sheats moved to approve the conditional use permit subject to: 1) 6 month re-evaluation, 2) acquiring a business license, and 3) acquiring a building permit to enclose the garage if she pursued this remodeling effort. Mr. Rodriguez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:40 p.m.

Ended: 5:43 p.m.

Item# 1.8

Conditional Use Permit:

**Sale & On-Site Consumption of
Alcoholic Beverages at 'La Fogata'
A tract of land containing 3.03 acres of
land out of Lot 195, John H. Shary Subd.
(C-3 Pending)
Life of Use
SARAM Development**

Mr. Acevedo went over the write-up stating that the property was located 1/3 mile north of U.S. Expressway 83 along the east side of Shary Road just south of Haidar and Keystone Subdivisions (IHOP). Currently the applicant was working on a 2 Lot subdivision where the two-story 21,533 sq. ft. restaurant was being proposed. The days and hours of operation were still not finalized; however, alcoholic beverages would only be served during the allowable State selling hours and only in the dining area. There were no schools, parks, or places of worship within 300 feet. There was one residence within 300' of the proposed restaurant; however, it was anticipated that the single site would eventually convert to a commercial use eventually.

In reviewing the floor plan, the 21,533 sq. ft. building would have a grand total of 357 seating spaces proposed in the dining and bar area. One parking space for every three seats equates to 119 parking spaces required. A total of 8 handicap parking spaces and 160 regular parking spaces were proposed for this development, exceeding code by 49. Access to the site would be from a 35' driveway to Shary Road where the parking would be aproned to the north and south so other adjoiners could interface with La Fogata's driveway.

All building, fire, landscaping, and sign codes must be complied with. Staff recommended approval subject to: 1) waive the 300' separation requirement to the residential use, 2) acquisition of a business license, 3) wet zoning the property, and 3) 1 year re-evaluation after this new operation activated.

Staff noted that once the landscaping plan was finalized, staff would bring it to the P&Z for a site plan supplemental review/approval.

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

There was no response.

Chairman Sesin asked if the applicant or representative were present.

There was no response.

There being no further discussion, Chairman Sesin entertained a motion. Mr. Vela moved to approve the conditional use permit subject to staff's recommendation. Mr. Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:43 p.m.

Ended: 5:48 p.m.

Item # 1.9

Conditional Use Permit:

**Sale for On-Site Consumption of Alcoholic Beverages at 'La Parrilla Grill' Restaurant
4001 S. Shary Road, Suite #350
Lot 1, Sharyland Plantation Grove
Tech Center #2 Subdivision
PUD
Life of Use
Ale Andre, LLC**

Mr. Acevedo briefed over the write up stating that a conditional use permit was awarded to the previous restaurant owner for the 'sale and on-site consumption of alcoholic beverages' at this location on January 12, 2005.

The property was located at the SE corner of San Mateo and S. Shary Road within the Sharyland Plantation Development. There was an existing building with 13 suites thereon. The applicant had taken over the lease of one of those suites with intentions of continuing the operation of the restaurant. The days and hours of operation were Sunday - Saturday from 11:00 a.m. to 12 midnight.

The restaurant consisted of 2,407 square feet out of an existing 25,013 commercial building. In reviewing the floor plan, there were 11 tables that seated 6, and 8 booths

that could accommodate 4 people each. Additionally, there were 8 bar stools, 6 additional booths (for four), and one table (for four) for a grand total of 134 seats. One parking space for every three seats or one space for every 75 square feet of floor area, whichever is greater, was required by code – or 45 based on the higher of the two (total square footage). It was noted that the parking for the commercial development was held in common. There were a total of 176 parking spaces available to serve the 13 lease spaces (exceeding code by 29).

All building, fire, landscaping, and parking codes were being met. Staff recommended approval subject to: 1) waive 300' separation of 'bar' component to residential areas, and 2) re-evaluation in 1 year (new applicant).

Chairman Sesin asked if there was any public opposition to this request.

There was no response.

Chairman Sesin asked if the applicant or representative were present.

There was no response.

Mrs. Caudle asked if the parking was held in common.

Mr. Acevedo replied, "Yes". He added that this business has been there for a while, and the only difference was that they changed owners.

Mrs. Caudle stated that her concern was for parking.

Mr. Acevedo stated that this was one of the reasons why staff was recommending a 1 year re-evaluation.

Mr. Zavala stated that there was substantial parking on the back of the building that could be used if needed, and overflow parking on the adjoining commercial use.

There being no further discussion, Chairman Sesin entertained a motion. Mr. Rodriguez moved to approve the conditional use permit subject to staff's recommendations. Mr. Sheats seconded the motion. Upon a vote, the motion to passed unanimously.

Started: 5:48 p.m.

Ended: 5:51 p.m.

Item# 2.0

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages at Sushi Itto Restaurant
122 S. Shary Road, Suite K
Lot 2, Home Depot Subdivision #2**

**C-4
Life of Use
Joseph M. Kamel**

Mr. Acevedo briefed over the write up stating that the property was located 1200' north of U. S. Expressway 83 along the west side of Shary Road within the Home Depot Development. Currently on Lot 2 there was an existing building with 5 suites thereon. The applicant had leased one of the suites with intentions of operating a Sushi Restaurant where the sale and on-site consumption of alcohol was proposed. The days and hours of operation were Sunday – Thursday from 11:00 a.m. to 11:00 p.m. with Friday and Saturday being open one additional hour, closing at 12:00 a.m. Alcoholic beverages would only be served during the allowable State selling hours and only in the dining area. There were no schools, parks, places of worship, or residences within 300 feet.

In reviewing the floor plan, the 1,400 sq. ft. building would have 46 seating spaces proposed in the dining area and 12 seating spaces proposed in the bar area for a total of 58 seating spaces. One parking space for every three seats equated to 19 parking spaces required. A total of 83 parking spaces were held in common for this Lot 2 development. Access to the site could be from the two primary driveways to Shary Road.

All building, fire, landscaping, and sign codes were being met. Staff recommended approval subject to: 1) acquisition of a business license, 2) wet zoning the property, and 3) 1 year re-evaluation to assess this new operation.

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

There was no response.

Chairman Sestin asked if the applicant or representative were present.

The applicant, Mr. Joseph M. Kamel, was present to address any questions that the Board might have.

There being no discussion, Chairman Sestin entertained a motion. Mr. Vela moved to approve the conditional use permit as per staff's recommendation. Mr. Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:48 p.m.

Ended: 5:51 p.m.

Item# 2.1

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages at Capriccio Gelateria & Pizzeria**

**122 S. Shary Road, Suite G
Lot 2, Home Depot Subdivision #2
C-4
Life of Use
Joseph M. Kamel**

Mr. Acevedo briefed over the write up stating that the property was located 1200' north of U. S. Expressway 83 along the west side of Shary Road within the Home Depot Development. Currently on Lot 2 there was an existing building with 5 suites thereon. The applicant had leased one of the suites and currently operates a coffee/gelato shop and has intentions of expanding to a pizza restaurant where the sale and on-site consumption of alcohol was proposed. The days and hours of operation were Sunday – Thursday from 11:00 a.m. to 10:00 p.m. with Friday and Saturday being open one additional hour, closing at 11:00 p.m., and Sunday from 11:00 a.m. to 9:00 p.m. Alcoholic beverages would only be served during the allowable State selling hours and only in the dining area. There were no schools, parks, places of worship, or residences within 300 feet.

In reviewing the floor plan, the existing 1,600 sq. ft. building had a total of 37 seating spaces in the dining area. One parking space for every three seats equated to 15 parking spaces required. A total of 83 parking spaces were held in common for Lot 2 development. Access to the site could be from the two primary driveways to Shary Road.

