



PLANNING & ZONING COMMISSION

City Commissioner's Room

118 S. Cage Blvd. June 12, 2017 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, June 12, 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
Rafael Munguia
Charlie Ramirez
Tom Greuner
Romeo Robles
Andy Castro
Porfirio Rodriguez

ABSENT: Rafael Munguia

OTHERS PRESENT: See attached list

STAFF PRESENT: Edward Wylie, Assistant City Manager
Melanie Cano, Director of Development Services
Roland Gomez, Assistant Director of Development Services
Cristina Garcia, Senior Planner
Heriberto Martinez, Planner II
Della Robles, Planner I
George Martinez, Building Official
Janie Benedict, Administrative Assistant
Felipe Pedraza, Assistant Fire Marshall
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 May 22, 2017.

There being no discussion, Romeo Robles **moved** the minutes of May 22, 2017, be approved as submitted. Porfirio Rodriguez second the motion and when put to a vote, it

polled as follows:

D. Wylie: Approved as submitted	C. Ramirez: Approved as submitted
T. Greuner: Approved as submitted	R. Robles: Approved as submitted
R. Munguia: Absent	L. Madrigal: Approved as submitted
A. Castro: Approved as submitted	P. Rodriguez: Approved as submitted

The motion carried unanimously to approve the minutes of May 22, 2017, as submitted.

PUBLIC COMMENTS:

Danny Wylie asked if anyone had signed up for the Public Comments. Janie Benedict stated no one signed up to speak.

There being no one who signed up to speak, Danny Wylie closed the Public Comments and proceeded with the next item.

PUBLIC HEARING:

Della Robles introduced herself as Planner I for the City of Pharr and advised there were ten (10) items for recommendation.

WILLIAM BEBB FRANCIS, III
Rep. AMERICAN TOWER ASSET SUB, LLC

LIFE-OF-THE-USE EXISTING
TELECOMMUNICATION TOWER
CUP#170210

Della Robles, Planner I, advised the item will remain tabled and no action was needed.

SONIA GARCIA
REP. CENTRO FAMILIAR CRISTIANO
IGLESIA DEL PUEBLO

LIFE-OF-THE-USE
CHURCH
CUP#170212

Della Robles advised the item to be a tabled item and would require it be un-tabled. Tom Greuner **moved** Centro Familiar Cristiano Iglesia Del Pueblo be un-tabled. Andy Castro second the motion and when put to a vote it polled as follows:

D. Wylie: Approved to un-table	C. Ramirez: Approved to un-table
T. Greuner: Approved to un-table	R. Robles: Approved to un-table
R. Munguia: Absent	L. Madrigal: Approved to un-table
A. Castro: Approved to un-table	P. Rodriguez: Approved to un-table

Della Robles then read the item:

Sonia Garcia, representing Centro Familiar Cristiano Iglesia Del Pueblo, 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 Single-Family Residential District (R-1). The property is legally

described as being all of Lot 14, Las Fuentes Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 424 West Navarro Street. The property is currently zoned Single-Family Residential District (R-1). The property to the north is zoned Single-Family Residential District (R-1) and Two-Family Residential District (R-2), to the south and east the property is zoned Single-Family Residential District (R-1) and to the west the property is zoned Agricultural and/or Open Space District (A-O). This area is generally designated for single-family residential use in the Land Use Plan. Fifty (50) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. Staff received two (2) telephone calls, one for information and one in opposition of the item and two (2) individuals signed up to speak at the public hearing in opposition of the item. Development Services is recommending **approval** of the request for a Life-of-the-Use Conditional Use Permit to allow a church in Single-Family Residential District (R-1) 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.

ADDITIONAL COMMENTS:

The Traffic Impact Analysis submitted and presented by Guillermo A. Arratia, P.E., states that for a church generator with the existing conditions of 300 seats, no mitigation to the existing infrastructure is required at this time. However, if the number of occupants exceeds 300, the applicant must return to the Planning and Zoning Commission where they will be required to present mitigation measures for consideration.

This item will go before the City Commission meeting of June 19, 2017 at 4:00 p.m.

Della Robles announced that the applicant was present.

Danny Wylie advised that this item required a public hearing and asked if there was anyone in the audience wishing to address the item, either for or against, to please come forth. There being no one wishing to speak, Danny Wylie closed the public hearing and opened the item to the Planning and Zoning Commission for discussion and action.

