PLANNING & ZONING COMMISSION

City Commissioner's Room
118 S. Cage Blvd. April 10, 2017 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, April 10, 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, Tom Gruener, Rafael Munguia, Andy Castro, Charlie Ramirez, Romeo Robles, Luis Madrigal, Porfirio Rodriguez

ABSENT: None

OTHERS PRESENT: See attached list

STAFF PRESENT:
Edward Wylie, Assistant City Manager
Patricia Rigney, City Attorney
Roland Gomez, Assistant Development Services Director
Della Robles, Planner I
George Martinez, Building Official
Alexandra Esparza, Secretary

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 March 27, 2017.

Porfirio Rodriguez stated that would like to revoke his vote to approve Trancasa from the previous meeting.

Commissioner Tom Greuner arrived at 6:01 p.m. and took his place with the Commission.

There being no further discussion, Rafael Munguia **moved** the minutes of March 27, 2017, be approved as submitted. Andy Castro second the motion and when put to a vote, it polled as follows:

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

The motion carried unanimously to approve the minutes of March 27, 2017 as submitted.

PUBLIC COMMENTS:

Danny Wylie asked if anyone had signed up for the Public Comments. Alexandra Esparza advised there were several individuals and called forth Steve Nixon, who was not in attendance.

Alexandra Esparza called for the second individual that signed up for public comments.

An individual approached the podium and introduced himself as Jesse Adkins, and stated he highly objected to the Static Var Compensator that would affect his properties located at 200 East Minnesota and 208 Minnesota. He stated he was trying to sell the land and they have people living there. He stated on the letter that they received from the city it showed a circle of static electricity that ran through their lots. He stated that there was a highline that ran across the land and it reduced the resale value and then to add the static var compensator. He stated that there should be some kind of law that should allow the applicants to buy their land. He stated that he spoke with a lawyer and the lawyer had told him that whoever was responsible was doing inverse condemnation, which meant they were condemning his land and he would not be able to sell. He stated that the resale value was going down every time someone decided to do something on the land. He stated again that he highly objects to the static var compensator being placed at the location. He added that he had his family with six (6) grandkids living on the property he owns.

Commissioner Luis Madrigal arrived at 6:03 p.m. and took his place with the Commission.

Alexandra Esparza called forth the third individual signed up for public comments.

A gentleman approached the podium and introduced himself as Kenneth C. Fletcher living at 504 South Diplomat. He stated that it was still very noisy from Costco. He stated that the chairman was supposed to call forth the speaker, as said in a booklet that use to be available. He stated that since October 24, 2016, he had signed up for public hearing, in which he would want to talk about the 4th item. He stated that were was first amendment issues of his rights to express his concern of the outcome of the decisions and how it would affect his taxpayer rights. He stated that he would feel comfortable that if they could have the Attorney General reply, an Attorney General Opinion as he stated. He stated that Trancasa was still causing dust and they were fined $500 in April 28, which he did not know if they have paid. He stated that Texas State Law Section 54.004 home rule entity of Pharr can enforce health laws. He stated that Trancasa was choking the children in the nearby school and there would be a water park placed near there soon. He suggested to place a 14-foot ecological wall barrier, a berm heavily planted with native

plants. He stated that Trancasa would appear at the Municipal Court on April 13, 2017, at 9:00 a.m.

There being no one else wishing 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 stated she had five items for recommendation and proceeded to introduce the first item.

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

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

Della Robles advised that this item was 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 that this item was tabled and no action was needed.

JOHN M. GARCIA
REP. AEP TEXAS, INC

SPECIAL USE PERMIT STATIC VAR COMPENSATOR (SVC) STATION SUP#170317

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

John M. Garcia, representing AEP Texas, Inc., has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Special Use Permit to allow a Static Var Compensator (SVC) Station in a Limited Industrial District (L-I). The property is legally described being a tract of land containing 5.68 acres, more or less, being a part or portion of Lot 93, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 5050 North Cage Boulevard. The property is currently zoned Limited Industrial District (L-I). The property to the north, south, west and east is zoned Limited Industrial District (L-I). This area is generally designated for industrial use in the Land Use Plan. Five (5) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. Two (2) individuals signed up to speak at the public hearing in opposition of the item. Development Services is recommended to table the Life-of-the-Use Special Use Permit to allow a Static Var Compensator (SVC) Station in a Limited Industrial District (L-I) subject to the following conditions:

1. This permit shall be for the Life-of-the-Use and issued to the current owner only;
2. The applicant shall comply with all City of Pharr Ordinance requirements. Any violation of City Ordinance will terminate this Special Use Permit;

3. Any change in location, change in ownership or business entity owning or carrying out its operation on the property shall terminate this Special Use Permit;

4. The property will need to be subdivided before use;

5. The Static Var Compensator (SVC) Station must comply with all setback and height requirements.

6. All sites shall be surrounded by a 100% opaque buffer fence and shall be landscaped along the perimeter by drought tolerant plants or shrubbery or plants native to South Texas.

7. The following shall be considered as grounds for revocation of the Special 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; and
    - Special 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 Lee Jones was representing this item and in attendance for any questions.

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.

Alexandra Esparza advise that there were two (2) individuals were signed up to speak. Ms. Esparza called forth the first individual.

An individual approached the podium and introduced himself as Steve Nixon with an address of 200 East Minnesota Road. He stated he lived there with his son and six (6) grandchildren. He was in objection to the item for the reason that it would devalue the property.

Jesse Adkins asked what the meaning of table was. Edward Wylie, Assistant City Manager advised that the Commission would take no action on the item.

There being no one else wishing to speak, Danny Wylie closed the public hearing and opened the item to the Planning and Zoning Commission for discussion and action.

Planning and Zoning Commission entered executive session at 6:13 p.m.

Planning and Zoning Commission returned from executive session at 7:26 p.m.

There being no further discussion Rafael Munguia **moved** to approve the request for a Life-of-the-Use Special Use Permit to allow a Static Var Compensator (SVC) Station in a Limited Industrial District (L-I) with the following conditions: A 100% opaque 8-foot block

wall should be built, surrounded by a solid 8-foot gate. Landscaping features to be added that it complies with the City of Pharr landscaping ordinance, and the location on 1101 West Polk must be brought into compliance with the following conditions as set forth. Luis Madrigal second the motion and when put to a vote it polled as follows:

D. Wylie: Approved with conditions
T. Greuner: Approved with conditions
R. Munguia: Approved with conditions
A. Castro: Approved with conditions
C. Ramirez: Approved with conditions
R. Robles: Approved with conditions
L. Madrigal: Approved with conditions
P. Rodriguez: Approved with conditions

Motion carried unanimously to approve the Life-of-the-Use Special Use Permit to allow a Static Var Compensator Station with the following conditions: A 100% opaque 8-foot block wall should be built, surrounded by a solid 8-foot gate. Landscaping features to be added so that it complies with the City of Pharr landscaping ordinance, and the location on 1101 West Polk bring in compliance with the following conditions set forth.

JOHN M. GARCIA
REP. AEP TEXAS

SPECIAL USE PERMIT
ELECTRICAL SUBSTATION
SUP#170318

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

John M. Garcia, representing AEP Texas, Inc., has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Special Use Permit to allow an Electrical Substation in an Agricultural and/or Open Space District (A-O). The property is legally described as being the South one-half (1/2) of the South one-half (1/2) of Lot 6, Block 5, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property is physically located within the 2400 Block of North Jackson Road. The property is currently zoned Agricultural and/or Open Space District (A-O). The property to the north is zoned General Business District (C), Limited Industrial District (L-I) and High Density Multi-Family Residential District (R-4), to the south the property is zoned Agricultural and/or Open Space District (A-O), the property to the east is zoned Residential Mobile Home District (R-MH) and city limits lie to the west. This area is generally designated for single-family and multi-family residential use and commercial use in the Land Use Plan. Forty-one (41) 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 to the legal notice. Development Services is recommending to table of the Life-of-the-Use Special Use Permit to allow an Electrical Substation in a General Business District (C) subject to the following conditions:

1 This permit shall be for the Life-of-the-Use and issued to the current owner only;

2 The applicant shall comply with all City of Pharr Ordinance requirements. Any violation of City Ordinance will terminate this Special Use Permit;

3 Any change in location, change in ownership or business entity owning or carrying out its operation on the property shall terminate this Special Use Permit;

4 The property will need to be subdivided before use;

5 The Electrical Station must comply with all setback and height requirements.

6 All sites shall be surrounded by a 100% opaque buffer fence and shall be landscaped along the perimeter by drought tolerant plants or shrubbery or plants native to South Texas.

7 The following shall be considered as grounds for revocation of the Special 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; and
- Special 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.

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.

An individual approached the podium and introduced himself as Joe Degollado, living at 2314 North Jackson Road for 35 years. He stated he opposed AEP placing their substation at the location for safety reason. He stated that it could cause exploitations...property. He showed a picture of a tower on Monte Cristo and McColl that had been abandoned and stated he was afraid of that happening to his residence and the surrounding neighbors would feel the same.

There being no one else wishing to speak, Danny Wylie closed the public hearing and opened the item to the Planning and Zoning Commission for discussion and action.

Luis Madrigal asked what the zoning of the property was. Della Robles advised it was zoned Agricultural and/or Open Space District (A-O).

Luis Madrigal **moved** to table the Life-of-the-Use Special Use Permit to allow an Electrical Substation in an Agricultural and/or Open Space District (A-O). Tom Greuner second the motion and when put to a vote it polled as follows:

D. Wylie: Table the item	C. Ramirez: Table the item
T. Greuner: Table the item	R. Robles: Table the item
R. Munguia: Table the item	L. Madrigal: Table the item
A. Castro: Table the item	P. Rodriguez: Table the item

Motion carried unanimously to table the Life-of-the-Use Special Use Permit to allow an Electrical Substation in an Agricultural and/or Open Space District (A-O).

PLAT APPROVAL:

R. GUTIERREZ ENGINEERING CORPORATION
REP. CRUZ CORTEZ AND ENRIQUETA CORTEZ

CORTEZ SUBDIVISION
SUB#151126

Della Robles, Planner I, introduced the first plat as follows:

R. Gutierrez Engineering Corporation, representing Cruz Cortez and Enriqueta Cortez, are requesting preliminary plat approval of the proposed Cortez Subdivision. The property is legally described as being a 2.15 acre tract of land out of Lot 125, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 300 Block of East Eldora road. The property is currently zoned Heavy Commercial District (H-C). The adjacent zones are Limited Industrial District (L-I) and Agricultural and/or Open Space District (A-O) to the north, Agricultural and/or Open Space District (A-O) to the east, Limited Industrial District (L-I) to the south and General Business District (C), Limited Industrial District (L-I) and Agricultural and/or Open Space District (A-O) to the west. The property is designated for industrial use in the Land Use Plan. Property proposed use: Wrecker Service. Variances: Owner has requested the following variance, in behalf of the developer of Cortez Subdivision, Mr. Cruz Cortez, we would like to request a variance for the minimum frontage width of 65-feet to be 44.46-feet wide instead. Due to the geometry of this property, it is impossible to provide such frontage given that 44.46-feet is the maximum width available to be used for that purpose. (variance letter attached). Recommendations: Development Services recommends preliminary plat approval of the proposed Cortez Subdivision with the variance subject to the following conditions:

STREETS, PAVING AND R.O.W.:	1. Clean up R.O.W., need additional 20' of R.O.W. 2. Access easement will be private owners to maintain (add to plat notes). 3. Bore utility crossing. 4. Driveway will be to city standards. 5. Need street light details (at building permit).
EASEMENTS:	1. In compliance.
SIDEWALK: ADA:	1. In compliance.
FIRE PROTECTION:	1. See attach comments.
WATER:	1. North Alamo Water Supply Corporation.
SEWER:	1. Needs to make it clearer, not readable. 2. Needs to be a 6-inch stub out. 3. Follow City of Pharr construction standards Manual.
DRAINAGE:	1. Will need storm water drainage plans at building permit stage. 2. Since property will be draining to the bar ditch, will need to grade ditch. 3. Use standard drainage directive for note #4. 4. Note #5, add /retention after detention.

OTHER:

1. Update the year on plat.
2. Add: Danny Wylie, before Chairman on the signature block for the Planning and Zoning Commission.
3. Correct chairperson to "Chairman", for Planning and Zoning Commission.
4. Plat note #1, need to remove "or lot line".
5. Plat note #3, remove the word "proposed".
6. Plat notes # 8 and 13, are duplicates, remove one.
7. Plat layout scale change to 1"=50'.
8. Need to match distance on metes & bounds with plat layout.
9. Verify the acreage on metes & bounds with plat layout.
10. Provide North Alamo Water Supply Corporation comments for the subdivision.
11. Need S.W.P.P.P.
12. Remove and relocate fire hydrant from existing driveway.
13. Make P.O.B. and P.O.C. bigger and bold.
14. Provide SWPPP and small construction site notice.
15. Provide cost estimate for public improvements at construction phase.

Della Robles advised that this item would go before the City Commission meeting April 17, 2017, at 5:00 p.m. and a representative was in attendance.

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

Luis Madrigal called forth the applicant. A gentleman approached the podium and introduced himself as Ramiro Gutierrez with R. Gutierrez Engineering Corporation. Mr. Madrigal stated that the variance being requested was appreciated for the max of frontage of 44 and 1/2-feet but the plans for utilities, to-pos and site plans show 30-feet as the frontage. He asked if that was incorrect. Mr. Gutierrez stated that the 30-feet was the access to the frontage and the 44-feet was about 200 feet down. Mr. Madrigal stated there was safety concerns for the fire trucks not being able to access an area that small, that there was not sufficient room. Mr. Gutierrez stated that the fire department already reviewed it. Mr. Madrigal stated that the fire department only assumed that it meets the 65-foot requirements, which is why the variances go through the Planning and Zoning Commission.

There being no further discussion, Tom Greuner **moved** to approve the preliminary plat approval of the proposed Cortez Subdivision without the variance. Luis Madrigal second the motion and when put to a vote it polled as follows:

D. Wylie: Approve without the variance
T. Greuner: Approve without the variance
R. Munguia: Approve without the variance
A. Castro: Approve without the variance
C. Ramirez: Approve without the variance
R. Robles: Approve without the variance
L. Madrigal: Approve without the variance
P. Rodriguez: Approve without the variance

Motion carried unanimously to approve the preliminary plat approval of the proposed Cortez Subdivision without the variance.

MELDEN & HUNT INC., REP. TOMAS CORONA

DELTA SUBDIVISION SUB#170205

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

Melden & Hunt Inc., representing Tomas Corona, is requesting preliminary 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 East 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: Enterprise car rental location. Variances: See attached variance requested. Recommendations: Development Services recommends preliminary plat approval of the proposed Delta Subdivision **without the variance** subject to the following conditions:

STREETS, PAVING AND R.O.W.:

1. Verify the 40' B-B callout on plat layout.
2. Need additional 10' of R.O.W. on north side of W. Polk Ave.
3. Remove and relocate poles within R.O.W.
4. Driveway to W. Polk will be to city standards.
5. Driveway to frontage will require TxDot permit if work is to be performed on it.
6. No street cuts without permits from public works department.
7. Pave 1/3 street R.O.W. if fronting W. Polk.
8. Need street light detail (building permit stage).

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. 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. Existing sewer line easement to be abandoned and re-aligned.
5. Follow City of Pharr construction standards manual.
6. 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.

Della Robles advised that this item would go before the City Commission meeting of April 17, 2017 at 5:00 p.m. and the owner and representative were in attendance.

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

There being no discussion, Tom Greuner **moved** to approve the preliminary plat approval of the proposed Delta Subdivision without the variance. Rafael Munguia second the motion and when put to a vote it polled as follows:

D. Wylie: Approve without the variance
T. Greuner: Approve without the variance
R. Munguia: Approve without the variance
A. Castro: Approve without the variance
C. Ramirez: Approve without the variance
R. Robles: Approve without the variance
L. Madrigal: Approve without the variance
P. Rodriguez: Approve without the variance

Motion carried unanimously to approve the preliminary plat approval of the proposed Delta Subdivision without the variance.

RIO DELTA ENGINEERING
REP. ALDO PADRON AND EVA MARIA PADRON

PADRON SUBDIVISION
SUB#170308

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

Rio Delta Engineering, representing Aldo Padron and Eva Maria Padron, are requesting preliminary plat approval of the proposed Padron Subdivision. The property is legally described as being a 0.174 acre tract of land out of the east half of the north half of Lot 141, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 200 Block of East Frazier Avenue. The property is currently zoned Single Family Residential District (R-1). The adjacent zones are Single Family Residential District (R-1) to the north, south, east and west. The property is designated for single family residential use in the Land Use Plan. Property proposed use: Single family residential home. Variances: None requested. Recommendations: Development Services recommends preliminary plat approval of the proposed Padron Subdivision subject to the following conditions:

STREETS, PAVING AND R.O.W.:	1. No street cuts without public works permit.
EASEMENTS:	1. The 10' utility easement to be verified by the project engineer.
SIDEWALK: ADA:	1. Provide plat 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. If it does not have a meter box, a meter box needs to be installed before a meter is installed. 2. Follow City of Pharr construction standards manual.
SEWER:	1. Need to place a 4-inch sewer stub out if it does not have one. 2. Follow City of Pharr construction standards manual.
DRAINAGE:	1. Need approved drainage report.
OTHER:	1. Basic erosion and sedimentation plan at building permit stage.

Della Robles advised that a representative was in attendance.

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

There being no discussion, Luis Madrigal **moved** to approve the preliminary plat approval of the proposed Padron Subdivision. Tom Greuner second the motion and when put to a vote it polled as follows:

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

ANNOUNCEMENTS/OTHER BUSINESS:NONE.

ABSENTEE REPORT: Alexandra Esparza announced the full Commission was present.

ADJOURNMENT: There being no further business, Tom Greuner **moved** that the meeting be adjourned. Romeo Robles second the motion and when put to a vote, the motion carried by unanimous consent, the Planning and Zoning meeting adjourned at 7:44 p.m.

Danny Wylie, Chairman

ATTEST:

Tom Greuner, Secretary

Audience Attendance Sheet

Pharr Development Services

DATE APRIL 10, 2017

MEETING: P&Z MEETING

NAME: PRINT	ADDRESS:	PHONE NO.	-AGENDA- ITEM NUMBER
K.C. Fletcher	504 S. Diplomat Dr	279 9893	E1, 4
Joe Degollado	2314 NO. JACKSON Rd	Cell 648 6122	sup # 170318
Jesse Adkins	2413 Cottonwood	607-3802	sup # 170317
Lee Jones	5700 N Cage	783-244	
Ryan De Jong	115 W. McIntyre	381-3820	Sub # 170205
Tomas Corona	1121 N Bentsen Rd	778-7042	"
Ramiro Gutierrez	130 E. Park	782-2557	
Steve Nixon	200 E Minnesota	956 624 9009	sup # 170317