

**PLANNING AND ZONING COMMISSION  
AUGUST 10, 2011  
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
Carlos Lopez  
Guadalupe Vela  
Rene Flores

**P&Z ABSENT**

Luann Caudle  
Marisela Marin  
Mario Garza

**STAFF PRESENT**

Bobby Salinas  
Patricio Martinez  
Sonia Carnes  
Susana De Luna

**GUESTS PRESENT**

Israel Longoria  
Ramiro R. Solis  
Rebecca E. Vela  
Gilberto Garza Jr.  
Paula L. Garza  
Gilbert S. Garza Sr.  
Sandra P. Almanza  
Mirtha R. Uranga  
Rudy Molina  
Father Oliver Angel  
Eduardo Castillo  
Hector Cavazos  
Kelly Vela

**CALL TO ORDER**

Chairman Ned Sheats called the meeting to order at 5:36 p.m.

**CITIZENS PARTICIPATION**

There was no response upon inquiry by Chairman Sheats.

**APPROVAL OF MINUTES FOR JULY 27, 2011**

Chairman Sheats asked if there were any corrections to the minutes for July 27, 2011. There being no corrections, Mr. Vela moved to approve the minutes as presented. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:37 p.m.**

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

**ITEM # 1.1**

**Discussion and Action to consider officially abandoning Street ROW along Pino Street between Blocks 10 & 11; Granjeno Street between Blocks 7 & 10; 10' alleys in Block 7, 10, & 11, Alta Vista Subdivision, as requested by Our Lady of Holy Rosary Church**

Mr. Salinas stated that in 2009, the City Council desired to hold public hearing on issues involving any abandonment of public ROWs. Public notification procedures

(similar to rezonings) have been activated, i.e., notice to owners within a 200' radius, plus publication of such "ROW abandonment" in the City's newspaper.

Site: The areas to be abandoned are: Pino St. (recorded as San Matias Ave., Vol. 5, Pg. 23) and Granjeno St., (recorded as San Martin Ave., Vol. 5, Pg. 23) between Laredo and Matamoros Street and 3-10' alleys within Blocks 7, 10, & 11 of Alta Vista Subdivision.

Staff received a request from Our Lady of Holy Rosary Church to build a new church. Staff was under the assumption that the ROW had previously been abandoned, however upon further investigation staff discovered that the ROWs and alley had not been formally abandoned. In order to reconcile our records a formal abandonment is in order.

The ROWs and alleys have never been used as such and do not have any public utilities within them. The ROWs and alleys have been fenced in for several years by the church. Staff does not object to the official abandonment.

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

There was no response.

Mr. Sheats asked if there was anyone in favor of the request.

Representing Our Lady of Holy Rosary Church, Father Oliver Angel who resides at 923 Matamoros, stated that they are making this request because they are going to build a new church building on the grounds that have been under the church controller and administration for the past 60 years this coming October 7<sup>th</sup>. He mentioned that because of the growing community they are in need of another church.

There being no further comments, Chairman Sheats entertained a motion. Mr. Vela moved to approve the request as presented by staff. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

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

**Ended: 5:59 p.m.**

**ITEM # 1.2**

**Rezoning:**

**Lot 1, Oleander Estates Unit "A" Subdivision**

**R-1 to C-3**

**Leticia Lopez**

**c/o J. Hector Cavazos**

Mr. Salinas went over the write up stating that the subject site is located on the NE corner of Oleander Drive and Moorefield Road. The surrounding zones include: Agricultural Open Interim (AO-I) to the north, Single Family Residential (R-1) to the east, and south, and County (No Zone – ETJ) to the west. The existing Land Uses include: Agricultural to the north, Open Acreage to the east, and Single Family Residential to the west and south. The site currently has a pre-existing metal building. The Future Land Use Map shows a Low Density Residential (LD) designation. The surrounding land uses are comprised of large estate residential settings. The desired C-3 zone does not comply with the City's FLUM. Though Moorefield Road is a future 80' collector street, the property is on a corner lot, and we have deviated from the Future Land Use Map in other cases, given the current codes and zoning tools the City has, staff could not recommend in favor of the proposal at this time.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

Mr. Hector Cavazos, who resides at 118 South Shary Road, stated that he was representing Judge Leticia Lopez on this zoning change. Mr. Cavazos presented the Board with some pictures of the site and surrounding area. He added that it was originally a commercial building approximately 1,600 square feet in about 52,000 square feet of land. Mr. Cavazos stated that the way it sits on Moorefield Road it faces to the west. The zoning in there is residential but this being on Moorefield Road, he would compare it to Griffin Parkway where they have commercial property and then you have a street going back towards the residential. He stated that this property was commercial and then when it got annexed into the City they turned around and rezoned it to single family. Mr. Cavazos stated that how could you take a metal building that is 1600 square feet and make that into a home that would be pretty tough. He added that he could understand if this was a vacant lot and they asked for it to be rezoned and the residents were against it but in this case there is no opposition. Mr. Cavazos stated that the residents of this subdivision were for the request; therefore he humbly asked that the Board considered rezoning this property to C-3, which would be for light automotive work and nothing heavy or industrial.

Chairman Sheats stated that it didn't make any difference what it was prior to being zoned R-1 in other words when that zone was designated as R-1 there was ample time to have voiced an objection at that time. He added that this was unfortunately a perfect example of spot zoning it is something that the Texas legal system has recognized as not being good. Chairman Sheats mentioned that they had a

situation where what they are trying to do is have a conflicting use just arbitrarily in the middle of a neighborhood because that would leave everything open in Mission.

Mr. Cavazos stated that he totally disagreed with him.

Chairman Sheats asked Mr. Cavazos to let him finish then he could disagree with him all wished. He mentioned he would like to share some information with the Board, which reads as follows: Texas Courts imply improper motives are the route of evil and spot zoning. He added that in defining illegal spot zoning they look at the neighborhood but also make an analysis on whether preferential benefits result for one or a small amount of land owners. He mentioned that the Texas Supreme Court has used spot zoning as preferential treatment which defeats an established comprehensive plan. It is piece meal zoning. Chairman Sheats stated that an example of spot zoning was being presented because the Future Land Use Map designates this property as Low Density.

Mr. Cavazos stated that if that was the case, how could someone come in and ask for a rezoning if the Future Land Use Map had such a designation. Therefore, what you are saying is that any change of the Future Land Use Map designation is considered spot zoning. He mentioned that was the reason he totally disagreed, because of the fact that this property was originally commercial; it would not make it spot zoning. Mr. Cavazos stated that the definition for spot zoning is when you just change the zoning on a property that was completely residential.

Chairman Sheats stated that the P&Z Commission did not have the right, ability, or power to go back and reverse something that was done in the past.

Mr. Cavazos stated that they could if they wanted.

Chairman Sheats stated that they couldn't do that. He stated that it would have to be done by the City Council. He stated that they couldn't put one C-3 in the middle of 12 R-1 lots.

Mr. Cavazos stated that the lot was not in the middle and this proposal was similar to the lots on Griffin Parkway.

Chairman Sheats stated that he was not trying to play semantics. He added that Griffin Parkway was a 4-lane road that had commercial on both sides of the streets. He added that this was a 2-lane road that was on the corner of a residential cul-de-sac street.

Mr. Vela asked when was the land purchased.

Mr. Cavazos stated that he believed the land was purchased 3 years ago.

Mr. Vela asked Mr. Cavazos if the land was purchased as residential or commercial.

Mr. Cavazos replied, "Commercial".

Chairman Sheats mentioned that to his understanding if the property was bought as commercial and changed then we have a situation where and it still hold that something should have been done at that time but we need a date.

Mr. Cavazos stated that they could clearly see in the pictures that it was a body shop and there was no way they could live there in a 1600 square feet building.

Chairman Sheats stated that there was no doubt that this property was used as commercial business at one time or another but unfortunately it was irrelevant because it was rezoned to R-1 and it was not complained about at the time of the change.

Mr. Cavazos stated that it changed because of the annexation to the City of Mission. He mentioned that when the City took over they rezoned to R-1 that was what happen.

Chairman Sheats stated that what was being considered was if it was good for the community to change an R-1 to C-3 when all of the surrounding uses are R-1

Mr. Cavazos stated that they also had agricultural to the north, which could easily come in, and a make a new subdivision and develop.

Chairman Sheats stated that it would develop as an R-1 subdivision.

Mr. Cavazos stated that on the west side of the property one could come in and put a commercial building since it is currently in the County.

Mr. Flores asked if when a rezoning takes place the landowners are notified of the change.

Mr. Salinas stated that whenever a property is rezoned staff needs to publish and notify all the landowners within 200' of that property that we're changing it from AO-I (Agricultural Open Interim) to R-1 (Single Family Residential).

Mr. Cavazos stated somehow they missed the notice or it was mailed to a different address possibly.

Mr. Salinas stated that he was not aware of the exact date when this property had been annexed into the City of Mission and rezoned. He mentioned that he has been

with the City for the past four years and the property was already in the City and zoned as R-1.

Mr. Cavazos stated that they could easily move this building across the street and make it commercial because it was in the County.

Chairman Sheats stated that they couldn't because it was in Mission ETJ and it was low density.

Mr. Cavazos replied, "No that he was incorrect".

Mr. Salinas explained that if the property was in our ETJ and it is in the County they could put commercial or a house if they wanted to.

Chairman Sheats stated that currently they had houses.

Mr. Salinas stated that they currently had large estate settings.

Chairman Sheats stated that he didn't have a way of changing the past and the only thing he could do was to make a motion on what is being considered.

Mr. Flores asked how far along before staff sees this property converting into commercial.

Mr. Salinas stated that most of the area is shown as Low Density on the Future Land Use Map. The only area indicated as a C-2 was further south on 2 Mile and Moorefield Road and that is the max commercial shown for that area.

Mr. Flores asked if C-3 would change the Future Land Use Map designation.

Mr. Salinas explained that a C-1 allows office type businesses, only open from 8-5 and closed during the weekends, a C-2 allows more neighborhood businesses like small grocery and meat markets, and a C-3 would open the door to restaurants, body shops, etc.

Chairman Sheats stated that they didn't really want for that particular area.

Mr. Flores asked how populated the area was.

Mr. Salinas stated that the area was not too densely populated because you had single-family homes and large estate homes.

Mr. Cavazos stated that most of this property was in the County and they had to be ½ acre lots and now that it is in the City they could have smaller residential lots.

Mr. Flores stated that understood that the rezoning was mainly because it makes it more appealing for the sale.

Mr. Cavazos mentioned that if not it might be rented or leased for a restaurant but nothing that would be bad like a bar.

Mr. Salinas stated that there was no conditional zoning, if it is zoned C-3 it could be used for any C-3 business.

Mr. Cavazos stated that they would still need to come before the Board to get an approval and notices would have to be mailed out.

Chairman Sheats asked Mr. Salinas if someone came in with an application to put a business in a C-3 and it is an approved business for a C-3 the Board would not have to see this.

Mr. Salinas replied, "That's correct". He added that they would have to see it for certain requests like the sale of alcohol, drive-thru service window, etc.

Chairman Sheats stated that his point was that if the rezoning was allowed P&Z would be opening this neighborhood to anything and P&Z has heard both the applicant's and staff's input but to him the neighborhood rules.

Mr. Cavazos stated that the neighborhood was not in opposition to the request because nobody showed up.

Chairman Sheats stated that the neighborhood not showing up, did not mean precisely that they were in favor. There could be several reasons why they didn't show up but that is besides the point a motion is in order.

There being no comments, Chairman Sheats entertained a motion. Mr. Flores moved to deny the rezoning as recommended by staff. Mr. Lopez seconded the motion. Upon a vote, the motion was 3-1 with Mr. Vela dissenting.

**Started: 5:59 p.m.**

**Ended: 6:08 p.m.**

**ITEM # 1.3**

**Conditional Use Permit: Institutional Use – Church on Property  
Zoned R-1  
Lots 1-20, Block 7, Lots 1-20, Block 10, &  
Lots 1-20, Block 11, Alta Vista Subdivision  
R-1  
Life of Use**

### **Our Lady of Holy Rosary Church**

Mr. Salinas went over the write up stating that the subject site is located at the NE corner of Matamoros and Mayberry Road. The property currently has an existing church located on the eastern area of the site and has frontage along Mayberry, Laredo and Matamoros. A new 15,540 sq. ft. church facility is being proposed on the western area of the site with access to Matamoros Street and Laredo from two 36' driveways. The existing building will be used for CCD classes and a Parrish Hall. The facilities will not be used at the same time.

**Parking:** 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 in the main auditorium is 840, which will require 210 parking spaces (840 seating spaces/4 seats = 210), thus in compliant with code.

**Landscaping:** The applicant is exceeding code by providing 15% green area along with the installation of trees and shrubs.

Other comments:

- **Days/Hours of operation:** (Office) Monday – Friday: from 9:00 a.m. to 12:00 p.m. & 1:00 p.m. to 5:00 p.m.; (Services) Saturday from 6:00 p.m. to 7:00 p.m. and Sunday from 7:00 a.m. to 2:30 p.m. and 7:00 p.m. to 8:00 p.m.
- A drainage plan must be submitted for review by the City Engineer.

Staff recommended approval subject to abandoning recorded ROWs of the affected Blocks, and submitting a drainage plan for review by the City Engineer.

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

There was none.

Mrs. Rebecca Vela stated that she was not against the request she just wanted to make sure that her or her family's property would not be affected in anyway by this construction.

Mr. Salinas explained that the construction was only taking place on Lots 1-20, Blocks 7, 10, & 11, of Alta Vista Subdivision and she was on Block 7 of East Side Addition which would not be affected at all with the construction.

Chairman Sheats asked if the applicant or representative were present.

Father Oliver Angel assured Mrs. Vela that they would not be constructing anything on her property and they would respect her property at all times. He added that

the reason for the request was because the City of Mission has been growing a lot and they need room to accommodate all the community that attends church. He mentioned that when he started 5 years ago they only had 3 masses in the morning with regular attendance and now they have 6 services every Sunday, which were very packed. He stated that he would appreciate if the Board considered the request to better serve the community of Mission.

There being no other comments, Chairman Sheats entertained a motion. Mr. Lopez moved to approve the conditional use permit as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:08 p.m.**

**Ended: 6:10 p.m.**

**ITEM # 1.4**

**Conditional Use Permit: To Add New Equipment & Co-locate Antennas onto the Existing Self-Support Tower  
206 E. Trinity Street  
Lot 14-7, West Addition to Sharyland Subd.  
I-1  
Life of Use  
T-Mobile - c/o Wes Webber**

Mr. Salinas went over the write up stating that the site is located approximately 500' east of Conway along the south side of Trinity Street. T-Mobile is in the process of upgrading their wireless communications network in the area and are proposing to add a new shelter and antenna on the existing self-support tower. Currently, there are existing shelters for various communications providers and the 100' high telecommunications antenna. The shelter will be placed outside any easements and exceeds applicable building setbacks. Access to the site is provided through a 20' wide road easement. Staff recommends approval for life of use.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

Mr. Salinas mentioned that the applicant was unable to attend.

There being no comments, Chairman Sheats entertained a motion. Mr. Flores moved to approve the conditional use permit as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:10 p.m.**

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

**ITEM # 1.5**

**Conditional Use Permit: To Place a 5.5' x 10.6' Portable Building  
For the Sale of Sno-Cones, Corn & Snacks  
407 La Lomita St.  
S. 120' – W. 130' – S. ½ of Block 8,  
Citriana Heights Subdivision  
C-3  
Life of Use  
Sandra P. Almanza**

Mr. Salinas went over the write up stating that this conditional use permit was last approved by P&Z on 9-23-10. Since the conditional use permit was not transferable to others and a new operator is evident, this conditional use permit needs to be considered once again. The subject site is located at the NE corner of Lomita Avenue and Del Mar Drive. Existing entry and exiting to the site is from a pair of 24' driveway cuts along Del Mar Drive, and a 24' driveway cut along Lomita Avenue. The portable building is set in a concrete landing along the south side of the property between the 24' driveways. Restroom facilities are available at Elizondo's Tires (abutting business to the north).

- **Hours of Operation:** Monday – Sunday from 1:00 p.m. to 10:00 p.m.
- **Staff:** The applicant and her son will be running the stand.
- **Parking & Landscaping:** Parking is in order since many that are washing cards or conducting business at Elizondo's Tires merely walk over. When this conditional use permit was first awarded, the applicant installed additional trees and shrubs to improve aesthetics.

Staff recommended approval subject to a 1 year re-evaluation.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

The applicant, Mrs. Sandra P. Almanza was present to address any questions that the Board might have.

There being no other comments, Chairman Sheats entertained a motion. Mr. Vela moved to approve the conditional use permit as recommended by staff. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

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

**Ended: 6:20 p.m.**

**ITEM # 1.6**

**Conditional Use Permit: Drive-Thru Convenience Store &  
Hot Dog Cart  
2502 W. Business Hwy 83  
Lots 131 & 132, Ala Blanca #4 Subdivision  
C-3  
Life of Use  
Reynaldo Diaz – c/o Marisol Canales**

Mr. Salinas went over the write up stating that the site is located on the NW corner of Paisano Street and Business Highway 93. This drive-thru 'window' CUP was most recently approved on 11-19-09 for the life of use, however the applicant now wants to build a 'full drive-thru' business where the window currently is, with access to the convenience store. Since they are proposing to change the current drive-thru window, a new conditional use permit is required. The applicant is proposing to construct a 21' x 30' addition for the new drive-thru business.

- **Days/Hours of operation:** Monday – Sunday from 7:00 a.m. to 11:00 p.m.
- **Staff:** 9 employees
- **Parking:** A total of 23 parking spaces are needed for the convenience store/drive-thru and the Laundromat. The new addition will remove two of the existing spaces on the site, leaving 21 spaces. The owner of T-Rey's owns and currently utilizes the property on the NE corner of Paisano Street and Business 83 for surplus T-Rey parking. Staff did want to note that the surplus parking area must be striped as part of the CUP's requirements.
- **Landscaping:** Staff is also recommending that some added landscaping be installed and maintained in order to help beautify the area. Staff is requesting at least three shade or ornamental trees along Business 83 either within the site or within the surplus parking to help provide additional aesthetics along the frontage area of the site.
- **Hot Dog Cart:** Staff also noticed a hot dog cart that has been placed on the surplus parking area. The applicant was not aware that such stand would need consideration, thus must be considered at this time. Since the cart is an accessory use to the main building, Staff recommends that it be placed adjacent to the main building. The tarp and tables must also be removed from the surplus parking area. – We also noticed a Taqueria on T-Rey's property; that stand must be removed
- Must obtain approval from the Health Department for the Hot Dog Cart.
- **Signage:** Upon an on-site inspection staff noticed the non-conforming sign being used to announce the surplus parking such signs are not permitted and must be removed.

Staff recommended approval subject to: **1)** 1 year re-evaluation to assess traffic patterns and parking issues, **2)** must stripe the surplus parking area, **3)** must install 3 additional shade or ornamental trees and maintain them, **4)** must relocate the hot dog cart to be adjacent to the main building and remove the tarps and tables from the surplus parking, **5)** remove taqueria stand, and **6)** remove the surplus parking sign.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

There being no comments, Chairman Sheats entertained a motion. Mr. Flores moved to approve the conditional use permit as recommended by staff. Mr. Loopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:20 p.m.**

**Ended: 6:22 p.m.**

**ITEM # 1.7**

**Conditional Use Permit: Portable Building for Sno-Cones & Snacks  
1511 N. Conway Avenue  
Lots 9 & 10, Block 243,  
Mission Original Townsite Subdivision  
C-3  
Life of Use  
Israel Longoria**

Mr. Salinas went over the write up stating that the site is located near the SW corner of Kika De La Garza Loop and Conway Avenue. This conditional use permit was approved by P&Z on 6-28-08 with the following conditions: 1) obtain a business license, 2) no separate sign, except within the existing tenant sign, 3) the hours of operation must coincide with Mi Rey Music Store for restroom purposes, (The applicant owns and operates "Mi Rey Music" which has restroom facilities available for customers or employees if needed.), and 4) 3 year re-evaluations. The applicant has complied with all the requirements and proposes to continue his operation from the existing 8' x 6' portable building.

- Hours of operation: Everyday from 9:00 a.m. to 7:30 p.m.
- Parking: There are 12 parking spaces serving the site, which are sufficient to accommodate all 3 businesses.

Staff recommended approval subject to continued 3 year re-evaluations.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

The applicant, Mr. Israel Longoria was present to address any questions that the Board might have.

There being no comments, Chairman Sheats entertained a motion. Mr. Vela moved to approve the conditional use permit as recommended by staff. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:22 p.m.**

**Ended: 6:24 p.m.**

**ITEM # 2.0**

**Site Plan Approval:**

**Construction of Classroom Building "E"  
For IDEA Academy  
Lot 1, IDEA Public School Subdivision  
PUD  
IDEA Public School**

Mr. Salinas went over the write up stating that the subject site is located 3,000' south of Mile One South along the west side of Schuerbach Road. On 3-9-11, P&Z approved a site plan for the construction of a new classroom/computer room building with the relocation of four portable buildings along the southern area of the campus and 43 additional parking spaces. (Notice compliance to parking, setbacks, access, etc.)

Last month, Staff was presented with a new proposal very similar to what was approved however, the new proposal includes additional "bus" parking along the western area of the campus and instead of having the portables in the southern area of the campus, they would be located between Building "C" and Building "D".

The Fire Marshal has reviewed the proposal for emergency access where the applicant is completing the fire lane looping around the entire campus. The Fire Marshal and our Public Works Department have reviewed and approved the fire hydrant locations, water, and sewer services. However, we do need IDEA to dedicate additional easements by separate instrument for the new utilities and hydrants and regarding storm drainage, Public Works would need to ensure that the applicant is still meeting the detention requirements with the additional paving. Staff recommends approval subject to: **1)** dedicate additional utility easements for

re-locations and extensions of utilities, and **2)** detention and drainage to be approved by Public Works.

Chairman Sheats asked if the applicant or representative were present.

Representing IDEA Public School, Mrs. Kelly Vela from Melden & Hunt was present to answer any questions that the Board might have.

There being no comments, Chairman Sheats entertained a motion. Mr. Vela moved to approve the site plan approval as recommended by staff. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:24 p.m.**

**Ended: 6:27 p.m.**

**ITEM # 3.0**

**Single Lot Variance:**

**A 2.16 Acre tract of land out of  
Lot 292, John H. Shary Subdivision  
1901 E. 2 Mile Road  
AO-I  
Everardo Sustaita**

Mr. Salinas went over the write up stating that this property is 450' west of Glasscock Road along the north side of Mile 2 Road. The site measures 359.57' along Mile 2 Road and 269.77' along the west side, 359.40' on the north side, and 260.02' on the east side. The site has an existing home. The applicant is proposing to build an addition to the existing home on the subject property.

**Water & Sewer:** Since there is an existing home, water service currently exists through a 1" svc line connected to an existing 12" water line along the south side of Mile 2. Since this tract is located along Mile 2 Road, fire hydrants are required along both sides of the road. There are no hydrants along the north side at this time therefore, 1 additional fire hydrant is required as per the direction of the Fire Marshal along the SW corner of the tract. In order to accomplish this, a 70' bore is required from the south side of Mile 2 that will tap into the existing 12" waterline. In regard to sewer, there was a new 10" sewer line installed along the north side of Mile 2 during the road's widening. The home is currently connected to septic tanks and must connect to the new line.

**Streets:** The property fronts Mile 2 Road, a future 100' ROW/65'B-B paved street. The MPO Thoroughfare Plan requires a minimum of 50' ROW from the centerline of the street. Additional ROW is needed in order to meet mandatory MPO requirements. Though Mile 2 was recently widened, the MPO Thoroughfare Plan projects an ultimate width of 65' pavement B-B, i.e. the cost to pave remaining 8.5' on their side must be acquired. The remaining 8.5' of pavement must be escrowed

at \$38.44 per linear foot, which equates to \$13,821.87 ( $\$38.44 \times 359.57'$  l.f.). There are existing street lights along Mile 2 Road.

**Other comments:** Park Fees – Since there was an existing home on the property, Park fees are not imposed. Capital Sewer Recovery Fee - \$200, Escrow 5' sidewalks -  $\$12/\text{l.f.} \times 335.57'$  ( $359.57' - 24'$  driveway) = \$4,026.84, Exclude from the Water District, and must apply for rezoning from AO-I to R-1A

Staff recommended approval subject to: **1)** dedication of 50' of additional ROW from the centerline of Mile 2, **2)** rezone to R-1A, **3)** escrow the 5' sidewalks and street widening costs, **4)** payment of capital sewer recovery fee, and **5)** provide proof of exclusion from the water district.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

There being no comments, Chairman Sheats entertained a motion. Mr. Flores moved to approve the single lot variance as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Salinas advised the Board that the City Council had approved the RV Ordinance as proposed by management.

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

There being no further items for discussion, Mr. Vela moved to adjourn the meeting. Mr. Lopez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:28 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission