

MINUTES
PLANNING & ZONING COMMISSION WORKSHOP

City Commissioner's Room
118 S. Cage Blvd. July 2, 2019 – 11:00 a.m.

A workshop of the Planning & Zoning Commission of the City of Pharr was held on Tuesday, July 2, 2019 and following is the record of attendance.

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

ABSENT: Jonathan Larraga Andy Castro

OTHERS PRESENT: None

STAFF PRESENT: Alex Meade, City Manager
 Edward Wylie, Deputy City Manager
 Patricia Rigney, City Attorney
 Melanie Cano, Director
 Roland Gomez, Assistant Director
 Cristina Garcia, Senior Planner
 Eddie Martinez, Planner II
 Roy Rodriguez, Interim Building Official
 Rita Galvan, Administrative Assistant
 Iris Mata, Secretary

ITEM A. CALL TO ORDER

Chairman, Danny Wylie, called the meeting to order at 11:17 a.m. Roll call established a quorum.

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

ITEM B. ADMINISTRATIVE

1) PRESENTATION AND DISCUSSION ON PROPOSED CHANGES TO ZONING ORDINANCES.

Melanie Cano, Director of Development Services, introduced the item. Ms. Cano stated that the workshop was scheduled due to several items brought up by the public and Commissioners on zoning ordinance updates. She stated that once the presentation was over the Commission could ask questions for clarification or issues. Ms. Cano stated that the presentation would cover buffer fencing, lighting standards and requirements,

parking requirements, and unified development code. She defined buffer per the Zoning Ordinance Appendix A. She continued to state that staff proposed a from "minimum of six feet" to "eight feet in height" as to tie into the current fencing ordinance. Ms. Cano continued to state that staff also proposed making a distinction of those non-residential uses abutting a residential district as this comes up at almost all Planning and Zoning meetings. She referred to the video presentation to show the proposed buffer fencing requirements.

Rafael Munguia asked if the Commission could ask questions.

Melanie Cano, Director of Development Services, stated the Commission could ask questions. She stated that the standards are in place but wanted everyone to identify the buffer fencing requirements. Ms. Cano continued discussing buffer fencing as it pertained to outside storage and display requirements. She stated that businesses applying for Conditional Use Permits would be required to follow the buffer fencing requirements. However, staff proposed that additional fencing conditions be placed on the Conditional Use Permit should it be deemed necessary. Ms. Cano stated that current utility structures would be allowed to be operated and maintained as permitted under Zoning Ordinance, Appendix A, but any expansion or new utility structures shall be required to meet the buffer fencing requirements, regardless of zoning district.

Luis Madrigal stated this would help everyone get into compliance. He referred to the video presentation and verified if permitted meant not required but allowed.

Melanie Cano, Director of Development Services, confirmed permitted meant not required, but allowed.

Chairman, Danny Wylie, asked if wood applied to the buffer fencing as it is installed vertically not horizontally as the definition states.

Melanie Cano, Director of Development, stated that a correction would need to be made.

Luis Madrigal stated he googled the verbiage and it seemed to be correct.

Melanie Cano, Director of Development Services, stated that a correction to the verbiage could be made.

Rafael Munguia specified the definition stated horizontal to the ground, not the instillation of the material, but understood where this could be misinterpreted.

Melanie Cano, Director of Development Services, stated this would be noted as to make the definition clear and concise.

Luis Madrigal asked how Building Code defined items at they related to horizontal to the ground.

Melanie Cano, Director of Development Services, stated several building codes state it would be at the discretion of the municipality.

Luis Madrigal stated we could mimic the verbiage of the building codes.

Melanie Cano, Director of Development Services, stated we would consider the option of mimicking the verbiage of the building codes.

Rafael Munguia asked if there were any details regarding acoustics. He stated he knew of larger cities that had to go back and retrofit with larger walls.

Melanie Cano, Director of Development Services, stated that the requirements would need to be specific to the Thoroughfare because it would not be aesthetically pleasing, but would be an item to consider. Ms. Cano continued to state lighting requirements were a recent item of discussion. She stated any lighting used to illuminate any off-street parking area shall be designed to reflect the light away from any adjoining property or street. She continued to state staff recommended commercial establishments take action and design lighting to discourage criminal activities and vandalism by illuminating dark areas with sufficient lighting. Ms. Cano added that a photometric plan would need to be submitted at the building permit stage to meet the requirements.

Luis Madrigal stated along with the photometric plan we should have specific lumens or candelas.

Chairman, Danny Wylie, asked if there was an ordinance for loitering on a business property during specific hours.

Ed Wylie, Deputy City Manager, stated it would be up to the property owner to determine loitering of property.

Chairman, Danny Wylie, stated it would be an area to address to protect property owners from loitering, vandalism, and damages.

Melanie Cano, Director of Development Services, stated that they would consider this suggestion. She stated off street parking requirements was an ordinance that was being updated and staff was looking at the current ordinances for the City of Austin and Houston.

Roland Gomez, Assistant Director of Development Services, stated an ordinance detailing parking requirements within new residential properties would be determined on calculations.

Rafael Munguia asked if the requirements were based on width of the streets, such as subdivisions, or just on site.

Roland Gomez, Assistant Director of Development Services, stated it was based on site. He stated in a residential home you are required two (2) off street parking spaces; however, staff was looking to address different types of commercial properties. Mr. Gomez stated the examples of parking requirements provided to the Commission were being used as a guide.

Chairman, Danny Wylie, referred to the provided parking requirement document and pointed out the requirement of one (1) parking space per bedroom.

Roland Gomez, Assistant Director of Development Services, stated the City's current standards address residential parking and would continue to be required.

Melanie Cano, Director of Development Services, stated the parking requirements for the City of Austin and Houston were not being followed specifically, but they were a guide.

Chairman, Danny Wylie, stated parking requirements would have an adverse effect on the width of the street.

Roland Gomez, Assistant Director of Development Services, stated that it would not have an effect on the street, but on the size of the parking lot.

Melanie Cano, Director of Development Services, defined the Unified Development Code as a policy document with the most current amendments. She stated this document would be user friendly and easy to follow. Ms. Cano stated there were no further items to present and opened the discussion for questions or comments.

Luis Madrigal stated the staff should be commended and the suggestions brought to the board were a great start. Mr. Madrigal asked if there were suggestions to change the wording for buffer requirements. He suggested removing minimum from the definition and asked if there would be an objection to anything over eight (8) feet.

Melanie Cano, Director of Development Services, stated she knew City of McAllen did not have a minimum height, but anything over ten (10) feet required engineer plans. She stated any proposed changes would need to be presented to the City Commission.

Chairman, Danny Wylie, asked for the building requirements for an eight (8) foot block fence versus an eight (8) foot wood fence.

Melanie Cano, Director of Development Services, stated the City requires a site plan and a building permit.

Chairman, Danny Wylie, asked if it was possible to have another incident such as the leaning fence by Lowes off of Jackson Road.

Melanie Cano, Director of Development Services, stated fence maintenance would be regulated by the property maintenance code through Code Compliance. She stated that any fences needing maintenance would go through Code Compliance.

Luis Madrigal asked Romeo Robles if he agreed with an eight (8) foot fence, no minimum or maximum.

Romeo Robles stated he agreed with the eight (8) foot fencing requirement.

Rafael Munguia stated he agreed with the language of an eight (8) foot fencing requirement.

Luis Madrigal asked the process for an individual applying for a ten (10) foot fence.

Melanie Cano, Director of Development Services, stated that some uses require a Conditional Use Permit and staff could make the recommendation.

Chairman, Danny Wylie, asked if there was a maximum height.

Luis Madrigal stated the fence needs to be eight (8) feet.

Chairman, Danny Wylie, stated the minimum was five (5) feet.

Melanie Cano, Director of Development Services, stated the requirement was eight (8) feet.

Rafael Munguia asked if schematics were requested from the applicant.

