



PLANNING & ZONING COMMISSION

City Commissioner's Room

118 S. Cage Blvd. September 25, 2017 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, September 25, 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
Romeo Robles
Tom Greuner
Ray Sanchez
Luis Madrigal
Porfirio Rodriguez
Rafael Munguia
Andy Castro

ABSENT: Charlie Ramirez

OTHERS PRESENT: See attached list

STAFF PRESENT: Edward Wylie, Deputy 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
Rita Galvan, Secretary
Felipe Pedraza, Assistant Fire Marshal
John Rigney, City Attorney

CALL TO ORDER

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

APPROVAL OF MINUTES

Danny Wylie proceeded with the approval of the minutes of September 11, 2017.

- Ray Sanchez stated he had been marked absent for the previous meeting but that he did not attend the meeting due to the City advising him not to attend. He asked if he would be counted as absent. Danny Wylie asked where the city stood on the matter. Melanie Cano, Director of Development Services stated that Mr. Sanchez would not be marked absent as he was not required to attend meetings as an alternate member.

- Mr. Sanchez stated that he had served on this board for close to 30 years and if one was to look at his records his attendance was about 99% over 30 years.
- He stated this was the first time in attendance on the Planning and Zoning Board and he was counted absent but that he was advised he did not have to attend if there was a full quorum
- Melanie Cano affirmed and stated it was part of the Ordinance.
- Mr. Sanchez asked when did the Ordinance come by.
- Ms. Cano advised it has always been part of the City of Pharr's Zoning Ordinance.
- Mr. Sanchez thanked Staff.

There being no further discussion, Danny Wylie proceeded with the approval of the minutes of September 11, 2017. Luis Madrigal **moved** to approve the minutes of September 11, 2017 as submitted. Romeo Robles second the motion and when put to a vote, it polled as follows:

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

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

PUBLIC COMMENTS:

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

Danny Wylie called forth K.C. Fletcher. A gentleman approached the podium and introduced himself as Kenneth C. Fletcher residing at 504 S. Diplomat and stated:

- That some of these projects were in the Planning and Zoning's power to make sure that no light crossed the boundaries into private residences and the regulation of noise.
- He had signed up to speak at the public hearing but he thinks he is going to be denied and thinks that someone should contact the Attorney General of Texas regarding the situation.
- Welcomed Mr. Sanchez to the City of Pharr. Dr. Fletcher stated his attendance had been more or less 100%, but he gotten sick for three months and was too tired after work to come.
- He advised he had been kicked off the body up but was still attending all meeting and it was his hope to catch up with Mr. Sanchez one day and thanked him for his service.
- Dr. Fletcher stated he was also prohibited from sitting in this room that he was paying electrical bills for, that he was a tax payer and a member of the public of the City of Pharr, for a meeting of the American Planning Association which he was a member.

- He stated somebody from Administration blocked him and he was not able to pay his \$80.00 and attend. He advised that the city paid \$75.00 for a class in Weslaco and he wasn't kicked out of that meeting and at the time he was not a member. He did not know at the time due to stuff going into the cloud and his cheap \$600.00 iPad did not get notified until 3 or 4 days later. He advised that he did learn and read the notes that the Planning and Zoning was in charge of instituting a Capital Improvement Plan.
- It was up to the Planning and Zoning to start this program and he would try to find it in State Law to confirm. He stated he would have to contact his colleagues.
- He advised about the trees.
- Advised Mr. Castro that he missed a good one at the last meeting where it was \$500.00 per tree, a Class A misdemeanor, by Ordinance, the New Tree Ordinance and that Development Services did not approve or even know about it. He stated that they had received a lot of information that was wrong and/or incorrect and that person is an ex-officio member of the Commission.
- Advised he published on some water that was going to breed mosquitoes and got kicked off the Planning and Zoning Commission and that it was one of the two reasons and he never got due process.
- Congratulated everyone.
- Advised that at the new educational facility the lights are too bright and he knows that he was an old guy, having cataracts on one eye, but the sign is too bright which goes back to the city being lax about enforcing sign laws. Dr. Fletcher stated he was talking about BOA.
- Thanked everyone and advised he had signed up for public hearing and billboard stuff.

Danny Wylie, Chairman, asked if there was anyone else who had signed up to speak at the Public Comments portion of the meeting. Rita Galvan advised that Jose Luis Martinez has signed up to speak.

Danny Wylie called forth Mr. Martinez. A gentleman approached the podium and introduced himself as Jose Luis Martinez who resides at 6003 North Nuevo Amanecer Drive, Pharr, Texas and stated:

- Lives on Lot 1, Phase II of Prosperidad Manufacture Subdivision.
- Someone was working on the west side of his mobile home in the ditch. He advised someone was cleaning up and they are going to have a school built there and such.
- Advised that while working on the ditch and cleaning it up, the machine that they have hit the fence and damaged about 20-30 feet. He state he wanted to let the City of Pharr know and he supposed it was going to get fixed once everything was finished, but it was still down and there was a big hole in the fence.
- Advised that while they cleaned everything in the ditch they did not clean one area towards the west side where he lives and left lots of trees and stuff which was dirty.

- There was an irrigation tower that the City of Pharr advised him belonged to the county. He stated it had been fixed once and 2-3 months later it was leaking again. He stated there were a lot of mosquitoes and they put dirt over it but that did not fix the leak.
- He stated again that the City of Pharr advised him that the irrigation tower belonged to the county; however the City of Pharr fixed it once.
- Advised that he would not like the workers to cut down the trees but perhaps to trim the branches, clear the ground and maintain the area. He stated he knows they are working out there making piles of branches and dirt but he would like to know when they were going to clean up.

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

PUBLIC HEARING:

Cristina Garcia introduced herself as Senior Planner for the City of Pharr and stated she had two (2) items for recommendation and proceeded to introduce the first item as follows:

TOPGOLF USA PHARR, LLC

**CUP-ABC
CUP#170846**

Topgolf USA Pharr, LLC has filed with the Planning and Zoning Commission a request for a Conditional Use Permit and Late Hours 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 a 1.27 acre tract of land, more or less out of Lot 3, Pharr Citrus Orchard Co. Subdivision, Pharr, Hidalgo County, Texas. The subject property is located within the 1900 Block of West Interstate Highway 2. The property is currently zoned General Business District (C). The surrounding area is zoned General Business District (C) to the north, south, east and west. This area is generally designated for commercial use in the Land Use Plan. Code Compliance, the Fire Marshal, the Police Chief, and the Planning Department all recommend approval. Five (5) 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 Conditional Use Permit and Late Hour Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C) subject to site and applicant being in compliance with all City Ordinances and City Department requirements.

Christina Garcia advised that this item will go before the City Commission Meeting of October 02, 2017, at 4:00 p.m.

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, Luis Madrigal moved to approve the request for a Conditional Use Permit and Late Hours 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
R. Sanchez: Approve
A. Castro: Approve

C. Ramirez: Absent
R. Robles: Approve
L. Madrigal: Approve
P. Rodriguez: Approve

Motion carried by unanimous vote to approve the request for a Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C).

RIO GRANDE VALLEY COLLEGE

**CUP-LOU
CUP#170843**

Cristina Garcia, Senior Planner, introduced the second item as follows:

Rio Grande Valley College has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow an Institutional Use (school) in a Limited Industrial District (L-I). The property is legally described as being a 12.474 acre tract of land out of Lot 85, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 5400 Block of North IH 69C. The property is currently zoned Limited Industrial District (L-I). The surrounding area is zoned Limited Industrial District (L-I) to the north, south, east and west, Single-Family Residential District (R-1) to the south and General Business District (C) to the east. This area is generally designated for commercial and industrial use in the Land Use Plan. Sixty (60) 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 Limited Industrial District (L-I) subject to applicant and site being in compliance with all City Ordinances and City Department requirements.

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

Cristina Garcia advised that this item will go before the City Commission Meeting of October 02, 2017, at 4:00 p.m.

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.

Porfirio Rodriguez asked with all the plats and subdivisions that the board works with and approves if the city had the capacity regarding sewer plant and if the city was able to do all this. Melanie Cano affirmed that the city had the capacity regarding sewer plants if everything was in compliance and all projects and subdivisions are reviewed by Public Utilities, Public Works, Fire Department and Planning and Zoning. Mr. Rodriguez also asked who provided the additional lift stations for all the new projects, Ms. Cano advised him that staff would be happy to discuss any questions at a later time.

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

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

Motion carried by unanimous vote to approve the request for a Life-of-the-Use Conditional Use Permit to allow an Institutional Use (school) in a Limited Industrial District (L-I).

PLAT APPROVAL:

Heriberto Martinez introduced himself as Planner II for the City of Pharr and advised he had three (3) plats to be presented to the Commission and proceeded to introduce the first plat as follows:

R.E. GARCIA & ASSOCIATES
Rep. SAUL AYALA, OWNER

PALVIEW SOUTH SUBDIVISION
SUB#170922

R.E. Garcia & Associates, representing Saul Ayala, owner, is requesting preliminary plat approval of the proposed Palmview South Subdivision. The property is legally described as being a 2.58 acre tract of land, being a portion of Lot 5, Block 11, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 1500 Block of West Dicker Road.

Heriberto Martinez advised that the Project Engineer for Palmview South Subdivision submitted a letter for withdrawal. No action is required.

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

Quintanilla Headley & Associates Inc., representing Esponjas Development, LTD., Cruz Cantu III, President, is requesting preliminary and final plat approval of the proposed Amended Tropic Star Estates Subdivision. The property is legally described as being a 1.748 acre tract of land out of the South 574.00 feet of Lot 1, Tropic Star Estates Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 100 Block of East Tropic Star Road. The property is currently zoned High-Density Multi-Family Residential District (R-4). The adjacent zones are Mobile Home District (R-MH) to the east and General Business District (C) to the north, south and west. The property is designated commercial and manufactured homes use in the Land Use Plan. The property's proposed use is apartments. No variances are being requested. Planning staff recommends preliminary and final plat approval of the proposed Amended Tropic Star Estates Subdivision subject to the following conditions:

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

1. In compliance.

EASEMENTS:

1. Show easement existing not proposed.

**SIDEWALK:
ADA:**

1. In compliance.

**FIRE
PROTECTION:**

1. In compliance.

WATER:

1. In compliance.

SEWER:

1. In compliance.

DRAINAGE:

1. In compliance.

OTHER:

1. Plat note #4 add: Distance between buildings 10' (or as per 2012 IBC).
2. Verify plat layout with metes and bounds.

Heriberto Martinez advised that this item will go before the City Commission Meeting of October 02, 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, Luis Madrigal moved to approve the final plat of the proposed Amended Tropic Star Estates Subdivision. Ray Sanchez second the motion and when put to a vote it polled as followed:

D. Wylie: Approve
T. Greuner: Approve
R. Munguia: Abstain
R. Sanchez: Absent

C. Ramirez: Absent
R. Robles: Approve
L. Madrigal: Approve
P. Rodriguez: Approve

Motion carried by majority vote to approve the final plat approval of the proposed Amended Tropic Star Estates Subdivision.

MELDEN & HUNT, INC.
Rep. VICOR PEREZ, EXEC. DIR. PEDC. II

TOPGOLF PHARR SUBDIVISION
SUB#170720

Heriberto Martinez, Planner II, introduced the third plat as follows:

Melden & Hunt, Inc., representing Victor Perez, Executive Director for Pharr Economic Development Corp. II, is requesting final plat approval of the proposed TopGolf Pharr Subdivision. The property is legally described as being 15.420 acres out of Lots 2 and 3, Pharr Citrus Orchard Co., all of Lots 2-6 McAllen-Pharr Storage Rentals Subdivision, all of Lot 1, Pharr Nursing Home Subdivision, all of Lots 4-5, Pharr Commercial Park Subdivision Phase II, and all of Lot 3A, Re-plat of Pharr Commercial Park Subdivision Phase II, Pharr, Hidalgo County, Texas. The property is located within the 1900 Block of West Interstate 2. The property is currently zoned General Business District (C). The adjacent zones are General Business District (C) to the north, south, east and west, Single-Family Residential District (R-1) to the east and south and High-Density Multifamily Residential District (R-4) to the north. The property is designated for commercial and multi-family residential use in the Land Use Plan. The property's proposed use is commercial use. No variances are being requested. Development Services recommends final plat approval of the proposed TopGolf Pharr Subdivision subject to the following conditions:

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

1. R.O.W. should be dedicated to connect streets on the southeast corner of the property: W. Caffery Ave. (50') to S. Citrus St. (80').
2. A type three (3) barricade is required at the end of S. Citrus Dr. where it intersects with W. Caffery Ave.
3. Remove S. Petunia St. from plans no longer a street.

EASEMENTS:

1. Need 15' easement exclusive to the City of Pharr.

**SIDEWALK:
ADA:**

1. A 5' ADA compliant sidewalk will be required along S. Casa Rd. and W. Newcombe Ave..

**FIRE
PROTECTION:**

1. See attach comments.

WATER:

1. See attach comments.
2. Follow City of Pharr Construction Standards Manual.

SEWER:

1. See attach comments.
2. Follow City of Pharr Construction Standards Manual.

DRAINAGE:

1. Note No. 4, paragraph 1 not required, if the engineer decides to keep it in the plat it should be after the standard drainage directive.
2. Drainage figures to be included in the standard drainage directive on the plat notes.
3. Storm water detention standard note should match drainage report figures.
4. Location of outfall in pond 8" PVC bleeder show on plans.

OTHER:

1. Verify property gap between At Home store and proposed subdivision.
2. Subdivision will be recorded with a letter of credit.
3. No plat was provided with construction plans, provide revised plat.
4. Missing sheets: site plan and erosion control.
5. Location map needs correct label US 83 and Interstate 2 (update).
6. Plat note No. 5, reference closest benchmark.
7. "L1" missing provide line table.
8. Note No. 13, All R.O.W. surrounding the property should be maintained by the owner.
9. Provide an updated cost estimate reflecting all changes required by other city departments.
10. On metes and bounds, number 14 and 15 are switched according to plat and line table, please check and revise.
11. Provide casing for utility crossing below proposed driveways and where it crosses several other utility lines (gas, fiber optic, etc.) to avoid conflicts if repairs re needed.
12. Notice of intent (NOI/CNOI) will be needed before N.T.P. is issued.
13. Setbacks shall be proposed by project engineer and to be stated on plat notes.
14. Label all monuments on plat layout.
15. Small portion on S. Citrus Street and W. Caffery Ave. to be left out from metes & bounds.
16. Provide three hard copies of S.W.P.P.P. proof that CNOI was filed with TCEQ, and large construction site notice. All document must have accurate information and be complete. Comments made by storm water inspectors shall be addressed before subdivision is approved.
17. Project engineer shall submit a tree survey plan & tree protection plan.

Heriberto Martinez advised that this item will go before the City Commission Meeting of October 02, 2017 at 4:00 p.m. and stated the project engineer being in the audience.

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

An individual approached the podium and introduced himself as Mario Reyna, P.E., from Melden & Hunt.

Luis Madrigal wanted to confirm if the street that was in the middle of the proposed establishment was privately owned by their client. Mr. Reyna confirmed that Mr. Madrigal was correct and the street was privately owned by his client. Mr. Madrigal continued and asked if they had considered the benefits of blocking it off and making a green space with a covered area. Mr. Reyna responded that for the time being they are looking into adding speed bumps to slow down traffic. Mr. Madrigal then asked if his client was ok with that. Mr. Reyna stated that initially they talked about relocation of the road through the parking area but because of some constraints including five (5) gas lines and fiber optic lines they could not push the building as far west as they would have liked. Mr. Madrigal stated he just thought that it would be more beneficial to both the clients and their patrons to not have to cross the street even though there were speed bumps and it looked as if they had already looked into it so he thanked Mr. Reyna for his responses to his questions.

Danny Wylie asked Mr. Reyna if there would be a shuttle service to bring the customers across the street. Mr. Reyna responded stating that there would be valet parking and asked to approach the Commission to provide a hand out. Mario Reyna provided each the members of the Commission a document and returned to the podium. Mr. Reyna stated what he had provided was a finalized site plan and explained there was a valet area in front of the property as well as a drop off area which they anticipated many of the patrons using.

There being no further discussion, Rafael Munguia moved to approve the final plat approval of the proposed TopGolf Pharr Subdivision. Ray Sanchez second the motion and when put to a vote it polled as followed:

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

Motion carried unanimously to approve the request for final plat approval of the proposed TopGolf Subdivision.

ANNOUNCEMENTS/OTHER BUSINESS: None.

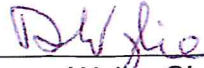
ABSENTEE REPORT: Rita Galvan announced that Charlie Ramirez was the absent members. Andy Castro moved the absent member be excused. Tom Greuner second the motion and when put to a vote it polled as follows:

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

Motion carried unanimously to excuse the absent member.

ADJOURNMENT:

There being no further business, Andy Castro moved that the meeting be adjourned. Luis Madrigal second the motion and when put to a vote, the motion carried by unanimous consent the Planning and Zoning Meeting adjourned at 6:27 p.m.



Danny Wylie, Chairman

ATTEST:



Tom Greuner, Secretary