

AGENDA
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. February 25, 2019 – 6:00 PM

The City of Pharr has called this meeting as allowed pursuant to Texas law, city charter, and Ordinance O-2018-45. The governing body may recess from day to day when it does not complete consideration of a particularly long subject as authorized by law.

If during the course of the meeting, the PLANNING & ZONING COMMISSION should determine that a closed, or executive session of the COMMISSION is required, then such closed or executive session or meeting is authorized by Sections 551.071 et seq. of the Texas Government Code. Notice of closed or executive session will be given after the commencement of the meeting covered by this notice.

Should any final action, decision, or vote be required in the opinion of the Commission with regard to any item during the meeting, then such final action, final decision, or final vote shall be made during the open meeting covered by this notice upon the reconvening of the public meeting.

In compliance with Section 551.041 et seq. of the Texas Government Codes, VTCS (Open Meetings Act), notice is given that the Planning & Zoning Commission will meet to consider and act upon the following:

PRESIDING:

A. CALL TO ORDER:

- 1) Roll call and possible action on the excusing of any absent member of the governing body.

B. APPROVAL OF MINUTES:

- 1) Minutes of February 11, 2019

C. PUBLIC HEARING: *(Ordinance No. O-2018-45). A registered speaker during the public hearing may not exceed three (3) minutes when addressing the board. A sign-in form for participation in public a hearing shall be promulgated by the city clerk and be made available at the city clerk's office. The public hearing sign-in form shall include the person or entity's name, address, telephone number, other contact information, organization if applicable, and other notices, authorizations, and acknowledgements as may be allowed by law from time to time. No registered speaker may be allowed to address the governing body once the public hearing has closed.*

1) Jose Bernal Reyes, d/b/a Corina Salon, has filed with the Planning and Zoning Commission a request for a Conditional Use Permit to allow a home occupation (Beauty Salon) in a Single-Family Residential District (R-1). The property is legally described as being Lot 27, Sol Brilla Unit 8 Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 701 West Falcon Avenue. **CUP#190103**

2) Trinidad Rocha, d/b/a Mariscos El Capitan, 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 210, Valle de la Primavera Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 6619 South Jackson Road. **CUP#190210**

D. PLATS:

E. ANNOUNCEMENTS/OTHER BUSINESS:

F. CLOSED SESSION: *In accordance with Chapter 551 of the Texas Gov't. Code, the Planning and Zoning Commission hereby gives notice that it may meet in a closed (non-public) executive session to discuss the items listed on the public portion of the meeting agenda.*

Pursuant to Section 551.071, the Commission may convene in a closed, non-public meeting with its attorney and discuss any matters related to **legal advice on pending or contemplated litigation, settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.072, the Commission may convene in a closed, non-public meeting to discuss any matters related to real property and deliberate the purchase, exchange, lease, or value of **real property as such would be detrimental to negotiations between the City and a third party in an open meeting.** The City and its attorney may also discuss such issues with the



appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.074, the Commission may convene in a closed, non-public meeting to discuss any matters related to **appointment, employment, evaluation, reassignment, duties and discipline or dismissal of a public officer or employee and to hear any complaints or charges against an officer or employee.** The City and its attorney may also discuss such issues with the appropriate staff including members so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.076, the Commission may convene in a closed, non-public meeting to discuss any matters on the **deployment, or specific occasions for implementation, of security personnel or devices.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.084, the Commission may convene in a closed, non-public meeting to discuss any matters involving an **investigation and may exclude a witness from hearing during the examination of another witness in the investigation.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.087, the Commission may convene in a closed, non-public meeting to discuss any matters regarding **economic development issues.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

G. RECONVENE: *into Regular Session, and consider action, if necessary on any items(s) discussed in closed session.*

H. ADJOURNMENT:

I, certify that the above notice of public hearing was posted on the bulletin board at City Hall on this the 22nd day of February, 2019 at 2:00 p.m., and on the City of Pharr web site (www.pharr-tx.gov)




Hilda Pedraza, City Clerk

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. February 11, 2019 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, February 11, 2019 and following is the record of attendance.

MEMBERS PRESENT: Charlie Ramirez Jonathan Larraga
 Rafael Munguia Porfirio Rodriguez
 Romeo Robles Andy Castro

ABSENT: Danny Wylie Luis Madrigal

OTHERS PRESENT: See attached list

STAFF PRESENT: Cristina Garcia, Senior Planner
 Della Robles, Planner I
 Rogelio Rodriguez, Interim Building Official
 Rita Galvan, Administrative Assistant

ITEM A. CALL TO ORDER

Vice Chairman, Charlie Ramirez, called the meeting to order at 6:00 p.m. Roll call established a quorum.

Jonathan Larraga **moved** to excuse the absent members. Rafael Munguia seconded the motion and when put to a vote it carried unanimously.

ITEM B. APPROVAL OF MINUTES

1) MINUTES OF JANUARY 28, 2019

Vice Chairman, Charlie Ramirez, introduced the item.

There being no discussion Rafael Munguia **moved** to approve the minutes of January 28, 2019. Romeo Robles seconded the motion and when put to a vote, it carried unanimously.

ITEM C. PUBLIC HEARING

**1) CRAFTON COMMUNICATIONS, REPRESENTING T-MOBILE, HAS
FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST
FOR A LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW**

THE CO-LOCATION OF TELECOMMUNICATION EQUIPMENT ON AN EXISTING TOWER IN AN AGRICULTURAL AND/OR OPEN SPACE DISTRICT (A-O). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.11 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 1, IGLESIA APOSTOLIC DE LA FE EN CRISTO JESUS SUBDIVISION, PHARR HIDALGO COUNTY, TEXAS. THE PROPERTY PHYSICALLY LOCATED AT 8801 SOUTH CAGE BOULEVARD. CUP#190101

Della Robles, Planner I, introduced the item and stated the property is currently zoned Agricultural and/or Open Space District (A-O). The surrounding area is zoned General Business District (C) to the north and west, Heavy Commercial District (H-C) to the south, and Limited Industrial District (L-I) to the west. This area is generally designated for commercial use in the Land Use Plan. She further reported six (6) surrounding property owners were notified of the request by letter and a legal notice was published in the Monitor. She stated staff received no response to the letter or the legal notice.

Della Robles, Planner I, further stated staff recommended approval of the request for Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on an existing tower in an Agricultural and/or Open Space District (A-O) subject to the applicant and site being in compliance with all City Ordinances and City Department requirements. If approved, the owner must comply with all City Ordinances and City Department requirements.

Vice Chairman, Charlie Ramirez, asked the applicant if he would like to comment on the request for a Conditional Use Permit.

Vice Chairman, Charlie Ramirez, 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. Ramirez opened the item for discussion and action.

Jonathan Larraga asked staff if they were going to add equipment to the towers.

Della Robles, Planner I, stated yes they're going to add a ground box at the bottom and change out antennas.

Porfirio Rodriguez asked staff because of the height of the towers and the possibility of high wind gusts do they have liability provisions, and would they be required to have a buffer wall.

Della Robles, Planner I, stated the towers are engineered within the required distance of residences and businesses and are also required to provide windstorm plans to the Building Safety Division for approval.

There being no further discussion Romeo Robles moved to approve the request for Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on an existing tower in an Agricultural and/or Open Space District (A-O). Andy Castro seconded the motion and when put to a vote, it carried unanimously.

- 2) ILLENIU EVENT CENTER 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 BUSINESS DISTRICT (C-2). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOTS 26 AND 27, BLOCK 2, J.T. DOSTER SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 125 EAST NEWCOMBE AVENUE (PARK). CUP#190102**

Della Robles, Planner I, introduced the item and stated the property is currently zoned Business District (C-2). The surrounding area is zoned Business District (C-2) to the north, south, east and west. This area is generally designated for commercial use in the Land Use Plan. She further reported thirty-one (31) surrounding property owners were notified of the request by letter and a legal notice was published in the Monitor. She stated staff received no response to the letter or the legal notice.

Della Robles, Planner I, further stated staff recommended approval of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2) subject to applicant and site being in compliance with all City Ordinances and City Department requirements. If approved, the owner must comply with all City Ordinances and City Department requirements.

Vice Chairman, Charlie Ramirez, asked the applicant if he would like to comment on the request for a Conditional Use Permit.

Vice Chairman, Charlie Ramirez, 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. Ramirez opened the item for discussion and action.

There being no discussion Romeo Robles moved to approve the request for Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2). Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

- 3) VICENT GERARD & ASSOCIATES, INC., REPRESENTING VERIZON WIRELESS, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR THE LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW A NEW TELECOMMUNICATION TOWER IN A SINGLE-FAMILY RESIDENTIAL**

DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.04 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 1, GRACE COMMUNITY CHURCH SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 133 NORTH SUGAR ROAD. CUP#190104

Della Robles, Planner I, introduced the item and stated 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, General Business District (C) to the south and General Business District (C) and Single-Family Residential District (R-1) to the east and west. This area is generally designated for manufactured home use in the Land Use Plan. She further reported sixteen (16) surrounding property owners were notified of the request by letter and a legal notice was published in the Monitor. She stated staff received one telephone call for information only.

Della Robles, Planner I, further stated staff recommended approval of the request for Life-of-the-Use Conditional Use Permit to allow a new telecommunication tower in a Single-Family Residential District (R-1) subject to applicant and site being in compliance with all City Ordinances and City Department requirements. If approved, the owner must comply with all City Ordinances and City Department requirements.

Vice Chairman, Charlie Ramirez, asked the applicant if he would like to comment on the request for a Conditional Use Permit.

Vice Chairman, Charlie Ramirez, 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. Ramirez opened the item for discussion and action.

Vincent Huebinger, representing Verizon Wireless and Grace Community Church, greeted the Board members and stated that the closest tower site is approximately half (1/2) a mile away from Business 83 and the new site would be that of a larger range of capacity. He referred to a map and pointed out the areas and the quality of coverage they currently have and stated that many surrounding areas had poor coverage. Mr. Huebinger stated that years ago when the iPhone was introduced to AT&T within a year it caused their system to crash because of the high capacity of cellular network it requires. Mr. Huebinger continued stating that smart phones and applications cause towers to take a beating on the infrastructure that was originally designed for a mobile network and now is being used for cellular data as well. He further stated he would like to present the slide that shows highway corridor located on IH 83 and US 281 that has an immense amount of traffic that also slows down the network and emergency calls that come in through 911 may be delayed without enough surrounding cellular network. Mr. Huebinger continued stating that is why we are here requesting the site at that location and most importantly we will comply with the City of Pharr ordinance. He further stated, referring to the slide, that this location is residential use and that is why we are requesting

a Conditional Use Permit. He closed by stating if there is any question with the structure or anything else to please let him know.

There being no further discussion Jonathan Larraga **moved** to approve the request for Life-of-the-Use Conditional Use Permit to allow a new telecommunication tower in a Single-Family Residential District (R-1). Romeo Robles seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PLAT APPROVAL

None.

ITEM F. ANNOUNCEMENTS/OTHER BUSINESS

Vice Chairman, Charlie Ramirez, stated he would like to take a moment in respect of the loss of Dr. Kenneth C. Fletcher. Mr. Ramirez continued stating Dr. Fletcher was a permanent fixture here and advocate for the public. He commented Dr. Kenneth Fletcher was a crusader in his words and would like to take a moment of silence.

ITEM I. ADJOURNMENT

There being no further business Romeo Robles **moved** to adjourn. Jonathan Larraga second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:14 p.m.

Chairman, Danny Wylie

ATTEST:

Luis Madrigal, Secretary

APPROVED:_____



Pharr

Development Services



MEMORANDUM

DATE: MONDAY, FEBRUARY 25, 2019

TO: PLANNING AND ZONING COMMISSION

FROM: DEVELOPMENT SERVICES

SUBJECT: CONDITIONAL USE PERMIT FOR HOME OCCUPATION
FILE NO. **CUP#190103** (CORINA SALON)

GENERAL INFORMATION:

APPLICANT: Jose Bernal Reyes, d/b/a Corina Salon, has filed with the Planning and Zoning Commission a request for a Conditional Use Permit to allow a home occupation (Beauty Salon) in a Single-Family Residential District (R-1).

LEGAL DESCRIPTION: The property is legally described as being Lot 27, Sol Brilla Unit 8 Subdivision, Pharr, Hidalgo County, Texas.

LOCATION: The property's physical address is 701 West Falcon Avenue.

ZONING: 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, east and west. This area is generally designated for single-family residential use in the Land Use Plan.

COMMENTS: **FIRE DEPARTMENT:** Recommends approval of the Conditional Use Permit.

CODE COMPLIANCE DIVISION: Recommends approval of the Conditional Use Permit

PLANNING DIVISION: Recommends approval of the Conditional Use Permit.

**NOTIFICATION
OF PUBLIC:**

Sixty-two (62) 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.

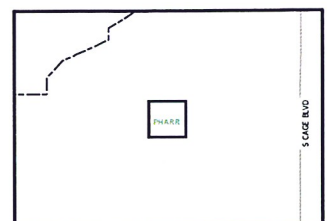
**DEVELOPMENT
SERVICES
RECOMMENDATIONS:**

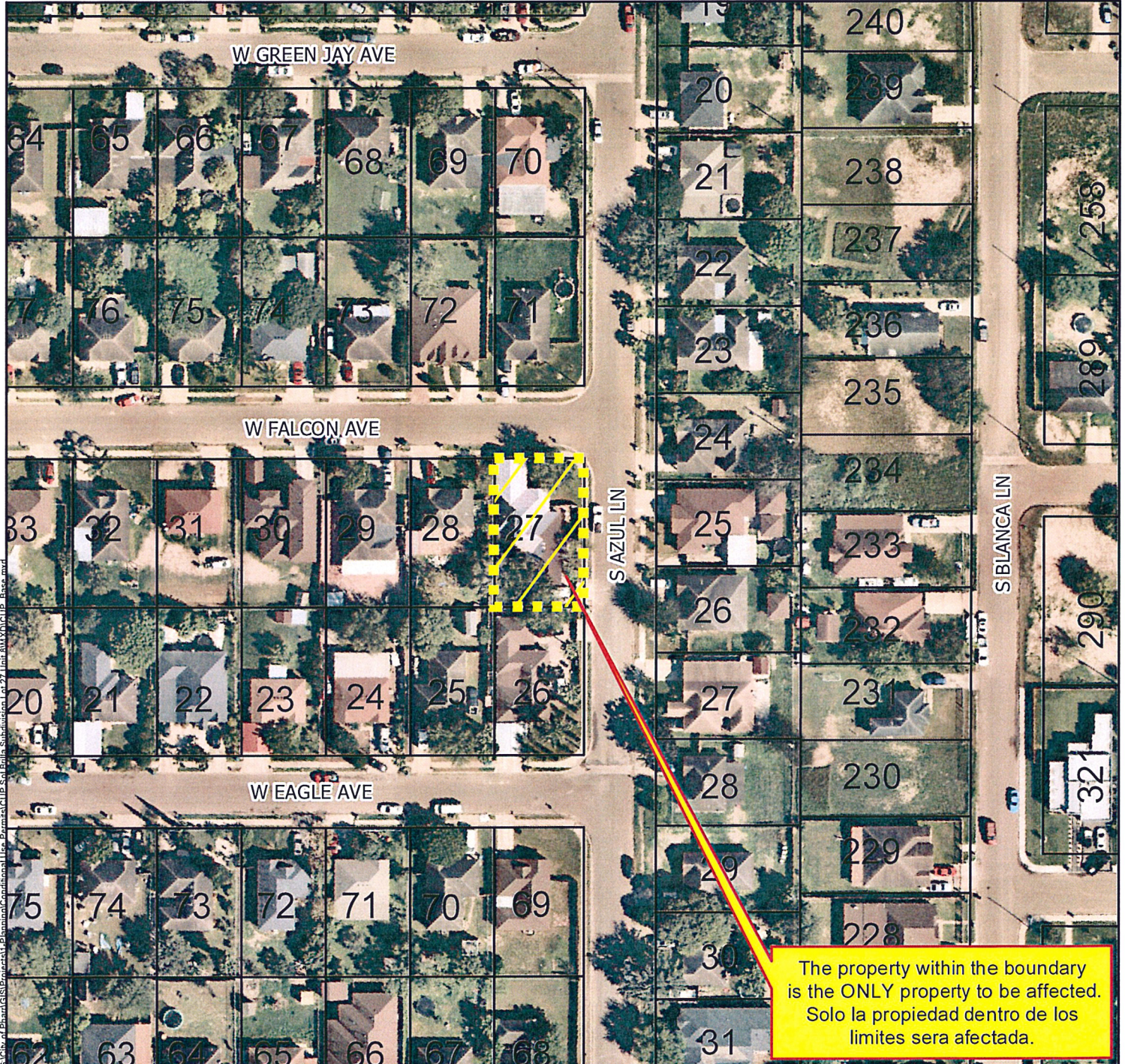
Development Services is recommending **approval** of the request for Conditional Use Permit to allow a home occupation (Beauty Salon) in a Single-Family Residential District (R-1) subject to the following conditions:

1. The **home occupation** shall be limited to a certain area of the home;
2. Customers to be taken by appointment only with one customer at a time in the beauty salon;
3. A non-illuminated sign of not more than eighteen (18) inches by twenty-four (24) inches identifying the name of the owner and his/her title or occupation may be permitted when attached flush to the main building;
4. There shall be no exterior display or alterations indicating that the building is being used for any purpose other than that of a dwelling;
5. This Conditional Use Permit shall be issued for a period of one (1) year. It shall be the owner's responsibility to apply for renewal 30 days before its expiration date;
6. Any request to revise, alter or amend the conditions or requirements shall require the applicant to reapply for a new Conditional Use Permit;
7. The applicant shall comply with all City of Pharr ordinance requirements, any violations will terminate this Conditional Use Permit;
8. The following shall be considered as grounds for revocation of a **home occupation** Conditional Use Permit:
 - Any change in use or change in extent of use, area or location of the dwelling being used.
 - Failure to allow periodic inspections by representatives of the City of Pharr at any reasonable time.
 - Failure to pay the annual renewal fee of \$50.00 shall result in the assessment of an additional five dollars (\$5.00) per business day late fee up to thirty (30) days after the date of expiration of the Conditional Use Permit; or revocation of the permit if not paid by the 31st day.
 - Conditional Use Permits for **home occupations** that have been revoked may not be applied for again until a period of one (1) year has lapsed from the date of revocation.

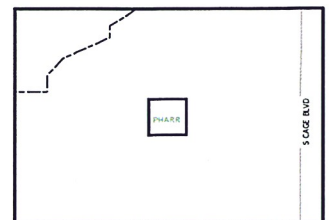


All information displayed on this map is subject to verification by field survey or by the agency responsible for maintaining the information. This map is intended for general information only.





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FALCON

CARPORT

33^F

DOOR

RECCA 1

SALA

6^F

CUCINA

RECCA 2

13^F

AZUL

RECCA 3

BAÑO

BAÑO

SALON

12^F





MEMORANDUM

DATE: MONDAY, FEBRUARY 25, 2019

TO: PLANNING AND ZONING COMMISSION

FROM: DEVELOPMENT SERVICES

SUBJECT: CONDITIONAL USE PERMIT & LATE HOURS PERMIT FOR ABC FILE NO. CUP#190210 (MARISCOS EL CAPITAN)

GENERAL INFORMATION:

APPLICANT: Trinidad Rocha, d/b/a Mariscos El Capitan, 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).

LEGAL DESCRIPTION: The property is legally described as being Lot 210, Valle de la Primavera Subdivision, Pharr, Hidalgo County, Texas.

LOCATION: The property's physical address is 6619 South Jackson Road.

ZONING: The property is 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. This area is generally designated for commercial use in the Land Use Plan.

COMMENTS:	POLICE CHIEF:	Recommends approval of the Conditional Use Permit.
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	FIRE DEPARTMENT:	Pending Inspection for the Conditional Use Permit
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	CODE COMPLIANCE DIVISION:	Pending Inspection for the Conditional Use Permit
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HEALTH DIVISION:

Pending Inspection for the Conditional Use Permit

PLANNING DIVISION:

Recommends approval of the Conditional Use Permit.

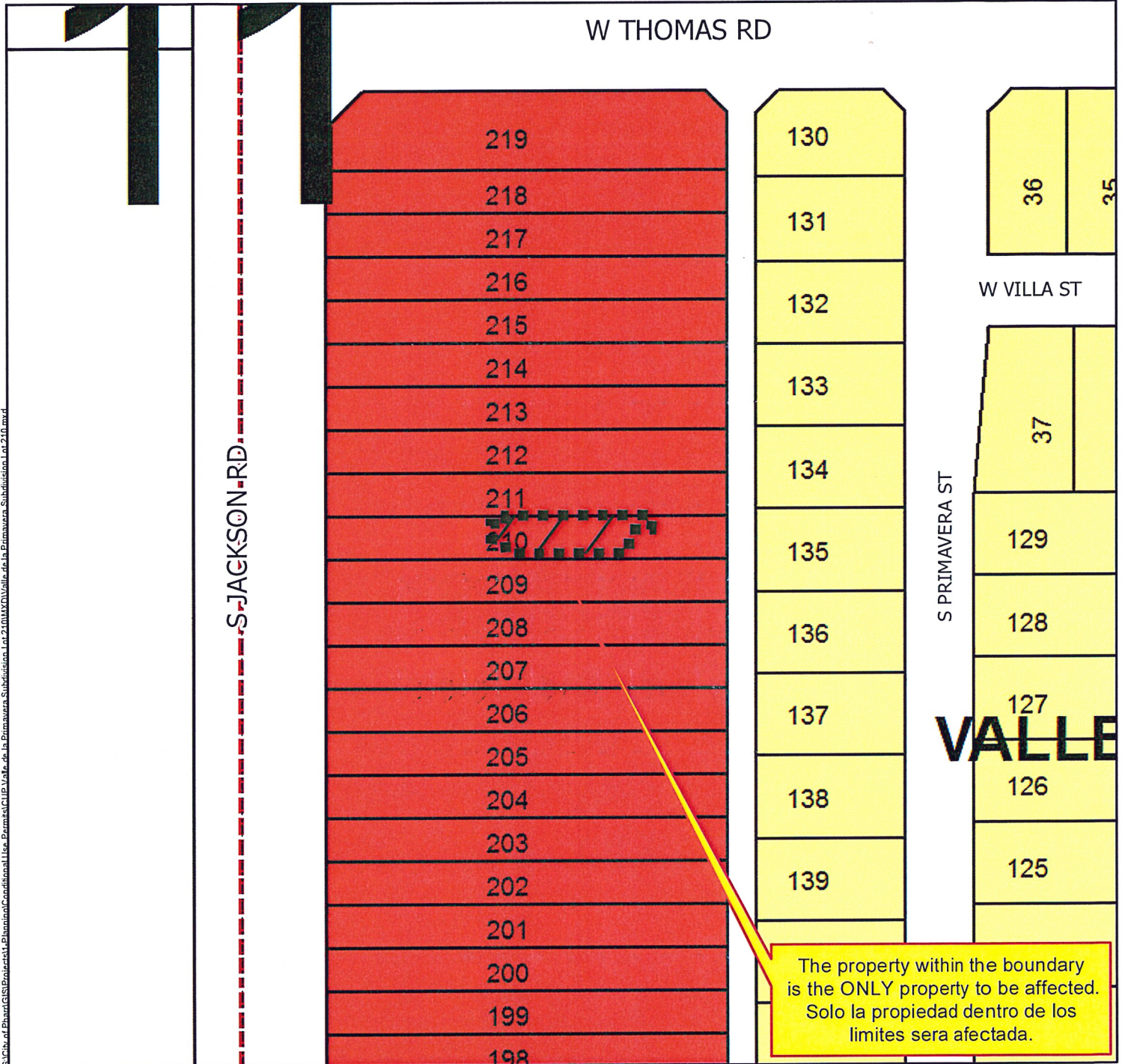
**NOTIFICATION
OF PUBLIC:**

Thirty-two (32) 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 to the legal notice.

**DEVELOPMENT
SERVICES
RECOMMENDATIONS:**

Development Services is recommending approval of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C) subject to the site and applicant being in compliance with all City Ordinances and City Department requirements.

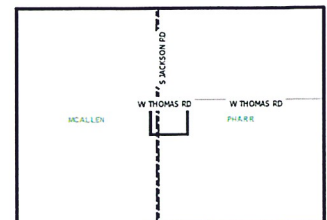
NOTE: This item will go before the City Commission Meeting of **March 04, 2019 at 4:00 p.m.**



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|-----------------------------|-------------------|-------------------------|
| Agricultural Open Space | Townhouse | Heavy Commercial |
| Single Family | HUD Code | Heavy Industrial |
| Single Family Small Lot | Rail Road R.O.W. | Limited Industrial |
| Two Family | Government Owned | Neighborhood Commercial |
| Medium Density Multi-Family | General Business | Office Professional |
| High Density Multi-Family | Business District | PSJA ISD |
| Mobile Home | Drainage Easement | Hidalgo ISD |

- Valley View ISD
- Planned Unit Development

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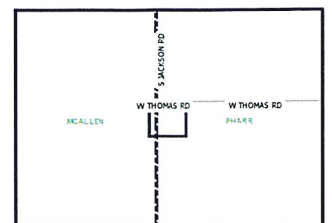




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|--------------------------|
| Valley View ISD |
| Planned Unit Development |

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The floor plan of MARISCOS EL CAPITAN is divided into several functional areas:

- Kitchen:** Located at the top, it includes a grease trap, kitchen sink, drain, dish washer area, kitchen entrance, prep tables, and a walking cooler. It is equipped with three fire extinguishers and a small kitchen hood.
- Restrooms:** There are two restrooms, labeled 'W. Restroom' and 'M. Restroom', each with an air conditioner (A/C) and doors.
- Dining Area:** Features a bar area with a bar sink, a waiting area, and a booth with tables and chairs. The eating area is furnished with round tables and chairs.
- Office:** A small office space is located near the waiting area.
- Entrances and Windows:** The main entrance is at the bottom center. There is also a back door leading to a back patio. Windows are located on the left and right sides.
- Fire Safety:** In addition to the three in the kitchen, there are two more fire extinguishers in the dining area, one near the booth and one near the main entrance.

S Jackson