Melanie Cano, Director of Development Services, stated schematics were requested. She stated that a minimum of six (6) feet is allowed in the Zoning Ordinance; however, up to eight (8) feet is required in the fencing requirements for commercial standards. She continued to state this was the reason they were discussing making the correction.

Chairman, Danny Wylie, asked if federal establishments could have a higher fence.

Melanie Cano, Director of Development Services, stated that federal establishments, for instance, the County, were exempt from permitting requirements within a municipality. She stated she would confirm requirements for federal establishments and the maximum height for a buffer fence.

Rafael Munguia asked about the building materials.

Melanie Cano, Director of Development Services, stated there was a bill that would go into effect regulating building materials. She stated that if the building code allows the material type the City could not regulate.

Chairman, Danny Wylie, asked the type of bill.

Melanie Cano, Director of Development Services, stated it was a state bill. She stated a more restrictive ordinance that is not preempting state law, the City could proceed, but legal was looking into the bill.

Rafael Munguia asked if the noise ordinance tied into the fencing requirements. He stated there would be a difference in the material of the fence and how it effects the noise.

Melanie Cano, Director of Development Services, asked if noise beyond a specific decibel was being proposed.

Rafael Munguia stated he suggested the noise ordinance tie into the fencing requirement.

Melanie Cano, Director of Development Services, stated complaints could be made if the specific decibel level was exceeded.

Charlie Ramirez stated that vegetation on the perimeter of the fence would absorb the noise.

Melanie Cano, Director of Development Services, stated that Planning and Zoning is developing a comprehensive plan. She stated that industrial use within a residential area was approved prior to the ordinance. Ms. Cano stated that the use would need to be consistent with the surrounding uses and the characteristics of the neighborhood.

Rafael Munguia asked if a motion was needed.

Melanie Cano, Director of Development Services, stated no motion was necessary as the workshop was an open discussion.

Chairman, Danny Wylie, asked the definition of outside storage per the ordinance.

Melanie Cano, Director of Development Services, stated outside storage would be items such as goods or commodities that requires outside storage. She stated a business is required to be within an enclosed building, such as a mechanic or body shop. She stated, for example, granite or caliche businesses would apply for outside storage of the material.

Chairman, Danny Wylie, asked for the classification of a broken truck or bus.

Melanie Cano, Director of Development Services, stated the applicant would be required to have a buffer and it would classify as outside storage.

Luis Munguia asked if car lots are required a buffer.

Melanie Cano, Director of Development Services, stated car lots would require a buffer if they are abutting residential uses.

Luis Madrigal asked the length of time for material to be considered outside storage if business is typically done inside an enclosed building.

Melanie Cano, Director of Development Services, stated that the Conditional Use Permit for outside storage is required initially; however, if an applicant applies for a Certificate of Occupancy, a Conditional Use Permit would be a part of the review.

Chairman, Danny Wylie, asked if work should be done within the enclosed building.

Melanie Cano, Director of Development Services, stated that mechanic or auto body shops, for example, would need to complete work within an enclosed building.

Chairman, Danny Wylie, asked if work could be done outside the building, but within a fenced parking lot.

Roland Gomez, Assistant Director of Development Services, stated work needed to be done within the enclosed building per ordinance.

Chairman, Danny Wylie, asked if changes need to be made.

Melanie Cano, Director of Development Services, stated the only changes that are being discussed would be for utility companies. She stated utility expansion or new utility structures would require buffer fencing regardless of the zoning.

Charlie Ramirez asked if the City was doing away with the mercury lighting and requiring LED lighting.

Melanie Cano, Director of Development Services, stated this was not an item that had been brought up, but it could be considered.

Luis Madrigal stated the ordinance should note further details such as parking lots or on-site lighting.

Charlie Ramirez stated during a visit to Honda, parking lights for part of the property were off. He asked if a time requirement could be placed on lighting.

Melanie Cano, Director of Development Services, stated a time requirement had not been reviewed, but could be considered.

Charlie Ramirez stated the safety of the public should be considered when discussing time of lighting requirements.

Melanie Cano, Director of Development Services, confirmed the proposal would be to require specific times for lighting.

Charlie Ramirez stated specific times for lighting was a thought. He asked if expressway was lit.

Roland Gomez, Assistant Director of Development Services, stated he was aware that there was a time that expressway lights were not functioning. He continued to state that within the last year he had seen the lights on.

Rafael Munguia confirmed that the lights on the expressway were maintained by TxDOT.

Melanie Cano, Director of Development Services, stated she would review the suggestion with legal.

Charlie Ramirez stated there were several city lights that were not functioning.

Melanie Cano, Director of Development Services, stated calls for non-functioning city lights were handled by Code Compliance. She stated that Code Compliance sends work orders to Magic Valley or AEP to correct the issue.

Rafael Munguia asked if the off-street requirements were predicated by the Thoroughfare.

Melanie Cano, Director of Development Services, stated off-street requirements were based on the size of the development.

Rafael Munguia asked if cars were still allowed to park on the street.

Melanie Cano, Director of Development Services, stated cars could park on the right of ways as long as it does not cause obstruction.

Rafael Munguia asked what the minimum street width was for subdivisions.

Melanie Cano, Director of Development Services, stated thirty-four (34) back to back.

Rafael Munguia stated the width of a street should not be too narrow as to allow traffic to go through.

Edward Wylie, Deputy City Manager, recalled an incident over two (2) years ago whereas an ambulance could not go through a street.

Chairman, Danny Wylie, stated Bell Street has a double yellow line, but in order to drive through you must cross the double yellow lines to avoid hitting cars parked on the right of way.

Rafael Munguia stated this was the opportunity to change the requirements.

Chairman, Danny Wylie, stated that wider streets should be a part of the subdivision process.

Rafael Munguia stated there was an increase in cost for a rear entrance for the developer due to the paving maintenance.

Edward Wylie, Deputy City Manager, stated we no longer allow alleyways which effects on-street parking.

Chairman, Danny Wylie, stated homeowners do not keep up with the maintenance of wood fencing. He stated there are several wood fences throughout the City that require maintenance.

Rafael Munguia stated City of McAllen has a well-kept Thoroughfare, but several of the homes require fence maintenance along the greenbelt. He asked that block fencing be a requirement along a major Thoroughfare. Mr. Munguia continued to state sidewalks should take pedestrian needs into consideration. He continued to state wider sidewalks and a larger buffer is needed especially to areas of major traffic.

Charlie Ramirez stated maintenance of a larger buffer is an issue to expect with the suggested proposal.

Melanie Cano, Director of Development Services, stated that the current requirement is a five (5) foot sidewalk. She stated ADA requirements was a minimum of thirty-six (36) inches.

Luis Madrigal asked if a variance is required for no sidewalk.

Melanie Cano, Director of Development Services, stated there had not been a request for no sidewalk.

Edward Wylie, Deputy City Manager, stated the property on Ridge did not have a sidewalk because it led to grass.

Chairman, Danny Wylie, asked that sidewalks within school zones be a proposed requirement.

Edward Wylie, Deputy City Manager, stated sidewalks within the radius of a school zone is required. He continued to state a \$2.5 million Safe Route to School Grant had been awarded to the Pharr, San Juan, and Alamo area and plans to install sidewalks around schools would be taking place. He continued to state City of McAllen had winding walking paths that are ten (10) feet wide. Mr. Wylie explained that ADA requirements are thirty-six (36) inches, the City requirement is five (5) feet, but a developer could challenge the requirement. He continued to state City of McAllen escrows the money for a five (5) foot sidewalk and pays the difference of installing a meandering sidewalk.

Chairman, Danny Wylie, asked for the current wording of the sidewalk requirements.

Melanie Cano, Director of Development Service, stated the law requires a minimum of thirty-six (36) inches.

Edward Wylie, Deputy City Manager, stated the City had reviewed the option of requiring a larger buffer based on the speed limit. He continued to state requiring a larger buffer would increase Code Compliance workload to monitor the maintenance of the area between the curb and sidewalk.

Rafael Munguia stated there were other options for the area between the curb and sidewalk such as xeriscape or flowerbeds.

Edward Wylie, Deputy City Manager, confirmed the Commission was proposing updates to the width of sidewalks, distance of sidewalks from the street, right of ways of the street and greater width of streets within a residential area.

Rafael Munguia stated the type of fencing material was also an area that should be reviewed. He stated residential areas could use wood fencing, but another requirement for commercial properties could be presented.

Luis Madrigal asked for the cost of fencing other than wood.

Edward Wylie, Deputy City Manager, asked if the proposed fencing requirement for commercial properties was all opaque or just the perimeter budding residential.

Rafael Munguia stated block fencing budding a residential and wood could be used along the remaining perimeter.

Roland Gomez, Assistant Director of Development Services, stated fencing between two (2) commercial properties was not a requirement.

Charlie Ramirez asked if the City required developers to allow traffic between properties through the parking lot without accessing the street.

Edward Wylie, Deputy City Manager, stated the City had adopted standards for entrances and curb cuts. He stated residential is seventy (70) feet and commercial is modeled after TxDOT which is based on speed limit. He stated these standards limit the number of entrances which would require businesses to allow traffic to cut across the shared parking lot.

Romeo Robles stated the parking lot of Forever 21 allows traffic to access the Walgreens parking lot.

Luis Madrigal asked if there was a requirement for shared parking if the TxDOT entrances and curb cut standards were being modeled.

Edward Wylie, Deputy City Manager, stated that TxDOT standards requires shared parking since the number of curb cuts is reduced and provides better water flow.

Luis Madrigal asked if the current requirements allow businesses to install a barrier between a neighboring parking lot.

Edward Wylie, Deputy City Manager, stated the installment of barriers between parking lots is not regulated; however, through the subdivision process the City could require developers to allow access to neighboring businesses.

Melanie Cano, Director of Development Services, stated the installment of barriers between businesses is similar to installing a fence on the property line.

Chairman, Danny Wylie, asked if there was an option to solve the issue with current businesses.

Edward Wylie, Deputy City Manager, stated changing approved requirements would be at the City's expense as it would be a burden on the property owner.

Chairman, Danny Wylie, stated it was a burden to require a property owner to maintain a wooden fence since it was purchased with the property.

Edward Wylie, Deputy City Manager, stated as a property owner you are responsible for the fence regardless of the required fencing material. He stated a block fence could fall with the saturation of the ground.

Chairman, Danny Wylie, suggested not requiring fences.

Edward Wylie, Deputy City Manager, stated City of McAllen did not require fencing.

Melanie Cano, Director of Development Services, stated City of McAllen did not require a building permit, but required engineer plans for fences that exceed ten (10) feet.

Melanie Cano, Director of Development Services, stated the board could motion to recess or adjourn.

Romeo Robles moved to recess at 12:04 p.m. Luis Madrigal seconded the motion and when put to a vote it carried unanimously.

ITEM F. CLOSED SESSION

None.

ITEM G. RECONVENE

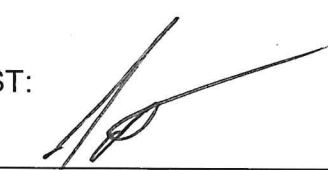
Rafael Munguia moved to reconvene. Luis Madrigal seconded the motion and when put to a vote it carried unanimously. Planning and Zoning Workshop reconvened at 12:52 p.m.

Melanie Cano, Director of Development Services, reminded the board about the Planning and Zoning workshop provided by the American Planning Association on July 26, 2019.

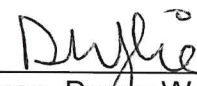
ITEM H. ADJOURNMENT

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. Planning and Zoning Workshop adjourned at 12:54 p.m.

ATTEST:



Andy Castro, Secretary



Chairman, Danny Wylie

APPROVED: July 22, 2019