



PLANNING & ZONING COMMISSION

City Commissioner's Room

118 S. Cage Blvd. October 9, 2017 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, October 9, 2017. The meeting was called to order by Danny Wylie at 6:00 p.m. at the City Commissioners' Room, located at 118 S. Cage Blvd., 2nd Floor, Pharr, Texas.

ATTENDANCE

MEMBERS PRESENT: Danny Wylie
Luis Madrigal
Tom Greuner
Ray Sanchez
Charlie Ramirez
Romeo Robles
Andy Castro

ABSENT: Rafael Munguia

OTHERS PRESENT: See attached list

STAFF PRESENT: Melanie Cano, Director of Development Services
Roland Gomez, Assistant Director of Development Services
Heriberto Martinez, Planner II
Della Robles, Planner I
George Martinez, Building Official
Janie Benadict, Administrative Assistant
Rita Galvan, Secretary
Felipe Pedraza, Assistant Fire Marshal
John Rigney, City Attorney

CALL TO ORDER

Danny Wylie called the meeting to order at 6:00 p.m. and welcomed all to the meeting. Roll call established a quorum.

APPROVAL OF MINUTES

Danny Wylie proceeded with the approval of the minutes of September 25, 2017.

There being no discussion, Ray Sanchez moved the minutes of September 25, 2017, be approve as submitted. Luis Madrigal second the motion and when put to a vote, it polled as follows:

D. Wylie: Approve	C. Ramirez: Approve
T. Greuner: Approve	R. Robles: Approve
R. Munguia: Absent	L. Madrigal: Approve
R. Sanchez: Approve	A. Castro: Approve

The motion carried unanimously to approve the minutes of September 11, 2017, as submitted.

PUBLIC COMMENTS:

Danny Wylie asked if anyone had signed up to speak at the Public Comments portion of the meeting. Rita Galvan, Secretary, stated K.C. Fletcher had signed up to speak.

Danny Wylie called forth K.C. Fletcher. An individual approached the podium and introduced himself as Kenneth C. Fletcher, residing at 504 South Diplomat and stated:

- That there were some people in the audience towards the back that do not have any business here and just want to find out about the P&Z; he found that fascinating.
- He had signed up to speak at the public hearing regarding some ordinance deficiencies and it was his right as a citizen to bring up the issues with the governing body. Local Government Code 211.006(A) the last 3 words are "and the public" with reference to hearing persons of interest, which he acknowledged he was not unless he is within 200-300 feet but those are some troublesome words because he is part of the public.
- Advised that at the last P&Z and this one as well, he would like for the Commission to place on the agenda a capital improvement plan so there can be more trees and be the Emerald Pharr.
- The city is deficient in shade, they are not deficient in funds or the interest of trees. Approximately 1,400 people from Pharr participated in a reforestation project sponsored by the City of Pharr which will occur again on October 14, 2017, about 40 miles away from the city at the Sal del Rey by the United States Fish and Wildlife Services. He suggested that everyone participate and learn how easy it is to plant a tree.
- If every subdivision planted one tree, a native tree, it would feed the wildlife. One tree grows one flower to feed one hummingbird and butterflies that make fruit which in turn attracts birds that would attract \$500 million worth of eco-tourism adding it was very important.
- For each dollar spent on planting trees, maintaining it and eventually have to remove it after fifty years. There was no infrastructure that would stand up that long including the City of Pharr public servants, everyone retires eventually. As the tree grows it would increase in value and environmental services it provides such as shade.
- He would like to speak about an article before the commissioners from two meetings ago.

Danny Wylie, Chairman, asked if there was anyone else who had signed up to speak at the Public Comments portion of the meeting. Rita Galvan advised there was no one else signed up to speak.

There being no one else who signed up, Danny Wylie closed the Public Comments portion of the meeting and proceeded with the next item.

