

**PLANNING AND ZONING COMMISSION
JUNE 17, 2009
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Raul Segin
Ned Sheats
Mario Garza
Jose G. Vela
Henry Rodriguez

P&Z ABSENT

Luann Caudle
Marisela Marin

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Jaime Acevedo
Irasema Dimas

GUESTS PRESENT

Leticia Hernandez
Lellie Graham
Blanca M. Cantu
Brenda Tijerina
Hector Cantu
Angel L. Lopez
Ryan Krause
Steve Ferguson
Porfirio Martinez
Tomas Tijerina
Silvia Herrera
Enrique Herrera

CALL TO ORDER

Chairman Segin called the meeting to order at 5:02 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR MAY 20, 2009

Chairman Segin asked if there were any corrections to the minutes. There being no corrections. Mr. Sheats moved to approve the minutes as presented. Mr. Rodriguez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:02 p.m.

Ended: 5:02 p.m.

Item# 1.1

Conditional Use Permit:

**Home Occupation – ‘Sale of Home
Interior & Antiques’
3309 N. Shary Road
The North 165’ – South 660’ – East 528’
Lot 294, John H. Shary Subdivision
AO-I
Life of Use
Gloria A. Garza**

Mr. Acevedo stated that the item was withdrawn by the applicant.

Started: 5:02 p.m.

Ended: 5:05 p.m.

Item# 1.2

Conditional Use Permit:

**Portable Building-Sale of Snacks
820 N. Conway (H.E.B.)
Lot 1-28, John H. Shary Industrial Subd.
C-3
7 months (October 31, 2009)
Porfirio Martinez**

Mr. Acevedo went over the write-up stating that Mr. Martinez desires to place a 6' X 10' portable trailer for the sale of snacks (sno-cones, corn, nachos, frito pies, and Hot Cheetos) at the H.E.B. Food Store located at 810 N. Conway. Mr. Martinez desires to have the following as his days and hours of operation: Monday-Sunday from 1:00 p.m. to 9:00 p.m. Mr. Martinez and a part time employee are the only employees. Helen Garcia, Store Services for H.E.B., has authorized Mr. Martinez to set up the portable trailer on the premises upon receiving a Conditional Use Permit. The stand will be located on the north entrance of the parking lot. Since this portable building will be serving H.E.B. customers, parking will remain as to what is currently available to the store customers. Staff recommended approval for 7 months subject to acquiring a business license.

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

There was none.

Chairman Sesin asked if the applicant or representative were present.

Mr. Porfirio Martinez was present to answer any questions from the board.

There being no further discussion, Chairman Sesin entertained a motion. Mr. Garza moved to approve the conditional use permit as recommended by staff. Mr. Vela seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:05 p.m.

Ended: 5:08 p.m.

Item # 1.3

Conditional Use Permit:

**Drive-Thru Service Window
Lot D, Girasol Estates Subdivision
C-3
Life of Use
Blanca Cantu**

Mr. Acevedo went over the write-up stating that the subject site is located 600' east of Inspiration Road along the north side of Griffin Parkway (F.M. 495). Mrs. Cantu desires a CUP for a drive-thru service window on the easternmost side of the building at this location. Previously, a convenience store and other restaurants have occupied this location and have used the drive-thru window in the past. A single 30' drive along Griffin Parkway provides access to the site. The drive-thru approach is south-to-north in a one-way 12' wide drive along the east side of the building that leads you up to the window. To exit one would proceed northward driving out to the alley. The proposed hours of operation for the drive-thru lanes will be from Monday through Sunday from 6:00 a.m. to 10:00 p.m. Since the service window is so close to the front or south side of the building, there will be only enough room for the vehicle at the window and stacking for only 1 additional vehicle. It is un-clear whether vehicles would proceed thru to a 2nd window or merely wait at the 'counter's window'. Also, there are 15 parking spaces on Lot D, though the number of seats is 48 (or 16 parking spaces needed). Either three chairs should be removed (45 seats) or an encumbrance agreement to use the parking Lot E will be mandated. If Lot E is used, then a 5' sidewalk should be required in front of Lot E. He stated that since the applicant addressed staff's concerns, the recommendation was for approval, subject to a 1 year re-evaluation.

