

**PLANNING AND ZONING COMMISSION
OCTOBER 13, 2010
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Carlos Lopez
Jose G. Vela
Marisela Marin
Mario Garza

P&Z ABSENT

Rene Flores
Luann Caudle

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Susana De Luna

GUESTS PRESENT

Mark A. Piñon
Andres Boesch
Marco Antonio Ramos
Felipe Cruz Ambriz
Jorge E. Delgado
Corina Longoria
Gilbert Espinoza
Mario Saenz
Tyler Welch
Gene C. Cradick
William & Brenda Davis
Wade & Mary Welch
Isaias De La Rosa
Jorge Delgado
Valerie Thompson
Rolando Longoria

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:01 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR SEPTEMBER 22, 2010

Chairman Sheats asked if there were any corrections to the minutes. There being no corrections, Mr. Vela moved to approve the minutes of September 22, 2010 as presented. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:02 p.m.

Ended: 5:10 p.m.

Item# 1.1

Rezoning:

**A 2.646 ac. tract out of Lot 28-6,
West Addition to Sharyland Subdivision
R-3 to C-1
Syed R. Hussain, M.D.**

Mr. Salinas briefed over the write-up stating that the subject site is located approximately a ¼ mile south of 2 Mile Road, along the west side of Conway Avenue. The surrounding zones include: Agricultural Open Interim (AO-I) to the north and east, Single Family Residential (R-1) to the west and Mobile & Modular Home (R-4) to the south. The surrounding land uses consist of open acreage & a residential home to the north, open acreage to the east, residential homes to the west, and manufactured/mobile homes (55+ Community) to the south. The site currently has open acreage. The Future Land Use Map reflects a Heavy Density (HD) designation, which is consistent with an R-2 or R-3 use.

According to the FLUM, the property to the north is designated General Commercial (GC) which is more compatible with the applicant's request. Though this area is proposed as an HD area, please remember that the FLUM is used primarily as a general guide. Staff is aware that the property abuts a 55+ residential community on the south side. However, staff believes that the community may be shielded by the installation of an 8' opaque buffer (via future plat note), which is required when a commercial property adjoins a residential property. Also, C-1 is the most restrictive of the commercial zones, which allows doctor's offices, banks, etc. Typically, C-1 uses are silent neighbors for much of the time. On the somewhat opposite extreme, a multi-story apartment complex may induce much more noise, etc. No auto body shops, no retail businesses with late hours, no convenience stores, etc. are allowed within this zone. Staff believes since the property is adjacent to Conway Avenue, a 150' ROW TxDOT corridor; Commercial uses exist across Conway Avenue; C-1 is a low keyed neighbor as proved in the Fox Run estate setting. Staff recommends approval.

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. Salinas stated that he had received an e-mail from Dr. Husain indicating that he would be out of the country on the day of the meeting.

Mrs. Brenda Davis who resides in Wagon City North at 2905 N. Conway Unit #77 stated he was not against the request. She said that she actually thought it was a great idea, but wanted to know if they were installing a wooden fence, since there was already an existing fence which had not been properly maintained.

Mr. Salinas stated that the city was requiring an 8' opaque/solid fence along the south side and Perkins. He mentioned that the applicant would be responsible for maintaining his property clean.

Mr. Davis asked what would happen with the existing chain link fence on the south side. She also asked if it would also need to be removed.

Chairman Sheats asked Mrs. Davis if the fence belonged to Wagon City.

Mrs. Davis replied, "Yes".

Mr. Zavala stated that it could be removed once the 8' opaque fence was installed.

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

Started: 5:10 p.m.

Ended: 5:20 p.m.

Item# 1.2

Rezoning:

**Lot 10, Block 106,
Mission Original Townsite Subdivision
R-1 to C-3
Miguel Piñon, Jr.**

Mr. Salinas briefed over the write-up stating that the site is located 100' south of Leo Najo Street along the west side of Doherty Avenue. The surrounding zones include: Single Family Residential (R-1) to the north and east, General Commercial (C-3) to the west, and Single Family Residential to the south. The Land Uses include: Commercial Building to the north, a Church (El Mesias United Methodist) to the east, commercial building to the west and a residential home to the south. The site currently has a warehouse (Restaurant Supply). The Future Land Use Map reflects a General Commercial (GC) designation for this area.

The subject property should be changed to C-3 to comply with the FULM, long existing commercial and residential uses, and Doherty may be seen as the line of demarcation between commercial and residential uses. Also, to the west side of Conway (but not the east), the Council approved entire blocks for C-3 zoning (though many of those lot were residential), thus imposing a street' to establish zoning boundaries. Staff recommended approval.

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

Mrs. Valerie Thompson stated that she was representing a resident that lived two houses away (to the south).

Chairman Sheats asked Mrs. Thompson if she had the address.

Mrs. Thompson stated that the residents she was representing lived at 601 Doherty. She asked what exactly where they proposing to put on Lot 10.

Mr. Salinas stated that it was currently the warehouse of a restaurant supply store and all they want to do was move the store to the warehouse.

Mrs. Thompson stated that the reason she had asked was because in driving through Doherty you could tell that the property next to the proposed site was littered with junk. She added that they had a trailer full of odd and ends.

Chairman Sheats asked Mr. Salinas if that property belong to the applicant.

Mr. Salinas replied, "Yes".

Chairman Sheats stated that then he would need to rezone both lots because it was used as commercial but it was zoned single family.

Mr. Salinas stated that Mr. Piñon only wanted to rezone Lot 10 at this time.

Mr. Garza asked which lot Mrs. Thompson was referring too.

Mr. Salinas stated that it was the lot on the north side of Lot 10.

Mrs. Thompson stated that concern because this lot was already used as commercial property and it was a big eye sore. She added that she didn't know if by rezoning the property would help for them to clean up the property or make it worst.

Mr. Salinas stated that just by her comments mentioned would help to get this property cleaned up.

Chairman Sheats mentioned that what staff was trying to do was basically make this like the rest of downtown Mission and have the commercial area extend from Conway to Doherty sometime in the future.

Chairman Sheats asked if the applicant or representative was present.

Representing the applicant, Mr. Mark A. Piñon who resides at 1306 Griffin Parkway, added that this area was going to converted into their showroom area due to some changes from their original site. Mr. Piñon mentioned that the area Mrs. Thompson was referring too would be cleaned up. He added that they wanted to make this area look better.

Chairman Sheats asked Mr. Piñon if the person he was representing also owned the area labeled commercial storage.

Mr. Piñon replied, "Yes". He mentioned that they owned Lots 10-12.

Chairman Sheats asked Mr. Piñon why they were only rezoning one lot.

Mr. Piñon stated that they were rezoning only that lot because they were proposing to move to the warehouse. He added that they had applied to rezone the commercial lot about two years ago but had their request denied.

Chairman Sheats asked staff if they could bundle all the lots and rezone everything at once.

Mr. Zavala replied, "No, Not at this time".

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

Started: 5:20 p.m.

Ended: 5:31 p.m.

Item# 1.3

Rezoning:

**A 2.61 acre tract out of Lot 214,
John H. Shary Subdivision
R1-A to C-3
Andres Boesch**

Mr. Salinas briefed over the write-up stating that the subject site is the SW corner of School Lane and Shary Road. The surrounding zones include: Large Lot Single Family (R1-A) to the north, east and west and Heavy commercial to the south. The Surrounding Land Uses consist of a Sharyland High School & SISD's main administration offices to the east; open acreage to the south and west; and single family homes to the north. The subject site is currently open acreage.

The Future Land Use Map reflects a Lower Density (LDA) designation for this area. Though the FLUM shows an LDA designation, staff anticipates most of the vacant corridor along Shary Road to evolve into commercial uses due to:

- 1) The subject property adjoins Shary Road, a five lane major thoroughfare (mandates a minimum 120' ROW with an ultimate pavement width of 81').
- 2) The site adjoins a Heavy Commercial zone (C-4) that itself has over 600' of frontage to the railroad; C-4 allows such uses as lumber yards, or wholesale uses requiring large outdoor loading areas that generate heavy truck or rail traffic.

- 3) The traffic produced by both Sharyland High School and inherent traffic using this major street is more conducive for a non-residential use, as limited by the depth proposed, rather than having an R1-A home along such congestive traffic patterns.
- 4) The corner site also fronts a collector street (School Lane/Elm) which is 1 $\frac{3}{4}$ miles in length.

Staff recommended approval.

Mr. Salinas stated that the subdivision process will be forthcoming which can impose P&Z Site Plan Approval of the proposed development plan and would require the additional ROW for School Lane. He also stated that he had received a call from the Superintendent Scott Owings from ISD where he stated that they weren't against the rezoning as long the sale of alcohol would not be permitted.

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

There was no response.

Mrs. Marin asked why was staff considering a C-3 zone instead of a C-1 zone.

Mr. Garza stated that he was surprised Mr. Owings was not against the request since it opens it up for any type of business.

Mr. Salinas stated that it would be open to almost anything except businesses that sell or consume alcohol. He mentioned that as far as the zones staff has seen commercial to the south of Business 83 and staff foresees it going to the north.

Mrs. Marin stated that the south commercial zoning was not in front of a School either. She added that her concern was that the proposed site was right in front of the school.

Chairman Sheats stated that there was a situation with traffic on Shary. Getting in or out of a C-3 at the same time as the school nine months in a year would be more of a problem when compared to a more professional setting as with a C-1 zone. The other situation that was mentioned by Mrs. Marin regarding the different types of businesses that would opened up to like an auto body repair shop, convenience store, a sandwich shop, etc.

Mr. Salinas stated that the applicant was present and had a layout of his proposal for this site as far as a business plaza.

Mr. Garza stated he was surprised that no residents came to the meeting regarding this item.

Mr. Salinas stated that staff had mailed out notices to the residents that lived 200' radius but nobody showed up.

The applicant, Mr. Andres Boesch stated that he didn't understand what seemed to be the problem with his request.

Mrs. Marin stated that the concern was that a C-3 zone would open the door to a variety of business even though they would not be able to sell alcohol because of the school. She added that a C-1 zone would be limited to more professional businesses it would have a little more restrictions. Mrs. Marin stated that the Board is considering whether it would be a good idea to change the zone of this property or not since it was in front of the school. Mrs. Marin asked Mr. Boesch if he knew what type of businesses he wanted to have in his plaza.

Mr. Boesch stated that he didn't know yet, but wanted the availability to be able to put a business that would allow them to have better opportunities. He added that they understood they would not be able to sell alcohol due to being in front of the school.

Mr. Salinas stated that they wanted to do a commercial plaza that would not limit him to the type of businesses that would be allowed. He suggested that maybe the applicant would be receptive to down zoning the property.

Chairman Sheats stated that it didn't seem that the Board would be against a C-1 zone.

Mr. Zavala stated that application was for a C-3 and therefore the Board needed to act on the C-3 whether the action was favorable or not and then recommend to the Council for their final action of this item.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marin moved to deny the C-3 request. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:31 p.m.

Ended: 5:35 p.m.

Item # 1.4

Conditional Use Permit:

**To Place a Portable Building for
the Sale of Hot Dogs
3201 N. Inspiration
Lots 170 & 171, Taurus Estates #2 Subd.
Life of Use
Felipe Cruz Ambriz**

Mr. Salinas went over the write up stating that the site is located on the NW corner of Inspiration Road and Mile 2 Road. The portable is proposed within the El Valle Meat Market site, which will be utilizing a parking space located on the SW area of the site. Existing entry and exiting to the site is from a 36' driveway cut along Mile 2 and a 36' cut along Inspiration. The restroom facilities will be available from the meat market.

- Hours of operation: Monday – Sunday from 6:00 p.m. to 11:00 p.m.
- Staff: Only the applicant will be running the stand.
- Parking & Landscaping: with the placement of the stand, there will be 21 spaces available for both uses. The meat market requires 18 spaces, leaving at least 3 spaces for the hotdog stand. The landscaping 'open' area does meet our code; however the owner of the El Valle Meat Market does need to provide new trees and shrubs (previous ones evidently decomposed). (Note: This will be taken care of with the owner and should not be imposed as part of this request).
- A business license is required.
- Must obtain approval from the City Health Department.
- 2 Mile Road may be widened in the near future; thus the 'stand' will need to be phased-out once a more aesthetic pavement approach is realized (thus the more-limited 6 month encumbrance).

Staff recommends approval subject to: 1) a 6 month re-evaluation, 2) approval from the Health Department, and 3) 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. Felipe Cruz Ambriz was present to address any questions that the Board might have.

Mrs. Marin asked why staff recommended approval for 6 months only.

Mr. Salinas stated that staff was recommending for 6 months because of the future widening of 2 Mile Road.

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

Started: 5:35 p.m.

Ended: 5:36 p.m.

Item # 1.5

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
Life of Use
Jorge E. Delgado**

Mr. Salinas asked the Board to 'Table' the item.

There being no discussion, Chairman Sheats entertained a motion. Mr. Vela moved to 'Table' the item as recommended by staff. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously

Started: 5:36 p.m.

Ended: 5:36 p.m.

Item # 1.6

Conditional Use Permit:

**Sale & On-Site Consumption of
Alcoholic Beverages & Drive-Thru Service
Window at Tino's Seafood Restaurant
2310 E. Expwy. 83, Suite 8
Lot 3, Cimarron Crossing Subdivision
C-3
Life of Use
Corina Longoria**

Mr. Salinas went over the write up stating the subject site is located approximately 250' west of Shary Road on the south side of U.S. Expressway 83 within an existing commercial plaza. The applicant is proposing to re-open a restaurant with a drive-thru service window. The last restaurant that opened here (Luna Verde Café) was approved by P&Z on 5-20-09 for both the drive-thru service window and the sale and on-site consumption of alcohol. Access to the site is provided via a common access drive that runs throughout the plaza. Access to the drive-thru is from the south 'rear' of the plaza. The existing drive-thru window's location allows stacking for approximately 3 vehicles. The applicant is also requesting a CUP for the sale and on-site consumption of alcohol with meals. There are no churches or schools within 300' of the subject site.

The 1,380 sq. ft. building will have a total of 35 seating spaces for the restaurant. A total of 18 spaces are required for this site (1,380 sq. ft. = 18.4 parking spaces). It is noted that a total of 66 parking spaces are held in common within the commercial development.

Other comments include:

- Days & Hours of Operation: Monday – Thursday from 11:00 a.m. to 10:00 p.m., Friday & Saturday from 11:00 a.m. to 12:00 p.m. & Sunday from 11:00 a.m. to 4:00 p.m. Alcoholic beverages will only be served during the allowable State selling hours.
- Number of Employees: 5
- Landscaping has been provided as a part of the overall commercial plaza.
- No speed bump is required by staff since the driveway's curb veers away from the building and there is landscaping impeding pedestrian traffic onto the existing traffic's lane.
- A business license is required prior to occupancy.

Staff recommended approval subject to: 1) 1 year re-evaluation to assess this new operation, and 2) 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.

Mrs. Corina Longoria was present to answer any questions that the Board might have.

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

Started: 5:37 p.m.

Ended: 5:40 p.m.

Item # 1.7

Conditional Use Permit Renewal:

Portable Building – Sale of Water

213 E. Expressway 83

Lot 3, El Pueblo Subdivision, Ph. I

C-3

Life of Use

Gilbert Espinoza (Watermill Express)

Mr. Salinas went over the write up stating that the site is located 500' east of Conway Avenue along the north side of Expressway 83 frontage (Conway Plaza Shopping Center). The applicant has a self-sustained, fully automated, "Watermill Express" (8' diameter portable structure) for the sale of purified water. The structure is located south of the main plaza, within one of the parking spaces.

- This CUP was originally approved by P&Z on 4-15-09 subject to a 1 year re-evaluation and acquiring a business license.
- Hours of Operation: Everyday – 24 hours a day.
- Watermill technicians conduct service inspections on a daily basis to ensure that the water dispensing unit is clean and functioning properly.
- Parking and landscaping codes are being met.

Staff recommended that due to potential risk to pedestrians (Watermill or otherwise), staff recommends approval 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.

Representing Watermill Express, Mr. Gilbert Espinoza was present to answer any questions from the board.

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

Started: 5:40 p.m.

Ended: 5:41 p.m.

Item # 1.8

**Conditional Use Permit Renewal: Portable Building – Sale of Water
1901 W. 3 Mile Road
Lot 11, Block 4, Taurus Estates #9 Ph. I
C-3
Life of Use
Gilbert Espinoza (Watermill Express)**

Mr. Salinas went over the write up stating that the site is located on the SW corner of Inspiration Road and 3 Mile Road (the Leo's Drive-In Convenience Store). The applicant has a self-sustained, fully automated, "Watermill Express" (8' diameter portable structure) for the sale of purified water. The structure is located just west of the store and the 10' corner setback has been met.

- This CUP was originally approved by P&Z on 4-29-09 subject to a 1 year re-evaluation and acquiring a business license.
- Hours of Operation: Everyday – 24 hours a day.
- Watermill technicians conduct service inspections on a daily basis to ensure that the water dispensing unit is clean and functioning properly.

- Parking and landscaping codes are being met.
- There have been no traffic safety issues since it's inception.

Staff recommended approval subject to a 3 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.

Representing Watermill Express, Mr. Gilbert Espinoza was present to answer any questions from the board.

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

Started: 5:41 p.m.

Ended: 5:45 p.m.

Item # 1.9

Conditional Use Permit Renewal:

**Sale & On-Site Consumption of
Alcoholic Beverages – KAVE
2306 E. Expressway 83, Ste. 8 & 9
Lot 1, Cimarron Crossing Ph. I Subd.
C-3
Life of Use
Mario Saenz**

Mr. Salinas went over the write up stating that the subject site is located near the SE corner of J.R. Drive and Expressway 83 along the Frontage Road. This conditional use permit was previously approved by P&Z on 4-11-07. Mr. Saenz has been operating KAVE over the past 3 years. Staff has requested information from Mission Police Department to see if there have been any incidents, which staff anticipated to have during this meeting.

- Hours of Operation: Monday – Wednesday from 3:00 p.m. to 12:00 a.m., Thursday – Saturday from 3:00 p.m. to 2:00 a.m. Alcoholic beverages have only been served during allowable State selling hours.
- Parking & landscaping: There have been no major issues in regards to off-street parking. Landscaping is currently meeting City code as long as it is maintained.

Staff recommended approval subject to a 3 year re-evaluation. (It is understood that all original terms of approval are still binding.)

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. Mario Saenz was present to answer any questions from the board.

Mrs. Marin asked Mr. Salinas why he was recommending renewal for 3 years usually on alcohol they approve for 1 year.

Mr. Salinas stated that the first time it was approved it was for 1 year.

Mr. Zavala stated that usually on alcohol staff recommends for 1 year but City Council approved it for 3 years. He added the applicant has complied before and now the Board could recommend for 1 year if they wanted to do so.

There being no discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as recommended by staff with a 1 year re-evaluation. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:45 p.m.

Ended: 5:50 p.m.

Item # 2.0

Conditional Use Permit Renewal:

**Taxidermy Services from an AO-I Zone
2704 N. Stewart Road
S. 171.5' of the N . 292' of the W. 1270'
Lot 261, John H. Shary Subdivision
AO-I
Life of Use
Tyler Welch**

Mr. Salinas went over the write up stating that the subject site is located ½ mile North of FM 495 along the east side of Stewart Road. The applicant's 3,600 sq. ft. single family residence has a 750' long driveway leading to a paved parking area that accommodates up to 6 vehicles. Mr. Welch has been working from his Craft Room at the northernmost part of the house.

- This CUP was first approved by P&Z on 9-23-09, where the Taxidermy Shop was approved for only 1 year. Staff's other recommendations included:
 1. Acquisition of a business license,
 2. Random visits by City (Health) Officials and,

3. A variance to install a 36" x 42" sign, however no sign was permitted at the City Council level as an initiatory compromise with the neighborhood.
- Mr. Welch is certified from the Central Texas School of Taxidermy and is a member of the Texas Taxidermy Association and the National Taxidermists Association. Mr. Welch said that taxidermy is his hobby and not be his sole source of income.
 - Hours of Operation: Monday – Saturday from 9:00 a.m. to 5:00 p.m. to further reduce traffic to his home, Mr. Welch also offers item pickup and delivery and works by appointment only.
 - The applicant only uses soap, borax, water and other non-toxic chemicals. No toxic chemicals or acids are used. Mr. Welch stated that the process poses no health issues to him, his family, or the surrounding neighbors. No permits are required by TCEQ.
 - Staff understands that since inception, Mr. Welch has worked on 38 specimens.

In efforts to continue monitoring this conditional use permit which was challenged last year, staff recommends approval subject to a 1 year re-evaluation.

Mr. Salinas stated that in conferring with Mr. Welch he stated that he has worked on 38 mounts within the past 1year.

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. Tyler Welch was present to address any questions that the Board might have.

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

Started: 5:50 p.m.

Ended: 5:54 p.m.

Item # 2.1

Tabled

Conditional Use Permit Renewal:

Little Patriots Daycare

300 East 2 Mile Road

1.17 Acres of Lot 28-7,

West Addition to Sharyland Subdivision

AO-I

Life of Use

Reymundo Ramirez, Jr.

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

Mr. Salinas went over the write up stating that the subject site is located at the SW corner of Francisco and 2 Mile Road. During the last meeting, Mr. Ramirez questioned staff's requirement for additional parking for his daycare. Staff has inspected the parking area for the daycare and still recommends that additional parking be installed as stated during our 9-22-10 P&Z meeting.

- Parking: Mr. Ramirez has 4 parking spaces for his staff along the western side of the driveway coming in from 2 Mile Road. There is also a circular driveway that is used for parents dropping off or picking up their kids. This 1-way circular drive was installed so cars can safely enter the facility from 2 Mile and exit facing 2 Mile's traffic. 2 Mile Road's widening deleted 1 parking space – there are 3 spaces at this time, however there is room to the SE (as shown on the site plan) to re-capture the lost space due to the widening.
- Staff also noted that based on the 2,248 sq. ft. the daycare requires 9 spaces. With the additional 2 spaces that would leave 4 spaces lacking. In speaking to daycare staff, City staff found that the entire home was used for daycare purposes, thus the full 9 spaces are required. Full compliance of the parking should be completed by 2011, including seeking a C-2 rezoning, thus no more CUPs thereafter would be warranted.

Staff recommended approval subject to: 1) 1 year re-evaluation, and 2) additional 2 parking spaces along the SE area within the next 45 days. (Note: next year, full parking code compliance required.)

Mr. Salinas stated that in conferring with the applicant earlier he was receptive to staff's recommendations.

Chairman Sheats asked if he would be in non-compliance until the widening of 2 Mile Road.

Mr. Zavala stated that in visiting the site staff discovered that they were utilizing the whole house for the daycare. He added that in trying to help the applicant they were willing to work with the applicant and only require the 2 parking spaces needed and once 2 Mile Road is completed, they would need to be in full compliance.

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

There was no response.

There being no 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

3.0 ADJOURNMENT

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mr. Garza moved to adjourn. Mr. Vela seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:55 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission