

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. March 26, 2018 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, March 12, 2018 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Tom Greuner
 Charlie Ramirez Romeo Robles
 Luis Madrigal Rafael Munguia

ABSENT: Andy Castro

OTHERS PRESENT: See attached list

STAFF PRESENT: Cristina Garcia Senior Planner
 Eddie Martinez, Planner II
 Della Robles, Planner I
 George Martinez, Building Official
 Rita Galvan, Administrative Assistant
 Angie Resio. Secretary
 Felipe Pedraza, Assistant Fire Marshall

ITEM A. CALL TO ORDER

Danny Wylie called the meeting to order at 6:00 p.m.

Roll Call established a quorum

Charlie Ramirez moved to excuse the absent members. Romeo Robles seconded the motion and when put to a vote it carried unanimously.

ITEM B. APPROVAL OF MINUTES

1) MINUTES OF MARCH 26, 2018

Danny Wylie introduced the item.

Luis Madrigal moved to approve the minutes as submitted. Charlie Ramirez seconded the motion and when put to a vote it carried unanimously.

ITEM C. PUBLIC COMMENTS

Crisanto Garcia, residing at 3700 Silver Street, stated he has lived at that address for twenty four years, and stated when Trancasa started construction is when he started having issues. He further stated he went to court regarding Trancasa and the judge gave them an extension for six to eight months and now they were given an additional two months which he did not agree with. He also stated that Trancasa was required to irrigate but that they were not and someone should be checking on that. Mr. Garcia stated that City management needed to do their job because they are not and he is the one paying the price.

Kenneth C. Fletcher, residing at 504 South Diplomat, stated he is still trying to get sleep but the noise and lights coming from Costco do not allow him to. Dr. Fletcher stated he would like to correct the minutes from last meeting to state he spoke about Tracasa beings a splash pad and the dust would turn into mud coming from their property. Dr. Fletcher also stated that there was a petition being circulated regarding the issued with Trancasa and because of that TCQ and the City of Pharr Code Compliance Department have been checking on the property and its construction. He continued stating that the tree and sign ordinances need to be enforced and he signed up for Public Hearing. He also commented that CUP#180209, a caliche parking lot, will be create the same issue as Trancasa.

Luis Madrigal asked staff if the Commission was allowed to comment on the items the individuals were spoke about in Public Comments.

Eddie Martinez, Planner II, stated no they were not.

ITEM D. PUBLIC HEARING

- 1) FERNANDO DE JESUS RODRIGUEZ, D/B/A TRES HERMANOS DROP YARD, LLC, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A PARKING FACILITY IN A LIMITED INDUSTRIAL DISTRICT (L-I). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOT 3B, RE-SUBDIVISION OF LOT 3 SPAMER BUSINESS PARK SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1800 WEST LAS MILPAS ROAD. CUP#180209**

Della Robles, Planner I, advised the item was tabled and will remain tabled. No action is required on the item.

- 2) LADY B. SEGUNDO, D/B/A THE ALLEY CABANA BAR & GRILL, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PERMISE CONSUMPTION IN A GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY**

DESCRIBED AS BEING ALL OF LOTS 4 AND 5, LA QUINTA SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 5808 SOUTH CAGE BOULEVARD. CUP#180210

Della Robles, Planner I, advised item was tabled and requested the item to be untabled.

Charlie Ramirez, moved to untable the request for Conditional Use Permit to allow a parking facility in a Limited Industrial District (L-I). Rafael Munguia, seconded the motion and when put to a vote, it carried unanimously.

Della Robles, Planner I, introduced the item and stated the property was currently zoned General Business District (C). The surrounding area is zoned General Business District (C) to the north and south, Single-Family Residential District (R-1) to the east and city limits lie to the west. The area is generally designated for commercial use in the Future Land Use Plan. She further reported twenty seven (27) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. She Stated staff received no response to the letters or the legal notice.

Della Robles, Planner I, further stated staff recommended approval of the request for Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C) subject to applicant and site being in compliance with all City Ordinances and City Department requirements and advised the item will be presented to the City Commission meeting of April 2, 2018 for final approval.

Danny Wylie advised a public hearing was required and asked anyone signed up to speak. There being no one who signed up the public hearing was closed. Mr. Wylie opened the item for discussion and action.

Tom Greuner asked if the rear entrance created any problems with the neighbors.

Della Robles, Planner I, stated in the past there was issues but there were stipulations placed on the CUP so there were no longer any issues

Tom Greuner asked what the stipulations were and how long it had been since there were any compliants

Della Robles stated that if the neighbors called in a certain number of times they would revisit the CUP and it had been about two and a half years since there were any complaints.

Tom Greuner asked how long ago.

Della Robles stated about a year and half ago to two years.

Tom Greuner asked if the same stipulations could be placed on this CUP.

Della Robles, Planner I, stated the commission could decide what stipulations should be placed on the CUP.

Rafael Munguia asked what the hours of operations would be.

Della Robles stated the previous CUP was for a bar and this would be a bar and grill but the owners had not given staff the hours of operation yet.

Rafael Munguia asked if this was previously an event center and before that was a bar. He asked if this would be a late hours permit.

Della Robles confirmed that was true and that the owner had not asked for a late hours permit at this time.

Rafael Munguia asked what the hours of operation were right now

Della Robles, Planner I, stated they had not spoken to the applicant regarding their hours of operation and unfortunately there not in the audience. If they don't have late hours they cannot sell past one o'clock.

Danny Wylie, asked what the determining factors for revisiting the CUP were. He further asked if there was a certain number of calls to the police in order for that to occur.

Della Robles stated it would be up to the Planning and Zoning Commission to decide the number of complainants within a certain time period would require them to revisit the CUP.

Danny Wylie, asked if there was anything in place like that right now.

Della Robles stated there was not.

Tom Greuner, asked if the Commission could table the item to place stipulations and find out exact hours of operation before approving the CUP.

There being no further discussion Rafael Munguia, **moved** to table the request for Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). Tom Greuner, seconded the motion and when put to a vote, it carried unanimously.

3) JOSE E. MONROY, D/B/A ALICIA'S SU COCINA, LLC, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR

CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PERMISE CONSUMPTION IN A GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOTS 5 AND 6, FERGUSON PARADISE ESTATES SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 805 EAST FERGUSON AVENUE. CUP#180313

Della Robles, Planner I, introduced the item and stated the property was currently zoned General Business District (C). The surrounding area is zoned General Business District (C) to the north and south, Single-Family Residential District (R-1) to the east and city limits lie to the west. The area is generally designated for commercial use in the Future Land Use Plan. She further reported twenty four (24) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. She Stated staff received no response to the letters or the legal notice.

Della Robles, Planner I, further stated staff recommended approval of the request for Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C) subject to applicant and site being in compliance with all City Ordinances and City Department requirements and advised the item will be presented to the City Commission meeting of April 2, 2018 for final approval.

Danny Wylie advised a public hearing was required and asked anyone signed up to speak. There being no one who signed up the public hearing was closed. Mr. Wylie opened the item for discussion and action.

Danny Wylie, asked if the owner of the Restaurant has always been the same owner and if the Police Department approved it.

Della Robles, Planner I, confirmed it was the same owner and they had received approval from the Police Department. She further stated the restaurant currently has a certificate of occupancy to work in the city and it has been opened approximately a year. She also stated that several of the restaurant's patron had asked for his to serve alcohol so that is the reason he is now applying for the CUP.

There being no further discussion Luis Madrigal **moved** to approve the request for Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM E. PLAT APPROVAL

- 1) SAM ENGINEERING & SURVEYING INC., REPRESENTING ANDRES ZUNIGA ZUKO, FLP (FAMILY LIMITED PARTNERSHIP), IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED**

EVERGREEN SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 20 ACRE TRACT OF LAND BEING A PORTION OF LOT 376, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1400 W. HI-LINE ROAD. SUB# 141128

Eddie Martinez, Planner II, introduced the item. He stated property is currently zoned Limited Industrial District (L-I). The adjacent zones are Limited Industrial District (L-I) to the north, south, east and west. He further stated the property was designated for industrial use in the Land Use Plan and the proposed use was for office/warehouse. He added no variances were being requested and staff recommended preliminary plat approval of the proposed Evergreen Subdivision subject to the conditions.

At this time, Danny Wylie, advised a public hearing was not required and opened the item for discussion and action.

There being no discussion, Charlie Ramirez moved to approve the request for preliminary plat approval of the proposed Evergreen Subdivision. Luis Madrigal seconded the motion and when put to a vote, it carried unanimously.

- 2) RIO DELTA ENGINEERING, REPRESENTING ERIC J GARZA AND RAYMUNDO OCANA, OWNER OF BLACKBIRD LEASING INC. ARE REQUESTING PRELIMINARY AND FINAL PLAT APPROVAL OF THE PROPOSED BLACKBIRD SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 4.411 ACRE TRACT OF LAND BEING A RE-PLAT OF LOTS (1), TWO (2) AND THREE (3) OF SHARM COMMERCIAL PARK PHASE III, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1800 AND 1900 BLOCK OF W. SHARM DR. SUB# 180103**

Eddie Martinez, Planner II, introduced the item. He stated property is currently zoned Limited Industrial District (L-I). The adjacent zones are Limited Industrial District (L-I) to the north, south, east and west. He further stated the property was designated for industrial use in the Land Use Plan and the proposed use was for office/warehouse. e added no variances were being requested and staff recommended preliminary plat approval of the proposed Blackbird Subdivision subject to the conditions.

At this time, Danny Wylie, advised a public hearing was not required and opened the item for discussion and action.

Tom Greuner, asked why this item was preliminary and final term at the same time.

Eddie Martinez, Planner II, stated the original plat is already recorded and they are just moving lot lines. All sewer and utility lines were already in place and all that is

being asked for is going to be the building permit. At the time of permit review the fire department will be requesting additional hydrant for fire protection.

There being no further discussion, Tom Greuner **moved** to approve the request for preliminary plat approval of the proposed Blackbird Subdivision. Luis Madrigal seconded the motion and when put to a vote, it carried unanimously

- 3) **MAS ENGINEERING, L.L.C., REPRESENTING WESTSEA CAPITAL, LTD, IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED TICKETMASTER II ADDITION SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 5.67 ACRE TRACT OF LAND MORE OR LESS, CONSISTING OF ALL OF LOT, 1-A, OF THE PLAT OF LOT 1-A AND 1-B, TIME DEVELOPMENT SUDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED BETWEEN THE 700 AND 800 BLOCK OF SOUTH JACKSON ROAD. SUB# 170823**

Eddie Martinez, Planner II, introduced the item. He stated property is currently zoned Limited Industrial District (L-I). The adjacent zones are Limited Industrial District (L-I) to the north, south, east and west. He further stated the property was designated for industrial use in the Land Use Plan and the proposed use was for office/warehouse. No variances were being requested and staff recommended preliminary plat approval of the proposed Ticketmaster II Addition Subdivision subject to the conditions.

At this time, Danny Wylie, advised a public hearing was not required and opened the item for discussion and action.

Danny Wylie, asked if this has been already platted.
Eddie Martinez, Planner II, stated yes it was but they were adding an additional lot.

There being no further discussion, Rafael Munguia **moved** to approve the request for preliminary plat approval of the proposed Ticketmaster II Addition Subdivision. Tom Greuner seconded the motion and when put to a vote, it carried unanimously

ITEM F. ANNOUNCEMENTS/OTHER BUSINESS:

None.

ITEM G. CLOSED SESSION:

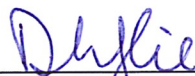
None.

ITEM H. RECONVENE:

None.

ITEM I. AJOURNMENT:

There being no further business, Rafael Munguia moved to adjourn. Tom Greuner second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:29 p.m.



Danny Wylie, Chairman

ATTEST:



Tom Greuner, Secretary

APPROVED: _____