

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. July 23, 2018 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, July 23, 2018 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Jonathan Larraga
 Charlie Ramirez Rafael Munguia
 Luis Madrigal Romeo Robles

ABSENT: Andy Castro

OTHERS PRESENT: See attached list

STAFF PRESENT: Roland Gomez, Assistant Director
 John Rigney, City Attorney
 Cristina Garcia, Senior Planner
 Eddie Martinez, Planner II
 Della Robles, Planner I
 George Martinez, Building Official
 Rita Galvan, Administrative Assistant
 Angie Resio, Secretary

ITEM A. CALL TO ORDER

Chairman, Danny Wylie, called the meeting to order at 6:00 p.m. Roll call established a quorum.

Luis Madrigal **moved** to excuse the absent member. Charlie Ramirez seconded the motion and when put to a vote it carried unanimously.

ITEM B. APPROVAL OF MINUTES

1) MINUTES OF JULY 9, 2018

Chairman, Danny Wylie, introduced the item.

Luis Madrigal **moved** to approve the minutes as submitted. Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

ITEM C. PUBLIC COMMENTS

Kenneth C. Fletcher, residing at 504 South Diplomat, stated he is still bothered by the lights, noise, and vibration coming from Costco. He further stated July 17th is his five (5) year anniversary of being released from the Planning and Zoning Commission when it was under different leadership and the Director at the time has since been promoted within the City. Dr. Fletcher continued stating he has been denied to speak during the of Public Hearing portion of the meetings since October 24, 2016, even though he believes in accordance with Chapter 211.006A, the state law entitles him to speak during the Public Hearing. Dr. Fletcher stated one reason for public participation is that items like COZ# 180534, which was placed under consent agenda in the City Commission Agenda Packet, stated Development Services staff recommended denial, which he was told was a typo, and the City Commission still approved it and because it was under consent agenda the public was not able to comment on it. He further stated only non-controversial items should be placed under consent agenda but at the Planning and Zoning Meeting there were four (4) residents in opposition on the item so it should not have been considered non-controversial. Dr. Fletcher stated Chapter 211.006A has two parts that states a person of interest is someone who resides in the affected area or the public and for that reason he believes he should be allowed to speak during the Public Hearing portion of the meeting. Dr. Fletcher closed by stating he signed up to speak during the Public Hearing Portion of the meeting.

Vincent Berry, residing at 809 N. Erica Street, stated he would like to thank the Planning and Zoning Commission for their service throughout the community and for all they do. Mr. Berry stated last year the City of Pharr improved the roads in his neighborhood by installing speed bumps and it has improved the safety of the neighborhood. Mr. Berry expressed his concerns about the proposed apartments that are to be built on Polk Avenue and stated he would like the City to make it a priority to review what effect it would have on the flooding that already occurs in the surrounding areas. He further stated the surrounding neighborhood is prone to flooding and with the recent rain, areas that had not been prone to flooding in the past did experience flooding and believes it was due to the addition of homes in the area without drainage improvements. Mr. Berry stated his house does not flood but is concerned because the proposed apartments will be constructed right across the street from his home and worries that it may cause flooding in the future. Mr. Berry continued stating the traffic in this area is also problematic due to the large number of cars parked on the side of the road and believes that the apartments will only add to the problem. Mr. Berry stated he and his wife enjoy living in City of Pharr and want to continue living in Pharr. He closed stating he is aware of the importance of new businesses in the community and how it will help the community but hopes that the City looks into the residents' best interest as well.

ITEM D. PUBLIC HEARING

- 1) SMOKIN' MOON, LLC. HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR CONDITIONAL USE PERMIT AND LATE HOURS PERMIT TO ALLOW THE SALE OF ALCOHOLIC**

BEVERAGES FOR ON-PREMISE CONSUMPTION IN A HEAVY COMMERCIAL DISTRICT (H-C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOT 1-A, ALBRAD UNIT NO. 1 SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1617 WEST POLK AVENUE. CUP#180648

Della Robles, Planner I, introduced the item and stated the property is currently zoned Heavy Commercial District (H-C). The surrounding area is zoned Heavy Commercial District (H-C) to the east and west and General Business District (C) to the north, south and west. This area is generally designated for commercial use in the Land Use Plan. She further reported ten (10) 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 and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a Heavy Commercial District (H-C) subject to the conditions and advised the item will be presented to the City Commission meeting of August 6, 2018 for final approval.

Chairman, Danny Wylie, opened the public hearing and asked if anyone signed up to speak. There being no one in the affected area who signed up, the public hearing was closed. Mr. Wylie opened the item for discussion and action.

Chairman, Danny Wylie, asked the applicant if he would like to comment on the request for a Conditional Use Permit.

Bernard Watson, residing at 407 Cotton Wood in McAllen, stated the location of the property is 1617 West Polk. Mr. Watson further stated a gentleman earlier inquired about the flooding in that area and assured the Commission the property is one hundred percent contained. Mr. Watson closed by stating he has complied with the City of Pharr requests and hopes to receive the Conditional Use Permit.

There being no further discussion Charlie Ramirez 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 Heavy Commercial District (H-C). Jonathan Larraga seconded the motion and when put to a vote, it carried majority with five (5) ayes and one (1) abstention to approve the item. Luis Madrigal abstained from voting.

ITEM E. PLAT APPROVAL

- 1) NAIN ENGINEERING, L.L.C., REPRESENTING ELIGN XAVIER, OWNER, IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED LAS CANTERAS PLAZA SUBDIVISION. THE PROPERTY**

IS LEGALLY DESCRIBED AS 1.08 ACRES OF LAND OUT OF LOT 7, BLOCK 5, A.J. MCCOLL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 3000 BLOCK OF NORTH JACKSON ROAD. SUB# 180413

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned General Business District (C). The adjacent zones are Agricultural and/or Open Space District (A-O) to the north and south, Heavy Commercial District (H-C) to the east, and the City of Pharr's City Limits to the west. The property is designated for commercial use in the Land Use Plan. He added no variances were being requested and staff recommended final plat approval of the proposed Las Canteras Plaza Subdivision subject to the conditions.

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

Chairman, Danny Wylie, asked staff what type of business was being proposed and how will they handle the traffic volume on Jackson.

Eddie Martinez, Planner II, stated its proposed use is a snow cone stand and there will be onsite queuing requirements that must be followed by ordinance inside the property.

Chairman, Danny Wyle, asked staff if that was a new ordinance new and what it entailed.

Eddie Martinez, Planner II, stated the ordinance was passed on May 29, 2018, and the businesses are required to comply with eleven (11) vehicles on site which includes seven (7) vehicles in the order window and four (4) vehicles in the pickup window. He further stated staff will review the site plans to make sure the business is in compliance with the ordinance.

Chairman, Danny Wylie, asked staff if this would be the first business that would fall under this new ordinance and if the pre-existing businesses would be subject to the ordinance.

Eddie Martinez, Planner II, stated staff would be looking at each business case by case and bring them all into compliance.

There being no further discussion Luis Madrigal **moved** to approve the request for final plat approval of the proposed Las Canteras Plaza Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM F. ANNOUNCEMENTS/OTHER BUSINESS

1) NOMINATION AND ELECTION OF SECRETARY

Roland Gomez, Assistant Director, stated the Commission would now nominate and elect a new Secretary of the Planning and Zoning Commission.

Chairman, Danny Wylie, asked the Commissioners if they would like to nominate a member of the Commission. With no response from the other Commissioners Chairman, Danny Wylie, nominated Luis Madrigal and asked if Mr. Madrigal would accept the nomination.

Luis Madrigal accepted the nomination.

There being no further discussion Rafael Munguia moved to approve the nomination and election of Luis Madrigal as Secretary of the Planning and Zoning Commission. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

Luis Madrigal was named Secretary for the Planning and Zoning Commission.

2) AMERICAN PLANNING ASSOCIATION COMMISSIONER'S WORKSHOP AUGUST 10, 2018.

Cristina Garcia, Senior Planner, stated the Agenda Packet included a form the American Planning Association Commissioner's Workshop. She continued stating the workshop is a Planning 101 course that entails general procedures for the Commissioners, elected officials, and staff. She further stated Developments Services would like to welcome all members to attend the workshop as it will go over planning and development, conducting meetings, and ethics and principles. She further stated it would be beneficial for everyone to attend and if interested they may sign up with Rita Galvan, Administrative Assistant for the Development and Engineering Department. Ms. Garcia continued stating the workshop will take place on Friday, August 10, 2018, from 9:00 a.m. to 3:00 p.m. at the Mission Event Center.

Chairman, Danny Wylie, asked staff if the workshop is for the new members and if current members were required to retake the class every three (3) or four (4) years.

Cristina Garcia, Senior Planner, stated Commission members may attend the workshop every year as new information is always presented and insight from other Cities is also presented.

ITEM G. CLOSED SESSION

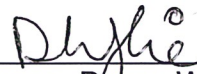
None.

ITEM H. RECONVENE

None.

ITEM I. ADJOURNMENT

There being no further business, Rafael Munguia **moved** to adjourn. Romeo Robles second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:19 p.m.



Chairman, Danny Wylie

ATTEST:



Luis Madrigal, Secretary

APPROVED: 8-13-18