Mr. Guillermo Arratia, P.E., approached the podium and introduced himself as the project engineer.

Luis Madrigal asked Mr. Arratia for the definition to 'Average Vehicle Trip End' stated in the Traffic Impact Analysis (TIA). Mr. Arratia provided an explanation and pointed out tables, graphs, formulas and other data used to arrive at the figures presented on the report.

Danny Wylie asked if the study was based on only 2 days and if this was acceptable. Mr. Arratia responded that the 2 days used were Friday night starting at 7:45 p.m. and Sunday by also using the peak hours of 7:00 AM – 9:00 AM and then 4:00PM – 6:00 PM.

Melanie Cano, Development Services Director, added that any special events to be held would require an outside events permit, that the 2-day span used included the day when services occur, and that the City sees this as sufficient.

Luis Madrigal questioned why Sunday would be used when it's less busy than a Saturday. Mr. Arratia pointed out that the study was based on the use of their manual. Mr. Madrigal still posed a concern on the average per hour used and asked if there was a better gauge to be used. Mr. Arratia pointed out to the 'Breakpoint' to review of 2027 being the 10-year span to be considered.

Tom Greuner asked if 2027 may be the time to mitigate the situation with the City being aware and to address it then. Melanie Cano affirmed this time to be when mitigation would take place or when the sitting capacity exceeds 300 seats.

Guillermo Arratia suggested at such time, if the need is there, a left-turn lane onto 281 could or would be considered. Melanie Cano stated if such would be required, the expense for such would be on the applicant.

Porfirio Rodriguez asked if this same type of conduct is required of other church applicants – where a traffic analysis is done. Melanie Cano advised each case is handled on a case-by-case basis and this case required the TIA being that the site is in a residential area.

There being no further discussion Romeo Robles moved to approve request for a Life-of-the-Use Conditional Use Permit to allow a church in a Single-Family Residential District (R-1) subject to staff's recommendations. 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	P. Rodriguez: Approve

Motion carried unanimously to approve the request for a Life-of-the-Use Conditional Use Permit to allow a church in a Single-Family Residential District (R-1) subject to staff's recommendations.

JOHN M. GARCIA
REP. AEP TEXAS

SPECIAL USE PERMIT
ELECTRICAL SUBSTATION
SUP#170318

Della Robles, Planner I, advised the item will remain tabled and no action was needed.

ESPONJAS DEVELOPMENT, LTD
Rep. RONALD DEE BOLLMAN

COZ: A-O to R-1
COZ#170525

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

Esponjas Development, Ltd, representing Ronald Dee Bollman, Trustee of the Ronald Dee Bollman Trust, owner, is requesting a change of zone from Agricultural and/or Open Space District (A-O) to Single-Family Residential District (R-1). The subject site is located on the south side of East Owassa Road and is physically located within the 700 Block of East Owassa Road. The property is legally described as being 20 acres, more or less, out of the East ½ of Lot 78, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The subject site currently consists of one (1) track which has a frontage of 660 feet along East Owassa Road and a depth of 1,320 feet. East Owassa Road is a 100' minor arterial which runs east and west with a posted speed limit of 30 miles per hour or less 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 Limited Industrial District (L-I) to the east and west, Agricultural and/or Open Space District (A-O) to the west, Single Family Residential District (R-1) to the south, and to the north is the city limits of Pharr. The property is generally designated for industrial use in the Land Use Plan. The subject property was annexed into the City of Pharr on August 20, 1991. The property directly to the east was rezoned to Limited Industrial District (L-I) on June 01, 2004. The property to the south was rezoned to Single Family Residential District (R-1) on January 17, 2006. A portion of the property to the west was rezoned to Limited Industrial District (L-I) on March 03, 2009. There have been no other zoning requests within the general vicinity of the subject property since that time. The owner of the property is requesting a change of zone to a Single Family Residential District (R-1) in order to develop the property into an 80 lot single family residential subdivision. The Single Family Residential District (R-1) is intended to be composed of single family dwellings together with public, denominational and private schools, churches and public

parks essential to create basic neighborhood units. Areas that are zoned for this use shall have water, wastewater, drainage and access to paved streets based on single-family usage. It is intended for areas that are properly buffered from nonresidential uses, and protected from pollution and/or environmental hazards or from high volume of non-single-family traffic. Thirty-six (36) 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 Single-Family Residential District (R-1) as the property meets area requirements and has adequate ingress and egress. If approved, applicant must subdivide the property and comply with all City Ordinances and City Department requirements.

This item will go before the City Commission Meeting of June 19, 2017 at 4:00 p.m.

Della Robles advised the applicant / representative for the item was in the audience.

Danny Wylie advised that this item required a public hearing and asked if there was anyone in the audience wishing to address the item, either for or against, to please come forth. There being no one wishing to speak, Danny Wylie closed the public hearing and opened the item to the Planning and Zoning Commission for discussion and action.

Danny Wylie then questioned Staff about item No. 8 on the sign-off sheet in regards to a buffer being required and being marked 'no'. Melanie Cano, Development Services Director, advised such buffer would be required but would be addressed during the subdivision process.

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 Single-Family Residential District (R-1) subject to staff's recommendations. 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	P. Rodriguez: Approve

Motion carried unanimously to approve the request for a Conditional Use Permit to allow change of zone from Agricultural and/or Open Space District (A-O) to Single-Family Residential District (R-1) subject to staff's recommendations.

REYNALDO MATA RIOS

**COZ: R-1 TO A-O
COZ#170526**

Della Robles introduced the fifth item as follows:

Reynaldo Mata Rios, owner, is requesting a change of zone from Single-Family Residential District (R-1) and Agricultural and/or Open Space District (A-O) to Residential

Mobile-Home District (R-MH). The subject property is located on the west side of South Cage Boulevard towards the rear of the property and is physically located within the 2700 Block of South Cage Boulevard. The property is legally described as being 2.53 acres of land, out of Lot 236, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The subject site currently consists of one (1) lot which has a frontage of approximately 170 feet and a depth of approximately 680 feet. South Cage Boulevard is a 120'-150' principal arterial, which runs north and south with a posted speed limit of 40 to 55 miles per hour as identified in the City of Pharr's Thoroughfare Plan. The property currently is 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, south and east and Single-Family Residential District (R-1) to the west. The property is generally designated for single-family use in the Land Use Plan. The property to the north, south and east were annexed on June 21, 1983. The property to the west was annexed on November 11, 1994 and on February 25, 1995 was zoned to Single-Family Residential District (R-1). There has been no other zoning request within the general vicinity of the subject property since that time. The owner of the property is requesting a change of zone to Residential Mobile-Home District (R-MH) in order to develop and place mobile homes on said property. On May 14, 2002, City Commission passed Ordinance No. O-2002-24, amending Section 1.18 of Ordinance No. O-82-13 Residential Mobile Home District (R-MH), prohibiting further creation of R-MH Districts within the City of Pharr. Nine (9) letters were mailed out to the surrounding property owners and a legal notice was published in the Advance News Journal. Staff had one (1) walk-in come in for information only and one (1) person signed up to speak at the public hearing in opposition of the item. Development Services is recommending denial of the request to re-zone to Residential Mobile-Home District (R-MH) as per Ordinance O-2002-24, Section 1.18(A)(7), which reads: an R-MH district shall not be permitted in the City of Pharr, Texas, after the effective date of amendatory Ordinance No. O-2002-24. If approved, applicant must subdivide and comply with all City Ordinances and City Department requirements.

This item will go before the City Commission Meeting of June 19, 2017 at 4:00 p.m.

Della Robles advised the applicant / representative for the item was in the audience.

Danny Wylie advised that this item required a public hearing and asked if there was anyone in the audience wishing to address the item, either for or against, to please come forth.

A gentleman approached the podium and introduced himself as Marcelino Ritchie, who was against the item. He stated he has lived in the area since 1976 and although the address for the case indicates South Cage, it is South Canna that would be used. He added he does not want the property values to decrease, that the streets have been paved and are nice and would appreciate keeping them like that. There being no one else to come forth, Danny Wylie closed the public hearing and opened the item to the Planning and Zoning Commission for discussion and action.

Porfirio Rodriguez stated that because he owns land within the area, he would remove himself from this item and stepped out of the meeting for this item.

Luis Madrigal asked if the applicant had been advised of the ordinance. Della Robles affirmed and stated she had called the applicant twice to advise him of this and to ask him if he would want to withdraw the application. The applicant advised to proceed with the request.

There being no further discussion, Luis Madrigal **moved** to deny the request for a change of zone from Single-Family Residential District (R-1) and Agricultural and/or Open Space District (A-O) to a Residential Mobile-Home District (R-MH). Charlie Ramirez second the motion and when put to a vote it polled as follows:

D. Wylie: Deny the request	C. Ramirez: Deny the request
T. Greuner: Deny the request	R. Robles: Deny the request
R. Munguia: Absent	L. Madrigal: Deny the request
A. Castro: Deny the request	P. Rodriguez: Stepped out of the meeting due to conflict of interest

Motion carried by majority vote to deny the request for a Conditional Use Permit to allow change of zone from Agricultural and/or Open Space District (A-O) to Single-Family to a Residential Mobile-Home District (R-MH).

Porfirio Rodriguez re-joined the meeting.

EMMA E. GUERRA

CUP: OVERSIZE STORAGE UNIT CUP#170529

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

Emma E. Guerra has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow an Oversized Storage Unit (14' x 19') in a Single-Family Residential District (R-1). The property is legally described as being Lot 83, Pecan Plantation Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 7711 South Pecan Plantation Circle. The property is currently zoned Single-Family Residential District (R-1). The surrounding area is zoned Single-Family Residential District (R-1) to the north, south, east and west. This area is generally designated for single-family residential use in the Land Use Plan. Fifty (50) surrounding property owners were notified by letter and a legal notice was published in the Advance News Journal. Staff received one (1) telephone call and one (1) walk in for information only. Development Services is recommending to table the request for the Life-of-the-Use Conditional Use Permit to allow an Oversized Storage Unit (14' x 19') in a Single-Family Residential District (R-1) subject to applicant submitting documents to the Building Official.

There being no discussion, Andy Castro **moved** to table this item. Tom Greuner second the motion and when put to a vote it polled as follows:

D. Wylie: Approved to table the item	C. Ramirez: Approved to table the item
T. Greuner: Approved to table the item	R. Robles: Approved to table the item
R. Munguia: Absent	L. Madrigal: Approved to table the item
A. Castro: Approved to table the item	P. Rodriguez: Approved to table the item

Motion carried by unanimous vote to table this item.

CHRISSY SANCHES
Rep. PHARR CENTER CHURCH

CUP-LOU: CHURCH
CUP#170530

Della Robles, Planner I, introduced the seventh item and read as follows:

Chrissy Sanchez, representing Pharr Center Church, has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow a church in an Agricultural and/or Open Space District (A-O). The property is legally described as being Lot 1, Trinity Worship Center Subdivision, Pharr, Hidalgo County, Texas. The property's physical address 4801 North IH 69C. The property is currently zoned Agricultural and/or Open Space District (A-O). The surrounding area is zoned Limited Industrial District (L-I) to the north and east, Limited Industrial District (L-I) and Agricultural and/or Open Space District (A-O) to the south and Agricultural and/or Open Space District (A-O) to the west. This area is generally designated for industrial use in the Land Use Plan. Fourteen (14) 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 an Agricultural and/or Open Space District (A-O) 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.

This item will go before the City Commission meeting of June 19, 2017 at 4:00 p.m.

Della Robles also announced the representative for the church was present.

Danny Wylie advised that this item required a public hearing and asked if there was anyone in the audience wishing to address the item, either for or against, to please come forth. A gentleman approached the podium and introduced himself as Ray Sanchez who is for the item. He stated the church has been there since 1994 and all they are asking is for the sign to be cut down by 10 feet – it is too high now. There being no one else to come forth, Danny Wylie closed the public hearing and opened the item to the Planning and Zoning Commission for discussion and action.

Danny Wylie asked if this item has been presented for a name change and not for a sign permit. Melanie Cano, Development Services Director, stated the applicant had initially come to City Hall for a sign permit in which it was discovered there were new owners for the church which is how the item came about to be presented to the Planning and Zoning Commission.

There being no further discussion, Romeo Robles moved to approve the request for a Life-of-the-Use Conditional Use Permit to allow a church in an Agricultural and/or Open Space District (A-O) subject to staff's recommendations. Andy Castro 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	P. Rodriguez: Approve

Motion carried by unanimous vote to approve the request for a Life-of-the-Use Conditional Use Permit to allow a church in an Agricultural and/or Open Space District (A-O) subject to staff's recommendations.

JORGE LUIS GARCIA
D/B/A JNC BEAUTY

CUP: BEAUTY SALON
CUP#170531

Della Robles, Planner I, introduced the eighth item and read as follows:

Jorge Luis Garcia, dba JNC Beauty, has filed with the Planning and Zoning Commission a request for a Conditional Use Permit to allow a home occupation (Beauty Salon) in a Single-Family Residential District (R-1). The property is legally described as Lot 100, Raider Terrace Phase 2 Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1202 East Nell Pool Drive. The property is currently zoned Single-

Family Residential District (R-1). The surrounding area is zoned Single-Family Residential District (R-1) to the north, south, east and west. This area is generally designated for single-family residential use in the Land Use Plan. Fifty-two (52) 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 Conditional Use Permit to allow a home occupation (Beauty Salon) in a Single-Family Residential District (R-1) subject to the following conditions:

1. The **home occupation** shall be limited to a certain area of the home;
2. Customers to be taken by appointment only with one customer at a time in the beauty salon;
3. A non-illuminated sign of not more than eighteen (18) inches by twenty-four (24) inches identifying the name of the owner and his/her title or occupation may be permitted when attached flush to the main building;
4. There shall be no exterior display or alterations indicating that the building is being used for any purpose other than that of a dwelling;
5. This Conditional Use Permit shall be issued for a period of one (1) year. It shall be the owner's responsibility to apply for renewal 30 days before its expiration date;
6. Any request to revise, alter or amend the conditions or requirements shall require the applicant to reapply for a new Conditional Use Permit;
7. The applicant shall comply with all City of Pharr ordinance requirements, any violations will terminate this Conditional Use Permit;
8. Said use shall be conducted solely within the confines of the main dwelling and shall not exceed ten percent (10%) of the total floor area; and
9. The following shall be considered as grounds for revocation of a **home occupation** Conditional Use Permit:
 - Any change in use or change in extent of use, area or location of the dwelling being used.
 - Failure to allow periodic inspections by representatives of the City of Pharr at any reasonable time.
 - Failure to pay the annual renewal fee of \$50.00 shall result in the assessment of an additional five dollars (\$5.00) per business day late fee up to thirty (30) days after the date of expiration of the Conditional Use Permit; or revocation of the permit if not paid by the 31st day.

- Conditional Use Permits for home occupations that have been revoked may not be applied for again until a period of one (1) year has lapsed from the date of revocation.

The residential addition was constructed prior to Mr. Garcia purchasing the property on January 24, 2012. Mr. Garcia has since applied for a building permit to ensure compliance of all building codes and the provisions of this ordinance. City Staff will not require the removal of the door, but will enforce and conduct inspections to assure the use of the primary entrance in order to comply with the limitations of a home occupation

Della Robles announced the applicant for the item being in the audience.

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

Andy Castro asked staff if the Fire Department is sent for inspections. Melanie Cano, Development Services Director, affirmed such to be so.

Danny Wylie asked if the applicant is aware that the customers must go through the main entrance of the home. Della Robles affirmed applicant knows of this.

Luis Madrigal questioned Condition No. 8 being the use of 10% of the total square footage of the home and is applicant forced to abide to it. Della Robles advised this clause should be taken out and explained that whereas daycare home occupations do require the 10% square footage rule, such is not required in this case.

There being no further discussion, Porfirio Rodriguez moved to approve the request for a Conditional Use Permit to allow a home occupation (Beauty Salon) in a Single-Family Residential District (R-1) subject to staff's recommendations. 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	P. Rodriguez: Approve

Motion carried unanimously to approve the request for a Conditional Use Permit to allow a home occupation (Beauty Salon) in a Single-Family Residential District (R-1) subject to staff's recommendations.

(Commissioner Andy Castro excused himself advising Chairman he would have to leave due to a prior scheduled appointment and left at 6:45 p.m.)

SAMES, INC.
Rep. RAMON GUAJARDO

COZ: A-O AND C TO C
COZ#170532

Della Robles, Planner I, introduced the ninth item and read as follows:

SAMES, Inc., representing Ramon Guajardo, Jr., owner, is requesting a change of zone from Agricultural and/or Open Space District (A-O) and General Business District (C) to General Business District (C). The subject property is located on the north side of East Ferguson Avenue and is physically located within the 400 Block of East Ferguson Avenue. The property is legally described as being a 0.61 acre tract of land, more or less, out of Lot 147, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The subject site currently consists of one (1) lot which has a frontage of approximately 65 feet along East Ferguson Avenue and has a depth of approximately 670 feet. East Ferguson Avenue is a 120'-150' principal arterial, which runs east and west with a posted speed limit of 40 to 55 miles per hour as identified in the City of Pharr's Thoroughfare Plan. The property currently is zoned Agricultural and/or Open Space District (A-O) with a portion being zoned General Business District (C). The surrounding properties are zoned Heavy Commercial District (HC) to the east and south, Agricultural and/or Open Space District (A-O) to the north and Agricultural and/or Open Space District (A-O) and General Business District (C) to the west. The property is generally designated for commercial and single-family residential use in the Land Use Plan. On March 30, 1982, Lot 147, Kelly-Pharr Tract was zoned to Agricultural and/or Open Space District (A-O) and Single-Family Residential District (R-1), when the city adopted the current zoning ordinance we use today. Later, on July 26, 1983, the S250' of Lot 147, to include portion of the proposed request was rezoned to General Business District (C). The property to the east was rezoned to Heavy Commercial District (H-C) on January 08, 1985. The properties directly to the south were rezoned to Heavy Commercial District (H-C) on February 20, 1990 and February 15, 2000. There has been no other zoning request within the general vicinity of the subject property since that time. The owner of the property is requesting a change of zone to General Business District (C) in order to construct a commercial building on said property. This property is also in the process of subdividing, which will bring the entire property into compliance. The General Business District (C) is established to provide adequate space and site diversification for most types of commercial development in the City of Pharr. Larger shopping centers and most existing commercial strips along major arterials would be included in this district. This district will be major retail district, with intensive commercial uses and large amounts of retail traffic. The noise, traffic, litter, late-night hours, and possible blighting influences require adequate buffering from residential areas, and the traffic from such uses should not pass through residential areas, except on arterials or major collectors. Twelve (12) 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 General Business District (C) as the property meets area requirements and has adequate ingress and egress. If approved, applicant must subdivide and comply with all City Ordinances and City Department requirements.

This item will go before the City Commission Meeting of June 19, 2017 at 4:00 p.m.

Della Robles advised the applicant or representative was not present for the item.

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

Porfirio Rodriguez asked if a buffer would be required since the check list was marked 'no'. Della Robles responded that a buffer would be required. Melanie Cano, Development Services Director, added that the surrounding properties are zoned commercial and a buffer would not be required in such case, unless the Commission was to request such.

There being no further discussion Charlie Ramirez moved to approve the request for a change of zone from Agricultural and/or Open Space District (A-O) and General Business District (C) to General Business District (C) subject to staff's recommendations. 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
A. Castro: Had left the Meeting	P. Rodriguez: Approve

Motion carried by unanimous vote to approve the request for a change of zone from Agricultural and/or Open Space District (A-O) and General Business District (C) to General Business District (C) subject to staff's recommendations.

VICTOR PEREZ
DIRECTOR OF PHARR ECONOMIC DEVELOPMENT
CORPORATION, Rep. PHARR ECONOMIC DEVELOPMENT
CORP., II

COZ: R-1 TO C
COZ#170533

Della Robles, Planner I, introduced the tenth item and read as follows:

Victor Perez, Executive Director of Pharr Economic Development Corporation, representing Pharr Economic Development Corporation II, is requesting a change of zone from Single-Family Residential District (R-1) to General Business District (C). The subject property is located on the south side of West Business 83 and is physically located within the 1300 Block of West Business 83. The property is legally described as being the south 250 feet out of Lot 2, Pharr Citrus Orchard Co. Subdivision, Pharr, Hidalgo County, Texas. The subject site currently consists of approximately 1.40 acres out of Lot 2 with approximately 245 feet in width and approximately 250 feet in depth. West Business 83 is a 120'-150' principal arterial, which runs east and west within a posted limit of 55 miles per hour or less 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, south, east and west. The property is generally designated for commercial use in the Land Use Plan. On March 30, 1982, the N600' out of Lot 177, Kelly-Pharr Tract was zoned to General Business District (C), when the city adopted the current zoning ordinance we use today. The property to the north, south, east and west was rezoned to General Business District (C) on September 18, 2012. There has been no other zoning request within the general vicinity of the subject property since that time. The owner of the property is requesting a change of zone to General Business District (C) in order to construct a commercial building in the future and/or sale the said property. The General Business District (C) is established to provide adequate space and site diversification for most types of commercial development in the City of Pharr. Larger shopping centers and most existing commercial strips along major arterials would be included in this district. This district will be major retail district, with intensive commercial uses and large amounts of retail traffic. The noise, traffic, litter, late-night hours, and possible blighting influences require adequate buffering from residential areas, and the traffic from such uses should not pass through residential areas, except on arterials or major collectors. One (1) letter was mailed out to the surrounding property owner(s) 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 General Business District (C) as the property meets area requirements and has adequate ingress and egress. If approved, applicant must subdivide, if applicable, and comply with all City Ordinances and City Department requirements.

This item will go before the City Commission Meeting of June 19, 2017 at 4:00 p.m.

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

Porfirio Rodriguez questioned if it was legal for the Executive Director of EDC to request from the Planning and Zoning Commission the request for the change of zone – him being the owner. Melanie Cano, Development Services Director, stated Mr. Victor Perez has the authority. Edward Wylie, Assistant City Manager, asked Mr. Rodriguez if there was a specific concern for this questioning. Mr. Rodriguez stated it being because what EDC does, what the money is used for. Tom Greuner pointed out that the certain tract of land being presented is only to be re-zoned so it is like the rest of the tract and that basically this case is to 'clean it up'.

There being no other discussion, Tom Greuner **moved** to approve the request for a change of zone from Single-Family Residential District (R-1) to General Business District (C) subject to staff's recommendations. 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: Had left the meeting	P. Rodriguez: Nay, Not to approve

By majority vote the motion carried to approve the request for a change of zone from Single-Family Residential District (R-1) to General Business District (C) subject to staff's recommendations.

PLAT APPROVAL:

Heriberto Martinez introduced himself as Planner II for the City of Pharr and advised he had two plat approvals for recommendation.

MELDEN & HUNT, INC.
Rep. TOMAS CORONA

DELTA SUBDIVISION
SUB#170205

Heriberto Martinez, Planner II, introduced the first plat approval as follows:

Melden & Hunt Inc., representing Tomas Corona, Owner, is requesting final plat approval of the proposed Delta Subdivision. The property is legally described as being a re-subdivision of 3.688 acres out of Lot 166, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas.: The property is located within the 600 Block of West IH-2. The property is currently zoned General Business District (C). The adjacent zones are General Business District (C) to the north, Single Family Residential District (R-1) and General Business District (C) to the east, Agricultural and/or Open Space District (A-O) to the south and Heavy Commercial District (H-C) to the west. The property is designated for commercial use in the Land Use Plan. Property proposed use is for Enterprise Car Rental location. Variances, none being requested. Development Services recommends final plat approval of the proposed Delta Subdivision subject to the following conditions:

STREETS, PAVING AND R.O.W.:

1. Need additional 10' of R.O.W. on north side of W. Polk Ave.
2. Remove and relocate poles within R.O.W.
3. Driveway to W. Polk will be to city standards.
4. Driveway to frontage will require TxDot permit if work is to be performed on it.
5. No street cuts without permits from public works department.

EASEMENTS:

1. No detention allowed within easements, any easement showing that is not to City of Pharr, will require authorization.

SIDEWALK: ADA:

1. Add note: 5' sidewalk with A.D.A. ramps and landings will be required to be constructed during construction permit phase.

**FIRE
PROTECTION:**

1. See attach comments.

WATER:

1. Need to show waterline 6-inch going north and south on east side of property.
2. Need to replace 6-inch ac waterline with an 8-inch on the eastside of property and place a 12-inch waterline in front of property.
3. AC line to be abandon in place.
4. Need to show existing waterlines.
5. Need to show where the water service is going to be.
6. Need to show all details for water.
7. Provide a valve at every 400', need 3.
8. Comply with construction comments.
9. Follow City of Pharr construction standards manual.

SEWER:

1. Need to show where the sewer service connection will be.
2. No permanent structures over the sewer line.
3. Need to show details of sewer service connections.
4. Follow City of Pharr construction standards manual.
5. Project engineer to reapply for new easement with H.C.I.D. #2 (sewer crossing irrigation line).

DRAINAGE:

1. Need to correct drainage directive.
2. Need to approve drainage report.
3. Detention will need to be on-site.

OTHER:

1. Need to show 30' irrigation easement on plat layout.
2. Irrigation pipe to be replaced as per H.C.I.D.#2 standards. (prior to building parking lot on top of the irrigation line developer shall take plans to H.C.I.D.#2)
3. Provide lot information on the east side of property.
4. Add date to plat layout when it was prepared.
5. Delete plat note #7.
6. Need S.W.P.P.P. with C.N.O.I. filed.
7. Bearings on curve table and metes & bounds need to match verify.
8. Owner shall comply with staff construction comments.

This item will go before the City Commission meeting of June 19, 2017, at 4:00 p.m.

Heriberto Martinez advised that the Project Engineer was present.

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 Greuner moved to approve the final plat approval of the proposed Delta Subdivision. Luis Madrigal second the motion and when put to a vote it polled as followed:

D. Wylie: Approve	C. Ramirez: Approve
T. Greuner: Approve	R. Robles: Approve
R. Munguia: Absent	L. Madrigal: Approve
A. Castro: Had left the meeting	P. Rodriguez: Approve

Motion carried by unanimously to approve the request for final plat approval of the proposed Delta Subdivision subject to staff's recommendations.

MELDEN & HUNT INC.,
Rep. LARRY SCHNEIER

PHARR TERMINAL SUNDIVISION
SUB#170207

Heriberto Martinez, Planner II, introduced the second plat approval as follows:

Melden & Hunt Inc., representing Larry Schneier, Governing person for Pharr Terminal, LLC, is requesting preliminary and final plat approval of the proposed Pharr Terminal Subdivision. The property is legally described as being a re-subdivision of 4.852 acres out of Lot 100, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 300 Block of East Nolana Loop. The property is currently zoned Limited Industrial District (L-I). The adjacent zones are Limited Industrial District (L-I) to the north and west, Agricultural and/or Open Space District (A-O) to the east and Heavy Commercial District (H-C) to the south. The property is designated for industrial use in the Land Use Plan. Property proposed use – existing truck business. Variances – non being requested. Development Services recommends preliminary and final plat approval of the proposed Pharr Terminal Subdivision subject to the following conditions;

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

1. No open cuts allowed on E. Nolana Loop (must bore with casing).
2. Need TxDot UIR drainage permit.

EASEMENTS:

1. Show all existing easements on plat and label them.

**SIDEWALK:
ADA:**

1. In compliance.

**FIRE
PROTECTION:**

1. See attach comments.

WATER:

1. Water belongs to N.A.W.S.C.

SEWER:

1. Need 15' easement exclusive to the City of Pharr.
2. Need a UIR for excavating along TxDot R.O.W.
3. Need to show sewer service connection details.
4. Need to be 6" SDR26 sewer service.
5. Sewer service to be to property line only.
6. Follow City of Pharr construction standards manual.

DRAINAGE:

1. Need approved drainage report.
2. Need drainage directive to be followed.
3. Drainage report needs corrections, tables calculating proposed "c" values show an acreage of 19.513, show property location on topography map provided and show revised location in the flood insurance rate map.
4. Drainage plan will be reviewed at building permit stage.

OTHER:

1. Need to address any comments from N.A.W.S.C.
2. Revise property location on flood insurance rate map. Property is shown to be only in the flood panel number: 480347 0005 C.
3. Remove "or elevation 115.25 whichever is higher" from note #2.

This item will go before the City Commission meeting of June 19, 2017, at 4:00 p.m.

Heriberto Martinez advised the applicant / representative of the item was present.

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.

Luis Madrigal asked how the site would be accessed. Heriberto Martinez stated the property to the south has a recorded 30 ft. access easement on the west side and another access on the southwest corner of the subdivision, being used by Rush Company as well. Heriberto Martinez advised a representative of the Fire Department was present and questions need to be directed to him about this site.

There being no further discussion, Tom Greuner moved to approve the request for preliminary and final plat approval of the proposed Pharr Terminal Subdivision subject to staff's recommendations. 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: Had left the meeting

C. Ramirez: Approve

R. Robles: Approve

L. Madrigal: Approve

P. Rodriguez: Approve

Motion carried unanimously to approve the request for preliminary and final plat approval of the proposed Pharr Terminal Subdivision subject to staff's recommendations.

ANNOUNCEMENTS/OTHER BUSINESS: NONE.

ABSENTEE REPORT: Janie Benedict announced that Rafael Munguia was the absent member. By unanimous consent the commission excused the absent member.

ADJOURNMENT: There being no further business, by unanimous consent, the Planning and Zoning Commission adjourned the meeting at 7:03 p.m.



Danny Wylie, Chairman

ATTEST:



Tom Greuner, Secretary