

**SPECIAL PLANNING AND ZONING COMMISSION
JULY 20, 2011
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

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

P&Z ABSENT

Rene Flores

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Irasema Dimas

GUESTS PRESENT

Katherine Cruz
Teofilo Aguirre

CALL TO ORDER

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

CITIZENS PARTICIPATION

There was no response upon inquiry by Chairman Sheats.

Started: 5:01 p.m.

Ended: 5:09 p.m.

ITEM # 1.1

Conditional Use Permit:

**Daycare in an R-3 Zone
Lots 19 & 20, Block 6,
Northwest Addition
R-3
Life of Use
Gerardo Cruz**

Mr. Zavala went over the write up stating that subject is located on the SW corner of Perkins and 20th Street. P&Z previously approved the CUP for a daycare at this location on 7/27/05 for life of use. However, this location was most recently used as a church, thus the need to re-apply for use as a daycare. Since the applicant does not wish to reside at this site, he has provided the signatures of 90% of the surrounding property owners (within 200') approval as required.

- **Hours of Operation:** Monday – Friday 7:00 a.m. – 6:00 p.m.
- **Staff:** 3
- **Parking:** The 2,906 sq.ft. building requires a minimum of 10 spaces. There are 11 spaces provided, thus compliant with code.
- Must comply with the Fire Marshal's requirements to install a sprinkler system within 6 months and install the fire alarms within 3 months.
- Must obtain DHS certification and a business license prior to opening the business.

Staff recommended approval subject to: **1)** 1 year re-evaluation, **2)** must install the fire alarm within 3 months, and the fire sprinkler within 6 months, **3)** must provide DHS certification, and **4)** must acquire a business license prior to opening the business.

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. Katherine Cruz was present to answer any questions from the board.

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

Mrs. Cruz replied that she would be complying with the requirements.

Chairman Sheats stated that his recommendation would be not to grant the CUP for 1 year but to approve it for 6 months to check and see if everything has been complied with. All the board members agreed to the request.

Chairman Sheats mentioned to Mr. Zavala that he didn't see anything on the signage requirements for the property, especially since this was an R-3 zone.

Mr. Zavala replied that this property was zoned R-3 which is a home occupation, however, the property has never been used for multi-family and there is some latitude to consider a larger sign. He stated that currently there was a banner installed in the premises, and that he didn't know if there would be a permanent sign on the premises.

Mrs. Cruz replied that they were planning on installing a permanent sign attached to the building in the same location as the previous owner.

Chairman Sheats asked Mrs. Cruz if currently they still have the banner.

Mrs. Cruz replied that the banner would be taken off eventually, since it has the wrong phone number.

Mr. Zavala stated that if there is a desire to install a sign in the same location as the previous owner, then staff wouldn't object to the sign, especially because this property has never been used for residential use. Across the street the properties are zoned commercial and maybe in the future the property owners would consider rezoning this particular property for a C-2 zone.

Mr. Zavala also mentioned that in reference to the 6 month recommendation, since the Fire Marshal has allowed for 6 months, but the applicant could comply before the 6 months, if fully compliant then extend the 6 month re-evaluation to the initial 1 year re-evaluation, if not fully compliant then the CUP process would be in activated.

Chairman Sheats asked if the board would be informed if the applicant complied within the 6 months.

Mr. Zavala replied that staff could alert the board members.

There being no further discussion, Mr. Garza moved to approve the conditional use permit as recommended by staff with re-evaluation in 6 months to make sure that the other requirements are complied with; if in full compliance, then 1 year re-evaluation would be in effect. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:09 p.m.

Ended: 5:09 p.m.

ITEM # 2.0

Discussion and Action to amend the C-1 Zoning District to include as a Conditional Use the following: Auxiliary uses such as exercise classes, arts & crafts, etc.

Mr. Zavala mentioned that this item was withdrawn from the agenda.

ITEM # 4.0

ADJOURNMENT

There being no further items for discussion, Mr. Garza moved to adjourn the meeting. Mr. Lopez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:10 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission