

**PLANNING AND ZONING COMMISSION  
FEBRUARY 11, 2015  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
Julio Cerda  
Carlos Lopez  
Diana Izaguirre  
Marisela Marin

**P&Z ABSENT**

Mario Garza  
John Guerra

**STAFF PRESENT**

Daniel Tijerina  
Joe A. Garza  
Susana De Luna

**GUESTS PRESENT**

Arnoldo Cadena  
Nora Arguelles  
Maria Rosales  
Valdemar Cantu  
Ivan Garcia, P.E.  
John Gaytan  
Rosa Gonzalez  
Tammy Ratliff  
Lydia Aranda  
Eva Cavazos

**CALL TO ORDER**

Chairman Ned Sheats called the meeting to order at 5:13 p.m.

**CITIZENS PARTICIPATION**

Chairman Ned Sheats asked if there was any citizen's participation.

There was none.

**APPROVAL OF MINUTES FOR JANUARY 28, 2015**

Chairman Ned Sheats asked if there were any corrections to the minutes for January 28, 2015. Mrs. Marisela Marin moved to approve the minutes as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Ned Sheats advised the audience that all of the Board Members needed to vote in favor for an item to pass or fail since they only had a minimum quorum.

Mr. Julio Cerda walked in at 5:15 p.m.

Chairman Ned Sheats stated the Planning and Zoning Commission from the City of Mission was a rather unique non-political entity in which their intention is to ensure that all the people are treated in a fair and equal manner following the City ordinances. He mentioned that the City had a group of people which was the P&Z Board, Planning Director & Planning staff that have their best interest in mind for the people and the city and try to do their very best to try to accommodate everyones needs.

**Started: 5:15 p.m.**

**Ended: 5:27 p.m.**

**ITEM #1.1**

**Rezoning:**

**The Easternmost 60' of the South ½  
of Block 8, Citriana Heights  
C-2 to C-3  
Arnoldo Cadena**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located at NW corner of Del Mar Street and Eban Avenue. The lot measures 60' x 150' which totals 9,000 sq. ft.

**SURROUNDING ZONES:**

- N: R-1 -Single Family Homes
- E: R-1 -Single Family Homes
- W: C-3 -General Business  
\*\*Applicant's business
- S: C-3 -General Business  
\*\*Foy's Supermarket

**LAND USES:** The surrounding land uses consist of a Single Family home subdivision to the north and east (Citriana Heights), General Business District to the south and to the west. The subject site is currently zoned C-2.

**FLUM:** The Future Land Use Map designation for this property is Low Density Residential (LD).

**REVIEW COMMENTS:** The proposed C-3 zoning is not consistent to existing zonings along Del Mar Street, and does not comply with FLUM's LD designation.

**RECOMMENDATION:** Staff recommended denial.

\*\* Note: The applicant applied for a zoning change back in April 2012, and staff also recommended to deny the application due to not being consistent with FLUM's designations.

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

There was no response.

Chairman Ned Sheats asked if the applicant or representative were present.

Mr. Arnoldo Cadena was present to address any questions from the Board.

Chairman Ned Sheats asked Mr. Cadena what he was proposing to do on that property.

Mr. Cadena replied, "A car lot".

Chairman Ned Sheats stated that a car lot definitely requires a C-3 zone.

Mr. Julio Cerda asked Mr. Tijerina if he could give a little history because he understands that this piece of property has come before P&Z and City Council to rezone the property and has been denied.

Mr. Tijerina stated that on April 2012 the applicant requested a change of zone, the current situation is that the surrounding land uses are residential to the north and east on Ebano Street and the future land use map is low density. Mr. Tijerina mentioned that the property is currently zoned C-2 which is neighborhood commercial which would buffer between the residential and the C-3 commercial district. He added that this property would allow businesses that would blend in with the neighborhood.

Chairman Ned Sheats stated that he really didn't see the need for a C-3 zone at this time.

Mr. Cadena mentioned that this area already has businesses in front and in back of the residential properties. He didn't think they would be opposed to have a business next to their property.