PUBLIC HEARING:

Della Robles introduced herself as Planner I for the City of Pharr and stated she had four (4) items for recommendation and proceeded to introduce the first item as follows:

GABRIELA'S HEAVENLY WINGS XXIII, LLC

**CUP-ABC
CUP#170846**

Gabriela's Heavenly Wings XXIII, LLC, d/b/a Wingstop Restaurant, has filed with the Planning and Zoning Commission a request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Limited Industrial District (L-I). The property is legally described as being 0.046 of an acre, more or less, out of Lot 1, Spamer Business Park Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 8001 South Jackson Road, Suite 6. The property is currently zoned Limited Industrial District (L-I). The surrounding area is zoned Limited Industrial District (L-I) to the north, south and east and city limits lie to the west. The area is generally designated for commercial use in the Land Use Plan. Three (3) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. Staff received no response to the letters or the legal notice. Development Services Staff is recommending approval of the request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Limited Industrial District (L-I) subject to site being in compliance with all City Ordinances and City Department requirements.

Della Robles advised that this item will go before the City Commission meeting of October 16, 2017, at 4:00 p.m. and that the applicant was in the audience.

Danny Wylie advised this item requires a public hearing and asked if there was anyone in the audience wishing to address this item, either for or against, to please come forth. Rita Galvan advised there was no one signed up for Public Hearing. There being no one who signed up, Danny Wylie closed the Public Hearing and opened the item to the Planning and Zoning Commission for discussion and action.

There being no discussion, Andy Castro **moved** to approve the request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Limited Industrial District (L-I). Luis Madrigal second the motion and when put to a vote, it polled as follows:

D. Wylie: Approve
T. Greuner: Approve
R. Munguia: Absent
A. Castro: Approve

C. Ramirez: Approvet
R. Robles: Approve
L. Madrigal: Approve
R. Sanchez: Approve

Motion carried by unanimous vote to approve the request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Limited Industrial District (L-I).

Della Robles, Planner I, introduced second the item as follows:

Campero Holdings Company, LLC is requesting a change of zone from Agricultural and/or Open Space District (A-O) to a Limited Industrial District (L-I). The subject property is located on the north side of West Anaya Road and is physically located between the 1100 and 1200 Block of West Anaya Road. The property is legally described as being 9.27 acres gross, more or less, out of Lot 359, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The subject property currently consists of one (1) lot, which has a frontage of approximately 629.91 feet along West Anaya Road and has a depth of approximately 665.18 feet. West Anaya Road is an 80' major collector, which runs east and west with a posted speed limit of 30 miles or less per hour as identified in the City of Pharr's Thoroughfare Plan. The property is currently zoned Agricultural and/or Open Space District (A-O). The surrounding properties are zoned Agricultural and/or Open Space District (A-O) to the north, east and west and Limited Industrial District (L-I) to the south. The property is generally designated for industrial use in the Land Use Plan. The property was originally annexed on June 03, 2003 as part of the extension of the city limit boundaries to the City of Pharr. The property to the south was rezoned to Limited Industrial District on February 18, 2003. There has been no other zoning request within the general vicinity of the subject property since that time. The owner is currently in the subdivision process of said property and the request for a change of zone to Limited Industrial District (L-I) is in order to develop the property for industrial use. Four (4) letters were mailed out to the surrounding property owners and a legal notice was published in the Advance News Journal. Staff received no response to the letters or the legal notice. Development Services is recommending approval of the request to re-zone to Limited Industrial District (L-I) as the property meets area requirements, has adequate ingress and egress. If approved, the owner must comply with all City Ordinances and City Department requirements.

Della Robles advised that this item would go before the City Commission meeting of October 16, 2017, at 4:00 p.m. and a representative was in attendance.

Danny Wylie advised this item requires a public hearing and asked if there was anyone in the audience wishing to address this item, either for or against, to please come forth. Rita Galvan advised there was no one signed up for Public Hearing. There being no one who signed up, Danny Wylie closed the Public Hearing and opened the item to the Planning and Zoning Commission for discussion and action.

- Roland Gomez, Assistant Director of Development Services, stated that on paragraph 4 sentence 2, the correct date is February 18, 2003 not 2013. Just for the record.
- Danny Wylie asked if the blue area was a drainage easement and if so, the map was laid over the area.
- Della Robles affirmed that it was a drainage easement and Melanie Cano, Director for Development Services, stated that the area was still under the subdivision process and that the map would be corrected once it was platted.

There being no further discussion, Luis Madrigal moved to approve the request for a change of zone from Agricultural and/or Open Space District (A-O) to a Limited Industrial District (L-I). Charlie Ramirez second the motion and when put to a vote, it polled as follows:

D. Wylie: Approve
T. Greuner: Approve
R. Munguia: Absent
A. Castro: Approve

C. Ramirez: Approve
R. Robles: Approve
L. Madrigal: Approve
R. Sanchez: Approve

Motion carried by unanimous vote to approve the request for a change of zone from Agricultural and/or Open Space District (A-O) to a Limited Industrial District (L-I).

CAMPERO LEGACY PROPERTIES, LLC
ADOLFO CAMPERO

CHANGE OF ZONE
(AO) TO (LI)
COZ#170951

Della Robles, Planner I, introduced the third item as follows:

Campero Legacy Properties, LLC is requesting a change of zone from Agricultural and/or Open Space District (A-O) to a Limited Industrial District (L-I). The subject property is located on the north side of West Anaya Road and is physically located between the 700 and 900 Block of West Anaya Road. The property is legally described as being 7.43 acres gross, more or less, out of Lots 358 & 359, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The subject property currently consists of two (2) tracts which has a frontage of approximately 511.50 feet along West Anaya Road and has a depth of approximately 633.97 feet. West Anaya Road is an 80' major collector, which runs east and west with a posted speed limit of 30 miles or less per hour as identified in the City of Pharr's Thoroughfare Plan. The property is currently zoned Agricultural and/or Open Space District (A-O). The surrounding properties are zoned Agricultural and/or Open Space District (A-O) to the north and west and Limited Industrial District (L-I) to the east and south. The property is generally designated for industrial use in the Land Use Plan. The west portion of the property was annexed on June 03, 2003, and the east portion was annexed on November 11, 1994, as part of the extension of the city limit boundaries to the City of Pharr. One of the properties to the south was rezoned to Limited Industrial District (L-I) on February 18, 2003 and the other on February 21, 1995. The property to the east was rezoned to Limited Industrial District (L-I) on June 03, 2014. There has been no other zoning request within the general vicinity of the subject property since that time. The owner is currently in the subdivision process of said property and the request for a change of zone to Limited Industrial District (L-I) is in order to develop the property for industrial use. Four (4) letters were mailed out to the surrounding property owners and a legal notice was published in the Advance News Journal. Staff received no response to the letters or the legal notice. Development Services is recommending **approval** of the request to re-zone to Limited Industrial District (L-I) as the property meets area requirements, has adequate ingress and egress. If approved, the owner must comply with all City Ordinances and City Department requirements.

Della Robles advised that this item would go before the City Commission meeting of October 16, 2017 at 4:00 p.m. and a representative was in attendance.

Danny Wylie advised this item requires a public hearing and asked if there was anyone in the audience wishing to address this item, either for or against, to please come forth. Rita Galvan advised there was no one signed up for Public Hearing. There being no one who signed up, Danny Wylie closed the Public Hearing and opened the item to the Planning and Zoning Commission for discussion and action.

There being no discussion, Charlie Ramirez moved to approve the request for a change of zone from Agricultural and/or Open Space District (A-O) to a Limited Industrial District (L-I). Charlie Ramirez second the motion and when put to a vote, it polled as follows:

D. Wylie: Approve	C. Ramirez: Approve
T. Greuner: Approve	R. Robles: Approve
R. Munguia: Absent	L. Madrigal: Approve
A. Castro: Approve	R. Sanchez: Approve

Motion carried by unanimous vote to approve the request for a change of zone from Agricultural and/or Open Space District (A-O) to a Limited Industrial District (L-I).

HECTOR ESPINO, OWNER

**CHANGE OF ZONE
(R-1) TO (R-TH)
COZ#170950**

Della Robles, Planner I, introduced the fourth item as follows:

Hector Espino, owner, is requesting a change of zone from Single-Family Residential District (R-1) to Residential Townhouse District (R-TH). The subject property is located on the north side West Newcombe Avenue with the physical address of 628 West Newcombe Avenue (Park Avenue). The property is legally described as being the W46'-S100' out of Lots 18 & E22'-S100' out of Lot 19, Block 1, Eula Young Subdivision, Pharr, Hidalgo County, Texas. The subject site currently consists of two (2) tracts of land with the frontage of approximately 68.0 feet along West Newcombe Avenue and has a depth of approximately 100.0 feet. West Newcombe Avenue is a 50'-60' local street, which runs east and west with a posted speed limit of 20 to 30 miles per hour as identified in the City of Pharr's Thoroughfare Plan. The property is currently zoned Single-Family Residential District (R-1). The surrounding properties are zoned General Business District (C) to the north and Single-Family Residential District (R-1) to the south, east and west. The property is generally designated for single-family residential use in the Land Use Plan. On March 30, 1982, the northern portion of Lot 178, Kelly-Pharr Tract was zoned to General Business District (C), when the city adopted the current Zoning Ordinance used today. There has been no other zoning request within the general vicinity of the subject property since that time. The owner is currently in the process of subdividing said property and the request for a change of zone to Residential Townhouse District (R-TH) is in order to construct two residential townhouses. Ten (10) letters were mailed out to the surrounding property owners and a legal notice was published in the Advance News Journal. Staff received no response to the letters or the legal notice. Development Services is recommending approval of the request to re-zone to Residential Townhouse District (R-TH) as the property meets area requirements, has adequate ingress and egress. If approved, the owner must comply with all City Ordinances and City Department requirements.

Della Robles advised that this item would go before the City Commission meeting of October 16, 2017, at 4:00 p.m. and a representative was in attendance.

Danny Wylie advised this item requires a public hearing and asked if there was anyone in the audience wishing to address this item, either for or against, to please come forth. Rita Galvan advised there was no one signed up for Public Hearing. There being no one who signed up, Danny Wylie closed the Public Hearing and opened the item to the Planning and Zoning Commission for discussion and action.

- Danny Wylie asked what the difference was between town houses and apartments.
- Melanie Cano stated that in this particular case townhouses are considered to be single family district. She stated they do have one common wall but are on separate lots so in this particular case the use would still be for a single family.
- Danny Wylie asked if they were allowed to be more than one story.
- Melanie Cano affirmed that they would be allowed to be more than one story.

There being no further discussion, Charlie Ramirez **moved** to approve the request for a change of zone from Single-Family Residential District (R-1) to Residential Townhouse District (R-TH). Luis Madrigal second the motion and when put to a vote, it polled as follows:

D. Wylie: Approve
T. Greuner: Approve
R. Munguia: Absent
A. Castro: Approve

C. Ramirez: Approve
R. Robles: Approve
L. Madrigal: Approve
R. Sanchez: Approve

Motion carried by unanimous vote to approve the request for a change of zone from Single-Family Residential District (R-1) to Residential Townhouse District (R-TH).

PLAT APPROVAL:

Heriberto Martinez introduced himself as Planner II for the City of Pharr and advised he had one (1) plat to be presented to the Commission and proceeded to introduce the plat as follows:

B.I.G. ENGINEERING
Rep. HECTOR ESPINO, OWNER

PARK AVENUE SUBDIVISION
SUB#170410

B.I.G. Engineering, representing Hector Espino, owner is requesting preliminary plat approval of the proposed Park Avenue Subdivision. The property is legally described as being a 0.156 acre tract of land out of the west 46 feet of Lot 18, Block 1, and the east 22 feet of Lot 19, Block 1 out of The Eula Young Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 600 Block of West Newcombe Avenue (W. Park Ave). The property is currently zoned Single Family Residential District (R-1). The adjacent zones are Single Family Residential District (R-1) to the east, south and west and General Business District (C) to the north. The property is designated for single family residential use in the Land Use Plan. The property's proposed use is for residential town houses. No variances are being requested. Development Services recommends preliminary plat approval of the proposed Park Avenue Subdivision subject to the following conditions:

- EASEMENTS:**
- 1) Need to label existing easement or alley.
 - 2) Need to provide easements for sewer connection (private).
- SIDEWALK:
ADA:**
- 1) Plat note #4: ADA sidewalk is required at building permit stage, but allowed to be built at this stage.
- FIRE
PROTECTION:**
- 1) See attach comments.
- WATER:**
- 1) Water service line to property line.
 - 2) Will need to saw cut existing service line and cut from main.
 - 3) Will need to do open cut to install 2" water service line and U branched for both lots.
 - 4) All parts must be brass.
 - 5) 4-inch casing will be required for water service crossing.
 - 6) Fire hydrant to be installed on south side at open trench location.
 - 7) Follow City of Pharr construction Standards Manual.
- SEWER:**
- 1) Sewer service will need to be installed on private easement.
 - 2) Both sewer service lines must be 6-inch SDR26.
 - 3) Sewer service will remain private.
 - 4) Sewer service will need to be connected with directional wye saddles.
 - 5) Follow City of Pharr construction Standards Manual.
- DRAINAGE:**
- 1) Drainage report needs approval from HCDD No. 1.
- OTHER:**
- 1) Need to show adjacent property owners on plat.
 - 2) Surveyor needs to seal & sign plat.
 - 3) Add plat note: Owners to maintain R.O.W and perimeter of subdivision.
 - 4) Add acreage figures to every lot
 - 5) Erosion and sediment control plan will be needed. (to be submitted with pre-construction plans)
 - 6) Move original lot number out of the proposed lots.
 - 7) Verify the metes and bounds.
 - 8) A change of zone must be submitted.

Heriberto Martinez advised that the project engineer was in the audience.

Danny Wylie advised that this item did not require a public hearing and opened the item to the Planning and Zoning Commission for discussion and action.

- Ray Sanchez asked for clarification that this land was being subdivided for townhouses and if there were any plans for the townhouses.
- Heriberto Martinez advised that no plans had been submitted as of yet.
- Ray Sanchez asked if they would have to have plans approved for the building of the townhouses.

- Heriberto Martinez affirmed and stated they would be turned in to the Building Department.

There being no further discussion, Charlie Ramirez moved to approve the preliminary plat of the proposed Park Avenue Subdivision. Luis Madrigal second the motion and when put to a vote it polled as followed:

D. Wylie: Approve	C. Ramirez: Absent
T. Greuner: Approve	R. Robles: Approve
R. Munguia: Absent	L. Madrigal: Approve
R. Sanchez: Approve	

Motion carried unanimously to approve the preliminary plat of the proposed Park Avenue Subdivision.

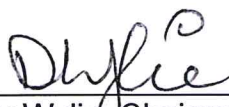
ANNOUNCEMENTS/OTHER BUSINESS: None.

ABSENTEE REPORT: Rita Galvan announced that Rafael Munguia was the absent member. Luis Madrigal moved the absent member be excused. Andy Castro second the motion and when put to a vote it polled as follows:

D. Wylie: Excuse	C. Ramirez: Excuse
T. Greuner: Excuse	R. Robles: Excuse
R. Munguia: Absent	L. Madrigal: Excuse
R. Sanchez: Excuse	

Motion carried unanimously to excuse the absent member.

ADJOURNMENT: There being no further business, Danny Wylie moved that the meeting be adjourned. All members unanimously consented the Planning and Zoning Meeting adjourned at 6:28 p.m.



Danny Wylie, Chairman

ATTEST:



Tom Greuner, Secretary