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

There was none.

Chairman Sesin asked if the applicant or representative were present.

Mrs. Blanca M. Cantu was present to answer any questions from the board.

There being no further discussion, Chairman Sesin entertained a motion. Mr. Rodriguez moved to approve the conditional use permit as recommended by staff. Mr. Sheats seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:08 p.m.

Ended: 5:17 p.m.

Item# 1.4

**Conditional Use Permit
& Site Plan Approval:**

**Sale and On-Site Consumption of Alcoholic
Beverages & Drive-thru Service Window
Taqueria La Mexicana
305 W. Griffin Parkway
Lot 1-D, Mission Park Plaza Re-Subdivision
C-3
Life of Use
Jorge L. Garza**

Mr. Acevedo stated that the subject site is located 650' west of Conway along the south side of Griffin Parkway (south of the old Carl's Supermarket). The restaurant desires a CUP for a drive-thru window and the sale of alcohol at this location to be allowed. Additionally, a site plan approval is required prior to permit issuance during the subdivision process.

The hours of operation will be Sunday through Thursday from 10:30 a.m. to 11:00 p.m. and Friday through Saturday from 10:30 a.m. to 12:00 a.m. Because of the 'alcoholic beverages' component, the code requires a 300' separation from schools, parks, places of worship, or residences. Staff notes that there is a day care and 11 residences within the 300' radius. A total of 15 notices were mailed to residential property owners within 300' of the site and as of this write up (6/12/09), no comments in favor or against this request have been forwarded to the Planning Department.

Viewing the site plan, the proposed 4,930 sq.ft. building will have the drive-thru window on the east side of the building with the menu and drive-thru window also on the east side. There is concern that only 1 car behind the menu board can be stacked away from the alley easement, i.e., a 2nd car behind the menu board will impede alley maneuverability. The building must comply with all the fire code requirements for office buildings of course. The minimum required setbacks for the site are in compliance.

With regards to parking, the current site plan shows 2 designated handicap spaces plus 69 regular parking spaces for a total of 71 parking spaces. The parking lot does not account or prepare a 'lane' to the west along its frontage. For a building of this size (136 chairs), City Code requires 45 parking spaces, therefore exceeding code by 26. There are 6 tables in a covered porch area though no elevation rendering has been filed.

This un-platted development will require 5' sidewalks along FM 495. A landscaping plan will be required with the minimum 5% landscaping requirements with seven 3" caliper shade trees imposed. One new fire hydrant will be installed via this structure. No detention plan has yet been received either. Staff recommended approving the CUP subject to submittal of a revised site plan showing the southern 'waiting' lane to be used outside the westbound oncoming traffic lane, i.e., delete the parking area along the immediate south of the building and show painted arrows. Also, a speed bump will be imposed at the vehicle's exiting point parallel to the buildings setback.

Chairman Sesin asked if the applicant or representative were present.

Mr. Rene Barrera, representing the applicant, stated that he had no opposition to Mr. Zavala's requirements. He stated that he could easily do a re-assessment on the parking in order to comply with the conditions from staff, as well as doing another parking analysis to make sure they comply with the parking requirements.

Chairman Sesin asked if the property was un-platted.

Mr. Zavala replied, that it was not plated, however staff has received the re-plot and the recording package from Steve Spoor, which was already reviewed and should be recorded soon. He also mentioned that the utilities existed.

Chairman Sesin asked if the detention was addressed through the subdivision plat or if Mr. Barrera was addressing that through the site plan design.

Mr. Zavala replied that Mr. Barrera would need to coordinate everything with Mr. Spoor.

Mr. Barrera replied that he would meet Mr. Spoor's calculations regarding detention.

Chairman Sesin asked if Mr. Spoor considered all the paving that was proposed for this site on the subdivision application.

