

PLANNING AND ZONING COMMISSION
JUNE 9, 2010
CITY HALL'S COMMUNITY ROOM @ 5:00 P.M.

P&Z PRESENT

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

P&Z ABSENT

Luann Caudle
Rene Flores

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Irasema Dimas

GUESTS PRESENT

Sylvia Caratachea
Norma Sanchez
Nichol Morales
Ramiro Vargas
Mrs. Vargas

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:02 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR MAY 26, 2010

Chairman Sheats asked if there were any corrections to the minutes. There being no corrections. Mr. Vela moved to approve the minutes of May 26, 2010, as presented. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:03 p.m.

Ended: 5:10 p.m.

Item# 1.1

Conditional Use Permit:

**Home Occupation – Registered
Home Daycare
3819 Lopez St.
The West 95' of Lots 8, 9, and 10
Block 8, Madero Townsite
AO-I
Life of Use
Sylvia Caratachea**

Mr. Zavala briefed over the write-up stating that the subject site is located 175' south of Main St. along the east side of Lopez St. There is a fire hydrant located at Main St. and Lopez St. The home has a two-car driveway

off of Lopez St. capable of accommodating the safe drop off and pick up of children. There is an existing chain link fence along the perimeter of the property, however in order to maximize protection, muffle noise, and obstruct visibility, a 6' opaque buffer should be imposed along the play area. The applicant is proposing to enclose the garage to be utilized for childcare.

- Days / Hours of operation: Monday – Friday from 7 a.m. to 6 p.m.
- Staff: Herself and 2 other adults, with one not residing in the home
- Must obtain DHS certification
- Any signage would have to be a max. of 1' X 1'
- Must comply with Sect. 1.56-1 of Zoning Code (home occupations regs.)

The Madero area is 2 miles south of the expressway. Our records show that there are no day care facilities anywhere near this area.

Staff recommended approval subject to: **1)** 1 year re-evaluation to assess this new operation (after business license issuance), **2)** must obtain DHS Certification (prior to business license issuance), **3)** installation of a 6' wooden fence along the east side of the property (play area) prior to business license issuance, **4)** comply with Sect. 1.56-1 of the Zoning Ordinance, and **5)** acquire a business license.

Mr. Zavala stated that staff had received a letter in opposition from Pilar V. Espinosa Attorney at Law representing Mr. Beto Perez (see exhibit A).

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

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

Chairman Sheats asked Mrs. Caratachea if she was willing to comply with all the requirements from staff.

Mrs. Caratachea replied that she would be complying with all the requirements and that she was even registered for a licensing meeting with the state.

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

Started: 5:10 p.m.

Ended: 5:14 p.m.

Item# 1.2

Conditional Use Permit:

**Keep a 6' X 8' portable building for
The Sale of Sno-Cones and Snacks
1547 W. Business HWY 83
SW 50' X 125' of Lot 5,
Mission Acres Subdivision
C-3
Life of Use
Nichol Morales**

Mr. Zavala briefed over the write-up stating that the subject site is located on the NE corner of Washington Ave. and Business 83. The pre-existing portable building currently shares the property with an existing Bicycle Shop. The owner of the bicycle chop is the applicant's grandfather, who operates the bicycle shop during minimal hours due to health issues. The applicant will use the restroom facilities within the bicycle shop.

- Paved parking exists off of Washington St., but needs to be re-striped to clearly show the spaces. Since the bicycle shop is rarely opened and the majority of the business will come through pedestrian traffic from within the adjoining neighborhood, staff believes that the existing parking is sufficient to sustain both businesses.
- Days / Hours of Operation: Monday – Saturday from 3 p.m. to 9:30 p.m.
- Staff: 2 employees
- A business license is required prior to occupancy
- Must meet the City's Sign Ordinance
- Requires the approval of Health Department
- Staff notes that the exterior of the portable building must be re-painted in order to provide better aesthetics to the proposed business.

Staff recommended approval subject to: **1)** 1 year re-evaluation, **2)** re-pain the exterior of the portable building, **3)** re-stripe the parking lot, **4)** must meet the City's sign ordinance, **5)** approval by the Health Department (health cards, etc.), and **6)** acquisition of a business license.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

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

Chairman Sheats asked Mrs. Morales if she was willing to comply with all the requirements.

Mrs. Morales replied that she would comply with the requirements.

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

Started: 5:14 p.m.

Ended: 5:22 p.m.

Item# 1.3

Conditional Use Permit:

**To Move a Wood Frame Home Onto
Property Zoned Mobile Home and
Modular District
2810 Estevan St.
Lot 72, Inspiration Manor
R-4
Life of Use
Ramiro Vargas**

Mr. Zavala briefed over the write-up stating that the subject site is located 250' north of Leandro along the east side of Estevan St. The lot's dimensions are 60' X 115'. The applicant is proposing the installation of a 28' X 31' wood frame home (868 sq.ft.). Section 1.40(3f) of the Mission Zoning Code under Conditional Uses allows for: "One single-family dwelling per lot. Structures must meet the requirements of the R-1 district".

Although similar Conditional Use Permits have been approved in the past; at the City Council meeting of September 10, 2007, they authorized *one final approval* of a wood frame home in an R-4 lot but firmly directed staff that there were to be NO further CUPs of this type allowed.

In regards to Mr. Varga's application, he was consistently made aware of the Council's position and of staff's obligation to uphold the City Council's request; regardless, he desired to move forward with the CUP request. As per the firm direction of the City Council on September 10, 2007, staff recommended denial.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

The applicant, Mr. Ramiro Vargas stated that what was the reason why staff didn't send notices to the property owners stating that they wouldn't be able to build a house on the empty properties.

Mr. Zavala replied that if the owner had done his research prior to buying the property he would have been informed that the property was zoned only for mobile homes and RVs and not for houses. He also stated that in order to respond why staff didn't send notices out, he stated that this was not the only R-4 zone subdivision with empty properties and the city would not send letters out to every single empty R-4 zoned property.

Mr. Vargas asked if he could then move in a mobile home and then add extra bedrooms like the rest of the property owners there.

Mr. Zavala replied that he could as long as he is complying with all the building code requirements and that adding a bedroom would not affect the integrity of a mobile home.

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

2.0 OTHER BUSINESS

There was no other business.

3.0 ADJOURNMENT

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mr. Vela moved to adjourn. Mr. Garza seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:22 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission