

**PLANNING AND ZONING COMMISSION**  
**MAY 18, 2011**  
**CITY COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
Marisela Marin  
Carlos Lopez  
Mario Garza  
Rene Flores

**P&Z ABSENT**

Luann Caudle  
Jose G. Vela

**STAFF PRESENT**

Sergio Zavala, Planning Director  
Bobby Salinas, Asst. Planning Dir.  
David Guerra, City Attorney  
Susana De Luna, Admin. Assistant

**GUESTS PRESENT**

George Powell  
Nestor Garza  
Jan Snyder  
Phillips Wichinham  
Kaylee Edwards  
Roel Reyna Jr.  
Consuelo G. Saldaña  
Brice Chandler  
Carlos Guzman  
Garrett Edwards  
Hortencia Guzman Rodriguez  
Maielah Davis  
Guillermo Martinez  
Maria Teresa Arizmendi  
Sergio F. Solis  
Cynthia Duran  
Fernando Torres  
Rick Garcia  
Mike De La Cruz  
Martin Garza

Luis Weger  
Rolando Garza  
Lila Mills  
Mary L. Crawford  
Gabriel Gomez Sr.  
Tomas Martinez  
Sharon Almaguer  
Jim Brunson  
Carmen Acosta  
Marlena L. Rodriguez  
Melissa E. Davis  
Hilda C. Escobar  
Ma. Luisa A. De Martinez  
Jennifer Shipp  
Samuel Shipp  
Dr. Alberto Duran  
Lynda Holbrook  
Laura Guerrero  
Patty De La Cruz  
Janet Gomez

Judy M. Garza  
Ruth Snyder  
Judith Wickersham  
John Crawford  
Dennis Hollis  
Melva Guzman  
Douglas Colessman  
Susana Reyna  
Abel & Aurora Acosta  
Barbara Wanda Guzman-Puente  
Miranda Davis  
Elizabeth Martinez  
Roberto Arizmendi  
Diana Chavez  
April Mantle  
Danny Boultinghouse  
Mark Gillian  
Marilyn Calm  
Rolando Rodriguez  
Elizabeth Crumpler Dukquits  
Irv Mantle

**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.

**APPROVAL OF MINUTES FOR APRIL 13, 2011**

Chairman Sheats asked if there were any corrections to the minutes of April 13, 2011. There being no corrections, Mrs. Marin moved to approve the minutes as presented. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:00 p.m.**

**Ended: 6:05 p.m.**

**ITEM # 1.1**

**Conditional Use Permit: Institutional Use – Church on Property Zoned AO-I  
E. 330’ – N. 660’ out of Lot 28-10  
West Addition to Sharyland Subdivision  
AO-I  
Martin Garza**

Mr. Salinas went over the write up stating that the site is located at the SW corner of Bryan Road and Mile 2. The MPO Thoroughfare map designates both Mile 2 Road and Bryan as 100’ minor arterials with an ultimate pavement width of 65’. The property is currently vacant. The 15,597 sq.ft. church proposes access to Bryan Road from two 30’ driveways (660’ frontage to Bryan); and one 30’ driveway (330’ frontage to Mile 2) onto Mile 2 Road.

This conditional use permit was originally approved by P&Z on 12-8-10, however due to a petition from the surrounding property owners, a 4/5<sup>th</sup> vote to approve the CUP was required at the City Council level. On 12-20-11, the CUP was voted 3-2 *for approval* by the City Council; however, since a minimum of 4 favorable votes was required, the CUP request failed.

Earlier this year, staff was presented with State & Federal law which aids in the protection of a religious institution’s rights when dealing with governmental entities. This information is attached as is the correspondence relating to LDS worship services, their perceived need, and other LDS activities. On 4-27-11, P&Z approved a waiver of the required 6-month waiting period in order to review this conditional use permit once again. (Note: The 6-month period would have ended on 6-20-11.)

The site plan shows the chapel on the south side of the northern ½ of the acreage; there is paved parking on the north side (4 rows); there is paved parking on the south side (7 rows). There is also a maneuvering ‘*fire lane*’ along the western perimeter of the chapel to facilitate internal maneuverability. The chapel complies with prevailing building setbacks (40’ from Bryan and 40’ from Mile 2).

During the subdivision stage, perimeter 5’ sidewalks are mandatory; street widening, additional fire hydrants, & additional Public Street lighting will also be required. Utility extensions will be assessed by Public Works for code compliance, too.

The parking requirements for a church are based on 1 space for every 4 seats in the main auditorium. The proposed number of seating spaces is 632, which will require 158 parking spaces (632 seating spaces/4 seats = 158). The applicant is proposing 192 parking spaces, which exceeds code by 34 spaces. Parking is in compliance.

A 6' opaque buffer will be required along any residentially used property. In regard to landscaping, the applicant is providing 30% green area available for landscaping. In addition to new shrubs and hedges, staff has alerted the applicant to salvage as many of the existing trees as possible and will be requiring the equal amount of caliper inches removed from viable trees to be recaptured as per the Tree Preservation Code.

Other comments included: Days/Hours of Operation: Typically Tuesday, Wednesday & Thursday – 7:00 p.m. – latest 9:00 p.m. (Youth Meetings, etc.); Sunday 9:00 a.m. to 12:00 p.m.; 1:00 p.m. – 4:00 p.m. (services); Must meet City Noise Code; musical instruments, i.e. a piano/organ during worship services.

A Drainage plan must be submitted for review by the City Engineer during the Subdivision stage. The dumpster area must be buffered with a 6' opaque fence and door. Being at a major intersection of 2 minor arterials, any incoming /exiting traffic should easily be managed by these (widened) perimeter streets. The primary traffic influx will be on Sunday's with much lower traffic generated during other days. This church, as others, is usually a dormant neighbor for much of the week. Lush landscaping is the norm with LDS chapels in other cities assimilating well next to residential areas.

Staff recommended approval subject to: 1) meet Subdivision Code, 2) meet tree preservation code, and 3) install opaque buffer along residentially used properties and trash bin area.

Chairman Sheats asked the opposition if they had a representative to give the Board their information. If there was no representative present, then the Chairman asked that individually they come forward, state their name & address, provide the Board with their information, and because of the number of people present, he would limit the comments to 3 minutes.

In opposition, Mr. George Powell, who resides at 3 ¼ Mile North Bryan, stated that his mailing address was in McAllen which was his office and that was where he receives the mail and the notices. He added that the Board already knew the position of the neighborhood in regards to this request. Mr. Powell stated that he would like to reiterate a couple of things and mentioned the difference in the way they were looking at it and the way we are looking at it. The comments that made of 'a church being in the middle of a residential neighborhood', he said that the church on 29<sup>th</sup> Street was in a completely different type of neighborhood than what they had. One of the differences was that they didn't have attractive trees growing there for a long time that would be torn down; and their neighborhood has very low

light but the church on 29<sup>th</sup> has streetlights all around it. Mr. Powell mentioned that they currently didn't have anywhere near the amount of lighting nor do they have parking spaces around. Mr. Powell stated that the reason for the awarded 6-month waiver was because the City was given a Law or Memorandum by the Church that had been written by a Law Firm in Salt Lake City that applies to churches and zoning. Mr. Powell stated that he "doubted" that because he had been practicing law for about 40 years and, for most of the time, he has spent practicing constitutional issues, and the law that the City received involved constitutional issues. He mentioned that he had researched and spent hours reviewing each and every case mentioned on the memorandum and felt "very confident" that this particular law does not apply to this particular case. One of the reasons was because this church had many other alternatives in the area. It was not like if they didn't built in this particular site they wouldn't be shut out in Mission or the general Mission area. Mr. Powell added that when Mr. Hector Cavazos testified in the last P&Z and City Council, he pointed out numerous areas that were available to put a church. He even presented these areas to the LDS church. They chose this particular area and nothing else, and that was their position. He mentioned that the church told them that if the neighborhood didn't want them, they wouldn't push it. We said, "No we didn't want the church and they still pursued it."

Mr. Powell stated that to his understanding, Mr. Martin Garza had submitted the application for the church even though it was not his church. He added that even if this church weren't approved, it would not keep Mr. Garza from having a church. Mr. Powell stated that he sympathizes with Martin because he wants to sell the property but the time will come, and he is going to sell it in a short period of time whether it's to LDS Church or somebody else; and those willing to buy are sitting in this room.

Mr. Ricardo Garcia who resides at 1317 E. 2 Mile Line stated that the Board should have a petition that they all got together along with a letter that was sent to the church. He added that they were a neighborhood and they were trying to do everything they can to keep it residential. Mr. Garcia stated that it was not an objection to have the LDS church, religion, or anybody. Their objection was to the 200 parking spaces and the "structure" because it didn't blend in with their community or the homes in the area.

Mr. Garcia stated that another reason for the objection was the infrastructure. He mentioned that Bryan Road did not have the infrastructure to handle something like this for the north and south route. Mr. Garcia stated that the final objection he had was that the church sent them some literature and in that literature it made a comment that the current facility was crowded, inadequate, and would lead to disruption; he didn't want to invite disruption to his neighborhood. He stated that he wanted the church to grow but not at the cost of having the neighborhood lose stuff that they currently do.

Mr. Garcia added that the City had mailed them a notice and out of those people who received a notice, only one person didn't sign the petition, which he didn't understand because they don't live there; they would like the Board to take into consideration. Mr. Garcia stated that the City Board had an obligation to the citizens of Mission, and in these instances, he believes they are the citizens of Mission. He added that most of them had their home, livestock, cattle, and if someone wanted to put a roping arena, they would object to it because that was not what they wanted. Mr. Garcia stated that the Board had the voting responsibility, and how they would vote would be very important. He said that if the Board voted against the request, they could easily look at the seller or church and tell them 'why?' because, first of all, everybody is against the request, and secondly, there are many alternative sites. Now if the Board voted in favor of the request what were they going to tell the neighborhood, judge or reporter that has a question?

Mr. Garcia stated that one good thing has come out of this because before he used to live in a lot of different places and sadly to say he didn't even know his neighbors; but now since all this has happened he has gotten to know everybody and it's even become a tighter neighborhood. He mentioned that they had even established a neighborhood watch.

Mr. Garcia stated that the Board might say they voted for it to make progress but this would not be progress. He said that progress would be what they did on 2 Mile Line and the donated property that would benefit the City, but the church "in no way would benefit the city;" not from the taxpayers or the neighborhood. He added that it seemed like there was something else going on. Mr. Garcia asked the Board to use their wisdom, judgment to vote against this request.

Also in opposition, Mrs. Elizabeth Crumpler Dukquits said that her property would be 660' to the west. She added that there were a lot of reasons why they didn't want the church built there. Her contention has always been that this is a residential area, and although she realizes that a church would not fall under that distinction, they needed to call a building and parking lot of this size what it is which is "a commercial building" without the distinction. Mrs. Crumpler stated that this would "devastate" the residential nature of their area. She added that she had read in a letter that was sent from the church that sometimes two congregations use the church in order to keep them from having to build at a different site; this would double the access to this area. She also mentioned that that there was also a lighted basketball court, which indicates that there would be nighttime use though the church has said nothing on this.

Mrs. Crumpler stated that she agreed with everyone else and was not against a church at all. She added that this church has options but the neighbors didn't have any options: this was where they lived and raised their children. She mentioned that she has lived there for probably 25 years raising their kids and investing their hard earned money.

Chairman Sheats asked if there was anybody else that had new information.

There was no response.

Chairman Sheats stated that evidently there was a misunderstanding about the type of lighting that was going to be used. He added that there is very little chance with the type of lighting that is available now that there would be spillover into any neighborhood. The city streetlight would be more likely to spill onto your backyard than any lighting that the church might have.

Chairman Sheats asked if the people in favor of the request had a representative present.

Mrs. Sharon Almaguer stated that her address was 600 E. Nolana, Suite 202 in McAllen. She was the attorney for the church. She added that along with her was Danny Boultinghouse, the Architect who would address any issues that the Commission might have regarding the proposed chapel and site. She said that Jim Brunson, who is a church member, was prepared to discuss the critical religious need for the chapel at this site. Finally, Mrs. Almaguer said that Brice Chandler, the local church Stake President, was prepared to discuss the search for a site, and address some of the issues with respect to the alternative sites, which may or may not exist. Mrs. Almaguer stated that she was also prepared to very briefly discuss the legal standards that are applicable to the Board's decision.

Chairman Sheats stated that they allotted 20 minutes to the opposition so the amount of that information that the Church's representatives could fit in that time, the P&Z would really appreciate it. He suggested that they say the high points and answer the concerns of the opposition.

Mrs. Almaguer stated that it was brought out by the opposition that the neighbors were 'Mission residents'; the church members who will be using the church were also Mission residents, and they are present in the audience. She stated that she would appreciate if the Board takes that into consideration when making a decision, too.

Mr. Boultinghouse stated that the Board has seen what they were proposing and nothing had changed; in fact, if it changed, it changed for the better. He mentioned that they added a little more landscaping and in regards to the lighting there is no parking lot lighting. Mr. Boultinghouse added that the lighting was only around the building for the sidewalks for the safety of the pedestrians and it was down lighting-there would be no over spill. He stated that the little court that was shown on the site plan was not lighted, was not a basketball court-it was a new game that was called Foot Sole, a soccer type game that is quiet. Mr. Boultinghouse stated that he served 7 years on the McAllen Planning and Zoning Commission which two of those were as a Chairman. He spent about a 1 1/2 to 2 years working on a long-range plan for the City of McAllen, and has gotten the

same trainings as this Board as far how they look at development, and future plans for the City. He didn't think it was any secret that this intersection is becoming a commercial type of intersection. He added that TXDOT had recognized it and Bryan Road was destined to connect to Anzalduas Bridge and, from the Planning standpoint, one of the Board's job is to predict the future of the highest and best use for every piece of property in the city with emphasis on 'highest and best use'. Mr. Boultinghouse stated that from a Planning standpoint and his experience, this intersection's highest and best use is going to be commercial whether the neighbors like it or not; whether it's today, next week, or 6 years from now. He added that as 'a highest and best use', a church is a passive activity, and to blend a residential area and a potential commercial area at these intersections, a passive activity would be the very best use of that piece of property.

Mr. Jim Brunson who resides at 2200 Clinton stated that his occupation was a Newspaper Publisher and published the Progress Times. He added that he was a member of the Jesus Christ of Latter-day Saints and was present to speak in favor of the proposed house of worship in Mission. Mr. Brunson stated that he would like to address the need for a house of worship in Mission. Although Mission has many different churches, there is no church building for the members of the LDS church. He added that they currently have two congregations made up of primarily Mission residents meeting at the McAllen church building along with two other McAllen congregations. While they have tried to make due, this arrangement has caused and continues to cause a substantial burden on all the congregants that meet at that same building. He mentioned that overcrowding negatively impacts worship in the following ways: among others, it diminishes the quality of services, limits the growths through move-ins of missionary efforts, causes reduced individual participation in worship, and sometimes causes them to eliminate courses due to difficulty or inability to attend religious meetings, and also causes an impaired youth ministry.

Mr. Brunson stated that with four congregations using the same building, they had services meeting at 9:00 a.m., 11:00 a.m. 1:00 p.m., and 3:00 p.m. this overlapping of meeting schedules causes commotion that is disruptive to our worship services. He added that their church was very active and provides the full array of ministries for all age groups, and having the four congregations meeting in one building creates scheduling problems for using the building and conducting our ministries. Mr. Brunson stated that baptisms were usually being scheduled very late on Sundays nights making it very difficult for members to attend these services especially considering the time and gas it takes to drive to and from McAllen from Mission. He added that with the McAllen building's overcrowding, it is difficult to find adequate classroom space to carry out their ministry.

As to 'Why here?', Mr. Brunson stated that LDS church members who live in Mission need a church home of their own in Mission to allow them the opportunity to worship in their own community without having to drive to a neighboring city just as others are allowed the same privilege. He mentioned that having a nearby

chapel in our community supports families and gives us a sense of belonging and helps members better live their religion. For example, travel to McAllen is a hardship for many of the congregants including those without transportation, the elderly, those who live in a fixed income, and family with special needs. Those who cannot make the trip, must forego critical aspects of worship such as partaking the sacraments of the Lord's supper.

Since there is no paid clergy, we rely on the volunteer efforts of local members and volunteer leaders cannot effectively administer to the flock when the chapel is not located in their midst. Members serve and watch over each other through church programs called visiting-teaching through the women's ministry, and home-teaching through the church priesthood organization. These programs are better carried out when a centralized chapel fosters an importance sense of religious community. Also, the LDS church congregations are organized by defined geographical boundaries so their members attend the congregation where they live. He mentioned that they currently have two congregations with members in the Mission area and these are the members that would attend church services at the proposed Mission chapel. Whenever a congregation gets too large, the LDS church creates a new congregation to allow all members the opportunity to serve the Lord through callings of service that is central to the practice of their faith. Thus, the chapel "would not become a mega church" drawing members from other areas but would use by members that reside in the Mission area. Mr. Brunson mentioned that their community service programs would be greatly enhanced by having a chapel in the Mission area, and 'service to others' is at the heart of the LDS faith. It has been the church's experience that neighborhood service projects are more likely to flourish with a local chapel. He mentioned that just last month, for example, the LDS church had 110 volunteers turn out to help the City of McAllen with the citywide cleanup project. Also, missionary work in our local communities is a viable part in their religion. Missionary contacts are made where members live, work, and go to school; and those investigating the church are more likely to accept invitations and visit LDS worship services where the chapel is accessible. A centrally located chapel makes a good environmental sense and reduces traffic and commuting. Mr. Brunson finalized by stating that church members such as himself and others were gathered here as citizens of Mission who have long desired to be able to worship in Mission, and respectfully request that this Board grant their request to allow them to build a church at this proposed site which they have found to be the best available location for them to meet the needs of their members.

Mr. Brice Chandler, who resides at 2515 Dove Avenue, stated that he was the President of the McAllen, Texas West Stake of the Church of Jesus Christ of Latter-day Saints. He mentioned that he would oversee eight congregations of the church in the area including the two congregations whose members live in Mission and for which they proposed the building. He stated that he was a lay-minister which means that he serves in a voluntary capacity so, by day, he is a salesman of fire sprinkler system by profession, but he gives all his discretionary time on the nights and weekends to his ministerial calling. Mr. Chandler stated that he was present

today because the proposed chapel was very important to the congregations here in Mission.

Mr. Chandler added that since the neighbors had concerns regarding the selection of the site, he would have to say that he directed the search in conjunction with the church real estate representatives. It was a comprehensive search and the following criteria was used to select a site: 1) non-commercial area, 2) appropriate size (approximately 5 acres), 3) accessible to members, 4) within certain costs constraints, and 5) finally, a spiritual feeling that the site was acceptable to God or even better a specific feeling that this location was where He wanted them to be. He added that the spiritual component was just as important as the other criteria but the hardest to articulate. It may be difficult for someone not of their faith to understand but they do receive divine direction on important matters such as the location of the house or worship. Mr. Chandler stated that it typically comes as they do all their homework and searched all the options, and then they pray.

Mr. Chandler made reference to Exhibit "C" which was a map that included 4 locations. They researched each one before choosing the subject site that they did and worked on a contract under that project. He stated that after the City Council denied the request the first time, the church went back and looked at other additional properties including these ones again. The property on Bryan and 2 Mile is the only property that met all the temporal and spiritual requirements. He mentioned that this was a difficult decision to make. He understood the neighbor's comments to a certain point, but based on their criteria, the needs of their members, and the temporal/spiritual analysis, they felt that this was the property that best met their requirements. Mr. Chandler finalized by stating that he kindly requests, on behalf of the members that reside in Mission for the youth and families in the communities, that this Board approve their application.

Mrs. Sharon Almaguer stated that she would like to bring to the attention of the Commission the two statutes that she believes would impact their decision. One is the Religious Land Use in Institutionalized Persons Act of 2000, which is a federal statute; and there is the State Statute the Texas Religious Freedom Restoration Act. Both of these statutes prohibit any land use decision that substantially burdens the exercise of religion unless they are extraordinary circumstances present and the governmental entity can establish that there is a compelling governmental interest. Mrs. Almaguer stated that she didn't believe that any of those factors were present in this case.

She added that all of the stated opposition deals with basically neighbor's preference that the church not be located at this particular location and the alleged impact on the neighborhood. Mrs. Almaguer stated that they were proposing to build a very attractive facility which would be located at the intersection of two major arterials and, as Mr. Chandler discussed earlier, the church selected the site after an extensive search of the area and determined that this was the site most appropriate for the church needs. The opposition's argument that the chapel be

located elsewhere does not support denial because, under the law, the issue is whether there is a compelling governmental interest to be advanced by denying the permit. She added that church members in Mission need a church home in Mission. The property that they have selected for the chapel is currently zoned as agricultural and what we are asked to do is a permitted use under the City's ordinances. The surrounding area is not density populated, as is the case with many other churches that are located in the Mission area. Mrs. Almaguer said that there was no legitimate reason in this case to not allow the chapel to be built at this site. The preferences and concerns of a few neighbors and their purely private interest do not amount to a compelling State interest; thus they don't believe there is any legitimate reason for the Commission to deny their application. She respectfully urged the Commission to grant the application and, in making the decision, that they consider all the interests of these Mission residents who are church members, and to consider that all they want is what most of us take for granted which is "a church home" in the city they live in.

Mr. Samuel Shipp, who resides at 2314 Norma Drive, stated that he currently has a calling as Elder's Quorum President, and in fulfilling that calling they have to meet on Sundays but outside the regular schedule to make plans. He mentioned that every time they meet, it just makes more sense to meet in his residence in his home rather than to travel to the McAllen church. For them, it would be so much nicer to meet in a church that is centrally located where all the members live.

Ms. Janet Gomez, who resides at 3909 Prosperidad Drive, stated that she was 14 years old, and was part of the youth group at LDS. She added that her congregation was growing and needed more space. This would not create traffic jams. She mentioned that they understood the opposition but a church in Mission could actually help them with members that have either physical or medical disabilities and are not able to attend the services. She added that they have youth groups that have to travel to McAllen when actually they live in Mission. She stated that she really hoped that this chapel could be built in this area. She thanked the Board for their time and attention, and hoped the Board makes the right decision.

At 5:40 p.m., P&Z Commission Chairman Ned Sheats requested that P&Z go into executive session prior to considering this matter in open session pursuant to V.T.C.A. Gov. Code Sec. 551.0741, Private consultation with the City Attorney. The Commission did and thereafter returned to the item in open session.

5:40 p.m. Mr. Mario Garza moved to go into executive session. Motion was seconded by Mrs. Marin.

At 5:55 p.m., Mr. Mario Garza moved to reconvene in open session. Motion was seconded by Mrs. Marin, and approved unanimously 5-0.

Mr. Rene Flores stated that he was also a Mission resident, and was proud to serve on this Board and his community. He appreciated the area where the chapel was

being proposed because it is a beautiful area with nicer homes and wondered what areas in Mission we are preserving for that. He mentioned that he wants the best for the City of Mission. Mr. Martin Garza owns this property and wants to sell it and the church wants to buy it but everybody around it is in opposition. Mr. Flores stated that all he has heard from the neighborhood is that they don't want a chapel in their neighborhood but nobody has mentioned what would be acceptable. He mentioned that he has not heard any solutions by the opposition as to what would be acceptable in their eyes. He concluded by saying that it was Mr. Martin Garza's property, and ultimately he would decide who he sells the property to.

Chairman Sheats stated nobody on the P&Z Board doesn't recognize the value of the residential R-1 communities and subdivisions, and he would not vote for anything that would not be the best for the surrounding community.

Chairman Sheats entertained a motion. Mrs. Marin moved to approve the item as recommended by staff. Mr. Flores seconded the motion. Upon a vote, the motion for approval passed unanimously.

At this time, Mr. Guerra asked to be excused where after Chairman Sheats excused him.

**Started: 5:07 p.m.**

**Ended: 5:11 p.m.**

**ITEM # 1.2**

**Conditional Use Permit: Wrecker Service in an AO-I Zone  
2703 N. Inspiration Road  
A 5 acre tract out of Lot 26-1,  
West Addition to Sharyland Subdivision  
AO-I  
Life of Use  
Fernando Torres**

Mr. Zavala went over the write up stating that site is ½ mile north of Griffin Parkway along the east side of Inspiration Road and adjoins the Mission Lateral. The lot measures 165' x 1,320' and adjoins an R-4 neighborhood. The applicant resides at the existing single family home, which will have his office, too. This proposal is very similar to the existing "Repo" service located north of Griffin Parkway and Moorefield, which is also an AO-I zoned property and was renewed this year as well (marked on vicinity map, too).

The applicant is proposing to fence a 140' x 160' impound area along the north side of the property abutting the Mission Lateral (away from any adjoining neighbors). Access to the impound area will be from a caliche driveway off of Inspiration Road.

- Days/Hours of Operation: Monday – Friday from 8:00 a.m. to 5:00 p.m.
- Staff: the applicant, plus 1 driver

- There is no ground pole sign permitted for this conditional use permit

This business will have people coming to the home to pick up their towed vehicles. Staff may require at a renewal hearing to provide more paved parking but we'll reserve this for future consideration. Also, under no circumstances should vehicles be towed through the residential streets to the south. Staff recommended approval subject to: 1) a 1 year re-evaluation to assess this new business (annual renewals likely for the 1<sup>st</sup> three years), 2) completely buffer the vehicle impound area on all 4 sides, and 3) acquiring a business license.

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

There was none.

Chairman Sheats asked if the applicants or representatives were present.

Mr. Fernando Torres, who resides at 1412 Encantado Circle, stated that he was present to address any questions that the Board might have.

Chairman Sheats asked Mr. Torres if he was receptive to staff's recommendations.

Mr. Torres replied, "Yes".

Chairman Sheats stated that he would like to add in the recommendation that there be no stripping of cars, and no selling of cars or auto parts. He asked Mr. Torres if he would be receptive to these conditions as well.

Mr. Torres replies, "Yes".

There being no other comments, Mr. Mario Garza moved to approve the conditional use permit as recommended by staff including no stripping of cars, and no selling of cars or auto parts. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:11 p.m.**

**Ended: 5:14 p.m.**

#### **ITEM # 2.0**

#### **Discussion and Action on Proposed Ordinance to Prohibit Recreational Vehicles (RVs) from Parking on the Front Yard/Driveways of Properties Zoned Single Family Residential (R-1)**

Mr. Zavala stated that based on neighborhood concerns expressed to Management, the Planning Department has been asked to consider amending the R-1 zoning district to prohibit the parking of private recreational vehicles on R-1 zoned property's 'front yard area'.

In this regard, the Zoning Code would add Section 1.371-4 (d) as follows:

Prohibited Uses:

(g) A recreational vehicle shall not be parked or stored within the front yard area inclusive of any paved driveway; it is further asserted that such recreational vehicles shall not be parking alongside any public or public street unless it is for the temporary loading or unloading, which must be completed within 48 continuous hours.

Mr. Zavala stated that what was being promoted by the above amendment was to promote R-1' aesthetics, and is purely a quality of life measure.

Chairman Sheats asked if there was any input from the Board Members in regards to the item.

Mr. Flores stated that he had an RV.

Mrs. Marin stated that she had an RV, and she liked the proposed amendment.

Chairman Sheats stated that he didn't have an RV but liked the ordinance.

Mr. Flores asked Mr. Zavala if this ordinance meant that they couldn't be parked in the driveway.

Mr. Mario Garza asked Mr. Zavala where would he be able to park because he owns an RV and he usually parks it in his driveway since it is a recreational vehicle. He added that based on this ordinance, this would prohibit RV parking on the front driveway so where would be able to park it. He mentioned that his daughter and sons also have one and they park their RV in the driveway.

Mr. Zavala stated that Mr. Garza's property was zoned Large Lot Single Family; therefore this ordinance would not apply to him.

Mr. Mario Garza mentioned that he had family members that lived in R-1 properties and it would apply to them.

Mr. Zavala stated that it would certainly apply to Mission citizens, and as far as where would they park, maybe if there was an alley or rear area, they would need to find a place to park it. He confessed that it was not up to him to discern for the 200 people that have RV's to figure out where they'd park. All he needed to do was to advise the residents that there is a city law against RVs parking in the front, that will be pass if it gets passed but for him to discern where people should park would not be one of his functions.

Mr. Flores asked Mr. Zavala if McAllen had the same ordinance and it not what would they do.

Mr. Zavala stated that he knew they do it for cars that are not supposed to park in the front yard's grass.

Mr. Mario Garza mentioned that the RV's are used day to day.

Mr. Flores stated that they were not on a day-to-day use.

Mr. Mario Garza stated that his family uses their RV's on a daily basis.

Mr. Flores stated that he understood what staff was trying to do, which was to clean up the city.

Mr. Garza stated that he has a friend in McAllen that has his RV parked in the driveway for years and years and nobody has said anything. He added that he was sure that McAllen did not have that ordinance.

Mrs. Marin asked Mr. Zavala if he was just asking if the Board liked the new way it was written.

Mr. Zavala stated that the ordinance does not exist at this point; it was proposed for discussion and action.

Mrs. Marin stated that staff just wanted the Board's input as far as if they would approve it.

Mr. Zavala replied, "That's correct."

Mr. Sheats stated that he was definitely on the side of getting anything off the front of the house that was not the front of the house. He added that there were plenty of places throughout the Valley including several on Old 83 where you can store your unit at a reasonable rate. He mentioned that there were a lot of people who liked to get up early in the morning and not look at RV's.

Mr. Garza stated that they were not being considered to the people who had RVs.

Mr. Sheats stated that he was very sorry if they didn't agree with him but the situation is the Board should not be looking into our relatives or into our own situation. We should be looking at what is good for the City of Mission, and quite frankly, in most of the City where you have front-facing garages, and people put an 18' to 25' mobile home, it "looks bad" when going into a neighborhood.

Mr. Garza stated that a travel trailer is different. He agrees that mobile homes should be put in the mobile home subdivisions but the RV's were different.

Mr. Flores stated that he agrees that the RVs look bad, and respects what the city is trying to do.

Mrs. Marin also agreed that it looks bad. She added that the 48 hours is sufficient to get ready to go to your trip, come back, and put the stuff in the house, and then take the RV elsewhere to be stored.

There being no further comments, Mr. Flores moved to approve the item as presented by staff. Mrs. Marin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:14 p.m.**

**Ended: 5:23 p.m.**

**ITEM # 3.0**

**Review of Office Concept on the Southern 160' of Lot 37, Bell-Woods Co's Subdivision "C"**

Mr. Zavala stated that staff had been approached by the owner of Lot 37 on a possible dual use development whereby the southern 160' would be dedicated to 'office' uses and the larger portion for a typical R-1 community. The new owner (purchased 2/11/11), Jaime Valdez, lives along the northern perimeter of the adjoining Compton Road. He also owns additional acreage to the north but does not abut Lot 37, i.e., he does not own Lot 38. Mr. Valdez has proposed a series of office suites thus the minimal depth of 160' with the remnant being a series of R-1 lots being accessed by 3 streets (the perimeter west street is stubbed to the north to interface expected residential).

The vicinity map is an excerpt of the Future Land Use Map (FLUM) whereby this area is currently designated as Low Density Residential. The FLUM was so designated several years ago.

As the P&Z is aware, the FLUM is a 'broad stroke' approach that cities use to determine what may be the likely use of property & the best use of property considering (developed) land uses, zonings, adjacency to certain type of streets, building trends, etc.

Other comments include:

- 2 Mile Road is deemed an arterial via MPO designations; the ROW profile will be 100' with a future pavement width of 65'. Such a street lends itself to attracting non-residential uses along its borders.
- 2 Mile Road is in the preliminary process of being widened in similar form as now exists east of Conway Avenue; thus, an arterial pavement section will induce non-residential traffic.

- Having an R-1 community here will see increasing traffic over the years and may affect their property values; R-1 communities will not be allowed direct access to 2 Mile Road thus would build a perimeter fence to impede access; with the fenced R-1 example north of Veterans High School, such buffering fences seem to depreciate aesthetics over time and are primary targets for graffiti. In the alternative, having a well-lit & landscaped office setting with security lighting may be a step forward in setting the tone for this sector of the city.
- Property will be no more than C-1 for Office uses only; the minimal depth will not lend it to ever be upgraded; C-1 zoning is a low-key zone; traffic is not congestive.
- Owner/wife have lived along Compton Road for many years; the proposed development is what they will see as they exit & enter their property every day thus they have a vested interest in assuring that an upscale development results.

Chairman Sheats stated that staff knew his perspective in regards to having commercial next to residential being close together, but considering 2 Mile Road and what was going to happen to 2 Mile this concept would be receptive if the developer uses similar architecture like the building in Fox Run. He added that quite frankly, he thinks this would be a buffer between 2 Mile Road and the residences behind it.

Mr. Flores stated that they wanted to change the characteristics of the property.

Mr. Zavala mentioned that this item was just for 'information only'; the concept was not finalized just yet.

Chairman Sheats asked for a consensus from the Board that who were favorable to the office concept.

#### **ITEM # 4.0 ADJOURNMENT**

There being no further items for discussion, Mrs. Marin moved to adjourn the meeting. Mr. Lopez seconded the motion. Upon a vote, the meeting was adjourned at 6:21 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission