

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. October 22, 2018 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, October 22, 2018 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Andy Castro
 Charlie Ramirez Romeo Robles
 Luis Madrigal

ABSENT: Rafael Munguia Jonathan Larraga

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.

Charlie Ramirez, moved to excuse the absent members. Andy Castro seconded the motion and when put to a vote it carried unanimously.

ITEM B. APPROVAL OF MINUTES

1) MINUTES OF OCTOBER 22, 2018

Chairman, Danny Wylie, introduced the item.

Chairman, Danny Wylie, stated there was a correction to be made on page nine (9), the last sentence on paragraph seven (7) states Mr. Wylie and should state Mr. Ramirez.

Angie Resio, Secretary, stated the correction would be made.

There being no further discussion Charlie Ramirez **moved** to approve the minutes of October 22, 2018, with corrections. Luis Madrigal 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 signed up for the before Public Hearing portion of the meeting and is still experiencing the noise, lights and vibration nuisance from Costco. Dr. Fletcher continued stating he would like to request a fifteen (15) to a twenty-two (22) foot acoustical wall at the location. Dr. Fletcher stated he would like to speak more about Item E-4 in today's packet that is named Trancasa Subdivision which was located previously on West Utility Drive but was moved after years of complaints from the surrounding property owners. Dr. Fletcher continued stating the residents that were affected by this item were unable to attend today's meeting but are happy to see the business relocate and he would like for the next tenant to add a caliche and build a wall around the Limited Industrial area. Dr. Fletcher referred to a picture shown on the television and stated it was the new location of Trancasa on Hi-Line Road but there is no sidewalk or landscaping and those items are required by the City of Pharr's Code Ordinance. He continued stating there is a banner that measures more than three (3) feet wide and does not believe there is a permit issued for it. Dr. Fletcher continued stating this was presented, referring to the picture image a novel crush concrete or permeable pavement was supposed to be used but he believes the material is asphalt. Dr. Fletcher closed by stating he signed up for Public Hearing portion of the meeting.

ITEM D. PUBLIC HEARING

- 1) QUINTA REAL EVENTS LLC HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE 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 LOT 1, AND 2, SAVE AND EXCEPT THE S32' OUT OF LOT 2, SING'S SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS 2620 SOUTH GARDENIA STREET. CUP#180864**

Della Robles, Planner I, introduced the item and stated the property is currently zoned General Business District (C). The surrounding area is zoned Single-Family Residential District (R-1) to the north, south and west and Single-Family Residential District (R-1) and Office Professional District (O-P) to the east. This area is generally designated for single-family residential use in the Land Use Plan. She further reported thirty-four (34) 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 General Business District (C) subject to the applicant and site being in compliance with all City Ordinances and City Department requirements.

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 she would like to comment on the request for a Conditional Use Permit.

Norma Rodriguez, residing at 2620 South Gardenia, stated she only speaks Spanish and will designate Francisco Rodriguez on her behalf. Mr. Rodriguez stated Ms. Rodriguez mentioned to him that legal letters were sent out to the surrounding schools and obtained the approval from the schools. He further stated there were no negative response to the legal notice and Ms. Rodriguez has a BYOB, Conditional Use Permit active from the City of Pharr. Mr. Rodriguez continued stating there are people already consuming alcohol in the premise and the event center is for weddings and quinceaneras.

Andy Castro, Asked the applicant if the event center holds weddings and quinceaneras and if the facility is open until one o'clock a.m.

Mr. Rodriguez stated since Ms. Rodriguez is obtaining a liquor license the facility would not be open until two o'clock a.m. and the events usually begin at seven or eight o'clock but the facility is currently opened only until twelve o'clock a.m.

Andy Castro asked the applicant if other events would be taking place besides weddings and quinceaneras because normally those events are over by one o'clock a.m.

Chairman, Danny Wylie, asked applicant what are the business hour of the event center. What time is the facility opened and what time does it close.

Norma Rodriguez spoke in Spanish.

Andy Castro spoke in Spanish.

Roland Gomez, Assistant Director, stated the permit the applicant submitted an application for was not for late hours so the City of Pharr would only allow them to sell or consume alcohol until twelve o'clock a.m. Mr. Gomez stated all TABC permits are late hour permits that allow patrons to consume until two o'clock a.m. but the City of Pharr has an ordinance that has either a regular condition use permit or a late hour one. Mr. Gomez further stated in this case the applicant did not apply for late hours and would only be allowed to sell alcohol until twelve o'clock a.m.

Chairman, Danny Wylie, asked if the hours would be subject to change if the Board approved the permit to allow sale and consumption of alcohol until twelve o'clock a.m.

Roland Gomez, Assistant Director, advised the commission they have the option to table the item and have the applicant interview with the City Secretary to clarify which permit she wants to apply for.

Chairman, Danny Wylie, asked the before applicant what she would like to do.

City Attorney, John Rigney, asked staff if the applicant understands what permit she applied for.

Della Robles, Planner I, Stated the applicant would like for the item to be tabled and she will meet with the City Secretary tomorrow.

There being no further discussion Romeo Robles 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). Andy Castro seconded the motion and when put to a vote, it carried unanimously.

- 2) ATTIC DEVELOPMENT, LLC REPRESENTING LYNN TRACT, LP, A TEXAS LIMITED PARTNERSHIP, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM HIGH-DENSITY MULTI-FAMILY DISTRICT (R-4) TO GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 4.957 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 2002, KELLY PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS 1001 WEST RIDGE ROAD. COZ#180968**

Della Robles, Planner I, introduced the item and stated the property currently zoned High-Density Multi-Family District (R-4). The surrounding properties are zoned Agricultural and/or Open Space District (A-O) to the north and east, High-Density Multi-Family District (R-4) to the west and Medium Density Multi-Family Residential District (R-3) to the south. The property is generally designated for commercial use in the Land Use Plan. She further reported three (3) 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 to re-zone to General Business District (C) as the property meets area requirements, has adequate ingress and egress. If approved, the owner must comply with all City Ordinances, City Department requirements and must complete the subdivision process and advised the item will be presented to the City Commission meeting of November 5, 2018 for final approval.

Chairman, Danny Wylie, asked the applicant if he would like to comment on the request for a Change of Zone.

Azael Gomez, residing at 2805 South Business 77, Harlingen, Texas stated Affordable Attic is the applicant and this business has been in existence for approximately twenty-five (25) years all over the valley. He continued stating this would be their tenth location and they were eager to be in Pharr. Mr. Gomez stated this business is located in almost every city in the Rio Grande Valley and their next target is Brownsville. He closed by stating he had blue prints of the facility if the Commission would like to view them and would be glad to answer any questions they might have.

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.

There being no further discussion Luis Madrigal **moved** to approve the request for a change of zone from High-Density Multi-Family District (R-4) to General Business District (C). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 3) CROWN CASTLE, REPRESENTING SPRINT, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE CO-LOCATION OF TELECOMMUNICATION EQUIPMENT ON AN EXISTING TOWER IN A GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.15 ACRE TRACT LAND, MORE OR LESS, OUT OF LOT 165, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 202 WEST INTERSTATE 2. TWR#180967**

Della Robles, Planner I, introduced the item and stated the property currently zoned General Business District (C). The surrounding area is zoned Residential Mobile-Home District (R-MH) to the north and General Business District (C) to the south, east and Heavy Commercial District (H-C) to the west. The area is generally designated for commercial use in the Land Use Plan. She further reported two (2) 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 a Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on an existing tower in a General Business District (C) subject to the applicant and site being in compliance with all City Ordinances and City Department requirements.

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.

There being no discussion Andy Castro moved to approve the request for a Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on an existing tower in a General Business District (C). Luis Madrigal seconded the motion and when put to a vote, it carried unanimously.

ITEM E. PLAT APPROVAL

- 1) R. GUTIERREZ ENGINEERING CORPRATION, REPRESENTING DULCE OLIVIA GONZALEZ, OWNER, IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED V.D. DE LEON SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.597 OF AN ACRE OF LAND, OUT OF LOT 8, BLOCK 3, EARL THOMAS SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 800 BLOCK OF EAST HELMER STREET. SUB# 180824**

Eddie Martinez, Planner II, introduced the item. He stated 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. He added no variances were being requested and staff recommended preliminary plat approval of the proposed V.D. De Leon 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.

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

- 2) SALINAS ENGINEERING & ASSOCIATES, REPRESENTING AGUSTIN CARRILLO AND MARIA LUISA R. CARRILLO, OWNERS ARE REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED THE GIFT SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.52 ACRE TRACT OF LAND, KNOWN AS THE WEST 150 FEET OF THE EAST 640 FEET OF THE SOUTH 150 FEET OF THE NORTH 358.67 FEET, OUT OF LOT 348, KELLY PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED AT THE 100 BLOCK OF WEST SIESTA STREET. SUB# 180826**

Eddie Martinez, Planner II, introduced the item. He stated 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. He added no variances were being requested and staff recommended preliminary plat approval of the proposed The Gift 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.

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

- 3) R.E. GARCIA & ASSOCIATES, REPRESENTING WILL SCHNAKENBURG, AUTHORIZED AGENT FOR NOTOOPHARR, LLC, IS REQUESTING FINAL 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 AT THE 1900 BLOCK OF WEST DICKER ROAD. SUB# 170922**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned General Business District (C). The adjacent zones are General Business District (C) to the east and south, Single-Family Residential District (R-1) and General Business District (C) to the north and city limits lie 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 preliminary plat approval of the proposed The Palmview South 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.

There being no discussion Luis Madrigal **moved** to approve the request for final plat approval of the proposed Palmview South Subdivision. Andy Castro seconded the motion and when put to a vote, it carried unanimously.

- 4) PEREZ CONSULTING ENGINEERS, REPRESENTING CARLOS CANALES MELHEM, OWNER, IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED TRANCASA SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A TRACT OF LAND, CONTAINING 7.21 ACRES BEING A PART OR PORTION OF LOT 377, KELLY PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED AT THE 1500 BLOCK OF WEST HI-LINE ROAD. SUB# 171130**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Limited Industrial District (L-I). The adjacent zones are Limited Industrial District (L-I) and Agricultural & Open Space District (A-O) to the north and east and Agricultural & Open Space District (A-O) to the south and west. The property is designated for industrial use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed Trancasa 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 if the yard is asphalt or cement.

Eddie Martinez, Planner II, stated the yard is a combination both and that there is asphalt and concrete were the landings of the semi-trailers park.

Chairman, Danny Wylie, stated recalls agreeing to it being all cement and not use the experimental one. Was that not the case.

Luis Madrigal asked staff how long did it take to comply to adjust the hydrates that were low.

Eddie Martinez, Planner II, stated they are working on it and by the end of this week it should be complete.

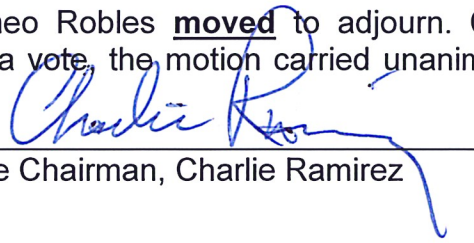
There being no further discussion Luis Madrigal **moved** to approve the request for final plat approval of the proposed Trancasa Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM F. ANNOUNCEMENTS/OTHER BUSINESS

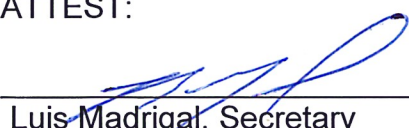
None.

ITEM I. ADJOURNMENT

There being no further business Romeo Robles **moved** to adjourn. Charlie Ramirez second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:30 p.m.


Vice Chairman, Charlie Ramirez

ATTEST:


Luis Madrigal, Secretary

APPROVED: 11-13-18