

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Yvonne Lujan-Slak
Secretary

Lisa Bailey

Rodger Ortiz

Minutes for June 25, 2019
City Council Chambers, 1 City Hall Place

The meeting was called to order at 7:00 p.m. with Chair Castellucci presiding.

Board Members Present: Mike Castellucci, Yvonne Lujan-Slak, and Elizabeth (Lisa) Bailey, Rodger Ortiz, Steve Anselmo.

Board Members Absent: none

Staff Members Present: Scott Hobson, Assistant City Manager for Community Investment; Daniel Kogovsek, Board Attorney; Chelsea Stromberg, Planner

~ Approval of Minutes

Motion to approve the minutes from the meeting of May 29, 2019, by Lujan-Slak, second by Bailey.

Motion passed 5 - 0

~ Approval of Agenda

Lisa Bailey moved to amend the agenda by moving ZBA-19-16 from the consent agenda to the regular agenda. The motion was seconded by Rodger Ortiz.

Motion passed 5 - 0

REGULAR AGENDA

Each case that follows proceeded in a uniform process as directed by Chair Castellucci. Beginning with a staff report presented by Planner Chelsea Stromberg, 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-19-11 1201 W 7TH St. Special Use Permit Church & Banquet hall following rezone from R-2 to CCN (Steve G. Abeyta)**A Special Use Permit to allow a church and banquet hall use to continue after the parcel is rezoned from Single Family Residential (R-2 Zone) District to Commercial Charter Neighborhood (CCN Zone) District..

Castellucci asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Castellucci asked for the staff presentation, which was given by Ms. Stromberg. Castellucci then asked for the applicant to come forward and be sworn in. **Steve Abeyta** was sworn in by Mr. Kogovsek, who also asked him to sign in. Following such actions, **Mr. Abeyta** introduced himself and offered to answer any questions. **Mr. Abeyta** summarized the proposed Special Use Permit. Castellucci asked the applicant if they read the staff report, understand the conditions, and can comply with the staff conditions. **Mr. Abeyta** stated that the applicant read the staff report and can comply with the conditions.

Commission Action:

Motion to grant by Anselmo, second by Ortiz.

Motion passed 5 - 0 with standard permit conditions and staff conditions.

2. **ZBA-19-14 93 Radcliff Lane Special Use Permit to allow a Child Care Center in a Single-Family Residential District (Jessica Hutto).** A Special Use Permit to allow a Child Care Center in a Single Family Residential (R-1 Zone) District

Castellucci asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Castellucci asked for the staff presentation, which was given by Ms. Stromberg. Castellucci then asked for the applicant to come forward and be sworn in. **Jessica Hutto** was sworn in by Mr. Kogovsek, who also asked her to sign in. Following such actions, **Ms. Hutto** introduced herself and offered to answer any questions. **Ms. Hutto** summarized the proposed Variance. Castellucci asked the applicant if they read the staff report, understand the conditions, and can comply with the staff conditions. **Ms. Hutto** stated that she read the staff report and can comply with the conditions.

Castellucci asked the audience if there was anyone attending the meeting wishing to testify in **support** of this application. There were none.

Castellucci asked the audience if there was anyone attending the meeting wishing to testify in **opposition** to this application, and there were none. 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 Bailey, with the added condition that the applicant shall not host more than 8 children at any one time. The motion was seconded by Lujan-Slak.

Motion passed 5 - 0 with standard permit conditions, staff conditions, and the added condition.

- ZBA-19-15 1304 Berkley Ave. Special Use Permit to allow a Banquet Hall in a Subregional Business District (Steve Salazar, Berkley LLC).** A **Special Use Permit** to allow a banquet hall in a Subregional Business (B-2 Zone) District.

Castellucci asked whether the applicant was in the audience to represent the request. The applicant was not in attendance, nor had Public Notice been posted on site by the public notice deadline.

Commission Action:

Castellucci continued the application to the July 23rd, 2019 meeting.

- ZBA-19-17 1153 S. Prairie Ave. Special Use Permit to allow a Flea Market in a Central Business District (Laurie Elliott).** A **Special Use Permit** to allow an outdoor flea market in a Central Business (B-4 Zone) District.

Castellucci asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Castellucci asked for the staff presentation, which was given by Ms. Stromberg. Castellucci then asked for the applicant to come forward and be sworn in. **Laurie Elliott** was sworn in by Mr. Kogovsek, who also asked her to sign in. Following such actions, **Ms. Elliott** introduced herself and offered to answer any questions. **Ms. Elliott** summarized the proposed Special Use Permit. Castellucci asked the applicant if they read the staff report, understand the conditions, and can comply with the staff conditions. **Ms. Elliott** stated that she read the staff report and can comply with the conditions.

Commission Action:

Motion to grant by Ortiz, second by Bailey.

Motion passed 5 – 0 with standard permit conditions and staff conditions.

- ZBA-19-16 36 La Habre Dr. Variance to reduce the side yard setback (Nick Pisciotta).** A **Variance** to reduce the side yard setback from five (5) feet to three (3) feet in a Single Family Residential (R-1 Zone) District.

Castellucci asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Castellucci asked for the staff presentation, which was given by Mr. Stromberg. Chair Castellucci then entered into the public record a written statement submitted by the Applicant's Homeowners Association which indicated concerns but declared itself to not be a letter of opposition. Castellucci then asked for the applicant to come forward and be sworn in. **Nick Pisciotta** was sworn in by Mr. Kogovsek, who also asked him to sign in. Following such actions, **Mr. Pisciotta** introduced himself and offered to answer any questions. **Mr. Pisciotta** summarized the proposed Special Use Permit. Castellucci asked the applicant if they read the staff report, understand the conditions, and can comply with the staff conditions. **Mr. Pisciotta** stated that he read the staff report and can comply with the conditions.

Commission Action:

Motion to grant by Anselmo, second by Lujan-Slak.

Motion failed 3-2with Castellucci, Ortiz and Bailey Opposed

OLD/NEW BUSINESS

The terms of Chair Castellucci and Rodger Ortiz have expired effective June 25th, 2019. Mr. Hobson requested permission of the two affected board members to extend their terms for thirty (30) days, to allow time for a call for applications to be posted. Both agreed.

~ **Adjourn:** Meeting adjourned at 8:07 p.m.

Minutes respectfully submitted by Chelsea Stromberg.