All building, fire, landscaping, and sign codes were being met. Staff recommended approval subject to: 1) acquisition of a business license, 2) wet zoning the property, and 3) 1 year re-evaluation to assess this new operation.

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

There was no response.

Chairman Sesin asked if the applicant or representative were present.

The applicant, Mr. Joseph M. Kamel, was present to address any questions that the Board might have.

There being no discussion, Chairman Sesin entertained a motion. Mr. Vela moved to approve the conditional use permit as per staff's recommendation. Mr. Sheats seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:51 p.m.
Ended: 5:56 p.m.
Item# 2.2**

**Conditional Use Permit: Sale & On-Site Consumption of Alcoholic
Beverages at a 'Bar & Grill'
2701 E. Griffin Parkway
Lot 14, Adams Crossing Subdivision
C-3
Life of Use
Mirtala Pena**

Mr. Acevedo briefed over the write up stating that the subject site was located approximately 600' west of Taylor Road along the north side of Griffin Parkway (F.M. 495). Mrs. Pena was proposing a Bar & Grill Restaurant and desired a CUP for the Sale & On-Site Consumption of Alcoholic Beverages at this location to be allowed. Hours of operation would be Monday – Sunday from 5:00 p.m. to 2:00 a.m. The owner has proposed a total of 10 employees for the 'Bar & Grill': 5 security guards, 4 waiters, 1 bartender, and 0 cooks.

In reviewing the floor plan, the 973 sq. ft. building would have a total of 50 seating spaces proposed in the lounge area and 5 seating spaces proposed in the bar area for a total of 55 seating spaces. One parking space for every three seats equated to 36 parking spaces required for this single operation. In reviewing the site plan, each 1375 sq. ft. suite was allocated 6 parking spaces (retail/personal use) x 13 suites = 78 parking spaces, which was exactly what was available. For this bar to need 6 times the norm was a major concern. Staff did acknowledge that the bar's primary hours were in the evening, but there would likely be occasions of conflicting parking between the bar and other retail uses. Access to the site were from 2 driveways to Griffin Parkway. Staff did notice that there was also an active church along the south side of Griffin Parkway, Sparks & Townsend Plaza Subdivision. However, when measured from front door to front door, the church was over 300' away.

Also, the 'bar' component required it to be 300' from the nearest residence – there was an upscale multi-family development with over 100 condo units to the north, within the 300' radius. Staff observed the stage on the floor plan reflecting live music and, when combined with the late hours (till 2:00 a.m.), a noise concern may be evident, thus, the whole reason on what the 300' separation code attempts to prevent. Staff recommended denial; parking was a major concern; violated 300' separation to new upscale homes (just 50' to the north); staff failed to see the 'grill' in their floor plan and was thus a lounge or bar only.

Chairman Sesin asked if there was any public opposition to this request.

There was no response.

Chairman Sesin asked if the applicant or representative were present.

The applicant, Ms. Peña stated that they didn't have a kitchen because it was more difficult to maintain and dangerous since the building was too small. She added that they were not going to have food but just snacks like french fries, nachos, etc. Ms. Peña mentioned that this would not be a place just to come and get drunk but instead a place to hang out and watch the games and live bands. She added that she had several similar establishments in Monterrey and alleged that "never had any problems."

Mr. Sheats stated that this would not be considered a grill, but a sports bar.

Chairman Sesin stated that it would be a bar. He added that he had a concern with the church separation because he recalled a restaurant that wanted a license to sell beer and wine, which was denied so he didn't see how they could approve this request.

There being no further discussion, Mrs. Caudle moved to deny the request. Mr. Sheats seconded the motion. Upon a vote, the motion for denial passed unanimously.

Started: 5:56 p.m.

Ended: 5:58 p.m.

Item # 2.3

Conditional Use Permit:

**To co-locate antenna on the existing self-support tower & install a 2.6' x 5' communications equipment cabinet
107 W. Griffin Parkway
A .027 acre of land, more or less, out of
And forming part of Lot 24-6, West Addition
To Sharyland Subdivision
C-3
Life of Use
Anita Roberts (Pocket Communications)**

Mr. Acevedo briefed over the write up stating that the subject site was located near the SW corner of Conway and West Griffin Parkway just west of Conway Avenue Baptist Church. Pocket Communications desired to co-locate onto the existing self-support tower and construct a new 2.6' x 5' cabinet within the fenced 40' x 30' compound located at the SW corner of the 3.0 acre tract of Lot 24-6, West Addition to Sharyland Subdivision. Currently there were existing equipment shelters for various communications providers and the 100' high telecommunications antenna. There was a recorded 15' access easement off Griffin Parkway that led to the 30' x 40' telecommunications compound. The proposed Pocket Communications shelter was outside any easement and exceeded the applicable building setbacks. Staff recommended approval.

Chairman Sesin asked if there was any public opposition to this request.

There was no response.

Chairman Sesin asked if the applicant or representative were present.

A representative from Pocket Communications was present to address any questions that the Board might have.

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

Started: 5:58 p.m.

Ended: 6:03 p.m.

Item # 2.4

**Conditional Use Permit Renewal: Home Occupation – Registered Family
Home Day Care on a property zoned AO-I
905 W. 20th Street
.50 acre tract of land out of the E. 10 acres
Of the N. 15 acres out of Lot 23-4, W.A.S.
AO-I
Life of Use
Diana Castilleja**

Mr. Acevedo briefed over the write up stating that this CUP was originally approved on 8/22/07 and needed renewal consideration. The subject site was located on the south side of West 20th Street 200' east of Holland Avenue. The applicant had her residence thereon with a 10' x 70' paved driveway along the west side of her property and a second 12' x 70' paved driveway along the east side of the property. Both driveways could be utilized to safely drop off and pick up children. A 6' cedar fence surrounded the property. The applicant cared for 6 children at a time and was permitted to care for up to 12. Diana Castilleja had the following as her days/hours of operation: Monday – Friday from 7:00 a.m. to 6:00 p.m. with herself and an assistant as the only employees running the operation.

When this item was approved on 8/22/08, the following conditions were imposed: 1) a circular driveway to be paved within 60 days, 2) comply with Sect. 1.56-1 of the Zoning Ordinance, 3) a 4' sidewalk along 20th Street to interface Bubble Rise, 4) 1 year re-evaluation, and a canopy to be installed in the playground area. A field visit revealed that the required circular driveway and 4' sidewalks had not been installed. Staff recommended approval subject to: 1) circular driveway to be completed no later than 2/28/09, 2) 4' sidewalk to be completed no later than 3/31/09, and 3) re-assess in May '09.

Chairman Sesin asked if there was any public opposition to this request.

There was no response.

Chairman Segin asked if the applicant or representative were present.

The applicant, Mrs. Castilleja, was present to address any questions that the Board might have.

Chairman Segin asked Mrs. Castilleja why she hasn't complied with staff's recommendations.

Mrs. Castilleja stated that she took care of only 4 kids since she opened the daycare and financially she didn't have the means to install the circular driveway or sidewalk. She added that she had put some caliche meanwhile but once she received her income tax refund she would comply with the requirements imposed. Mrs. Castilleja mentioned that she had complied with the fence and canopy requirement except that the canopy would only be installed when the children were outside.

Mr. Sheats asked if it was necessary for her to have a permanent canopy.

Mr. Acevedo stated that the canopy was imposed by P&Z not staff, and if they wanted to, they could remove that requirement.

There being no further discussion, Chairman Segin entertained a motion. Mr. Vela moved to approve the conditional use permit as recommended by staff but removing the previous canopy requirement. Mrs. Marin seconded the motion. Upon a vote, the motion to passed unanimously.

Started: 6:03 p.m.

Ended: 6:07 p.m.

Item # 2.5

**Conditional Use Permit Renewal: To Have a Mobile Home for
the use of Sales Office
107 International Blvd.
Lot 2, Mission Business Park Subd.
I-1
Life of Use
Jose Arvizu**

Mr. Zavala briefed over the write up stating that the request before the board was to consider the continuation of a CUP for a Mobile Home being used as a sales office for the sale of Semi-Trailers and Tractors at the above location. This existing Mobile Home had been used as a business office for 'El Dorado Tractor & Trailer Sales' since September 12, 2007. It was noted that the applicant was granted a temporary deferment of the

required landscaping and parking requirements when initially approved. Also, that the applicant's initial request was to have the Mobile Home for no more than 1 year during which time he would construct a site-built office.

Since the approval of this CUP, the applicant had complied with the skirting of the mobile home, all landscaping, tree, fire, and applicable building codes. However, the required paved parking had not been completed. Staff recommended approval subject to the paved parking be evident within the next renewal tenure, which will be at the end of 6 months.

Chairman Sesin asked if there was any public opposition to this request.

There was no response.

Chairman Sesin asked if the applicant or representative were present.

Representing the applicant, Mr. Jaime Sanchez, General Contractor for Jose Arvizu stated that the reason they had not complied with the paved parking was because of the high price of diesel and the economy. He added that they were waiting on a loan to re-plat and develop the eastern section of the land for retail office buildings.

There being no further discussion, Chairman Sesin entertained a motion. Mrs. Caudle moved to approve the conditional use permit subject to the paved parking be evident within the next renewal tenure, which will be at the end of 6 months. Mr. Rodriguez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:07 p.m.

Ended: 6:13 p.m.

Item # 3.0

Site Plan Approval:

Construction of 32 Apartments

Lots 1 & 2, Mor-Wil Subdivision U/R

R-3

Roberto Morales

Mr. Bobby Salinas went over the write up stating that the subject site was located 400' south of E. 8th St. on the east side of Pecan St. The applicant was proposing to build four complexes containing 8 - 1,610 square foot, 2 story units divided by fire walls, equating to 32 units. Two complexes would be constructed per lot.

Mor-Wil subdivision was in the final stages of recording and, unless otherwise approved by the City Council, would be required to record prior to the issuance of a building permit. The minimum setbacks based on the unrecorded subdivision plat for Mor-Wil Subdivision were: Front-15', Side-6', Side Corner-15', Rear-15'

The secured site shows one primary entrance/exit gate onto Mor-Wil St., and two "Exit Only" gates located on the NW and SW sides of the subject property. In regard to parking, the 32 units required a minimum of 64 parking spaces, which met code.

16% percent landscaping was being proposed with a combination of trees, plants, and shrubs, thus exceeding code by six percent. A minimum of (7) 3" caliper shade trees per lot are required to be planted within the landscape areas.

Staff recommended approval subject to: 1) Recordation of the subdivision, 2) Private gates to be approved by the Fire Marshal, 3) Fire lane gates to be perpetually affixed and maintained with "Exit only" signage, 4) 5' sidewalk along Pecan Street, and 6) Drainage calculations to be reviewed and approved by the City Engineer at the building permit stage.

Chairman Sesin asked if there was any input from the Board.

Mrs. Caudle asked where were the guests going to park.

Mr. Salinas stated that they would probably park on the 37' wide noting the intent of a wider street.

Mr. Sheats asked if the City only required 2 parking spaces for a 3 bedroom apartment.

Chairman Sesin replied, "Yes".

Mrs. Caudle asked if this was going to be a gated community.

Chairman Sesin replied, "Yes".

Mr. Sheats stated that staff needed to reconsider the parking ordinance on apartments.

There being no further discussion, Chairman Sesin entertained a motion. Mr. Sheats moved to approve the site plan subject to staff's recommendations. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:13 p.m.

Ended: 6:14 p.m.

Item # 3.1

Site Plan Approval:

**Installation of a Portable Building
On an existing Institutional Use
Lots 3-10, Blk. 217, Mission Original Townsite
R-1
Berny Cline**

Mr. Salinas went over the write up stating that the subject site was located on the NE corner of Doherty Ave. and 13th St. The perimeter of the church was equipped with paved sidewalks. The applicant was proposing to install a 24' X 30' portable building which would serve as a class/meeting room for the expansion of their Sunday school activities. The building's foundation would be pier and beam, which would be skirted with wood siding.

The existing institutional use consisted of 8 lots which include 3 buildings located on lots 4-6 for primary church functions and the Pastor's house located on Lot 10. The portable building would be located on the east most area of Lot 5. The setbacks for the proposed building were: Sides-10', Rear-15.5', the front would be facing the rear of the existing school building with a separation of 10'. Access to the building would be from the existing sidewalk located on the rear of the property.

Parking was not an issue since parking was based on the main assembly area, i.e., no change to the main assembly area.

Since the institutional use was already in existence, landscaping was being met through the use of existing trees and plants. Staff recommended approval.

Chairman Sesin asked if there were any comments from the board. There being none, he entertained a motion. Mrs. Caudle moved to approve the site plan subject to staff's recommendation. Mr. Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:14 p.m.

Ended: 6:18 p.m.

Item # 4.0

Pre-Final Plat Approval:

Palomar Subdivision

S. 8.57 Ac. of the N. 27.15 Ac. of Lot 35-4,

West Addition to Sharyland Subdivision

Suburban ETJ

Developer: Omar Garcia, O.G. Construction

Engineer: Melden & Hunt, Inc.

Mr. Salinas went over the write up stating that this subdivision was approved for pre-final by this board on March 23, 2005; and was approved preliminarily by the City Council thereafter. However, the developer had not completed construction of the subdivision. Since so much time has lapsed, P&Z should reconsider the plat for re-approval.

This 41 lot plat was located approximately 3200' north of Mile 3 along the west side of Trosper Rd. All lots exceeded the City's minimum R-1 standard sizes. (NOTE: R-1 min.

is 6,000 sq.ft. inner lots and 7,000 sq.ft. corner lots; the proposal is for 7286 sq.ft. inner lots and 8,450 sq.ft. corner lots)

Water: The water CCN belongs to Sharyland Water Supply Corporation. The developer was proposing new 8" lines to connect into an existing 6" waterline network along Trosper Rd., and was stubbing an 8" line to the south street. Three fire hydrants were shown pursuant to the direction by the Fire Marshal.

Sewer: The developer was extending sanitary sewer lines by connecting into an existing 8" line located along the east side of Trosper Rd. The capital sewer recovery fee of \$750.00/Lot X 41 lots equated to \$30,750.00.

Streets & Storm Drainage: The subdivision was adjacent to Trosper Rd., in which 40' will be dedicated from center as required through the MPO Transportation Plan. Also, the developer must provide the escrow for the widening of Trosper Rd., which came out to \$16,401.47 (293.40' X \$55.90/l.f.). Driveway access onto Trosper Rd. would not be allowed as per our policy. The subdivision was proposing a 50' ROW, 32' B-B paved street with a cul-de-sac with a street stubbed to the south. Storm drainage was accomplished through the installation of 2 sets of inlets that would connect to a series of 24", 30", 36", and 42" R.C.P. that would outfall into Hidalgo Drainage District #1's ditch (extension).

Other Comments: Comply with format findings, which included a plat note requiring a 4' sidewalk at permit stage, 6'; buffer to be installed along any adjoining open ditch/canal, etc.; Comply with Model Subdivision Rules; Dedication of Water Rights; Install/Escrow 5' sidewalks along Trosper Rd., If escrowed - \$2,320.80 (193.40' X \$12.00); Escrow street lighting. Staff recommended approval of the plat subject to: 1) Comply with the comments list above, 2) Provide capital sewer recovery fee, and 3) Provide escrow for Trosper Rd. widening.

Chairman Sesin asked if there were any comments from the board.

There was no response.

Chairman Sesin asked Mr. Salinas asked if the drain ditch already existed.

Mr. Salinas replied, "Yes".

Mrs. Caudle asked if this particular subdivision was in Palmhurst.

Mr. Zavala stated that this subdivision was in the City of Mission's ETJ.

There being no further discussion, the Chair entertained a motion. Mr. Vela moved to approve the subdivision plat subject to staff's recommendations. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:18 p.m.

Ended: 6:22 p.m.

Item # 5.0

Discussion and Action to Amend the Future Land Use Map in the following boundaries: Expressway to the north, Taylor Road to the East, Bryan Road to the west, and 2 Mile Road South to the South

Mr. Zavala went over the write up and stated the following: Save for the SE Bryan/Expressway site (Bert Ogden), the frontage along the Expressway that were currently designated Heavy Commercial (HC) to be re-designated General Business (GC) which would be a better neighbor to the residential components to the south of such commercial reserves and uses.

The High Density (HD) area at the SE corner of the Expressway & Glasscock to be re-evaluated, i.e., have the HD follow Brazos to include the entire R-3 zoned The Retreat at Cimarron; re-designate from HD to LD in the middle 1/3; the designation of the east 1/3 (currently golf course) to be PUD (see reference below for definition of 'PUD').

The Bert Ogden site to remain HC (up to the drainage ditch).

The 35 acre area south of Bert Ogden to be amended from HD/MD to GC with high emphasis on office use.

The entire east ½ of Stewart Plaza to result in GC to reflect the zones and land uses; Lots 4-7 & 10-13, Stewart Plaza amended from MD to HD since R-3 apartments exist.

The 35 acre area NW of Stewart & Trinity to be amended from MD to LDA (has R-1A zoning/lots in Malmaison, & has Dr. Padula's horse estate setting).

The Groves at Cimarron NE of Stewart/Trinity to be amended to LDA; also, LDA for Los Jardinez de Cimarron (NW Glasscock and Trinity).

The Oaks at Cimarron and The Legends at Cimarron to be LD due to R-1 zoning and land uses.; also, the area north of San Jose to The Legends to be LDA (not LD) due to LDA across the Stewart (north of Padula).

Las Villas at Cimarron only to be MD designated – Cimarron cul-de-sac lots to be re-designated PUD as well as the entire Cimarron community.

(NOTE: PUD is not a FLUM acronym yet but should be approved in the related ordinance as 'PUD – Varying recognized or re-designated land uses that complement each other in a creative fashion as approved by the City of Mission).

The San Jose Cemetery should be Institutionally designated (I) for obvious reasons.

The entire frontage at a depth of 1320' east of Shary should be designated GC.

Lots 166 & 156 should be HD; Lots 136 & 146 (Shin) to be LD since in perimeter of city limits and distant from Shary & Trinity ¼ mile.

The frontage to Bryan Road south of Trinity should be General Commercial (GC) at a minimum depth of 660' with the remnant 660' being designated LDA (to protect Mission Viejo and The Woods at Cimarron).

LDA should be the norm at LC Castillo's acreage, The Woods, Palazzo and Trinity Groves at Cimarron to reflect current R-1A sized lots, and many estate settings, too.

Chairman Sesin asked if there were any comments from the audience or board.

There was no response.

After brief discussion, Chairman Sesin entertained a motion. Mr. Sheats moved to approve the FLUM amendments as recommended by staff. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

5.0 OTHER BUSINESS

Mr. Zavala wished P&Z a Happy Thanksgiving and thanked everybody for taking time out of their busy schedules to be present at our P&Z meetings throughout the year.

6.0 ADJOURNMENT

There being no further items for discussion, Mrs. Caudle moved to adjourn. Mr. Sheats seconded the motion. Upon a unanimous vote, the meeting adjourned at 6:23 p.m.

Raul Sesin, P.E., Chairman
Planning and Zoning Commission