

**PLANNING AND ZONING COMMISSION
FEBRUARY 10, 2010
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Marisela Marin
Jose G. Vela
Mario Garza
Rene A. Flores
Carlos Lopez

P&Z ABSENT

Luann Caudle

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Sonia Carnes
Julio Cerda
Irasema Dimas

GUESTS PRESENT

Mr. & Mrs. Jose Arvizu

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:01 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR JANUARY 27, 2010

Mr. Sergio Zavala stated that since there was confusion on the minutes and being that they need to be amended, he recommended not taking action on the minutes.

Started: 5:01 p.m.

Ended: 5:04 p.m.

Item# 1.1

**Conditional Use Permit: Pool/Guest House on Residential Property
2604 Santa Teresa
Lot 52, Los Milagros Subdivision Phase II
PUD
Life of Use
Dr. Victor Ogunlana**

After Mr. Salinas briefed over the write-up, he recommended favorably of the CUP subject: **1)** no separate utility and electrical connections, **2)** transferability to other future owners imposing the same conditions imposed to this applicant, and **3)** not to be used for rental purposes.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

There being no discussion, Chairman Sheats 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: 5:04 p.m.

Ended: 5:08 p.m.

Item# 1.2

**Conditional Use Permit Renewal: To have a mobile home for
The use of Sales Office
107 International Blvd.
Lot 2, Mission Business Park Subd.
I-1
Life of Use
Jose Arvizu**

Mr. Salinas briefed over the write-up stating that the applicant had met with all required items. Since the mobile home was skirted and not very visible, the aesthetics of having a mobile office did not cause too much concern with staff. A mobile office is allowable through a conditional use permit, however in viewing the evolving construction of *site-built* structures within this subdivision, the use of a mobile office in this area may soon be too contrasting.

Since staff has not received complaints regarding the use of the mobile office, and since it is not very visible, we do not object to the continued use as is. However, they need to be put '*on notice*', where if the subdivision continues to be upgraded with *site-built* structures, any future renewal for the mobile office will not be permitted. Staff recommended approval subject to a 1-year re-evaluation to keep close scrutiny of the area.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Jose Arvizu was present to answer any questions from the board.

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

Started: 5:08 p.m.

Ended: 5:17 p.m.

Item # 2.0

Discussion on the Park Dedication Ordinance's Regulations as they Relate to Land Development, Dedication, and the Role of the Planning & Zoning Commission in its Enforcement

Mr. Zavala went over the write up stating that in 1986 and amended in 1994 via Ordinance 1846, the City of Mission, Texas was the first city in the RGV to adopt the park dedication ordinance wherein we linked the residential development of land thru the formal subdivision process of raw acreage to future home sites. For the new homes, there would be families that would need to find a suitable and nearby public recreational area within convenient distances; thus, the park dedication code intends to meet this need.

Residential subdivisions considered since 1986 have complied to the Park Dedication Ordinance from either:

- 1) paying the park fee (the initial fee was \$200/dwelling; increased 19 years later in 2005 to \$300), or
- 2) by dedicating property over 1+acre toward future public park use.

Mr. Zavala noted that for subdivisions in our immediate ETJ that will be used for residential purposes and there is an imminent of annexation (leading to a residential zone), the park fee is also assessed.

The ordinance cited the following:

- It is hereby declared by the City Council that recreational areas in the form of neighborhood parks are necessary and in the public welfare...
- Neighborhood parks are those parks providing a variety of outdoor recreational opportunities and within convenient distances from a majority of residences to be served thereby.
- The Park Zones established...(are) within such a convenient distance from any residence located therein.
- When residential developments occur within the respective park zone, the park fees accumulated must be used in that park zone and not on the other side of the city. (NOTE: Ord. #3367, 6/23/08, however was passed indicating that park fees can be transported by the City Council authorization to a Regional Park that would serve the park needs of a much wider area than just that park zone - - at this time, the Bentsen Palm Regional Park on south Inspiration Road is the only regional park in Mission).

- The primary cost of neighborhood parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities.
- For every 125 dwelling units, this will equate to one (1) acre of park land (if the developer proposes to dedicate property instead of paying the park fees); no land dedication of less than 1 acre shall be accepted.
- If land is proposed to be dedicated for park used, the P&Z Commission AND the Parks & Recreation Board shall provide their input for final action by the City Council for acceptance or not.
- Some criteria to be used by the City on whether to 'accept the land' is to:
 - Assess if Mission has sufficient parks in that park zone already thus it may be wiser to impose the park fees to enhance existing parks;
 - The location of the park land;
 - The floodplain status of the proposed park;
 - The distance of utilities to the proposed park;
 - Assessing if the proposed park has adequate public access.

This synopsis gives the P&Z a view of the code's intention and the P&Z's role in assessing acceptance of parkland in lieu of the actual fee. The above information is useful for any future park dedication proposals that may come before your Commission, and actually would also be helpful to the Parks & Recreation Board since they are similarly commissioned for advisory input.

Mr. Zavala asked if there were any comments from the board.

Chairman Sheats asked what was the purpose of the mid-west section if it was in the middle of two park zones.

Mr. Zavala replied that in the mid-west section there are 2 parks in existence and it did not seem logical that property owners would travel 2 miles to go to another park when they have one closer than a ½ mile, thus it was split for logistical reasons.

Chairman Sheats asked if there were something in writing where it states *how* many acres each zone would need in the future.

Mr. Zavala replied that the city has a Comprehensive Master Plan in his office and it includes a study of the existing parks and how many acres would be needed in the future for each of the park zones.

Since this was a report to the board, no action was required.

3.0 OTHER BUSINESS

There was no other business discussed.

4.0 ADJOURNMENT

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mr. Vela moved to adjourn. Mr. Garza seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:17 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission