

**ZONING BOARD OF ADJUSTMENTS  
SEPTEMBER 21, 2016  
CITY HALL'S COUNCIL CHAMBERS**

**MEMBERS  
PRESENT**

Ned Sheats  
Mike Friedrichs  
Kathy Olivarez  
Sam Rodio

**MEMBER  
ABSENT**

Jaime Gutierrez

**STAFF  
PRESENT**

Daniel Tijerina  
Jaime Acevedo  
Marie Villarreal  
Jesus Gonzalez  
Virgil Gonzalez  
Annette Zavala

**GUESTS PRESENT**

Claudio Romero  
August De Koch  
Terry Meewes  
Kelley Heller

**CALL TO ORDER**

Chairman Ned Sheats called the meeting to order at 4:31 p.m.

**CITIZENS PARTICIPATION**

There was no citizen's participation.

**APPROVAL OF MINUTES FOR AUGUST 17, 2016**

Chairman Sheats asked if there were any corrections to the minutes. There being none, Mr. Mike Friedrichs moved to approve the minutes as presented. Mrs. Kathy Olivarez seconded the motion. Upon a vote, the motion was unanimously approved.

**ITEM #1.1**

**CONSIDER A VARIANCE REQUEST TO KEEP A 400 SQUARE FOOT SHED INSTEAD OF THE ALLOWABLE 269 SQUARE FOOT SHED AT 2121 CLAVEL DRIVE, BEING LOT 44, VILLA DE ROMA SUBDIVISION, AS REQUESTED BY CLAUDIO ROMERO.**

Mr. Daniel Tijerina briefed over the write-up stating that the location site is on the SE corner of Moorefield Road and Clavel Street. This corner lot measures 70' x 130' and there are no unique lot features as to location or orientation. On May 3, 2016, Staff sent the applicant a letter in regards to building a shed without a permit. On May 20, 2016 the applicant came in and applied for a building permit for a 20' x 20' or 400 sq. ft. shed. Since the allowable accessory building size limit on an R-1 zoned property is 3% of the lots square footage, the applicant is allowed an accessory structure not to exceed 269 sq. ft. However, on August 22, 2016 after staff alerted the applicant of the size restrictions, the applicant decided to apply for the variance allow the shed to remain as is.

**REVIEW COMMENTS:** ZBA has seen several accessory structure cases throughout the years where setbacks and size requirements are not being met. This is normally due to not acquiring the required permits or simply trusting

that the contractor knew what they were doing. Ultimately, the responsibility for acquiring a permit to ensure that size limits and setbacks are being met falls on the owner. Furthermore, as with other similar accessory structure variance requests, Staff believes that the structure can be modified to meet the size requirements and setbacks. Since the lot is not unique or irregular and we have precedence when it comes to similar types of cases, it is very difficult to recommend in favor for such a request.

**RECOMMENDATION:**

Staff recommends denial due to:

- The applicant constructed/moved in the shed without a permit.
- Encroaching over a 10' rear Public utility easement.
- Encroaching over 20' corner side setback.
- Others are meeting setbacks.
- If approved; will set precedence for other requests.
- Lot is not unique.
- Self-inflicted.

Chairman Sheats asked if there were questions from staff.

There were no questions from staff.

Chairman Sheats asked if the applicant or representative were present.

Mr. Claudio Romero who resides at 2121 Clavel Drive, was present to address any questions that the board may have. Mr. Romero mentioned that the building was not intended has a shed it is actually a hunting blind. Mr. Romero got it moved one time at a cost of \$1500.00. I came to the City and requested a permit and was told I did not need one. I also had inspectors on the property at that time. Mr. Romero stated that the shed is where it's at because that is the last place he left it. There are other sheds that I can prove in person that are alike.

Chairman Sheats stated that if there is other like structures the inspectors will take care of it and bring them to the meetings just like you.

Chairman Sheats asked, "What did you previously say it was?"

Mr. Romero stated that it was a hunting blind and was previously painted a dark gray color to be moved to a ranch. Since, I needed a DLT permit required from the state it got too expensive.

Chairman Sheats mentioned that any structure that needs to be moved requires a permit. There was no permit issued neither to build nor move the structure.

Mr. Romero stated that there was no permit required, I was told by the City that none was required, since I would be moving it annually.

Chairman Sheats mentioned that if you were told something by the City I would have to go back to staff; Mr. Tijerina, Do you have any record that a 400' building at this property be possible to build even for storage?

Mr. Romero mentioned that a stop work order was issued but was removed from the City since no permit was required. An inspector was there and told me to continue to build.

Mr. Tijerina stated that he is not sure who Mr. Romero spoke to but in the packet there is a letter that I sent him and his wife dated May 3, 2016, stating that a permit is required. In the packet on the following page is the copy of the permit where someone applied for the building permit on May 20, 2016. Since the construction started without a permit it was subject to a double permit fee and and it would need to meet setbacks and square footage requirements which it did not; the Planning Department denied the permit and it was never picked up. I'm not sure who Mr. Romero recalls speaking to or what inspector he spoke to.

Mr. Romero mentioned that when he built the house the inspector was Chano and whoever took over his position was the female inspector that went over to the property with the stop work order and was told I could continue building the structure because it would be allowed by the City.

Chairman Sheats stated that we don't accept statement based on hearsay, you have a letter dated May 3, 2016 that was sent to you that codes section R105.1, any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, shall first make an application to the City building official and obtain the permit not just make the application. You have to go in, apply, pay and obtain the permit you don't have any of that.

Mr. Romero mentioned that the building was commenced on August 21, 2015 which is approximately 7 months later that I received the letter from the City. The city allowed me to build it; I was told I was not required a permit because I would be moving it annually because it is a mobile structure but my wife and I decided to leave it in our property. I did not inform the City I was going to leave it in my property so that in any moment I can move it.

Mr. Jaime Acevedo mentioned that maybe the inspector understood that the applicant was going to build a typical 4x4 hunting blind, because I have never seen a hunting blind 20x22.

Chairman Sheats stated that's it's not a hunting blind; it's more like a hunting cabin.

Mr. Jaime Acevedo mentioned that maybe it could be a cabin but it's not a hunting blind.

Chairman Sheats mentioned either way it says one single family dwelling permitted. The ordinance clearly states that if you have a secondary shed of any type it can't exceed the 3 %; this has been in the ordinance for many years. In the absence of any written agreement or permit from the City I can't accept hearsay; we don't do business like that you have to have things in your hand.

Mr. Romero stated that with that point at hand, asked if he can have it moved annually like it was planned to prior.

Chairman Sheats mentioned that there are other alternatives we can go about. The easiest alternatives would be that you can make conform to what they City has in place and with its ordinances. You have to reduce it to the size of 269 square feet and you would have to do the 20' and 10' setbacks that are required, whether or not other people do it in your neighborhood or not unfortunately somebody complained about yours.

Mr. Romero stated that when he built the house he was told if there was a buffer he could conform to the 10' set back.

Chairman Sheats stated that when you built your home there is a plat and you should have consulted to it because there are pictures, and dimensions that show how far it could be from the street, setbacks, it did not conform to any of this even if you put it there with the best intentions it was wrong to do so. You did not come out to do the deed and find out what is permitted by the City. That is what we mean by self- inflicted, translated to you did things upon yourself.

Mr. Romero mentioned that he came to the City and acquired about it before he built it and while it was in the building stages.

Chairman Sheats stated that if you can present to me in writing with somebody's signature where it says that you can leave that building in the particular property and location, then it would be a whole different story.

Mr. Romero mentioned that if he can motion for a continuous for the following month.

Chairman Sheats stated that you don't have anything to present us you took somebody's word. Mr. Romero stated that he understood and if it was by word then they should of stopped me from building right there and then.

Chairman Sheats stated that it does not conform to City regulations so it has to be either taken out or be reduced to 269' and meet setbacks; those are the only two alternatives. Mr. Sheats asked Danny if staff could give the applicant a certain date or time frame where if he does comply, instead of just denying it and make him tear it down.

Mr. Tijerina stated that he believes that the action that should be taken is for the applicant to comply with the setbacks and the square footage requirements with an ample amount of time of 3 to 6 months. The Board would grant the amount of time for the applicant to comply to and if he doesn't; this Board is quasi-judicial which means that the decision here can only be turned by a District Court and will also follow our Municipal Court procedures if in case he does not comply within the time frame given to him by the Board.

Chairman Sheats mentioned that we have a history here were we try and work with people and not try and make it a black and white situation. Mr. Romero either you make the changes that Mr. Tijerina suggested, reduce the size of the building and move it so that it complies with all of City ordinances or at the end of a certain period if you don't comply you will be taken to court. It would be cheaper for you to comply than to hire a lawyer.

Mr. Fredrichs asked, "Mr. Tijerina do we have the option to reduce it in size and locate it properly on the property or move it off the property itself"?

Mr. Tijerina stated that more than likely Mr. Romero will probably move it out if it's denied and staff would follow up based on the decision the board takes.

Mr. Sam Rodio stated that the applicant has to comply with the rules and regulations, even if it means he has to tear it down and reduce it, I think 3 months is enough time for him to come to compliance.

Chairman Sheats asked the applicant, "Did you build the building yourself?"

Mr. Romero replied, "Yes, I did build the building myself." Can it stay at the same location that it's currently at just reduce the size?

Chairman Sheats replied, "No it has to meet the setback, it has to conform to all the City ordinances; that is what's on your plat and what Mr. Tijerina and the board have explained to you.

Mr. Romero mentioned that Article Number 8 states there is no access to Moorefield Rd from lots 1 & 43, being that I am on Lot 44; do I have access to Moorefield Rd?

Mr. Tijerina stated that there is no access to Moorefield Rd.

Chairman Sheats mentioned that Moorefield Rd is a major highway there is no access from a major highway.

Mr. Tijerina stated that the applicants' primary access is from his residential street which is Clavel. There was probably a typo error but there is no access from Moorefield Rd.

Mr. Romero asked, "Who can I speak to or sue about that error"? I would like to have access to my back yard since I have a neighbor behind me already and won't be able to have my storage.

Chairman Sheats replied, "No" there is no access from Moorefield Rd., and this situation is not in the meeting for today we are talking about the building.

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

There was no response.

Mr. Sam Rodio asked the applicant if 3 months was enough time to make the changes needed.

Mr. Romero stated that 3 months was not enough time.

Chairman Sheats stated that the board will not do more than 6 months.

Mr. Romero mentioned that he understood and if he couldn't make the 6 month deadline he would put it up for sale the last day.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Sam Rodio moved to approve the variance for a period of 6 months only, and if does not comply with all City Ordinances within the 6 months period must be removed from applicants property. Mr. Mike Fredrichs seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #1.2**

**CONSIDER A VARIANCE REQUEST TO REDUCE THE NUMBER OF PARKING SPACES REQUIRED FROM 224 PARKING SPACES TO 149 PARKING SPACES, TAYLOR SENIOR VILLAGE SUBDIVISION (UNRECORDED) A 10.285 ACRE TRACT OF LAND CONSISTING OF 0.394 OF ONE ACRE OUT OF AN ABANDONED CANAL R.O.W. ADJACENT TO THE WEST OF LOT 246, JOHN. H. SHARY SUBDIVISION, AND LOT 1 WHITNEY-ROSS SUBDIVISION AS REQUESTED BY BROWNSTONE VENTURES, LLC**

Mr. Daniel Tijerina went over the write up stating that the location is located along the west side of Taylor Road between Summer Breeze Ave. and East 20th Street. The applicant is proposing a new multifamily 55 year and over senior community. It is noted that all R-3 area requirements are being exceeded. However, with regards to parking requirements, the applicant is seeking to reduce the number of required parking spaces from 224 parking spaces to 149 parking spaces (1.33 spaces per unit). City ordinance requires 2 parking spaces for every apartment, regardless of the number of bedrooms. The proposed development consists of 84 one bedroom units and 28 two bedroom units or 112 total units which requires a total of 224 parking spaces.

While typical apartment complexes require 2 parking spaces per unit, our parking ordinances do not specifically address retirement communities. Staff did some research with other larger cities to see what parking regulations they have in place and most cities only require 1 parking space per unit with 1 additional parking space for every 10 units to be used by guests. In addition, we also learned that some of these retirement communities have an on-site shuttle van for its residents. However, as of the time of this writing it was still not known if Taylor Senior Village would have such shuttle service. Also, in speaking to the applicant who has constructed multifamily senior communities through the nation and who has researched this particular market, Staff learned that most seniors of today have 0 to 1 cars in their households. Finally, of the 112 housing units that the applicant will be constructing 84 of them will be single bedroom units—see site plan.

**RECOMMENDATION:**

Since most of the units are one bedroom and since this is a seniors only community staff does not object to this variance request and recommends approval.

Chairman Sheats asked if the applicant or representative were present.

Kelly Heller representing Melden & Hunt was present to address any questions the board may have.

Kelly Heller stated that what she is presenting to the board is the latest version of the site plan. Mrs. Heller mentioned that they are constructing a total of 112 units, 84 of them being single bedroom and the other 28 are 2 bedrooms. Mrs. Heller stated that this location would be the 13<sup>th</sup> throughout the State of Texas at 1.33 parking spaces per unit this location would still be the highest of all other locations. The 12 other sites or locations have not had an issue with parking, we have done similar sites for them here in the valley one being in McAllen called, The Villas At Beaumont this location has 1.25 parking spaces per unit; there's another unit in construction in Pharr there ratio being 1.05 spaces per unit. The other site is in Brownsville having 1.2 parking spaces per unit. The other sites have been throughout Texas, Laredo, Houston, Georgetown and Round Rock. The number of spaces needed is not close to 2 spaces per unit, we are asking for a reduction and part of that is in order to beef up the landscaping on the site. This property has a few large existing trees; we have been working with the developer to reconfigure the site and pull it back in order to keep those trees. On the Southeast Corner we are looking into keeping the larger trees and creating a dog park walk area, and shifting all the units a little bit West in order to keep the existing trees for shading. We are asking for a reduction in parking spaces to beef up our landscaping and create more green area over by the units themselves, in order to add more trees on the West side of the property that does not have any at the moment. This is more or less the quick version of it, I am not sure if you all have specific questions to ask.

Chairman Sheats asked the board members if they had any questions to ask.

Mr. Rodio stated that if the parking spaces were included with the office building.

Mrs. Heller replied, "Yes" that the total parking spaces include the office building.

Mr. Rodio asked, "How about the parking for the building in the front?"

Mrs. Heller stated in the front outside of the gates is parking for the club house, the dog park area, and within the unit they have the spaces spread out throughout the whole complex so that you have parking available next to each building.

Mrs. Olivarez mentioned that the people she knows that have moved into senior complexes, have shuttles to take them to their appointments and the ones who owned vehicles sold them. Is this facility going to provide those services?

Mrs. Heller replied, "Yes" the majority of the other sites have it available for the reason that a lot of the residents don't drive and this would be a service provided to them to help move around.

Mrs. Olivarez stated that her step mother sold her vehicle when she moved into a senior home because it provided the shuttle service. The same thing happens in other facilities as well. Is this facility going to provide meals as well or just the housing?

Mrs. Heller stated that it would just provide the housing not the meals.

Mrs. Olivarez asked that if a one bedroom unit would also accommodate 2 people.

Mrs. Heller replied, "Yes" that the single bedroom unit includes a living area and kitchen area, so you could still fit 2 people.

Mrs. Olivarez mentioned in that case there could still be a need for 2 cars.

Mrs. Heller replied technically speaking "Yes".

Chairman Sheats asked, "When research was conducted on the other facilities that allowed less parking was there any public transportation?"

Mr. Acevedo mentioned that he would ask Mr. Brown that question because the mass transit system here in Mission is not the greatest, in other cities like in Houston or other larger metropolitan areas they have better mass transit systems. Mr. Brown did mention to me that in McAllen our neighboring City



does have a shuttle service in that location, and in the last email he did conform to me that they will be providing a shuttle service for this facility as well so it is in the plans.

Mrs. Olivarez asked, "If it will be the City shuttle?"

Mr. Acevedo mentioned that it will just be provided exclusively for the residents of the facility.

Mrs. Heller stated that during the planning stages we did discuss the transportation service we would be providing.

Mrs. Olivarez mentioned that the reason why people move into these facilities is because they are getting older and can't move around as easily any more. Mrs. Heller stated that it becomes more difficult to drive and park because of their age. They are looking into providing their own shuttle service and not depending on The City of Mission or McAllen transportation.

Mr. Acevedo mentioned that in other retirement communities the ratio was 1 parking space for every unit and for every 5 units they would throw in an additional parking space for guests.

Chairman Sheats stated that he does not see any spare spaces for parking; it looks like their just changing the size of the space or relining it to a different amount; and changing around the whole front end to preserve some trees.

Mrs. Heller mentioned that the site presented is the last version of the site plan; the initial site plan had a smaller club house that was shifted further east which gave us more room to extended the parking out and on most of the parking spaces we have 3 to 4 islands within that row of parking. The City of Mission ordinance states that it would only be for 2, so we have taken a lot of spaces in those areas to add more islands, we could fit more parking spaces back in but to be honest I don't see that we could get to the 224 parking spaces without losing a unit.

Mr. Sam Rodio stated that when he developed assistant living centers were based on 30 to 33% of the one bedroom would be one person in that unit being that one of the spouses had been deceased, so it's based on one person living in the unit and there would be no need for 2 cars. You're requesting 224 parking spaces.

Mrs. Heller stated that the 224 are the required parking spaces.

Chairman Sheats stated that they are going down to 149 parking spaces. How many estimated people are going to be living there?

Mrs. Heller mentioned that if it's based on 2 people per unit then it would be estimated at 224 people. It really depends on the situation and what comes to mind would be morbid.

Mr. Rodio stated that one or the other has to go first.

Mrs. Olivarez asked, "Is it low income assistant living?"

Mrs. Heller stated that it was mixed because of the demographics of the particular area compared to some of the other areas that they have built in, this is a lower income area but not necessarily targeted for low income senior housing, it is ment to be mixed.

Mrs. Olivarez mentioned that a lot of people are living off their social security and might not be able to afford it at retirement level even if there are 2 people living in the unit.

Chairman Sheats stated the commission agrees that were not going to have a situation when emergency vehicles have to go in and cars are parked in the alley then there would be no problem.

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

Mr. August De Koch residing at 1605 North Taylor Rd was present to address any questions the board may have.

Mr. De Koch stated that he lives to the property that is adjacent just to the South. My concern is that the people that will be living at the property will probably be local here from the valley very demographic with large families. During the holidays there will be a lot more people coming in to visit the residents; maybe the people living in the units will not require cars and parking spaces but the visitors will. The holidays will not be the only times there will be visitors onsite; the people that will reside there will have vehicles.

Mrs. Heller stated that theoretically that would be true.

Mr. De Koch mentioned that reducing the parking spaces that drastically could come back to haunt the City like mentioned before streets being clogged with cars, cars will be parking on the curb if there is an overflow of visitors.

Chairman Sheats stated that he understands his concern, you're stating some of my concerns as to what happens the other 65 days out of the year when everybody decides to have guests. Is Taylor Road scheduled for widening?

Mr. Tijerina mentioned that it is scheduled for widening.

Chairman Sheats asked if it included a parking lane on the sides.

Mr. Tijerina mentioned that we have the schematics and an inter local with the City of Mcallen and City of Mission were getting some environmental work done and getting everything planned out. As far as parking on the street it will not be permitted, it will be like Shary Road where you have shoulder lanes just for an emergency, and the very likely hood on 2 lanes going north and 2 lanes going south and a center turning lane but no on street parking. If you go back to the site plan on the South side running East to West, East 22<sup>nd</sup> street will run East and West there and Taylor Road will run North and South, basically this subdivision will be private, gated and only for the residence in the senior living community.

Mr. De Koch asked, "Will the visiting times will be restricted"?

Chairman Sheats stated that this facility will not be a care center; this is strictly for people to live there.

Mr. De Koch stated either way they are going to have visitors.

Chairman Sheats mentioned that there are going to be visitors in all other living communities as well.

Mr. De Koch stated that he misunderstood and thought that there would be restrictions as to when people can go visit.

Mr. Tijerina stated that it is a private and gated community.

Mr. De Koch mentioned that people come to visit at all times not just in the holidays because people here in the valley have a different culture. I hope that my children come visit me often and not just on the holidays when I'm retired.

Mr. Fredrichs mentioned when they need a check they will pay a visit.

Mr. De Koch mentioned that hes pretty sure the residents will have visitors other times besides the holidays, to reduce the parking spaces would be a mistake, lowering the parking spaces to 75 less which is what they are asking for, maybe lowering it by 25. I don't think all family members that come to visit will come in 1 vehicle. I think it would be wise to keep that restriction and higher the parking than what they're asking for. On 22<sup>nd</sup> street, are they going to widen the street or what exactly are they going to do.

Mr. Tijerina mentioned that they would have to dedicate the right of way and escrow the money for the street widening costs for their share.

Mr. De Koch stated in that case there's not going to be a street there.

Mr. Tijerina mentioned that they're going to be looking at the widening of that road and the extension and we would contact you being the owner to the south and making an offer.

Chairman Sheats mentioned to answer his question if there will be a road there.

Mr. De Koch asked if the street would be constructed as part as this development.

Mr. Tijerina stated that it will be separate from this development.

Mr. De Koch mentioned that none of the street widening will be part of this development then.

Mr. Tijerina stated that's correct it will not be a part of this development. They're going to escrow the money to be paved at a later time. All the units will exit on to Taylor and in the future will have an exit on to 22<sup>nd</sup> Street.

Mr. De Koch mentioned that he came before the City Council sometime back to develop his property and was told about 22<sup>nd</sup> St coming through there, and asked if the City would be able to do half of the street, and the City said, " No" that if I wanted to bring 22<sup>nd</sup> Street I would have to develop it all through my property. Is this development being waived because they are putting money down for future development? My mother and I were told differently at the time we wanted to develop out property.

Chairman Sheats stated that your property is the one directly to the South; I believe the explanation for that is that there was a misunderstanding in terms as to when something is build and how the money is escrowed. Although they are not building right now they still have to escrow that money for future development of that street. If you were to say that if you wanted to develop your property not now but in the future, you can either put the road in or escrow the money to be put in the future.

Mr. De Koch mentioned that the City at that time turned us down because they told us that if we wanted to develop our property we would have to bring 22<sup>nd</sup> Street entirely through our property. I guess the City no longer has that point of view anymore.

Mr. Acevedo mentioned that it's typically been just half, never has been the full street, unless it falls directly on all your property which this one doesn't.

Mr. Gonzalez stated that it also depends on how you're going to subdivide your lots and have access to your lots, that's how you have to put the road in this case there having access to Taylor a private subdivision, at this time they are only required to escrow the money for the future development of the street.

Chairman Sheats mentioned that maybe 149 parking spaces is too much. How many trees can we save if we take out 40?

Mrs. Keller stated that of the 3 locations we already have in South Texas one of them being in McAllen, the ratio that is actually constructed is 1.25 spaces per unit, in the 5 years that it's been in operation they have not had an issue with parking yet. The site under construction in Pharr is 1.05 spaces per unit, and the site that's in Brownsville that has been in operation for about 4 years also has 1.25 spaces per unit and has not had an issue with parking.

Chairman Sheats mentioned that if all units were going to be 1 bedroom.

Mrs. Heller stated that 84 are one bedroom units out of 112 leaving 28 two bedroom units.

Chairman Sheats mentioned that 28 are two bedrooms, how many parking spaces does the City require to have.

Mrs. Heller mentioned that the City just requires 2 parking spaces per unit, regardless being 1 or 2 bedroom units.

Mrs. Olivarez mentioned that in the other units in McAllen and Brownsville do you have the percentage of people living in one bedroom units, whether it's one person or 2 people living in that unit.

Mrs. Heller stated that she wouldn't have that percentage it would be something she would have to look into.

Mr. Fredrichs asked, "When will they be starting construction?"

Mrs. Heller mentioned that as soon as they can get through the approval process. We were held up a little by the Texas Department of Housing, their parking requirements are only 1 parking space per unit, which we are exceeding that, as soon as it got approved and funded in July we came immediately to the City to start the process for the subdivision plat.

Chairman Sheats mentioned that when you do start construction it's generally going to look like the plat we have in front of us.

Mrs. Heller stated that this is the latest version we have and basically going to be constructed like this plat.

Chairman Sheats stated that if they would be moving units or other things around to accommodate parking spaces.

Mrs. Heller mentioned that depending on the results from this meeting, then we would make adjustments and shift units around to keep the trees in the front and accommodate parking spaces.

Mr. Acevedo asked, "What concerns do you have with the site plan Chairman Sheats?"

Chairman Sheats mentioned that there is no guest parking shown meaning that they are considering each one of those parking spaces to be accessible to the people who live there as well. I would like to see fewer parking spaces taken out. I'm not sure how many that is what we would have to discuss.

Mrs. Olivarez stated that this is not a senior care center and as long as 2 people living there are able to drive they will need 2 vehicles. It is not a senior care center where you are offering a lot of services. It is not a for sure thing how many vehicles will be used.

Chairman Sheats mentioned that in a private subdivision like this will ADA parking apply.

Mr. Fredrichs stated that it does apply but almost all people living there will probably have a parking plate.

Mrs. Heller stated that this was a consideration and that the entire site has been set up to be ADA accessible. The reality is that only certain units that are specified ADA, will have the parking spaces aligned with them.

Chairman Sheats stated that parking spaces for ADA are wider, you do have ADA and van accessible parking spaces configured within the 149 parking spaces on this site plan.

Mrs. Hellen mentioned that each row of parking on the site does have a set of ADA spaces in it.

Chairman Sheats stated that there is a difference between this particular development and any other one and I don't like taking out too many parking spaces. There's a 55 and over across where I live and there is no difference in parking there and it's the same as a regular subdivision.

Mr. Fredrichs mentioned that on the sections where they are changing directions, if you were to take them out and shift the parking all to one side what would that do because you are losing parking spaces because of them.

Mrs. Heller mentioned that each one of those triangles were initially parking spaces but we reduced them in order to have more landscaping and can easily get one more parking space back if we take them out.

Mr. Fredrichs mentioned that you can only get one parking space back.

Mrs. Heller stated that if we flipped it and had all the parking spaces on one side like your mentioning it would work because it would be getting into the drive isle. In the middle there is basically one large building so we have done the back and forth on the drive, if we straighten all that out we could get more parking spaces but then there would be no parking available on the sides.

Chairman Sheats stated that this 55 and over is it with children or no children.

Mrs. Heller mentioned that she had no idea, im thinking no children but not that sure.

Mr. Fredrichs stated that he believes that one resident has to be 55 and over the other 50 and over.

Mrs. Olivarez stated that she believes no one over 18 can live there.

Mr. Rodio mentioned that there are single parents 55 and over that might have a daughter or son living with them, and you're stating it's only 55 and over with no minor but could be someone that's not a minor living with their parents and if they do it would create a parking problem.

Chairman Sheats stated that he likes the concept of the development but it could create issues in the future with the parking.

Mr. Rodio mentioned that he would like to table the item because if anyone over 18 can live there it would create a parking issue and that the developer should get with the City staff and work with them as to what can be done.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Sam Rodio moved to table the variance as presented. Mr. Mike Fredrichs seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #2.0  
OTHER BUSINESS**

There was no other business.

**ITEM #3.0  
ADJOURNMENT**

There being no further business, Chairman Sheats entertained a motion to adjourn. Mr. Sam Rodio moved to adjourn. Mr. Mike Friedrichs seconded the motion. Upon a vote, the meeting was adjourned at 5:15 p.m.

---

Ned Sheats, Chairman  
Zoning Board of Adjustments