
Minutes for June 26, 2018
City Council Chambers, 1 City Hall Place

The meeting was called to order at 7:05 p.m. with Chairman Castellucci presiding.

Board Members Present: Mike Castellucci, Steve Anselmo, Yvonne Lujan-Slak, and Rodger Ortiz.

Board Member Absent: Brian Lucas

Staff Members Present: Scott Hobson, Assistant City Manager for Community Investment; Daniel Kogovsek, Board Attorney; and Tasha Brackin, Senior Planner.

~ Approval of Minutes

Motion to approve the minutes from the meeting of May 22, 2018, by Lujan-Slak, second by Ortiz.

Motion passed 4 - 0

~ Approval of Agenda

Motion to approve the agenda for May 22, 2018, by Lujan-Slak, second by Ortiz.

Motion passed 4 - 0

CONSENT AGENDA

(No Consent Agenda Items)

REGULAR AGENDA

Each case that follows proceeded in a uniform process as directed by Chair Castellucci. Beginning with a staff report presented by Planner Tasha Brackin, then questions, if any, from the Board to staff members. Next, the applicant is sworn in by Board Attorney Daniel Kogovsek, then the applicant states his or her name and address. The Board questions the applicant and confirms understanding of staff report and conditions for approval. Applicant may add further information, followed by further questions, if any, from the Board. Then the Board asks if anyone present in the audience will state support for the applicant, followed by those who state opposition. Then the Board closes the public hearing and reviews findings of fact. Then the Board may motion to approve or deny the application for permit. In some cases, permits may be conditionally approved.

1. **ZBA-18-18 (1815 West 14th Street) Christopher Fidura:** A **Special Use Permit** to allow hazardous material storage in an Industrial (I-2 Zone) District.

Castellucci asked for the applicant to come forward to represent the Special Use Permit request. There being no response from the audience, staff stated that the applicant had confirmed earlier this same day that he would be attending the meeting, and therefore Ms. Brackin requested that the board reschedule this item to the end of the agenda, to allow time for the applicant to arrive.

Castellucci requested a motion to move item number ZBA-18-18 to end of the agenda for tonight's meeting.

Commission Action:

Motion to postpone the hearing for this item to occur after the last hearing item on the agenda, by Lujan-Slak, second by Ortiz.

Motion passed 4 - 0.

2. **ZBA-18-25 (2111 West 18th Street) Dollar General: A Variance** for landscaping and parking.

Castellucci asked whether the applicant was present to represent this request. Once the applicant confirmed, from the audience, that he was present, Castellucci asked for the staff presentation, which was given by Ms. Brackin. Castellucci then asked for the applicant to come forward and be sworn in. **Griffin Bryant**, applicant's representative, was sworn in by Mr. Kogosvek and asked him to sign in. Following such actions, Mr. Bryant introduced himself and offered to answer any questions. Castellucci asked the applicant if this current action is the last request anticipated for exceptions or variances related to this project, and inquired about the project status. The applicant answered questions related to certain aspects of the site plan. Mr. Castellucci then asked if he has read the staff report, understands the conditions, and can comply with the staff conditions. Mr. Bryant stated that he read the staff report, and can comply with the staff conditions.

Castellucci asked the audience if there was anyone attending the meeting wishing to testify in **support** of this application, and two people raised their hands. The first person, **Rudolph Martinez**, was sworn in by Mr. Kogosvek, signed in, and introduced himself. He stated he hoped this project will be approved tonight so that the store may move forward toward opening. The second person, **Mike Tripp**, was sworn in by Mr. Kogosvek, signed in, and introduced himself. He stated that he was a real estate agent that took part in the sale of this property for the new store. He noted that several people in the neighborhood commented to him about the proposal, and all of the neighbors had only positive things to say about the proposal.

Castellucci asked the audience if there was anyone attending the meeting wishing to testify in **opposition** to this application, and no one raised their hands. Hearing no public testimony in opposition, Castellucci requested that the secretary read the required findings statements associated with the application, and board members responded with their opinions.

Having heard the statements of findings, Castellucci requested a motion on the request.

Commission Action:

Motion to grant by Anselmo, second by Ortiz.

Motion passed 4 - 0 with standard permit conditions.

3. **ZBA-18-26 (625 West 18th Street) Destiny Angster: A Limited Use Permit** to operate a hair salon as a home-based business, in an Industrial (I-2 Zone) District

Castellucci asked whether the applicant was present to represent this request. Once the applicant confirmed, from the audience, that she was present, Castellucci asked for the staff presentation, which was given by Ms. Brackin. Castellucci then asked for the applicant to come forward and be sworn in. **Destiny Angster**, applicant, was sworn in by Mr. Kogosvek and asked to sign in. Following such actions, Ms. Angster introduced herself and offered to answer any questions.

Castellucci asked Ms. Angster if she has read the staff report, understands the conditions, and can comply with the conditions. Ms. Angster stated that she read the staff report, and noted that she is interested in changes to the conditions regarding signage and hours of operation. She explained her reasoning for the requests to allow additional signs on the property advertising the business; and allowing the hours of business to be extended to 9:00 p.m. The board posed questions regarding the proposed locations and sizes of signs for the business.

Following Ms. Angster's comments, Castellucci asked whether anyone was present wishing to speak **in support** of the application. One person indicated a desire to speak; she came forward and was sworn in, and introduced herself as **LaShaune Mynhier**. Ms. Mynhier stated that she was the mother of the applicant, and commented on her support of the limited use permit and her willingness to remove signs as required.

Castellucci asked the audience if there was anyone attending the meeting wishing to testify in **opposition** to this application, and no one raised their hands. Hearing no public testimony in opposition, Castellucci requested that the secretary read the required findings statements associated with the application, and board members responded with their opinions.

Commission Action:

Motion to grant by Ortiz, with changes requested by applicant and agreed to by the board allowing business hours to be extended to 9:00 pm and allowing one additional sign of a maximum of thirty-three (33) square feet. The motion was seconded by Anselmo.

Motion passed 4 – 0 with staff conditions and standard permit conditions.

1. **ZBA-18-18 (1815 West 14th Street) Christopher Fidura:** A **Special Use Permit** to allow hazardous material storage in an Industrial (I-2 Zone) District.

Being rescheduled by the Board to be heard at the end of the meeting agenda, Agenda Item number 1 was brought forward again and Castellucci asked whether the applicant was present. The applicant confirmed that he was present, and Castellucci asked for the staff presentation, which was given by Ms. Brackin. Castellucci then asked for the applicant to come forward and be sworn in. **Chris Fidura**, applicant, was sworn in by Mr. Kogosvek and asked to sign in. Following such actions, Mr. Fidura introduced himself and offered to answer any questions.

Castellucci then asked the applicant if he has read the staff report, understands the conditions, and can comply with the staff conditions. Mr. Fidura stated that he read the staff report, and can comply with the staff conditions. He noted additional measures that have been and will continue to be followed to ensure safe operations at the property regarding the hazardous materials to be used to make cell phones. He explained the nature of the storage and transport operations, and noted that the proposed storage of furniture along with the hazardous materials is no longer intended to be a part of the operation.

Castellucci asked the audience if there was anyone attending the meeting wishing to testify in **support** of this application, and no one raised their hands.

Castellucci asked the audience if there was anyone attending the meeting wishing to testify in **opposition** to this application, and no one raised their hands. Hearing no public testimony in opposition, Castellucci requested that the secretary read the required findings statements associated with the application, and board members responded with their opinions.

Commission Action:

Motion to grant by Anselmo, with conditions noted by staff to utilize best management practices regarding stormwater, along with changes suggested by staff to restrict the storage to prohibit any hazardous waste as part of the operation. The motion was seconded by Ortiz.

Motion passed 4 – 0 with staff conditions and standard permit conditions.

OLD/NEW BUSINESS

None

~ **Adjourn:** Meeting adjourned at 8:12 p.m.

Minutes respectfully submitted by Tasha Brackin.