



PLANNING & ZONING COMMISSION

City Commissioner's Room

118 S. Cage Blvd. December 11, 2017 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, December 11, 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
Andy Castro
Rafael Munguia
Charlie Ramirez
Tom Greuner
Romeo Robles

ABSENT:

OTHERS PRESENT: See attached list

STAFF PRESENT: Roland Gomez, Assistant Director of Development Services
Cristina Garcia, Senior Planner
Eddie Martinez, Planner II
Della Robles, Planner I
George Martinez, Building Official
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 November 13, 2017.

Luis Madrigal stated there needed to be a correction on page 17 there was a mistake and that Andy Castro had moved to excuse absent members and Charlie Ramirez had second the motion.

Rita Galvan, Secretary, stated the minutes would be corrected.

There being no further discussion, Charlie Ramirez **moved** to approve the minutes of

November 13, 2017 with corrections. Andy Castro second the motion and when put to a vote, it polled as follows:

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

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

The motion carried unanimously to approve the minutes of November 13, 2017 with corrections.

PUBLIC COMMENTS:

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

- He signed up for public hearing. People ask him why he studies the ordinances so much and he said because they are always changing.
- There was a Mayor's Chairman meeting today and they passed out ordinance books that were about 4 inches thick.
- He is a P&Z member because he was PO'ed because he isn't getting enough Z's because of the noise from Costco (referring to being P&Z not an actual Board member)
- There is an ordinance in his neighborhood he believes is not being enforced. There needs to be a wall between his neighborhood and Costco that is sound proof and is 14 feet tall. There is an ordinance section 134.31 that states the barrier can be as tall as need be to accomplish the task but it may have been amended due to it being brought up in the past.
- On the noise ordinance it states that construction should not be going on after 8:00 pm and when he gets home from a hard day's work construction is still going on at Costco and fueling station 9:00 pm.
- The residents of Pharr should all have the same set of rules and should be enforced the same as well.
- Would like to know the status of a very dangerous intersection on West Lee Street which one of our commissioners lives on.
- Thanked the commission.

PUBLIC HEARING:

Della Robles introduced herself as Planner I for the City of Pharr and stated she had six (6) items for recommendation and proceeded to introduce the first item as follows:

Juanita Muñoz, representing Iglesia Centro de Poder de Dios, has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow a church in a General Business District (C). The property is legally described as being 0.05 acre tract of land, more or less out of Lot 1, Pamaad Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1603 North Cage Boulevard, Suites 4, 5 and 6. The property is currently zoned General Business District (C). The surrounding area to the north and east is zoned General Business District (C) and the south and west is zoned Residential Mobile Home District (R-MH). This area is generally designated for commercial use in the Land Use Plan. Two (2) 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 is recommending approval of the request for a Life-of-the-Use Conditional Use Permit to allow a church in a General Business District (C) subject to the following conditions:

1. This Conditional Use permit shall be issued for the Life-of-the-Use and issued to the current owner only;
2. Parking requirements as per Ordinance;
3. If the need arises for expansion, applicant shall advise the city and it will be necessary for the Planning & Zoning Commission to reconsider this permit;
4. The applicant shall comply with the Landscaping and Sign Ordinance;
5. Any change in ownership or applicant conducting business shall terminate this Conditional Use Permit;
6. A building permit and Certificate of Occupancy will be required and current standard building codes must be observed; if applicable.
7. The following shall be considered as grounds for the revocation of a Conditional Use Permit:
 - Any change in use or change in extent of use, area or location of the building being used.
 - Failure to allow periodic inspections by representatives of the City of Pharr at any reasonable time.
 -
 - Conditional Use Permits that have been revoked may not be applied for again until a period of one year has lapsed from the date of revocation.

Della Robles advised this item will go before the City Commission meeting of December 18, 2017 at 4:00 p.m. and advised 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 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.

- Charlie Ramirez asked how many people would be attending this church. Della Robles advised the applicant stated there were 25 parishioners.
- Danny Wylie asked in there would be a safety report. Della Robles stated it was an existing church and she is just adding Suite 6 for her office space.
- Danny Wylie asked if they had a current CUP and insurance.
- Della stated they received their first CUP in September 12, 2011 and it was Suite 10 at that time. When they moved to Suites 4 and 5 they applied for a new CUP and on December 05, 2016, they were approved by City Commission and now she wanted to add Suite 6 for her office.

There being no further discussion, Luis Madrigal **moved** to approve the request for a Life-of-the-Use Conditional Use Permit to allow a church in a General Business District (C). Rafael Munguia second the motion and when put to a vote, it polled as follows:

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

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

Motion carried by unanimous vote to approve the request for a Life-of-the-Use Conditional Use Permit to allow a church in a General Business District (C).

**TERESA FLORES, Rep. HIDALGO COUNTY HEAD START
LONGORIA HEAD START**

**CUP-LOU
CUP#171162**

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

Teresa Flores, representing Hidalgo County Head Start Program (Longoria Head Start), has filed with the Planning and Zoning Commission a request for Life-of-the-Use Conditional Use Permit to allow an Institutional Use (school) in a Single-Family Residential District (R-1). The property is legally described as being a 9.05 acre tract of land, more or less out of Lot 142, Kelly-Pharr Tract, Pharr, Hidalgo County, Texas. The property's physical address is 2500 North Cypress Street. The property is currently zoned Single-Family Residential District (R-1). The surrounding area is zoned General Business District (C), Agricultural and/or Open Space District (A-O), Heavy Commercial District (H-C) and Single-Family Residential District (R-1) to the south, Multi-Family Residential District (R-4) and Single-Family Residential District (R-1) to the north, Single-Family Residential District (Small Lots) (R-1A) to the west and Residential Mobile Home District (R-MH) to the east. This area is generally designated for public/semipublic use in the Land Use Plan. Sixty two (62) 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 is recommending **approval** of the request for a Life-of-the-Use Conditional Use Permit to allow an Institutional Use (school) in a Single-Family Residential District (R-1) subject to the following conditions:

1. This permit shall be for the Life-of-the-Use and issued to the current owner only;
2. Applicant shall comply with all City of Pharr Ordinances and codes, any violation will terminate this Conditional Use Permit;
3. A fire alarm system must be installed in every unit and/or classroom;
4. An all weather surface must be provided for emergency access; and
5. The following shall be considered as grounds for revocation of the Conditional Use Permit; and
 - Any change in use or change in extent of use, area or location
 - Failure to allow periodic inspections by representatives of the City of Pharr at any reasonable time
 - Conditional Use Permits that have been revoked may not be applied for again until a period of one (1) year has lapsed from the date of revocation.

Della Robles advised this item will go before the City Commission meeting of December 18, 2017 at 4:00 p.m. and advised 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.

- Rafael Munguia asked if the school was an existing school. Della Robles affirmed and stated the Head Start program will be located inside the existing school. The school leases the area out to them every year.
- Roland Gomez, Assistant Director of Development Services stated that this item along with the next two items are Head Start Programs located within the PSJA School District and that they were existing schools.

There being no further discussion, Rafael Munguia **moved** to approve the request for Life-of-the-Use Conditional Use Permit to allow an Institutional Use (school) in a Single-Family Residential District (R-1). Charlie Ramirez second the motion and when put to a vote, it polled as follows:

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

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

Motion carried by unanimous vote to approve the request for Life-of-the-Use Conditional Use Permit to allow an Institutional Use (school) in a Single-Family Residential District (R-1).

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

Teresa Flores, representing Hidalgo County Head Start Program (Palacios Head Start), has filed with the Planning and Zoning Commission a request for Life-of-the-Use Conditional Use Permit to allow an Institutional Use (school) in an Agricultural and/or Open Space District (A-O) and High Density Multi-Family Residential District (R-4). The property is legally described as being Lot 1, Thomas Road Elementary Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 801 East Thomas Road. The property is currently zoned Agricultural and/or Open Space District (A-O) and High Density Multi-Family Residential District (R-4). The surrounding area is zoned Agricultural and/or Open Space District (A-O) to the north, west and south and High Density Multi-Family Residential District (R-4) to the east. This area is generally designated for public/semipublic use in the Land Use Plan. Ten (10) 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 is recommending **approval** of the request for a Life-of-the-Use Conditional Use Permit to allow an Institutional Use (school) in an Agricultural and/or Open Space District (A-O) and High Density Multi-Family Residential District (R-4) subject to the following conditions:

1. This permit shall be for the Life-of-the-Use and issued to the current owner only;
2. Applicant shall comply with all City of Pharr Ordinances and codes, any violation will terminate this Conditional Use Permit;
3. A fire alarm system must be installed in every unit and/or classroom;
4. An all weather surface must be provided for emergency access; and
5. The following shall be considered as grounds for revocation of the Conditional Use Permit; and
 - Any change in use or change in extent of use, area or location
 - Failure to allow periodic inspections by representatives of the City of Pharr at any reasonable time
 - Conditional Use Permits that have been revoked may not be applied for again until a period of one (1) year has lapsed from the date of revocation.

Della Robles advised this item will go before the City Commission meeting of December 18, 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 Life-of-the-Use Conditional Use Permit to allow an Institutional Use (school) in an Agricultural and/or Open Space District (A-O) and High Density Multi-Family Residential District (R-4). Romeo Robles 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: Approve	L. Madrigal: Approve
A. Castro: Approve	

Motion carried by unanimous vote to approve the request for Life-of-the-Use Conditional Use Permit to allow an Institutional Use (school) in an Agricultural and/or Open Space District (A-O) and High Density Multi-Family Residential District (R-4).

**TERESA FLORES, Rep. HIDALGO COUNTY HEAD START
CARMEN ANAYA HEAD START**

**CUP-LOU
CUP#171164**

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

Teresa Flores, representing Hidalgo County Head Start Program (Carmen Anaya Head Start), has filed with the Planning and Zoning Commission a request for Life-of-the-Use Conditional Use Permit to allow an Institutional Use (school) Head Start in an Agricultural and/or Open Space District (A-O). The property is legally described as being 18.56 acre tract of land, more or less out of Lot 327, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1000 West Dicker Road. The property is currently zoned Agricultural and/or Open Space District (A-O). The surrounding area is zoned Single-Family Residential District (R-1) to the north, south, west and Agricultural and/or Open Space District (A-O) to the east. This area is generally designated for public/semipublic and commercial use in the Land Use Plan. One hundred seven (107) 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 is recommending **approval** of the request for a Life-of-the-Use Conditional Use Permit to allow an Institutional Use (school) in an Agricultural and/or Open Space District (A-O) subject to the following conditions:

1. This permit shall be for the Life-of-the-Use and issued to the current owner only;
2. Applicant shall comply with all City of Pharr Ordinances and codes, any violation will terminate this Conditional Use Permit;
3. A fire alarm system must be installed in every unit and/or classroom;
4. An all weather surface must be provided for emergency access; and

5. The following shall be considered as grounds for revocation of the Conditional Use Permit; and
 - Any change in use or change in extent of use, area or location
 - Failure to allow periodic inspections by representatives of the City of Pharr at any reasonable time
 - Conditional Use Permits that have been revoked may not be applied for again until a period of one (1) year has lapsed from the date of revocation.

Della Robles advised this item will go before the City Commission meeting of December 18, 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.

- Danny Wylie asked how we got 107 letters out. Della Robles stated there were several residential subdivisions within the area.

There being no further discussion, Luis Madrigal moved to approve the request for a Conditional Use Permit for Life-of-the-Use Conditional Use Permit to allow an Institutional Use (school) an Agricultural and/or Open Space District (A-O). Charlie Ramirez second the motion and when put to a vote, it polled as follows:

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

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

Motion carried by unanimous vote to approve the request for a Conditional Use Permit for Life-of-the-Use Conditional Use Permit to allow an Institutional Use (school) an Agricultural and/or Open Space District (A-O).

MUY PIZZA-TEJAS, LLC
PIZZA HUT

CUP-ABC
CUP#171165

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

Muy Pizza-Tejas, LLC, dba Pizza Hut, 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 General Business District (C). The property is legally described as being the East 125.0' out of Block 1, Palm Heights Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1001 West Highway 83. The property is currently zoned General Business District (C). The surrounding area is zoned General Business District (C) to the south east and west and Rail Road R.O.W. lies to the north. The area is generally designated for commercial use in the Land Use Plan. The Police Chief and the Planning Department both recommend approval. Eleven

(11) 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 General Business District (C) subject to applicant and site being in compliance with all City Ordinances and City Department requirements.

Della Robles advised the Commission that the applicant was in the audience.

Della Robles advised this item will go before the City Commission meeting of December 18, 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.

- Danny Wylie asked what the hours of operation were. Della Robles stated the hours of operation were 11:00 a.m. to 11:00 p.m. Monday through Friday and Saturday they stay open until midnight.
- Luis Madrigal asked if this establishment currently holds a CUP-ABC. Della affirmed but there was a change in ownership and they were required to obtain a new Conditional Use Permit.

There being no further discussion, Tom Gruener moved to approve the request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). Romeo Robles second the motion and when put to a vote, it polled as follows:

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

C. Ramirez: Approve
R. Robles: Approve
L. Madrigal: 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 General Business District (C).

MARGARITA'S MEXICAN GRILL & CANTINA, INC.

**CUP-ABC
CUP#171166**

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

Margaritas Mexican Grill and Cantina, Inc. 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 General Business District (C). The property is

legally described as being 0.06 acre tract of land, more or less out of Lot 2, CVS Pharmacy No. 10142 Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1305 South Cage Boulevard, Suites 1 and 2. The property is currently zoned General Business District (C). The surrounding area is zoned General Business District (C) to the north, south and west and Single-Family Residential District (R-I) to the east. The area is generally designated for commercial use in the Land Use Plan. The Police Chief and the Planning Department both recommend approval. Seventeen (17) 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 General Business District (C) subject to applicant and site being in compliance with all City Ordinances and City Department requirements.

Della Robles advised this item will go before the City Commission meeting of December 18, 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.

- Andy Castro asked what the hours of operation for the establishment would be. Della Robles stated the hours would be Monday through Thursday from 10:30 a.m. to 9:00 p.m., Friday from 10:30 a.m. to 11:00 p.m., Saturday from 7:00 a.m. to 11:00 p.m. and Sunday from 7:00 a.m. to 3:00 p.m.
- Luis Madrigal asked is they wanted to have a special event such as a New Year's event would they be able to do that. Della Robles stated they did not apply for a late hour permit so they would not be allowed to.

There being no further discussion, Luis Madrigal moved to approve the request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). Rafael Munguia second the motion and when put to a vote, it polled as follows:

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

C. Ramirez: Approve
R. Robles: Approve
L. Madrigal: 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 General Business District (C).

PLAT APPROVAL:

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

JAVIER HINOJOSA ENGINEERING
Rep. ZARAGISA HINOJOSA, JR

HRES-CK PHARR PH I SUBDIVISION
SUB#170718

Javier Hinojosa Engineering, representing Zaragoza Hinojosa Jr., is requesting final plat approval of the proposed HRES-CK Pharr Subdivision Phase I. The property is legally described as a tract of land containing 2.23 acres of land and also being a part or portion of Lots 13, L.R. Bell Development "E" Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 1100 and 1200 Block of East Ferguson Avenue. The property is currently zoned General Business District (C). The adjacent zones are General Business District (C) to the north, Agricultural and/or Open Space District (A-O) to the south and west and City limits to the east. The property is designated for commercial use in the Land Use Plan. The property's proposed use is a Circle K convenient store. No variances are being requested. Development Services recommends final plat approval of the proposed HRES-CK Pharr Subdivision Phase I subject to the following conditions:

**STREETS, PAVING
AND R.O.W.:**

1. Provide a 30'x30' corner clip for Lot 1, at E. Ferguson Ave. and N. Veterans Blvd.
2. Need driveway permit from TxDot

EASEMENTS:

1. All public utilities shall read "Exclusive Easement to City of Pharr".
2. Add a 15' Exclusive Easement along E. Ferguson Avenue.
3. Show all existing easements.

**SIDEWALK:
ADA:**

1. In compliance.

FIRE PROTECTION:

1. See attach comments.

WATER:

1. Need to replace waterline if it's an AC, need to upgrade to a 12" PVC.
2. 12" waterline to stop at the northwest corner of Lot 1.
3. Show the correct waterline size along N. Veterans Blvd.
4. Follow City of Pharr construction standards manual.

SEWER:

1. Sewer line to be exposed by public utilities to verify the depth of flow line.
2. Connect to existing sewer line, sewer line needs to be SDR26.
3. Follow City of Pharr construction standards manual.

DRAINAGE:

1. Need approved drainage report.
2. Did not identified site on FEMA FIRM, provide.
3. Need discharge permit from TxDot.

4. Need SWPPP with NOI.
5. Show calculations for "C" values in drainage report.

OTHER:

1. Construction plans shall be provided for approval of public improvements.

Heriberto Martinez advised this item will go before the City Commission meeting on December 18, 2017 at 4:00 p.m.

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.

There being no discussion, Tom Gruener moved to approve the request for final plat approval of the proposed HRES-CK Pharr Subdivision Phase I. Charlie Ramirez second the motion and when put to a vote, it polled as follows:

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

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

Motion carried unanimously to approve the request for final plat approval of the proposed HRES-CK Pharr Subdivision Phase I.

ANNOUNCEMENTS/OTHER BUSINESS: None.

ABSENTEE REPORT: Rita Galvan announced that all members of the Planning and Zoning Commission were present.

ADJOURNMENT: There being no further business, Charlie Ramirez moved that the meeting be adjourned. Tom Gruener second the motion. All members unanimously consented, the Planning and Zoning Meeting adjourned at 6:28 p.m.



Danny Wylie, Chairman

ATTEST:



Tom Gruener, Secretary