

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. May 13, 2019 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, May 13, 2019 and following is the record of attendance.

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

ABSENT: None

OTHERS PRESENT: See attached list

STAFF PRESENT: Alex Meade, City Manager
Patricia Rigney, City Attorney
John Rigney, City Attorney
Melanie Cano, Director
Roland Gomez, Assistant Director
Cristina Garcia, Senior Planner
Eddie Martinez, Planner II
Della Robles, Planner I
Alvaro De Leon, Building Inspector
Rita Galvan, Administrative Assistant
Iris Mata, Secretary

ITEM A. CALL TO ORDER

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

ITEM B. APPROVAL OF MINUTES

1) MINUTES OF APRIL 8, 2019

Chairman, Danny Wylie, introduced the item.

There being no discussion Charlie Ramirez moved to approve the minutes of April 8, 2019. Luis Madrigal seconded the motion and when put to a vote, it carried unanimously.

ITEM C. PUBLIC HEARING

- 1) **CESAR CHAVEZ FOUNDATION OR AFFILIATE HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM AGRICULTURAL AND/OR OPEN SPACE DISTRICT (A-O) TO HIGH-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (R-4). THE PROPERTY IS LEGALLY DESCRIBED AT BEING A 10.00 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 201, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED WITHIN THE 1500 BLOCK OF WEST RIDGE ROAD. COZ#190316 (TABLED)**

Della Robles, Planner I, stated the item would remain tabled.

- 2) **LIZBETH G. VELASCO HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW AN OVERSIZE STORAGE UNIT (LARGER THAN 120 SQUARE FEET) IN A SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOT 7, FAIRVIEW VILLAGE SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 7508 SOUTH CARLOS STREET. CUP#190317 (TABLED)**

Della Robles, Planner I, stated the item would remain tabled.

- 3) **MAYRA ELIZABETH PEDRAZA HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW AN OVERSIZE STORAGE UNIT (LARGER THAN 120 SQUARE FEET) IN A SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOT 48, LOS RANCHITOS NO. 3 SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 7517 SOUTH PLATA LANE. CUP#190319**

Della Robles, Planner I, stated the item required a motion to untable the item.

Luis Madrigal moved to untable the request for a Life-of-the-Use Conditional Use Permit to allow an oversize storage unit (larger than 120 square feet) in a Single-Family Residential District (R-1). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

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, south, east and west. This area is generally designated for single-family residential use in the Land Use Plan. She further reported sixty-two (62) 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 four (4) telephone calls; three (3) for information only and one (1) in favor of the item.

Della Robles, Planner I, further stated staff recommended approval of the request for Life-of-the-Use Conditional Use Permit to allow an oversize storage unit (larger than 120 square feet) in a Single-Family Residential District (R-1) subject to 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 if the issue with the utility easement had been addressed.

Della Robles, Planner I, stated the applicant obtained letters from the utility companies stating there was not an issue placing the unit on the easement since it was on pad and piers.

Andy Castro asked staff if the storage unit would have electricity.

Della Robles asked Mayra Pedraza, the applicant, to approach the Commission to answer Mr. Castro's question.

Ms. Pedraza stated the unit would not have electricity.

Rafael Munguia asked staff why the unit had to encroach the utility easement.

Della Robles, Planner I, stated that Ms. Pedraza had a fifteen (15) foot utility easement at the back of the property and that she had obtained letters from the utility companies stating there was not an issue placing the unit on the easement since it was on pad and piers.

There being no further discussion Jonathan Larraga moved to **approve** the request for a Life-of-the-Use Conditional Use Permit to allow an oversize storage unit (larger than 120 square feet) in a Single-Family Residential District (R-1). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 4) **JHOAN R. GONZALEZ, D/B/A TACOS AND MARISCOS EL SINALOENSE HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE PERMIT AND LATE HOUR PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES IN A GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 0.12 ACRES. MORE OR LESS, OUT OF LOT 194, VALLE DE LA PRIMAVERA SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 6811 SOUTH JACKSON ROAD. CUP#190322**

Della Robles, Planner I, introduced the item and stated 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 of Pharr limits lie to the west. This area is generally designated for commercial use in the Land Use Plan. She further reported forty-four (44) 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 Conditional Use Permit and Late Hours Permit in a General Business District (C) subject to 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 staff how the menu included alcoholic beverages if a Conditional Use Permit had not been approved.

Della Robles, Planner I, stated a complete menu is requested from the applicant to process appropriate fees and Mr. Gonzalez, the applicant, was aware that he could not sell alcoholic beverages until the Conditional Use Permit was approved.

There being no further discussion Andy Castro moved to **approve** the request for a Conditional Use Permit and Late Hours Permit in a General Business District (C). Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

- 5) **EDUARDO LARA, REPRESENTING RICHARD L. AND SHERRY L. WOLF, OWNERS, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW THE OUTSIDE STORAGE OF MATERIALS AND/OR EQUIPMENT IN A HEAVY COMMERCIAL DISTRICT (H-C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.24 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 8, BLOCK 6, MCCOLL TRACT, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1403 WEST FERGUSON. CUP#190423**

Della Robles, Planner I, introduced the item and stated the property is currently zoned Heavy Commercial District (H-C). The surrounding area is zoned General Business District (C) to the south and west, General Business District (C) and Agricultural and/or Open Space District (A-O) to the east and Agricultural and/or Open Space District (A-O) to the north. This area is generally designated for commercial use in the Land Use Plan. She further reported fourteen (14) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. She stated one (1) person signed up to speak at the public hearing in opposition of the item.

Della Robles, Planner I, further stated staff recommended approval of the request for a Conditional Use Permit to allow the outside storage of materials and/or equipment in a Heavy Commercial District (H-C). Applicant shall move forward with the subdivision process as well as being subject to the listed conditions.

Chairman, Danny Wylie, asked if the applicant would like to make a comment.

Eduardo Lara, the applicant, stated the building collapsed in January and was planning to rebuild once the property was subdivided.

Chairman, Danny Wylie, asked the applicant if the business was a tile business.

Eduardo Lara, the applicant, confirmed the business in question was a tile business.

Chairman, Danny Wylie, opened the public hearing and asked if anyone signed up to speak.

Rita Galvan, Administrative Assistant, stated there was one (1) individual in the affected area that signed up to speak.

Reverend Ernesto Garza, representing Oasis de Fe, stated the church has been at that location for 20 years and noted over a dozen tenants have occupied the location being discussed. He stated the last tenant, an educational trucking business, scrapped the top layer of dirt from the property and installed caliche which caused flooding in the Oasis de Fe parking lot. Rev. Garza continued to explain that the property owners have not maintained the location which has caused a rodent issue and provided the Commission with pictures. Rev. Garza stated the property behind Oasis de Fe was sold to Frito Lay and they also had not maintained their property. He was hopeful that the applicant would resolve the issues if the Conditional Use Permit was approved.

There being no one else signed up to speak Chairman, Danny Wylie, closed the public hearing and opened the item for discussion and action.

Luis Madrigal asked staff if there was a retention requirement for the property.

Della Robles, Planner I, stated the property was going through the subdivision process and that would be addressed at that time.

Chairman, Danny Wylie, asked staff if Item #7 which states that outside storage of materials and/or equipment will be required to be stored on an all-weather surface and meet City Standards, will be required at this time.

Della Robles, Planner I, stated that the applicant had a concrete slab available and would be required to utilize it.

Mr. Wylie questioned if Rev. Ernesto Garza had spoken to staff about his concerns.

Eduardo Lara, the applicant, approached the Commission and stated that the property had been cleaned and would continue to maintain it as such.

There being no further discussion Luis Madrigal moved to **approve** the request for a Conditional Use Permit to allow the outside storage of materials and/or equipment in a Heavy Commercial District (H-C). Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

- 6) **MICHAEL C. COBOS, D/B/A COSA PROPERTIES HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM GENERAL BUSINESS DISTRICT (C) TO MEDIUM DENSITY MULTI-FAMILY DISTRICT (R-3). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOT 22, BEAMSLEY SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1312 WEST KENNEDY STREET. COZ#190424**

Della Robles, Planner I, introduced the item and stated the property is currently zoned General Business District (C). The surrounding properties are zoned General Business District (C) to the north, Single-Family Residential District (R-1) to the east and west, and General Business District (C) to the south. The property is generally designated for commercial use in the Land Use Plan.

She further reported eleven (11) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. Three (3) individuals signed up to speak at the Public Hearing in opposition of the item.

Della Robles, Planner I, further stated staff recommended approval of the request to re-zone to Medium Density Multi-Family District (R-3) as the property meets area requirements, have adequate ingress and egress. If approved, the owner must comply with all City Ordinances and City Department requirements.

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

Michael Cobos, the applicant, residing at 2116 Goldcrest Avenue McAllen, Texas, spoke in Spanish.

Chairman, Danny Wylie, opened the public hearing and asked if anyone signed up to speak.

Rita Galvan, Administrative Assistant, stated there were three (3) individuals in the affected area that signed up to speak.

Beatriz Gonzalez, representing Saul Sanchez, residing at 4304 N. Jackson Road stated the 24A, 24B, and 24C properties had been purchased by her and Mr. Saul

Sanchez's parents when it was a rural area with the intention that it would be a residential area. Ms. Gonzalez stated that the apartments built on Lot 26 have caused congestion in the area and the surrounding property owners were not informed that Lot 26 would be building an apartment complex. Ms. Gonzalez further stated that a Medium Density District (R-3) should not run along Single-Family Residential areas or through Single-Family neighborhoods. She also stated that she owns a home at 1112 Kennedy Street and the current apartment complex has already caused more congestion with trash pick-up and excess noise; building another one would not benefit the surrounding property owners.

Blanca A. Coronel, residing at 1308 W. Kennedy, spoke in Spanish.

Rebecca Canchola, residing at 1105 Walnut Ave McAllen, Texas, spoke in Spanish.

Luis Madrigal suggested the item be discussed in executive session.

John Rigney, City Attorney, suggested the item be discussed in executive session after all agenda items had been introduced, in case the other items that followed needed to be discussed in executive session as well.

There was no action taken on this item at this time.

- 7) **MARIO REYNA, REPRESENTING TANCITARO'S FINEST FRUIT LLC, OWNERS HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM AGRICULTURAL AND/OR OPEN SPACE DISTRICT (A-O) LIMITED INDUSTRIAL DISTRICT (L-I). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 1.662 ACRE TRACT OF LAND, MORE OR LESS OUT OF LOT 375, KELLY-PHARR TRACT, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 801 WEST BONA TERRA DRIVE. COZ#190425**

Della Robles, Planner I, introduced the item and stated the property is currently zoned General Business District (C). The surrounding properties are zoned Agricultural and/or Open Space District (A-O) to the south and west and Limited Industrial District (L-I) to the north and east. The property is generally designated for commercial use in the Land Use Plan.

She further reported seven (7) 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.

Della Robles, Planner I, further stated staff recommended approval of the request to re-zone to Limited Industrial District (L-I) as the property meets area requirements, have adequate ingress and egress. If approved, the owner must comply with all City

Ordinances and City Department requirements. If approved, the owner must comply 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 why there was a need for a buffer around a parking lot.

Della Robles, Planner I, stated there would be a buffer wall because it is surrounded by an Agricultural and/or Open Space District (A-O) and they normally use it to secure the items in their property.

There being no discussion Rafael Munguia moved to **approve** the rezoning request for a change of zone from Agricultural and/or Open Space District (A-O) to Limited Industrial District (L-I). Luis Madrigal seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PLAT APPROVAL

- 1) QUINTANILLA, HEADLEY AND ASSOCIATES, INC., REPRESENTING EDUARDO CANTU, VICE PRESIDENT OF ESPONJAS DEVELOPMENT, LTD., IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED BRENTWOOD SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 23.36 ACRE TRACT OF LAND OUT OF LOT 203, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 900 BLOCK OF WEST RIDGE ROAD. SUB# 180101**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Single-Family Residential District (R-1). The adjacent zones are Agricultural and/or Open Space District (A-O) and General Business District (C) to the north and east, Mobile Home District (R-MH) to the south, General Business District (C) and Medium Density Multifamily Residential District (R-3) to the west. The property is designated for multi-family residential use in the Land Use Plan. He added no variances were being requested and staff recommended final plat approval of the proposed Brentwood 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.

Rafael Munguia stated he would abstain from voting for this item and the next agenda item.

There being no further discussion Luis Madrigal moved to **approve** the request for final plat approval of the proposed Brentwood Subdivision. Andy Castro seconded the

motion and when put to a vote, it carried by majority, Rafael Munguia abstained from voting.

- 2) **QUINTANILLA, HEADLEY AND ASSOCIATES, INC., REPRESENTING EDUARDO CANTU, VICE PRESIDENT OF ESPONJAS DEVELOPMENT, LTD., IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED CARMEL SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 28.27 ACRE TRACT OF LAND OUT OF LOTS 202 & 203, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1000 BLOCK OF WEST RIDGE ROAD. SUB# 180102**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Medium Density Multifamily Residential District (R-3). The adjacent zones are Agricultural and/or Open Space District (A-O), High Density Multi-Family District (R-4) and General Business District (C) to the north, Single Family Residential District (R-1) and General Business District (C) to the east, Single Family Residential District (R-1) and Mobile Home District (R-MH) to the south and High Density Multi-Family District (R-4) and Agricultural and/or Open Space District (A-O) to the west. The property is designated for multi-family residential use in the Land Use Plan. He added no variances were being requested and staff recommended final plat approval of the proposed Carmel 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 Romeo Robles moved to approve the request for final plat approval of the proposed Carmel Subdivision. Luis Madrigal seconded the motion and when put to a vote, it carried by majority, Rafael Munguia abstained from voting.

- 3) **MELDEN & HUNT INC., REPRESENTING JOSE M. FLORES GONZALEZ, MANAGING MEMBER FOR TANCITARO'S FINEST FRUIT AND FLMU PROPERTIES, LLC., A TEXAS LIMITED PARTNERSHIP IS REQUESTING PRELIMINARY AND FINAL PLAT APPROVAL OF THE PROPOSED TANCITARO'S FINEST FRUIT SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 7.555 ACRES CONSISTING OF 5.893 ACRES BEING ALL OF LOT B, RESUBDIVISION OF LOTS 4, 5, 6 AND 7 P.E.D.C #1 SUBDIVISION AMENDED AND 1.662 ACRES BEING OUT OF LOT 375, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 800 BLOCK OF WEST BONA TERRA DRIVE. SUB# 190309**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently Limited Industrial District (L-I) and Agricultural Open Space District (A-O). The adjacent zones are Limited Industrial District (L-I) to the north, Agricultural Open Space District (A-O) to the south, Planned Unit Development District (PUD) to the east and Limited

Industrial District (L-I) and Agricultural Open Space District (A-O) to the west. The property is designated for industrial use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary and final plat approval of the proposed Tancitaro's Finest Fruit 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 and final plat approval of the proposed Tancitaro's Finest Fruit Subdivision. Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

- 4) **SPOOR ENGINEERING CONSULTANTS, INC., REPRESENTING THOMAS F. PHILLIPS, PRESIDENT FOR MCALLEN INVESTMENTS PARTNERS, LTD., IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED PHARR INVESTMENT SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 7.555 ACRES CONSISTING OF 5.893 ACRES BEING A REPLAT OF LOTS 2, 3, 4 AND 5, BLOCK 5, PLANTATION SOUTH SUBDIVISION, UNIT NO. 6 AMENDED, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 100 BLOCK OF EAST PLANTATION DRIVE. SUB# 190305**

Eddie Martinez, Planner II, stated the applicant requested to withdraw the agenda item until the next meeting and no action was needed.

- 5) **CLH ENGINEERING, INC., REPRESENTING JOSE M. GUERRA CANTU, MANAGING MEMBER FOR KASAVAM L.L.C., A TEXAS LIMITED LIABILITY COMPANY IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED JG CUSTOMS FORWARDING 2 SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A THE WEST 9.93 ACRE OF LAND OF LOT 8, CLOSNER SUBDIVISION OF PORCION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1300 BLOCK OF EAST MILITARY HIGHWAY. SUB# 190203**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Limited Industrial District (L-I). The adjacent zones are Single Family Residential District (R-1) to the north, Agricultural Open Space District (A-O) to the east, Limited Industrial District (L-I) and Heavy Commercial District (H-C) to the south and Limited Industrial District (L-I) to the 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 JG Customs Forwarding 2 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 JG Customs Forwarding 2 Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM E. ANNOUNCEMENTS/OTHER BUSINESS

1) ELECTION OF OFFICERS

Melanie Cano, Director of Development Services, introduced the item and stated the Vice-Chairman and Secretary would need to be appointed. She further stated that Vice-Chairman, Charlie Ramirez, served as Vice-Chairman for more than three (3) consecutive years and would not be eligible to be nominated for Vice-Chairman.

Chairman, Danny Wylie, asked the Commission for nominations for Vice-Chairman.

Luis Madrigal nominated Rafael Munguia and he accepted the nomination.

Chairman, Danny Wylie, called for a vote for Rafael Munguia for Vice-Chairman; the Commission voted unanimously to elect Rafael Munguia as the Vice-Chairman of the Planning and Zoning Commission.

Chairman, Danny Wylie, asked the Commission for nominations for Secretary.

Luis Madrigal nominated Andy Castro and he accepted the nomination.

Chairman, Danny Wylie, called for a vote for Andy Castro for Secretary; the Commission voted unanimously to elect Andy Castro as the Secretary of the Planning and Zoning Commission.

2) DISCUSSION ON POSSIBLE DATES FOR PLANNING AND ZONING WORKSHOP.

Melanie Cano, Director of Development Services, stated there were some items brought up by the Planning and Zoning Commission, so staff proposed a Workshop to amend the Zoning Ordinance since most of them were outdated. She further stated May 31, 2019, June 6, 2019, June 7, 2019, June 27, 2019, or July 27, 2019 were possible dates for the Planning and Zoning Workshop. She stated that July 27, 2019 would be after the Planning and Zoning Workshop the department is hosting as a part of the APA and would like to have the same speaker also speak at the Planning and Zoning Commission Workshop. She closed stating the Commission could think about the proposed dates and a decision could be made at the next meeting or she would contact them individually.

3) DISCUSSION AND POSSIBLE ACTION, ON CONDITIONS SET FORTH BY PLANNING AND ZONING COMMISSION RELATING TO FENCING REQUIREMENTS FOR AEP SUBSTATIONS.

Melanie Cano, Director of Development Services, introduced the item and stated in 2017 AEP applied for several Special Use Permits for their substations and the Commission set certain requirements for the surrounding fence. She further stated at this time AEP would like to propose some alternatives to the fencing requirements that were set and give a short presentation.

Juan Ludwig, representing CDSMuery stated in 2016 they expanded the substation at 326 Minnesota Drive and as part of the agreement for the Life-of-the-Use Permit they were required to retrofit the Polk Substation. He further stated one of the reasons for the requirement was to make the substation more aesthetically appealing so they evaluated what could be done to meet the requirements at that substation. He then turned over the presentation to Rick Garcia, Planning Engineer for AEP, to explain the background of the Polk Substation.

Rick Garcia, Planning Engineer for AEP, stated the Polk Substation was installed in 1957 and there had been upgrades over the years. He also stated most of the equipment is very old and they do replace it when it fails. He stated the 1st transformer, shown in the illustration, was installed in 2001 and the 2nd one was installed in 1973 and both of them have cooling fans attached to cool down the equipment during peak demand times. He referred to a map indicating where the substations are located throughout the city along with the number of outages that occur yearly at each substation. Mr. Garcia continued stating that if the Young Substation was not installed within the next three (3) or four (4) years that the number of outages would double or even triple because the Polk Substation is currently at 100% capacity. He continued stating with the installation of the Young Substation it would bring the other substation capacities to an average of 50%.

Juan Ludwig stated that AEP is committed to fulfill their requirements however when they evaluated the options they had, they found because of the confined space the substation is in, the requirements set forth by the City would not be feasible for that substation. He continued stating that the fence that is currently surrounding the substation is on the property line. He further stated one option would be to have a permacast masonry fence like the one installed at the Pharr Stat Substation, but because of the overhead lines that would not be an option at the Polk Substation. He also stated they considered moving the fence in between the two distribution poles but the Hidalgo County Irrigation District has an irrigation line in that area and would not allow them to relocate the fence there. Mr. Ludwig continued stating moving the wall inside the substation was not possible because they have clearance requirements to adhere to. He stated that modifying the permacast wall along the frontage was also difficult because the panels require concrete piers 24-36 inches in diameter. He continued to state that installing the permacast wall against the North, South, and East was feasible; however, after evaluating the location's age and configuration they proposed installing the permacast wall with ventilation panels on the West, East, and South sides of the substation. Mr. Ludwig stated that after evaluating the ventilation panels the openings would still not be conducive to

the amount of airflow necessary for the substation. He continued to state that another option was ornamental fencing which would not provide 100% opaqueness but would be a compromise for the City and the substation. Mr. Ludwig stated that they would maintain their current gates which include two (2) on the West side, one (1) on the East side, and install ornamental fencing all along the North side because they cannot install permacast fencing along that side without impacting the substation. Mr. Ludwig proposed two options to the Commission; first option was the permacast wall in combination with the ornamental fencing. The second option was a vinyl fence similar to one installed at a Corpus Christi, Texas substation which would provide the desired opaqueness as required by the City. He continued to explain that for the Corpus Christi, Texas location, they had to reinforce the fence and install five (5) strand barbed wire at the top of the fence in order to secure the area. Mr. Ludwig stated with the vinyl wall they still propose installing the ornamental fencing to achieve proper ventilation for the location. He continued to state that the Commission should consider the reliability of the substation before the esthetics. Mr. Ludwig referred to a picture of the proposed wall layout for the Young Substation where the recommendation for the permacast wall or vinyl fence was discussed with staff. He then reiterated the two (2) proposed options which included the vinyl fencing or the permacast wall with ornamental fencing along the North side of the substation. Mr. Ludwig then asked the Commission if they had any questions.

Rafael Munguia asked Mr. Ludwig, if vegetation could be put around the fence to prevent graffiti.

Juan Ludwig stated that the reason a chain-link fence is installed is to prevent graffiti.

Rafael Munguia proposed placing oleander along the fence.

Juan Ludwig stated that although oleander was a good option, they had to consider the overhead distribution lines.

Rafael Munguia stated that oleander grew to ten (10) feet maximum, but other options could be suggested.

Juan Ludwig stated that there could be other options, but they did not want to cause obstruction or add additional maintenance in order to prevent problems. He stated that the North and South sides of the Polk substation is right on the property line which is difficult, but he understood that they could work with the Hidalgo County Irrigation District to put in low-lying shrubs along the front.

Rafael Munguia stated that installing a six (6) foot fence would create issues.

Juan Ludwig stated that this was a concern, but they were trying to meet the requirements set by the City. He stated that installing an eight (8) foot cyclone fence with barbed wire for security was their typical standard and this assisted in preventing trespassers. He continued to state that they use five (5) strand property fencing which is to keep people out but was not sure that met the City's fencing requirement. Mr. Ludwig

stated that for this option they could make it a smooth barbed wire so it does not look bad, but it would not match the esthetic of the area. He stated that they were in agreement that the vinyl fencing would create a graffiti issue which is why they use the five (5) strand fencing because it was harder to graffiti.

Jonathan Larraga stated he had experience with the vinyl fencing and believed it was fragile especially with high winds.

Juan Ludwig stated that they reviewed the specifications with the manufacturer and identified a product that had a higher wind capacity. He continued to state that the fence panels are about eight (8) to ten (10) feet wide and are typically reinforced in the center with hollow posts, but in this case would be filled with concrete. Mr. Ludwig stated that he visited a similar fence in front of the McAllen Library and he was able to push it with minimal force. He continued to explain that although this was still an issue the product they were selecting was designed to prevent wind problems; however, a masonry fence would be much stronger.

Chairman, Danny Wylie, asked the distance of the transformer from the North fence.

Juan Ludwig stated he was not sure how far the transformer was from the fence, but he knew the capacitor was within ten (10) feet.

Rick Garcia, Planning Engineer for AEP, then approached the Commission and stated the capacitor was within ten (10) feet from the fence.

Chairman, Danny Wylie, asked how far the transformer was from the fence, and he knew the capacitor was within ten (10) feet.

Rick Garcia, Planning Engineer for AEP, stated the transformer was about sixty (60) feet from the fence.

Chairman, Danny Wylie, asked if the transformer was fifty (50) feet from the fence.

Rick Garcia, Planning Engineer for AEP, confirmed fifty (50) to sixty (60) feet.

Chairman, Danny Wylie, asked how high off the ground the transformers were.

Rick Garcia, Planning Engineer for AEP, stated the transformers were about fifteen (15) feet off the ground.

Chairman, Danny Wylie, stated that the capacitor was above the fence.

Rick Garcia, Planning Engineer for AEP, confirmed.

Chairman, Danny Wylie, asked if the transformer was fifty (50) feet from the North fence line.

Rick Garcia, Planning Engineer for AEP, confirmed fifty (50) to sixty (60) feet from the North fence line.

Rafael Munguia stated that he did not understand the airflow issue because they are in an open area. He stated that comparing the vinyl fence to the masonry wall was not comparable and he believed they broke easily and would not be there for longevity. He continued to state that he believed the best option was the masonry wall and they could add vegetation such as bugambilia for security. Mr. Munguia stated that he also believed that the concern of the citizens was the substation's location, their health, and their property value. He asked that Mr. Ludwig understand the citizen's concerns and provide an option that was not appalling. He stated that the vinyl fence and the masonry wall would provide the same amount of airflow and would like to work with them to achieve the necessary airflow for the substation. He continued to state that for future sites they should have the masonry wall along the perimeter with the specifications to allow proper airflow. Mr. Munguia asked Mr. Ludwig if AEP owned the substation out at South Padre Island, Texas.

Mr. Ludwig stated it was an AEP site, Sun Chase.

Rafael Munguia commended AEP for the job done at the South Padre Island substation. He continued to state that the site had a fifteen (15) to eighteen (18) foot wall at this location which he believed had the proper airflow.

Juan Ludwig stated that the Sun Chase location had a different configuration.

Rafael Munguia stated he commended AEP for providing an alternative to the City but believed the masonry wall would be the best option. He stated that if graffiti was an issue, he would recommend that bugambilia be placed in front of the wall.

Luis Madrigal moved to discuss this item in Executive Session.

John Rigney, City Attorney, stated he had additional questions. Mr. Rigney asked Mr. Ludwig to show the aerial view of the Polk substation. He asked Juan Ludwig if there was a logistical issue putting the masonry wall along the North side of the substation because of the overhead lines.

Juan Ludwig stated this was an issue.

John Rigney, City Attorney, asked Juan Ludwig if it was possible to build a modular CMU fence along Polk Road.

Juan Ludwig stated there was a small area between the distribution poles and the overhanging lines which would interfere.

John Rigney, City Attorney, asked if the razor wire along the top of the current fence was ten (10) to twelve (12) inches wide.

Juan Ludwig confirmed the razor wire was eight (8) to ten (10) inches wide.

John Rigney, City Attorney, stated the CMU modular fence is eight (8) inches which is narrower than the top of the fence and would fit.

Juan Ludwig confirmed Mr. Rigney's statement.

Rafael Munguia stated that some blocks could be removed from the wall to provide the needed ventilation.

John Rigney, City Attorney, stated screen blocks could be installed to provide the needed ventilation. He continued to state that a temporary barricade could be installed to create the CMU wall around the substation and the wall could be plastered, stone could be adhered, or bugambilia could be put in to deter graffiti.

Juan Ludwig confirmed Mr. Rigney's statement.

John Rigney, City Attorney, stated the other three (3) sides of the substation could be the permacast wall as discussed earlier.

Juan Ludwig asked the Commission if there was an objection to the proposed gates.

John Rigney, City Attorney, stated he was providing the Commission with other options. He proceeded to ask Juan Ludwig where the gates would be located in reference to the aerial view.

Juan Ludwig stated there were two (2) gates on the East and one (1) gate on the West.

John Rigney, City Attorney, asked where the North direction was in reference to the aerial picture.

Juan Ludwig stated North was up.

Chairman, Danny Wylie, stated Polk was North.

Juan Ludwig stated there were two (2) gates on the East and one (1) gate on the West.

John Rigney, City Attorney, asked Juan Ludwig if prevailing winds come from the South side where there is less visibility could the permacast wall have ventilation ports. He also asked if screen blocks could be put in the block wall for the North side.

Juan Ludwig accepted the statement.

John Rigney, City Attorney, asked Juan Ludwig if calculation of ventilation had been done.

Juan Ludwig stated that calculations had not been done because they were trying to provide an option they had done in the past and was uniform all the way around. He stated that they had not considered CMU. He continued to state that they were being conservative as there would be one hundred and seventy (170) linear feet of the prefabricated panels. He stated they were unaware if the Commission's option to place multiple ventilation points would affect the system and he understood Commission's compromise for esthetics. Mr. Ludwig stated they proposed three (3) eight (8) ft spans on the South side and the full ornamental fence on the North side. He continued to state that due to the age of the station and configuration they were being cautious in their fencing options.

John Rigney, City Attorney, asked Juan Ludwig if the caution he was referring to was the cooling capacity.

Juan Ludwig stated the caution he referred to was the cooling capacity.

John Rigney, City Attorney, stated that the prior requirement the Planning and Zoning Commission had approved was concealment of the substation.

Juan Ludwig confirmed Mr. Rigney's statement.

John Rigney, City Attorney, stated the City wanted the station concealed.

Juan Ludwig confirmed Mr. Rigney's statement and added that in order to fulfill the requirements set by the City they would be compromising the substation.

John Rigney, City Attorney, stated the Commissioners understood the heating capacity, especially Chairman Danny Wylie; however, he wanted to provide an option that would meet the City's requirements. He stated that an eight (8) inch CMU block wall on the North side, permacast wall with ventilation ports on the East, West, and South side, and gates on the East and West could provide the appropriate ventilation.

Juan Ludwig stated John Rigney's suggestion had not been considered and they did not believe that multiple small openings would provide the adequate ventilation necessary to maintain the Polk substation. He stated that proper ventilation to the Polk substation would compromise service. He continued to mention that the construction of the Young substation would offset the burden on the Polk location, but there would still be problems if they are required to confine the location 100% as the equipment had not been updated.

Rafael Munguia asked Juan Ludwig if there was a plan to update the equipment.

Juan Ludwig stated the update in equipment is done in phases.

Rick Garcia, Planning Engineer for AEP, approached the Commission and stated that the Young substation would be brand new and equipment for the Polk substation was not being rehabbed. He continued to state that equipment does not get replaced unless it has failed or is out.

Rafael Munguia asked Rick Garcia if the new equipment was more efficient and provided the equipment with adequate ventilation.

Rick Garcia, Planning Engineer for AEP, stated that the newer substation has a larger footprint.

Rafael Munguia asked Rick Garcia if the new equipment was more efficient.

Rick Garcia, Planning Engineer for AEP, stated the newer equipment was more efficient.

John Rigney, City Attorney, asked if the property to the South of the substation was owned by AEP.

Juan Ludwig approached the Commission and stated the property did not belong to AEP.

John Rigney, City Attorney, asked if the parking lot to the West of the property belonged to AEP.

Juan Ludwig stated the parking lot to the West was not AEP's property. He continued to state that the property line was along the asphalt.

John Rigney, City Attorney, asked about the parking lot on the left side of the aerial map.

Juan Ludwig stated those that work at the location on a day to day basis know what would happen if they confine to station as requested.

John Rigney, City Attorney, asked if they had done the calculation of ventilation for the equipment fans.

Juan Ludwig stated calculations had not been done and the information was from the O&M done on the substation routinely. The input they received was from the individuals that maintain and operate the equipment.

John Rigney, City Attorney, stated that the application of the equipment has a calculated CFM to maintain capacity at a specific temperature.

Juan Ludwig stated that calculations of ventilation had not been done and they were being cautious. He continued to state that the options provided were based on the recommendations given by the O&M professionals. He stated that based on the input

given, the age of the equipment, and operations they wanted to be conservative in their design option. Mr. Ludwig stated 100% opaqueness of the substation would create problems and their presentation was to inform the commission of the possible implications this would bring to this substation. He continued to state that they would like to make the substation look nicer, but their recommendation would be to not completely incase the substation as it would not be good for the City.

Vice Chairman, Charlie Ramirez, asked Mr. Ludwig what the timeline was to expand to the area to the West of the substation.

Juan Ludwig stated that there were no plans to expand this substation at this time. He stated that each substation is designed and configured to provide power to certain sectors. He continued to state that they did not want to have everything in one location because the power would have to travel farther.

Vice Chairman, Charlie Ramirez, stated that he would have thought that the equipment at the Polk station would have been upgraded already.

Juan Ludwig agreed with Vice Chairman, Charlie Ramirez's, statement and stated that because the Polk substation was at capacity they are unloading some at the new substation several miles away. He continued to state that there was a strategy in placement of the substations. Mr. Ludwig stated they spent time on the design, meeting with the City, and Hidalgo County Irrigation District and wanted to provide a resolution, not skirt the issue. He continued to state that they wanted to provide a compromise since completely incasing the station would cause problems in power failure. Mr. Ludwig stated that ventilation calculations for each option could be completed.

Luis Madrigal asked Juan Ludwig if the property to the South was owned by AEP.

Juan Ludwig stated the property to the South was not AEP's.

John Rigney, City Attorney, stated the property to the West was AEP's.

Juan Ludwig confirmed the property to the West was AEP's. He stated that there were distribution and transmission lines to the West.

Luis Madrigal asked Juan Ludwig if a louver could be added to permacast as he was not familiar with the material.

Juan Ludwig stated the issue was not with the back of the property and they had considered placing louvers on each panel.

Luis Madrigal asked if placing a louver on each panel would be cost effective.

Juan Ludwig stated the louvers that were a twenty-four (24) by twenty-four (24) inch window cost about one thousand dollars. He continued to state that they were looking at cost and effectiveness. He stated that the issue with ventilation is from the front of the

property which the CMU option would be possible, but he did not think blocks would achieve the look the City was wanting to achieve.

John Rigney, City Attorney, stated the City was trying to achieve concealment up to eight (8) feet high. He stated he believed the CMU block wall would provide concealment with a decorative item in front. He continued to question if the South side of the property which has minimal visibility from the street could be a chain link fence.

Juan Ludwig stated that the chain link fence on the South side of the property would be a possible compromise they are willing to make.

John Rigney, City Attorney, stated the property owner on the South side of substation could look at the chain link fence. Mr. Rigney stated there was a motion by Luis Madrigal on the table to move to Executive Session and the Commission could consider this item along with Agenda Item C6 of the Public Hearing.

ITEM 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 IN ACCORDANCE WITH THE FOLLOWING BELOW

The time being 7:31 p.m., Chairman Wylie stated the commission would be entering into closed session in accordance with Chapter 551 of the Texas Govt. Code to discuss agenda items listed in the public portion of the agenda and Pursuant to Sections 551.071, 551.072, 551.074, 551.076, 551.084 and 551.087

ITEM G. RECONVENE:

The time being 7:58 p.m., Chairman Wylie stated the commission would be resuming the open meeting.

ITEM C. PUBLIC HEARING

- 6) **MICHAEL C. COBOS, D/B/A COSA PROPERTIES HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM GENERAL BUSINESS DISTRICT (C) TO MEDIUM DENSITY MULTI-FAMILY DISTRICT (R-3). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOT 22, BEAMSLEY SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1312 WEST KENNEDY STREET. COZ#190424**

There being no further discussion, Rafael Munguia moved to **approve** the rezoning request for a change of zone from General Business District (C) to Medium-Density Multi-Family District (R-3). Mr. Munguia addressed the citizens and stated that the

Commissioners understood their concerns, but they could approach staff with further questions. He stated there was no reason the Commission should deny the request for the Change of Zone for the property. Luis Madrigal seconded the motion and when put to a vote, it carried unanimously.

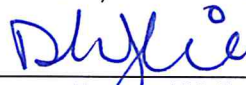
ITEM E. ANNOUNCEMENTS/OTHER BUSINESS

3) DISCUSSION AND POSSIBLE ACTION, ON CONDITIONS SET FORTH BY PLANNING AND ZONING COMMISSION RELATING TO FENCING REQUIREMENTS FOR AEP SUBSTATIONS.

Luis Madrigal made a motion to adjust the previously approved AEP fencing requirements per the minutes of April 10, 2017. He continued to state the current requirement was a 100% eight (8) foot opaque wall around the perimeter of the property. He recommended to modify the requirement for the Polk Substation to a 100% opaque eight (8) foot block wall around the north, east, and west side; and an open type chain link fence on the south side; any gate should be solid 8-foot gates. Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

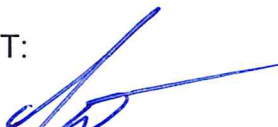
ITEM H. ADJOURNMENT

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 8:00 p.m.



Chairman, Danny Wylie

ATTEST:



Andy Castro, Secretary

APPROVED: May 28, 2019