Mr. Zavala replied that he did not know, but that Mr. Barrera would need to talk with Mr. Spoor to make sure that the detention would be sufficient.

Chairman Sesin mentioned that it would need to be done to make sure that it will comply with the detention.

Chairman Sesin asked if there was any public opposition.

There was no response.

There being no further discussion, Chairman Sesin entertained a motion. Mr. Sheats moved to approve the CUP subject to staff's recommendation. Mr. Vela seconded the motion. Upon a vote, the motion to passed unanimously.

Started: 5:17 p.m.

Ended: 5:21 p.m.

Item # 2.0

Single Lot Variance:

**N. 190.5' of the W. 180'
Save and except .014 ac. out of
Lot 24-11, West Addition to Sharyland
C-1
Mario R. Anzaldua**

Mr. Zavala went over the write up stating that the subject site is located on the SE corner of Bryan Road and Griffin Parkway and measures 180' X 190.5'. The property has sewer service off an existing 12" sanitary sewer line running along the north side of Griffin Parkway. Water service is also provided through an existing 8" waterline and a 16" waterline is also available along Griffin Parkway. The Fire Marshal has reviewed the request and will not require a fire hydrant. However, depending on the use of the property, for example for a daycare/kindergarten school, a sprinkler system may be required. The property has frontage to Griffin Parkway and Bryan Road, both roads being future 100' ROW/65' streets. The MPO Thoroughfare plans requires a 50' ROW dedication from the centerline of both streets. The ROW dedication will require the applicant to provide legal deed documents (Survey, title commitment, etc.) to be approved by the City Attorney. The applicant will also be responsible for their portion to widen Bryan Road equating to \$11,061.57 (\$78.73/l.f. X 140.5'). Street lights currently exist along Bryan and Griffin Parkway. The Capital Sewer Recovery Fee of \$750/ac. X .79ac. = \$592.50, escrow 5' sidewalks - \$12.00/l.f. X 110.5' (140.5' - 30' driveway) = \$1,326.00, and the exclusion from the Water District are also required.

Staff recommended approval subject to: **1)** escrow 5' sidewalks and street widening, **2)** payment of capital sewer recovery fee, **3)** dedicate a total of 50' of ROW along Griffin Parkway and Bryan Road, with a corner clip, by separate instrument to be approved by the City Attorney, and **4)** exclude from Water District.

Chairman Sesin asked if there was any input from the Board Members.

There was no response.

Chairman Sesin asked if the applicant or representative were present.

Dr. Mario R. Anzaldua was present to answer any questions.

Chairman Sesin asked Dr. Anzaldua if he was receptive with all the conditions.

Dr. Anzaldua replied 'Yes'.

There being no further discussion, Chairman Sesin entertained a motion. Mr. Garza moved to approve the Single Lot Variance as recommended by staff. Mr. Rodriguez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:21 p.m.

Ended: 5:23 p.m.

Item# 3.0

Pre-Final Plat Approval:

Almanza Subdivision

1.0 Ac. tract out of all Lot 34,

Carlos Acres Subdivision

Rural ETJ

Developer: Lazaro & Cayetana Almanza

Engineer: Hinojosa Engineering, Inc.

Mr. Zavala went over the write-up stating that the subdivision is located on the western perimeter of Carlos Acres Subdivision, which lies in the vicinity of Bus. 83 and Showers Road. The subdivision consists of 2 lots for residential purposes.

The water CCN belongs to AGUA SUD. Resolution # 1085 (April 2004) suspends any approval of residential plats in the AGUA (LJWSC) area due to their ongoing water capacity and water pressure concerns. However, the City Council has approved subdivisions that provide letter of 'No Objection' from the Texas Water Development Board and TCEQ. The developer is providing water by installing 1 additional water service into an existing 8" AGUA waterline located along the west side of Los Charros Dr.; proposed lot 1 has existing service. The City's Rural ETJ regulations do not require fire hydrants.

The sanitary sewer service for this subdivision is addressed by individual on site sewage facilities of a standard design septic tank and drain field on each lot. Each lot meets or exceeds the County's typical 1/2 acre standard where septic tanks are permitted. This area is not within the City of Mission's Sewer CCN. (Note: Mission sewer is 3.57 miles away).

Since the lots face an existing 50' ROW minor residential street additional ROW is not required. Drainage for the subdivision is proposed through the use of swales located in the rear of each property. Staff recommended approval subject to meeting the Model Subdivision Rules, and meeting the comments from the County Planning Department.

Chairman Sesin asked if the applicant was present.

There was no response.

There being no further discussion, Chairman Sesin entertained a motion. Mr. Garza moved to approve the plat as recommended by staff. Mr. Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:23 p.m.

Ended: 6:00 p.m.

Item # 4.0

Pre-Final Plat Approval:

Palm Valley Church Subd.

2.50 acres, Lot 241, JHS

R-1A

Developer: First Assembly of God

Engineer: J.A. Garza Associates, LLC

Mr. Zavala stated that the 1-lot subdivision reflects the southward expansion of the First Assembly of God development located 1000' east of Stewart Road along the south side of FM 495. A variance request has been filed to not extend the city collector street where their letter discloses that the 'biggest reason is the extreme need for ample parking'.

The Planning & Zoning Commission and the City Council have long approved of the City's Master Streets Plan where E-W collectors were identified as to location with 22nd Street being identified by both boards as a viable alternative to the major thoroughfare of FM 495. Mission's plan to have a more efficient traffic management system has been implemented many times to owners desiring to develop along it's pathway. In 2006, Mission's 2020 Comprehensive Master Plan also included the subject E-W collector street thus re-sustaining its value to the city.

On the subject variance though, Planning has the following comments:

- Since Day #1, Staff disclosed the requirement and future traffic benefits of this E-W collector thus this owner initially filed a plat with the collector shown and later the street was built. However, since it was built incorrectly, the paving was removed & the new revised plans now showed a 3' detention pond along the entire southern perimeter. Recalling their primary reason being for 'ample parking', in essence, the request was to diminish the city's E-W collector plan because they need the property to be part of a detention pond of a parking lot's runoff.

- Granting a variance would diminish years of progress that Mission has made in reaching it's goal for E-W street circulation.
- Granting a variance may be considered to be selective enforcement of the master streets plan where it had been enforced to all others but not on this owner. More than a few plats have been imposed the same collector street requirement where the city's 2020 Comprehensive Master Plan was respected and they did not request the city to abandon it's long term goals.
- Granting a variance would violate **Sec. 98-5 (a)** which includes that "No plat or subdivision or land within the City shall be approved unless the plat conforms to the general plan of the city and its roads, streets, ...including those which have been or may be laid out, and to the general plan for the extension of the City and of its roads, streets..."
- Granting a variance would violate **Sec. 98-134** which includes that "Adequate and paved streets shall be provided by the subdivider and the arrangement, character, extent, width, grade and location of each shall conform to the comprehensive plan of the City ... the street layout shall be devised for the most advantageous development of the entire neighborhood."
- Granting a variance would violate **Sec. 98-134 (c)** "Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provisions for the proper projection of streets into such unsubdivided areas." The dead-end street mentioned in their variance request was stubbed in 1997 by Sharywood Manor so that this new owner would then do their part in extending the street through to the next adjoiner.
- Granting a variance would violate **Sec. 98-134 (f)** "Dead-end street shall be prohibited except as short stubs to permit future expansion." If awarded, the collector will be forever a dead-end, which is prohibited by Code.
- Granting a variance would violate **Sec. 98-134(h)** "Where a subdivision includes a street as shown on the major streets plan of the City, that street shall be platted in the approximate location shown on the plan.

Mr. Zavala stated Planning's opposition to such a variance request.

In the plat's other features, this owner will loop to the 8" water line stubbed by the Sharywood developer in 1998 with new 8" lines. Hydrants are shown via the direction of the Fire Marshal, too.

This owner will also connect to the 8" sewer network stubbed by the Sharywood developer. As imposed to others, the Capital Sewer Recovery Fee will also be enforced to this developed acreage.

On storm, they proposed to tie into the existing 18" storm system provided by Stewart Village in 1999 for the commercial/Townhouse development to the west. Planning was seeking final 'clearance' from engineering on whether the 2.5 acres runoff will not be overly taxing to Stewart Village's 18" storm system. Since Roberto Salinas was out of town, this would need to be addressed upon his return.

Mr. Zavala recommended denial since the plat 1) violated the city's basic subdivision codes cited above, and 2) did not meet Mission's 2020 Comprehensive Master Plan.

Chairman Segin asked if the applicant was present.

Mr. Ryan Krause from Palm Valley Church stated that the church had been a loyal contributor to the city for almost 60 years, and that recently they have experienced "explosive growth". He mentioned the various services that the church offered a community and that every Sunday they bring people as far as from Roma and Brownsville.

Mr. Krause stated that what the church was asking was to help them manage the growth and to reconsider the street. He mentioned that the church believed that there are other adequate streets that would meet up with the 22nd Street along that path. He also mentioned that they were currently in the process of purchasing the 5 acres to the SW of their property to connect to Stewart Road. He alleged that neighbors were opposing the road as well since the road would go in front of their homes and it would cause more problems. Mr. Krause stated that one of his concerns of having the street is that children would be asked to cross a street in order to attend the various functions that the church provides.

Chairman Segin reminded Mr. Krause of several areas where the subdivision would be violating code if approved as proposed. Chairman Segin said that one of the things that the City tries to evaluate was which would be the best way to move traffic east and west and that was what the 2020 plan called for.

Chairman Segin said that the city invested a lot of money in the study and a lot of man hours to make sure that people comply with the proposed division for the city and that, in some cases, there are some changes or modifications; however, in this case he felt personally that the collector street would need to continue. He stated that the street would help the entire area to not only have an access westerly but also easterly. He also concluded that if the city was to consider 21st Street, more than likely those property owners would oppose the traffic generated as well.

Chairman Sestin mentioned that he was proud of the community growth that the church had experienced but concluded that another value we could teach the children and youth was the importance to follow thru with commitment and prescribed authority.

Chairman Sestin asked the board members if they have any input regarding the item.

Mr. Sheats mentioned that his last residence before the City of Mission was in a small city in California named Garden Grove. He mentioned that if anybody had heard of that city then they would be familiar with a place called Crystal Cathedral. He mentioned that the City of Garden Grove was ruined the day that they made many variances because many of these exceptions have come back to haunt them.

Mr. Sheats mentioned that Mission had previously acted in order to allow the church to expand; however that was not the case with this subject variance. He stated that the variance was nothing more than just carrying on the same situation that has allowed the city's streets to become a patchwork of dead-end streets. He opined that the church could possibly be outgrowing their present location. Mr. Sheats observed that the church was already extending way into residential neighborhoods. In conclusion he added that he couldn't support this variance.

Mr. Lupe Vela mentioned that he drove by 21st Street and noticed several cars parked on both sides of the street, which looked very crowded. By allowing the variance and thus not project the collector street, it would get worse.

Mr. Henry Rodriguez mentioned that he also drove by the area and he was totally against the variance.

Mr. Enrique Herrera from 2104 E. 22nd Street (being at the end of the stubbed 22nd Street) was concerned that the city was going to build a street to connect to Stewart Road from the parking lot of the church.

Chairman Sestin stated that the collector was projected since the very beginning.

Mr. Herrera stated that the street would be more than a 2-3-car lane, because 22nd Street where he lives was a 3-car lane and if you can park 3 cars side by side you could hardly fit them. He mentioned that their mailbox had been knocked over and people's lives had been put in jeopardy because of the speed of the people coming out of the church. He also mentioned that some of the neighborhood kids play on the street and it's dangerous.

Mr. Herrera stated that the church installed a fence blocking off 22nd Street and the parking lot and he was thankful for that, but at the same time it was chaotic because teenagers have torn down part of the fence and have gone into their yard, which causes some problems. He stated that in his opinion there was no need for the fence and that if the city was going to do a collector street through there, it should be wide enough that it wouldn't be a danger to the citizens.

Chairman Sesin stated that he understood his concerns but once the street was punched thru it would deviate some of those concerns.

Mr. Tomas Tijerina stated that he happened to attend the church and he would like to make some comments regarding the map showing the projection of 22nd Street. He asked if the map was originally made with the curve since day one or if there were any changes made later on. He also mentioned that there was a house already in the middle of it (Glasscock/22nd alignment) and he was wondering where the funds would come from to condemn the house in order to build the road.

He said that if the city put a house in the middle of a feeder road it would create more problems. He stated that he noticed that 21st Street was already connecting and also some of the other minor streets to the south. Mr. Tijerina mentioned that the road in question was about ¼ of a mile off FM 495, and if there is a situation to come around to 22nd Street truly being so close to FM 495, it was not going to have the effect that the city was looking for. He asked what would happen if the 5 acres toward Stewart did not get developed and the city did not have the funds to do it; who would connect 22nd Street to Glasscock.

Chairman Sesin replied that who ever develops the property would be required to extend the road or pay for the road.

Mr. Tijerina opinioned that the street will never be punched through since no one would develop the land if they had to install a 40' or 50' road.

Chairman Sesin replied that it would then stay as it was.

Mr. Tijerina stated that if that happens then the road would never get done as well as the church.

Chairman Sesin mentioned that it would be a decision that the church would have to make. If he understood correctly, since the church was interested in the land then they would have to make necessary arrangements to extend the road.

Mr. Tijerina asked if it was possible to see the original map done in 1998 where the city showed the location of the road with the curve to the north.

Mr. Zavala replied that street projections had been projected since the early 90's.

Mr. Tijerina asked if it was with the curve.

Mr. Zavala replied, 'Yes'- since there were pre-existing developments, the City had to find viable routes that were not ideal, i.e., not in a straight line.

Mr. Tijerina stated that the reason he was asking was because pretty much the road was coming east and west at certain latitude and then all of the sudden it takes a run-off.

Mr. Zavala stated that along Glasscock Road there is a house and that the owner approached the city last year to see if we were still interested in buying it. He mentioned that he had approached the previous City Manager on this where an appraisal and a survey was done but Planning was never authorized to make an official offer. Mr. Zavala stated that the Glasscock house was not a substantial home.

Mr. Zavala mentioned that as far as the comment made earlier that the road would "never be punched thru", never was a long time being eternity. If the P&Z may recall, 1st Street between Bryan and Stewart where Rocha's Restaurant was at - the Council bought ½ mile of ROW in order to punch that street through because the city had evolved to the degree that we could not wait for developers to do it - the city needed it now.

Mr. Zavala stated that if the need similarly evolved and was severe enough to benefit the entire area, then the Council would need to make a decision to probably purchase the property to punch the street through. As far as buying one parcel of home built in the 60's, Mr. Zavala concluded that if the city could purchase ½ mile of ROW, it could certainly manage the acquisition of this minor tract.

Mr. Zavala said that if the street is not punched thru, and based on the recommendation from Mr. Tijerina to move collector traffic to 21st Street, he noted that 21st Street was a 30' street which was even less than the city's current 32' width standard. Thus when cars are parked on either side of this 30' street, the maneuverability would be severely constrained.

Mr. Zavala recalled that the city had approved a wider collector street in the '90's in Country Estates and it had worked fine noting that one of the advantages of a collector street is that it was wider in order to make it safer for the residents.

As far as addressing the Herrera concern, Planning has worked with PD on specific speed situations and a possible solution would be to install a 3-way stop sign juncture.

Mr. Zavala said that another concept to the swerving street would be to do a 90% angle 'stop' on the north side where people would need to slow down & stop and then continue again. If the church purchases the 5 acres toward Stewart, staff would need to wait and see what the City Council's action will be, i.e., whether they sustain and enforce the 2020 Comprehensive Master Street Plan or approve the variance & thus abandon the collector street entirely. If they decide to abandon the collector street the most affected would be the property owners of 21st Street since the size of the street was smaller than a regular collector street, which would later see an influx of collector-type traffic.

Mrs. Silvia Herrera from 2104 E. 22nd Street asked what would happen if the church did not buy the property, i.e., 'was 22nd going to be permanently closed or was the city going to have to make a curved street?'

Chairman Segin it would stay a dead end until the street is extended or if the city sees a severe need, then they would buy the ROW to extend the street.

Mrs. Herrera asked if it would take one year or up to ten years, because she had lived there for 10 years and a half and they had so many problems with traffic coming down from Griffin Parkway and using the church's parking lot to go south to 22nd Street. She said that the City had to find a solution to this problem because the people suffering were the owners on 22nd Street. She mentioned that when she first bought the property they were informed that the north side parcel was going to be developed for more houses and then apartments and now it was going to be a large church. Mrs. Herrera was worried that the problems would continue if the land never got developed.

Chairman Segin replied that he understood Mrs. Herrera's concern but with her logic then the City would be granting variances left and right and the developers would do whatever they would please. Chairman Segin stated that the city cannot think that way and would need to administer their Master Plan requirements in order to help the city grow appropriately though it would take a little bit longer.

Mrs. Herrera replied that she understood that, but if the church gets discourage to buy the property, then the owners along 22nd Street would continue to suffer. She concluded by asking the board to take in consideration all of the comments given and to make a wise decision for everybody's sake.

After a brief discussion amongst the members, Chairman Segin entertained a motion. Mr. Henry Rodriguez moved to deny the plat as recommended by staff. Mr. Ned Sheats seconded the motion. Upon a vote, the motion for denial passed unanimously.

Started: 6:01 p.m.

Ended: 6:11 p.m.

Item # 5.0

Discussion and Action to Consider an Amendment to "Division 2 – Restricted or Prohibited on Certain Streets" – adding 'Regulated Parking in front of Mailboxes in Residential Townhouse Zoning District'.

Mr. Zavala went over the write up stating that there was a situation presented to the Planning Department in early May wherein a property owner, for approximately 11 months, has struggled with someone parking their vehicle in front of her mailbox. This has impeded her mail from being delivered, which has resulted in utilities almost being disconnected several times. Such daily anxiety has thus affected her quality of life in Mission. Efforts to have her neighbor park elsewhere besides in front of her mailbox have been rarely honored but more consistently spurned.

The alternatives, not shown in any order of advocacy, include the following:

'No Parking Zone': this measure would be specific only to her single townhouse property's mailbox area; the hours of prohibited parking would be shown on the 'sign'.

Possible Effects: **A)** compliance expected immediately; would immediately solve this owner's mailbox problem; quality of life restored upon enforcement/citation. **B)** The discourteous neighbor may just park in front of another neighbor's mailbox thus having a domino effect with numerous signs; awkward situation for city who now has to place additional signs or else face 'selective' compliance issue.

Amend Section 110 of 'Traffic & Vehicles' Code: Similar to McAllen's (Sec. 102 (a) (29) code where they prohibit parking of vehicles within 10 feet of all residential mailboxes (from 8am-5pm except Sundays & federal holidays);

- ❖ Mission has not seen this problem except in very rare cases so we may just want to isolate the amendment to those homes that have **narrow lots**, i.e., the narrower the lot, the less area for on-street parking and combined with the proposed 'mailbox-free parking zone', it reduces on-street parking even more.
- ❖ Also, narrower lots with less rear yard area typically reflect retired people or empty nesters (no kids; such lots usually means less cars to park).
- ❖ If R-1 and R-1A districts are included, this will likely cause more harm than good since these type of lots have larger families = more cars.
- ❖ Since the R-1 and R-1A lots have wider frontages to the streets, there is more room to park on the street, though; we have yet to see this type of complaint (parking in front of the mailboxes) in the R-1 and R-1A areas for just these reasons.

Sec. 110-405

Parking Prohibited in Certain Subdivisions

Except on federal holidays or Sundays, no person shall stop or park a vehicle within 10 feet of a mailbox located on the street ROW from 9 a.m. through 4 p.m. when said ROW fronts properties zoned Townhouse Residential or designated for 'townhouse' use. Enforcement may not be imposed when necessary to avoid conflict with other traffic or the directions of a police officer or a traffic control device.

Mr. Zavala mentioned that Mrs. Leticia Hernandez, the citizen having these problems was present in the audience.

Chairman Sesin asked Mrs. Hernandez to approach the podium.

Mrs. Leticia Hernandez from 1723 Gastel Circle mentioned that she has been having these problems for almost 2 years now. She stated that her husband was the one that was taking care of the problem by talking to the neighbor, but since he had to work out of state, she is the one dealing with the neighbor. Mrs. Hernandez mentioned that she had made several attempts to talk to the neighbor, but he was very rude and she had to call the police department, which they advised him to move the vehicle. He will comply for a while but then it he would start parking in front of the mailbox again. She asked the board to come up with a solution to eliminate this type of problem.

Chairman Sesin asked the board if they had any input.

Mr. Sheats mentioned that he was just glad that Mr. Zavala was thinking of all the Townhouse property owners and not just a certain person.

Chairman Sesin replied that maybe in the future the board could implement this amendment in all residential zones.

After a brief discussion, Chairman Sesin entertained a motion. Mr. Sheats moved to approve the amendment as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:12 p.m.

Ended: 6:18 p.m.

Item # 5.1

Discussion & Possible Action on proposed Ordinance to Amend Sign Ordinance # 2774 to Conditionally Permit Inflatable Signs along the Secondary Arterial Corridor (U.S. Bus. HWY 83)

Mr. Zavala went over the write up stating that during Citizen's participation a few weeks ago, the proprietor of a storage unit facility (just east of Taco Ole on Bus. HWY 83) approached the City Council of his dilemma of needing to invest approximately \$15,000 for a ground pole sign. His alternative was to have an inflatable type of sign for about 12 months. Planning alerted the Council that the current codes do not permit such signage for such tenure and no permit could be legally issued. Though the Council was presented with this proposal during their June 8th meeting, they first desired P&Z's input on this sign amendment. (NOTE: There was voiced opposition by 1 member of the City Council on June 8th - fyi).

The amendment would do the following:

- ❖ Allows a commercial proprietor to ask the City Council for a sign permit to have inflatable signs (since such signs are prohibited by current regulations).
- ❖ Allows the City Council to examine the applicant's justification to allow an inflatable sign as their initial 'ground pole sign' (though inflatable) along Bus. HWY 83 (secondary arterial corridor).
- ❖ When first approved by the City Council, such initial 'approved' tenure is for 6 months.
- ❖ The applicant can make a renewal but for only 3 month period (bringing it to a 9 months by this time).
- ❖ The applicant can make a second renewal request for another 3 months (bringing it to a total of 12 months)... after this time; the inflatable sign must be removed.
- ❖ Specifies that inflatable signs shall only be temporary and shall not transition into a permanent sign.

This amendment will 1) resolve the proprietor's concern, 2) alert him that such approval is not permanent, and 3) also assures the city that the inflatable sign will be removed after it's temporary usage. Staff realizes that much work and effort went into the Sign Ordinance to upgrade the quality of signs especially in the major commercial corridors such as U.S. Business HWY 83.

Chairman Sesin asked if there was any input from the board.

Mr. Sheats mentioned that the city invested a lot of time in order to come up with the Sign Ordinance and that he was totally against the request.

After a brief discussion amongst them, Chairman Segin entertained a motion. Mr. Sheats moved to deny the amendment to the sign ordinance. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

6.0 OTHER BUSINESS

There was no other business

7.0 ADJOURNMENT

There being no further items for discussion, Mr. Vela moved to adjourn. Mr. Sheats seconded the motion. Upon a unanimous vote, the meeting adjourned at 6:18 p.m.

Raul Segin, P.E., Chairman
Planning and Zoning Commission