



PLANNING & ZONING COMMISSION

City Commissioner's Room

118 S. Cage Blvd. January 08, 2018 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, January 08, 2018. 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 Greuner
Romeo Robles
Porfirio Rodriguez
Charlie Ramirez
Andy Castro
Rafael Munguia

ABSENT: Luis Madrigal

OTHERS PRESENT: See attached list

STAFF PRESENT: Cristina Garcia, Senior Planner
Della Robles, Planner I
Rita Galvan, Administrative Assistant
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 December 26, 2017.

There being no discussion, Rafael Munguia **moved** to approve the minutes of December 26, 2017 as submitted. 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
L. Madrigal: Absent	R. Munguia: Approve
A. Castro: Approve	P. Rodriguez: Abstain

The motion carried by majority with six (6) member voting gyea and one (1) member abstaining to approve the minutes of December 26, 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, Administrative Assistant, advised that K.C. Fletcher had signed up for public comments. Danny Wylie called forth K.C. Fletcher.

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

- He hoped 2018 would take some time to restore the 1st Amendment, 5th Amendment and 14th Amendment rights especially in the city. He signed up for Public Hearing and welcomed the visitor in the audience representing a trucking company that has still not been addressed.
- Had an informational request out and a complaint about truck noises in his neighborhood
- The commission is going to vote on a business and welcomed all the businesses doing everything by Ordinances. They would be changing from Commercial District to Heavy Commercial but would not be certain until he listened to the item.
- The agenda was not posted on the website and wondered if that violated the Open Meeting Act.
- As a citizen he has a right to speak about anything going on in the city.
- The American Planning Association Texas Chapter of Ethics Article 6 and 16 are interesting to read and can be googled on the internet. It states that the public that is in attendance has the right to speak and given a certain amount of time.
- He signed up for Public Hearing and would like to testify during that portion of the meeting as well.
- Thanked the Commission.

PUBLIC HEARING:

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

DAVID MECK
MECK ENTERPRISES, INC.

COZ (C) TO (H-C)
COZ#171270

David H. Meck, Director, representing Meck Enterprises, Inc., is requesting a change of zone from General Business District (C) to Heavy-Commercial District (H-C). The property is legally described as being Lot 1, Meck Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1400 West Warren Street. The subject site currently consists of one (1) lot which has a frontage of approximately 191 feet along West Warren Street and a depth of approximately 215 feet. West Warren is a 70' minor collector, 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

General Business District (C). The surrounding property is zoned General Business District (C) to the south and west and Heavy Commercial District (H-C) to the north and east. The property is generally designated for industrial use in the Land Use Plan. The subject property along with the property to the west was changed from Agricultural and/or Open Space District (A-O) to General Business District (C) on February 21, 1995. The property to the north was zoned General Business District (C) on February 15, 1994 and later zoned to Heavy Commercial District (H-C) on December 21, 2015. The property to the east was zoned to Heavy Commercial District (H-C) on June 15, 1982. 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 a Heavy-Commercial District (H-C) in order to develop the property for a heavy commercial business to include a warehouse and parking area for commercial vehicles. The heavy industrial commercial district is established to provide adequate space and site diversification for commercial establishments which would involve influences that would be objectionable in the other commercial districts or adjacent to residential districts. Included in this district are commercial uses that involve large volumes of truck traffic, outside operations and storage of materials and equipment, either for sale or as part of the business, excessive noise from heavy service operations, or any other possibly blighting influences. Eight (8) 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 Heavy Commercial District (H-C) as the property meets area requirements, has adequate ingress and egress and is in line with the Future Land Use Plan. If approved, applicant must comply with all City Ordinances and City Department requirements.

Della Robles advised this item will go before the City Commission meeting of January 15, 2018 at 4:00 p.m. and advised that the applicant was in the audience.

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

- Tom Greuner asked if the entire area besides the building would be concrete and laid out in the plans. Della Robles stated the applicant would be required to comply with landscaping and the site plan was just a preliminary for the change of zone and when the time came they would have to comply with all City Ordinances and City Department requirements. They would have to submit plans that would be required to be approved by all departments.

There being no further discussion, Charlie Ramirez moved to approve the request for a change of zone from General Business District (C) to Heavy-Commercial District (H-C). Tom Greuner second the motion and when put to a vote, it polled as follows:

D. Wylie: Approve
T. Greuner: Approve
L. Madrigal: Absent
A. Castro: Approve

C. Ramirez: Approve
R. Robles: Approve
R. Munguia: Approve
P. Rodriguez: Approve

Motion carried by unanimous vote to approve the request for a change of zone from General Business District (C) to Heavy-Commercial District (H-C).

EVANGELINA GONZALEZ

**LOU-OSU
CUP#171269**

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

Evangelina Gonzalez 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 (12' x 16', 10' in height) in a Single-Family Residential District (R-1). The property is legally described as being all of Lot 51, Sol Brilla Subdivision Phase I, Pharr, Hidalgo County, Texas. The property's physical address is 619 West Albatross Avenue. 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, west and east. The area is generally designated for single-family residential in the Future Land Use Plan. Fifty-eight (58) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. One person came into the office for information only. Development Services is recommending approval of the request for a Life-of-the-Use Conditional Use Permit to allow an Oversized Storage Unit (12' x 16', 10' in height) in a Single-Family Residential District (R-1) subject to the following conditions:

1. This permit shall be for the Life-of-the Use and issued to the current owner only;
2. The accessory use structure shall not have a separate electrical service;
3. No living amenities shall be installed in unit;
4. Applicant shall comply with all City of Pharr Ordinances and codes, any violation will terminate this Conditional Use Permit;
5. Applicant must acquire a building permit before start of construction;
6. Any request to revise, alter or amend the conditions or requirements shall require the applicant to apply for a new Conditional Use Permit;
7. The following shall be considered as grounds for the revocation of the Conditional Use Permit:
 - 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 year has lapsed from the date of revocation.

Della Robles advised this item will go before the City Commission meeting of January 15, 2018, at 4:00 p.m. and the applicant was not in the audience.

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

There being no one who signed up, Danny Wylie closed the Public Hearing and opened the item to the Planning and Zoning Commission for discussion and action.

- Andy Castro asked if there was electrical wire going into the storage. Della Robles stated that because of the angle the photo was taken it looks as if there is, however; the electrical line has a 5 to 6 foot clearance.
- Della Robles stated a building permit was applied for on December 14, 2017 and the Building Official had approved it pending the applicant apply for a CUP. She also stated the building official had gone out to the location to inspect the structure and it was found to be in compliance as well as all the surrounding area. The structure was also built on pad and piers and now has come before the Planning and Zoning for a decision on their request.
- Danny Wylie asked how long the storage unit has been on the property without a Conditional Use Permit. Della Robles stated Code Compliance opened a case on May 10, 2017. It was brought to the department's attentions and a letter was issued to them which was returned unclaimed. A red tag was placed on the property on May 23, 2017 and the applicant was sent to court, and since that time, Ms. Gonzalez has come into the Planning Department trying to bring this building into compliance.

There being no further discussion, Charlie Ramirez moved to approve the request for a Life-of-the-Use Conditional Use Permit to allow an Oversized Storage Unit (12' x 16', 10' in height) in a Single-Family Residential District (R-1). Rafael Munguia second the motion and when put to a vote, it polled as follows:

D. Wylie: Approve
T. Greuner: Disapprove
L. Madrigal: Absent
A. Castro: Approve

C. Ramirez: Approve
R. Robles: Approve
R. Munguia: Approve
P. Rodriguez: Approve

Motion carried by majority vote with six (6) members voting yea and one (1) member voting nay to approve the request for Life-of-the-Use Conditional Use Permit to allow an Oversized Storage Unit (12' x 16', 10' in height) in a Single-Family Residential District (R-1).

PLAT APPROVAL: None

ANNOUNCEMENTS/OTHER BUSINESS: None.

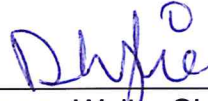
ABSENTEE REPORT: Rita Galvan stated Luis Madrigal had something come up and was not able to attend. Rafael Munguia moved the absent member be excused. Charlie Ramirez second the motion and when put to a vote, it polled as follows:

D. Wylie: Approve
T. Greuner: Approve
L. Madrigal: Absent
A. Castro: Approve

C. Ramirez: Approve
R. Robles: Approve
R. Munguia: Approve
P. Rodriguez: Approve

Motion carried unanimously to excuse absent member.

ADJOURNMENT: There being no further business, Andy Castro **moved** that the meeting be adjourned. Charlie Ramirez second the motion. All members unanimously consented, the Planning and Zoning Meeting adjourned at 6:16 p.m.



Danny Wylie, Chairman

ATTEST:



Tom Greuner, Secretary