Mrs. Marisela Marin stated that the businesses were not in front of the residential properties they were towards the back of the property.

Mr. Tijerina mentioned that Mr. Cadena was referring to the businesses on the west and south side and the commercial plaza that has been there for many years and as previously mentioned the C-2 zone serves as a buffer for these businesses. He added that if P&Z and City Council were inclined to approve the C-3 zone anything could go there not only the car lot.

Chairman Ned Sheats stated that he should find a business that would be allowed with the current zone that he has and there should be no need to rezone the property.

Mr. Tijerina asked Mr. Cadena if he was the owner of the property or if he is proposing to buy it.

Mr. Cadena stated that he was the owner of the property.

Mr. Julio Cerda explained to Mr. Cadena that basically this subdivision has been there for a very long time and usually what is needed between residential and commercial properties is a buffer. He added that an example of this would be apartments; C-1, C-2 and then C-3 zone and he recalled that they applied for C-3, which was hard enough already that was the reason the Council only approved a C-2 zone. Mr. Cerda stated that those streets were not made for commercial traffic and a C-3 zone was usually not conditioned to only his business it would allow other businesses such as a restaurant in which they could sell alcohol, etc.

Mr. Cadena stated that even if he wanted to have a restaurant that would sell alcohol he would still require the City's permission to do that.

Chairman Ned Sheats stated that at this time he would like to close the public hearing.

There being no further discussion, Chairman Ned Sheats entertained a motion. Mr. Julio Cerda moved to deny the rezoning as per staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:27 p.m.**

**Ended: 5:41 p.m.**

**ITEM #1.2**

**Conditional Use Permit:**

**Home Occupation – Licensed Child Daycare  
4204 San Roman  
Lot 26, Paseo Lindo Phase 2 Subdivision  
PUD  
Nora Arguelles**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located approximately 400' East of Santa Engracia along the South side of San Roman. The applicant wishes to obtain a Home Occupation CUP for a licensed child care home. The home has a two car driveway off of San Roman capable of accommodating the safe drop off and pick up of children. There is a 6' opaque buffer surrounding the rear of the residence to maximize protection of the children. Mrs. Arguelles will primarily use her living room to care for the children.

- **Hours of operation:** Monday – Friday from 8 a.m. to 4 p.m.
- **Staff:** Herself and her daughter will run the registered home.
- Business License required prior to opening child daycare (12 children max).
- Applicant must be DHS certified in order to obtain business license.
- Must continue to comply with Sec.1.56-1, Zoning Code (home occupations regs.), inclusive of sign requirements.

**REVIEW COMMENTS:** Staff has received/reviewed several of these types of CUPs in the past and have not had any problems with previous others; and we have sent notices to property owners within a 200' radius surrounding the property without receiving comments for or against the request, thus Staff does not object to the CUP request.

**RECOMMENDATION:** Approval subject to: 1) a 1 year re-evaluation in order to monitor the child care facility, 2) must obtain a business license prior to opening the child care home; 3) must be DHS certified prior to obtaining a business license, and 4) must continue to comply with the Home Occupation portion of the Zoning Code.

Mr. Daniel Tijerina stated that he believed that there was some information in which they think that there is going to be two daycares in the same neighborhood. He added that Mrs. Arguelles just wanted to move her existing daycare across the street and not open another

daycare. Mr. Tijerina stated that staff had received some emails against the request and a petition from the applicant in favor of the request.

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

Mrs. Eva Cavazos stated that she is the owner of 4203 San Roman and she has a potential tenant who is concerned about having a daycare across the street from her. Mrs. Cavazos stated that her potential tenant had accompanied her to the meeting as well.

Mr. Tijerina asked Mrs. Arguelles if she could clarify what Mrs. Cavazos had just mentioned.

Mrs. Nora Arguelles stated that she currently resides and has her daycare at 4203 San Roman which is owned by Mrs. Cavazos and if the Board approves her request she is going to move her daycare across the street to 4204 San Roman.

Mrs. Arguelles stated that the only reason they wanted to move to 4204 San Roman was because her husband's uncle bought that property and had given them the opportunity to rent with the option to buy in the future and because the home was a little bigger than the one she currently had which would be better for the kids.

Mrs. Marisela Marin asked Mrs. Cavazos if she was against the request.

Mrs. Cavazos stated that she was against only because the potential tenant didn't want a daycare in front of her home because it was a residential zone and because she has a 5, 6 and 17 year old that was the only reason she was against.

Ms. Diana Izaguirre asked Mrs. Cavazos if she was okay with the daycare.

Mrs. Cavazos stated that she was the one that was going to lose a tenant and she would have to pay \$1800 out of her pocket if she doesn't rent out.

Chairman Ned Sheats asked Mr. Tijerina if the picture on the packet was the correct one.

Mr. Tijerina stated that the picture, the legal, and the site plan were correct the problem was the address it should have been 4204 San Roman. He added that the Board could act on it if they wanted too.

Chairman Ned Sheats stated that he didn't see a need to see this item again because of a technicality especially when they had a petition with about 15 signatures in favor of the request with the only condition that the address be corrected before it is seen by the City Council.

Mrs. Tammy Ratliff Sanchez who resides at 4207 San Roman stated that she had sent an email earlier because she was not sure if she could make the meeting. She stated that she was against the request because there were a lot of safety concerns; she bought her property as residential and would like to keep it residential. She added that her kids could

not play outside because of the traffic. She mentioned that some of her neighbors were not notified of this meeting.

Mr. Daniel Tijerina stated that staff is required to notify property owners within 200' radius of the proposed area and the mail out list was attached to the write-up for her review.

Mrs. Ratliff stated that her neighbor across the street didn't receive a notice.

Chairman Ned Sheats stated that this was a standard procedure that was done for every conditional use permit request and he didn't want to minimize her concern or any other for that matter. The applicant has been in operation for about 4 years and staff has never received any concern she is not changing anything or adding anything new she was just moving across the street.

Mrs. Ratliff stated that it was good to know.

Mrs. Lydia Aranda who resides at 4109 San Roman for more than 12 years stated that Mrs. Arguelles has been in operation for 4 years and that there were no complaints in regards to traffic or with the association because there is no evidence or sign that this is a commercial business.

Mr. Julio Cerda asked Mr. Tijerina if they could get the Home Owners Association to get their approval.

Mr. Tijerina mentioned that staff had conferred with the HOA and they were okay with the daycare but he would try to get something in writing from them.

There being no further discussion, Chairman Ned Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendations to include the Home Owners Association approval. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:41 p.m.**

**Ended: 5:47 p.m.**

**ITEM #1.3**

**Conditional Use Permit:                    Restaurant on Property Zoned C-2  
    102 S. Mayberry Road, Suite 2  
    Lot 29, Block C, Butterfield  
    C-2  
    Maria Rosales**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located on the SW corner of E. 1<sup>st</sup> Street and S. Mayberry Road. The property currently has a commercial building with three suites. One of the suites is currently a beauty salon and the other suite is vacant. The applicants intend to open a small Mexican Restaurant (Taqueria) on the property. The property is zoned Neighborhood Commercial (C-2). Sect. 1.42(3)(e) of the

Zoning Code states that restaurants require a CUP if in a Neighborhood Commercial Zone (C-2).

- Hours of Operation: Monday – Saturday from 5 a.m. to 3 p.m.
- Staff: 3
- Parking: The restaurant will have a total of 12 seats which requires 4 parking spaces (12 seats/3 = 4.0 spaces) and the existing beauty salon requires a minimum of 4 spaces. The site currently has a total of 18 parking spaces, thus in compliance with code. However the entire parking lot needs to be re-striped.
- Must comply with all Building, Health and Fire Codes prior to obtaining a business license.

**REVIEW COMMENTS:** P&Z has seen previous requests for restaurants in a C-2 zone without creating a negative impact to the surrounding areas. Staff believes that this proposal would not have a negative impact to the area since the hours of operation are reasonable and the CUP would actually require an upgrade in parking.

**RECOMMENDATION:** Staff recommends approval for 1 year after business license issuance subject to: 1) must re-stripe the parking lot; 2) must comply with Building, Health, and Fire Codes; and 3) must obtain a business license prior to business occupancy.

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

There was no response.

Chairman Ned Sheats asked if the applicant or representative were present.

Mrs. Maria Rosales stated that she would like to open a small taco place similar to stripes.

Chairman Ned Sheats asked who would take care of the parking lot.

Mrs. Rosales state that it would be the landlord. She added that she would advise the landlord of staff recommendations.

There being no further discussion, Chairman Ned Sheats entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:47 p.m.**

**Ended: 5:54 p.m.**

**ITEM #1.4**

**Conditional Use Permit:**

**To Place an ATM Drive-Thru Lane  
2416 E. Expressway 83  
Lot 1B, Sharyland Place Subdivision  
C-3**

## Services in Motion

Mr. Daniel Tijerina went over the write-up stating that the subject site is located approximately ¼ mile east of Shary Road on the south side of U.S. Expressway 83. The applicant submitted a building permit application to install a Wells Fargo Drive-up ATM on January 21, 2015. They were informed of the need to acquire a CUP.

The proposal is to install the ATM along the east boundary of the lot. In reviewing the site plan, there is an AVANT Water dispensing machine and an ice freezer within a green area at this juncture of the lot. The applicant is proposing to install the ATM machine south of the two other structures, at the end of the curb and gutter green area.

Traffic will flow east (along the north) with the existing Walmart Parking lot towards the gas station and then south along the green area past the water vending machine and ice freezer. There is room for the stacking of five vehicles along the curb of this existing green area until a vehicle reaches the ATM. Regarding parking for the water dispensing machine, there is parking under the canopies, as well as to the north and to the west.

Staff visited the site, took pictures and measurements from the gas station to the curb. There is 26' from the narrowest point and widens to 65' to the gas canopy.

- Hours of operation; 24 hours a day 7 days a week
- Staff: N/A
- Parking: Murphy Oil and Walmart

**RECOMMENDATION:** Approval for life of use subject to: 1) directional arrows be painted within the drive-thru lane from north to south, 2) a combination of trees, plants, shrubs, and grass be planted within the existing island.

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

There was no response.

Chairman Ned Sheats asked if the applicant or representative were present.

Mr. Steve Bryant from Rancho Santa Fe Technology was present to address any questions from the Board.

Chairman Ned Sheats asked Mr. Bryant if he was receptive to staff's recommendations in regards to the landscaping.

Mr. Bryant replied, "Yes".

There being no discussion, Chairman Ned Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendation. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.



**Started: 5:54 p.m.**

**Ended: 6:00 p.m.**

**ITEM #1.5**

**Conditional Use Permit Renewal: To Place a Portable Structure  
for the Sale of Food – Fiesta Grocery  
208 N. Inspiration Road  
Lot 1, Madrigal Subdivision  
C-2  
Valdemar Cantu**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located 130' north of W. 2<sup>nd</sup> Street along the east side of Inspiration Road within the Fiesta Grocery site. The applicant wishes to place a food cart for the sale of hotdogs on the west side of the Fiesta Grocery store. He is also the same person operating the grocery store. Access to the site is from an existing driveway along Inspiration Road. The existing restroom facilities located within the grocery store will be available.

- Hours of operation: Every day from 5 p.m. to 10 p.m.
- Staff: Only the applicant will be running the stand.
- Parking: There are approximately 9 spaces available for the grocery store which would be shared with the hot dog cart. There is also plenty of room along the north side of the property, which could be utilized as additional parking if it were properly striped.
- Requires the approval of the Health and Fire Department.
- A new business license is required prior to occupancy.

**REVIEW COMMENTS:** We have seen several hot dog carts come before us which are also located along Inspiration Road. Staff understands the previous concerns voiced by the P&Z regarding these types of carts. With that in mind and the fact that these types of carts do not improve the aesthetics of the area, it is difficult for Staff to be in favor of this request. We do note however, that we have seen where the City Council has voted in favor of such requests in order to give the applicant's an opportunity to generate some business.

**1<sup>st</sup> RECOMMENDATION:** Denial since this area needs its aesthetics enhanced, not detracted.

**2<sup>nd</sup> RECOMMENDATION:** If P&Z is leaning towards approving the CUP as proposed, then you have may consider the following conditions: 1) 1 year approval to assess this new operation, parking, etc.; 2) Re-stripe the entire parking lot; 3) Add some landscaping to help improve the existing site; 4) Approval by the Health Department, and Fire Department; and 5) Acquisition of a business license.

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

There was no response.

Chairman Ned Sheats asked if the applicant or representative were present.

Mr. Valdemar Cantu whose address is 208 N. Inspiration Road stated that he has been in business for a year and it has been pretty good and it has also helped his business.

Chairman Ned Sheats stated that he was going to be very honest and this area looks like a junk yard and he is going to have to redo the entire parking lot and he didn't mean re-stripe because he couldn't re-stripe dirt.

Mr. Cantu stated that he would need to get the owner to do those improvements because he was just leasing.

Chairman Ned Sheats stated that it was his request the one being considered and he would need to comply with all of requirements in order for the Board to reconsider approving it.

Mr. Cantu stated that currently they are working on the street but they are almost done.

Ms. Diana Izaguirre stated that she recalled seeing this conditional use permit last year and he agreed to comply with staff recommendations.

Mr. Cantu stated that they did the re-striping but they could do it again.

Ms. Diana Izaguirre stated that if he didn't comply with those recommendations in a year how could the Board believe that he would this time.

Mr. Cantu stated that they re-stripe the front of the store.

Chairman Ned Sheats closed the public hearing.

There being no further discussion, Chairman Ned Sheats entertained a motion. Mrs. Marisela Marin moved to deny the conditional use permit as per staff's recommendation. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:01 p.m.**

**Ended: 6:12 p.m.**

**ITEM #2.0**

**Pre-Final Plat Approval:**

**Santa Lucia Development Subdivision  
A 5.399 acre tract of land being part or  
Portion of Lot 166, John H. Shary Subdivision  
R-3 & C-3  
Developer: Blanca Ramirez Ayala  
Engineer: Rio Delta Engineering**

Mr. Daniel Tijerina went over the write-up stating that the proposed subdivision is located on the SW corner of Taylor Road and Colorado Road. The proposed subdivision is a

commercial and residential subdivision divided into Block 1 and 2. All the lots in Block 1 (22 lots) will be used for townhouse, and all of the lots in Block 2 fronting Colorado Street (2 lots) will be used for commercial purposes. Each residential lot ranges from 2,500 sq. ft. to 5,613 sq. ft. exceeding the minimum area of R-3 lots (Townhouse/R1-T). Each commercial lot ranges 46,400 sq. ft. to 77,048' sq. ft. exceeding the minimum area for C-3 lots.

**VARIANCE#1:** To allow the subdivision to be private and gated of Block 1 (22 lots). The subdivision code stated that a lot requires frontage on a “public” street. There are no other adjacent properties that would require access to the proposed interior streets. We have seen many similar proposals for gated communities and we do not see any issues regarding this proposal as well. Staff does not object to the proposed variance subject to the developer signing a private street agreement.

**VARIANCE#2:** To not allow alley in the rear of lots 19, 20, 21, and 22 in Block 1. Staff recommends following City Ordinance on R-3 zoning and allowing a 20' common access.

**WATER:** will be provided by City of Mission. The developer is proposing water system for the subdivision that consists of an 8” waterline that will tap into existing City of Mission 8” waterline from Santa Lucia Subdivision and Sharyland Place Subdivision, thus looping the system, and fire hydrants shall be installed as per Fire Marshal.

**SEWER:** will be treated by City of Mission. All sanitary sewer facilities inside the subdivision will be maintained by owner association. The system for the development will consist of an 8” gravity sewer collection lines (private line) and connects to the existing Santa Lucia Subdivision sanitary sewer collection system and lift station. The capital sewer recovery fee is required @ \$200/lot which equates to \$4,400. (22 lots x \$200).

**STREETS & STORM DRAINAGE:** This subdivision abuts both Taylor Road and Colorado Street. Taylor is a future 80’ ROW, 57’ B/B. There is an additional 10’ of ROW being dedicated along Taylor Road via this plat and no additional ROW is needed along the north side of Colorado. The developer will also be adding a private roadway for Block 1 with a 50’ ROW with a 32’ B/B Street as you can see on the plat. Storm drainage is accomplished through a series of 24’ storm lines and set of inlets which drain to detention area and release into existing storm line on Colorado Street. Must pay \$750 per acre for storm sewer recovery \$3,015=(\$750 x 4.02 acres).

**OTHER COMMENTS:**

- Park Fees - \$300/lot = \$6,600 (\$300 x 22 lots = \$6,600)
- Install 5’ sidewalks along Colorado Street or escrow in the amount of \$10,526.76 (877.23’ x \$12/l.f.)
- Must submit a street light plan for review and approval
- Must comply with all other format findings
- Pay sewer capital recovery fees (\$200 x 22 = \$4,400)

**RECOMMENDATION:** Staff recommends approval subject to: 1) must pay capital sewer recovery and park fees; 2) comply with all other format findings; 3) approve variance #1 to allow the subdivision to be private and gated of Block 1, and 4) deny variance #2 to not allow alley in the rear of lots 19-22 in Block 1, and to comply with City Ordinance on R-3 zoning and allowing a 20' common access.

Chairman Ned Sheats asked if there was any input from the Board.

There was no response.

Chairman Ned Sheats asked what was the opening for on the bottom of Block 1 & 2 was it an access to the apartments.

Ms. Izaguirre stated that Mr. Sheats was referring to the entrance to the apartments.

Chairman Ned Sheats stated that he recalled seeing this subdivision several times.

Mrs. Marisela Marin asked if they were complying with the landscaping.

Mr. Tijerina asked if she was asking for the landscaping for the commercial.

Mrs. Marisela Marin stated that not precisely the commercial but for the townhouses.

Mr. Tijerina stated that they had a requirement as far as green areas and a tree per residential lot and they will be complying with all the landscaping.

Mrs. Marisela Marin asked if the townhouses were going to be at the 0' lot line.

Mr. Tijerina replied, "Yes on the sides and they will have fire-rated walls'.

Mrs. Marisela Marin asked if they were going to be facing the other apartments.

Mr. Tijerina stated that the will be facing to the west (to the street).

Mr. Ivan Garcia stated that all the garages will have access thru the alley with the exception of those 4. He added that those 4 lots were bigger than the other ones because they had more depth and width.

Mr. Julio Cerda asked if they were all going to be townhouses.

Mr. Garcia replied, "Yes".

Mr. Julio Cerda stated that he just wanted to make sure they weren't going to put any houses.

Mr. Garcia replied, "No they're all going to be townhouses."

Mrs. Marisela Marin asked if they were going to be two-story.

Mr. Garcia replied, "Yes".

Mr. Julio Cerda asked what were the measurements of the lots.

Mr. Garcia stated that they vary from 30' to 40' and the middle lots measure 25'.

There being no further discussion, Chairman Ned Sheats entertained a motion. Mr. Julio Cerda moved to approve the subdivision plat as per staff's recommendation. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Tijerina asked Chairman Sheats for clarification on the variance requests what was the recommendation.

Chairman Ned Sheats stated that the variances were approved as per staff's recommendations.

**Started: 6:12 p.m.**

**Ended: 6:21 p.m.**

**ITEM #3.0**

**Request by Sunrise Builders to have an 11' garage setback instead of the required 18' at 421 Virgo Street, being Lot 217, Aladdin Villas Phase 2**

Mr. Daniel Tijerina went over the write-up stating that the property is located at the SW corner of Aladdin Villas Street and Virgo Street. The lot's dimensions are 56.25' wide x 100.4' deep (5,647.50 sq. ft.). The proposal is to construct 12' x 35' garage for an RV. Aladdin Villas Street is 60' ROW paved 42' back to back. The home has a two car garage meeting setbacks along Virgo Street and along Aladdin Villas (minimum 10' corner setback) at this time. However, the applicant is proposing an 11' setback instead of the 18' setback required from the lot line to the garage door – 7' variance request.

The premise behind the 18' setback to the garage door is to ensure that the City's ROW is not impeded by a vehicle. The applicant has submitted a letter outlining some of his points as to why the variance should be granted.

**RECOMMENDATION:** Staff recommends compliance with the 18' setback requirements.

Chairman Ned Sheats asked if there was any input from the Board.

There was no response.

Mr. John Gaytan from Sunrise Builders stated that on the opposite block there is a house with a carport exactly as they are proposing it. He added that he had submitted some pictures to staff showing exactly what they are proposing to do. Mr. Gaytan stated that

being that this is an all adult community where most people have one vehicle maybe two when they have visitors and they are complying with the garage setbacks. He added that all the customer wants is to be able to park his RV behind his house.

Chairman Ned Sheats stated that he doesn't doubt that the intent is completely honorable but the issue before the Board is that there is a building ordinance in place which stated that the garage needs to be 18'. He added that he had measured approximately 20 different homes in that subdivision and they were complying with the garage setback.

Mr. Gaytan stated that he had built 90% of the houses over the last 20 years and Aladdin Villas was for Winter Texans they are houses that have their RV in the lot and some park them elsewhere. He added that he used to subdivide the lots into a lot in a half. He mentioned that the applicant just wanted to enclose the garage as means of protection for his vehicle. Mr. Gaytan stated that the applicant already had a carport, roof, and driveway in place maybe the carport might not be in compliance but is already in existence he just wants to be able to enclose it.

Chairman Ned Sheats stated he understands but there is an ordinance in place that says that he can't.

Mr. Gaytan stated that he had mentioned to Mr. Tijerina that 90 to 98% of the houses only require a two car garage so he could understand where the ordinance comes in to play and they could say that all the garage need to have an 18' setback but in this case this was a unique situation because one it was an all adult community that has a corner access and that is the reason for the request.

Chairman Ned Sheats stated that he understand what he is saying the only thing is that it comes back to the same thing there is an ordinance that says that everybody in the City of Mission has to comply with this setback. He added that this Board makes a great effort to work with staff and the applicants to make things work if there is an extenuating circumstance like physical problems, etc. and the fact that he wanted something did not make it an extenuating circumstance.

Mr. Gaytan stated that he was not saying that all he was saying was that there are other houses that have exactly what he was asking for so why not allow him.

Chairman Ned Sheats stated that they were in compliance with the 18' setback.

Mr. Gaytan stated that they were not in compliance as he mentioned it to Mr. Tijerina.

Mr. Tijerina stated that he had provided a photograph of one home that staff is looking into.

Mr. Gaytan stated that this was the reason they filed for a variance because there was one home with this setback in the park and he knew they are not going to make them tear it down.

Chairman Ned Sheats stated that two wrongs do not make a right.

Mr. Gaytan stated that nobody is saying that but there is a unique situation that should be considered.

Chairman Ned Sheats opened for discussion from the Board.

There was no response.

There being no further discussion, Chairman Ned Sheats entertained a motion. Mrs. Marisela Marin moved to deny the variance request as per staff's recommendation. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #4.0  
OTHER BUSINESS**

**ITEM #5.0  
ADJOURNMENT**

There being no further items for discussion, Mrs. Marisela Marin moved to adjourn the meeting. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:24 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission