

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. July 8, 2019 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, July 8, 2019 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Jonathan Larraga
 Romeo Robles Rafael Munguia
 Andy Castro

ABSENT: Charlie Ramirez Luis Madrigal

OTHERS PRESENT: See attached list

STAFF PRESENT: Roland Gomez, Assistant Director
 Cristina Garcia, Senior Planner
 Eddie Martinez, Planner II
 Della Robles, Planer I
 Roy Rodriguez, Interim Building Official
 Iris Mata, Secretary
 Daniel Castro, Animal Control Foreman & Shelter
 Manager

ITEM A. CALL TO ORDER

Chairman, Danny Wylie, 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 JUNE 24, 2019

Chairman, Danny Wylie, introduced the item.

There being no discussion Romeo Robles moved to approve the minutes of June 24, 2019. Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

ITEM C. PUBLIC HEARING

- 1) **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 required a motion to untable the item.

Rafael Munguia moved to untable the request for a Conditional Use Permit to allow an oversize storage unit (larger than 120 square feet) in a Single-Family Residential District (R-1). Andy Castro 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 and east and Agricultural and/or Open Space District (A-O) to the west. This area is generally designated for single-family residential use in the Land Use Plan. She further reported forty (40) 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 two (2) telephone calls; one (1) for information only and another one (1) in favor of the item.

Della Robles, Planner I, further stated staff recommended denial 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).

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 to elaborate on the denial 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).

Della Robles, Planner I, stated Code Compliance and the Planning Division recommended denial because the unit was not in line with the intended use. She stated a storage unit's defined use is for household items. She continued to state upon Planning Division's inspection, applicant, Lizbeth Velasco, appeared to be running a kennel business from the storage unit. Ms. Robles stated there were dogs in the storage unit at time of inspection.

There being no further discussion Rafael Munguia moved to deny 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). Andy Castro seconded the motion and when put to a vote, it carried unanimously.

Roland Gomez, Assistant Director of Development Services, asked Commissioner, Danny Wylie, to clarify the motion. He stated the denial of the item would deny the staff's recommendation for denial. He continued to state that an approval of the item would approve the staff's recommendation for denial.

There being no further discussion Rafael Munguia moved to approve to deny 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). Andy Castro seconded the motion and when put to a vote, it carried unanimously.

- 2) **CARLOS R. ELIZONDO, D/B/A SEPI'S, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR 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 LOT 22, BLOCK 30, PHARR ORIGINAL TOWNSITE, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 212 WEST STATE STREET. CUP#190641**

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, east and west and General Business District (C) to the south. This area is generally designated for commercial use in the Land Use Plan. She further reported forty-one (41) 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 three (3) requests for public hearing against the item.

Della Robles, Planner I, further stated staff recommended approval of the request for a 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.

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

Carlos Rene Elizondo, residing at 212 West State Street, stated Sepi's has been in business since 1956. He stated the current bar owner offered to sell the property to him and he would like to comply with the City's requirements.

Romeo Robles asked the applicant, Carlos Elizondo, if the bar was an existing building.

Carlos Elizondo stated the bar was an existing building that had been in existence since 1956.

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

Iris Mata, Secretary, stated there were three (3) individuals in the affected area that signed up to speak.

Jesus S. Gonzalez, residing at 216 West State Avenue, stated he had an issue with the parking of the location. He stated that the patrons block his driveway and throw their bottles on his lot.

Rose Lau, representing Jesus S. Gonzalez, stated Jesus S. Gonzalez was scared because he would not know what to do if an incident happened at the bar. She stated the bar belonged to Mr. Gonzalez's uncle, Mr. Rosales. She continued to state Mr. Gonzalez did not know the applicant, Carlos Elizondo. Ms. Lau stated Mr. Gonzalez had been living at his residence since 1974 and lived alone. She continued to state the property was a business district, but the sale of alcohol was not necessary. Ms. Lau stated Mr. Gonzalez could walk outside without assistance, but if there are bottles on his property that he could not see the board could imagine the effects. She continued to state Mr. Gonzalez had a bad hip and buildup on his shoe. Ms. Lau stated the previous owner, Mr. Rosales, knew better.

Chairman, Danny Wylie, asked if a police report had been filed.

Rose Lau, representing Jesus S. Gonzalez, stated a police report had not been filed on their behalf.

Denisse Arteaga, residing at 222 West State Avenue, stated she was against the item because she had four (4) children and didn't want them to see drunk men or hear obscene language. She stated that the patrons burn tire in front of her property and the rocks hit them on the property. She continued to state patrons pee between the parked cars and on one occasion a drunk driver went onto her property.

Chairman, Danny Wylie, asked if a police report had been filed.

Denisse Arteaga stated there had been police reports filed. She stated on one (1) occasion cars were racing on the street which resulted in a car flip two (2) houses down.

Evangelina M. Arteaga, residing at 218 West State Avenue, had been in her home for over fifty-three (53) years. She stated people have come on to her property and killed her pets. She stated she has heard profanities, assisted during accidents, called the Police Department for fights or burning of tire. Ms. Arteaga stated she has suffered losses and not been helped. She stated the Police Department helped pull a car from beneath her van, her brother's car was a total loss, and other brother's vehicle had been damaged.

She continued to state she had gone into Sepi's to tell a patron to calm down because of the children living nearby. Ms. Arteaga stated she encouraged the board to live at her residence because they do not need to live in danger, hearing profanities, having people on their property, or seeing people urinate between cars. She stated she had brought her concerns to the property owners. She stated the board's consideration was appreciated. She continued to state no one respects the area and speeds through the street.

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

Jonathan Larraga asked if alcohol was currently being sold at the property.

Della Robles, Planner I, stated alcohol was being sold at the location under the Conditional Use Permit for the previous owner.

Jonathan Larraga asked for confirmation that the previous owner was selling the property.

Della Robles, Planner I, stated the previous owner was selling property to Carlos Elizondo.

Chairman, Danny Wylie, stated the issues discussed were with the previous owner. He continued to state the new permit would be valid for one (1) year; however, the board could set a time frame to review the status.

Della Robles, Planner I, confirmed the one (1) year expiration of the permit and setting a time frame for review of status would be at the board's discretion.

Chairman, Danny Wylie, asked if parking lot security could be required by the City.

Della Robles, Planner I, stated the requirement for parking lot security would be at the board's discretion.

Chairman, Danny Wylie, suggested a ninety (90) day permit to include parking lot security.

Rafael Munguia suggested a six (6) month permit.

Chairman, Danny Wylie, asked for a recommendation from Romeo Robles.

Romeo Robles moved to **deny** the request for a Conditional Use Permit and Late Hours Permit in a General Business District (C).

Chairman, Danny Wylie, stated the Conditional Use Permit and Late Hours Permit was for a new owner and the same issues may not apply.

Rafael Munguia recommended a ninety (90) day or six (6) month trial.

Chairman, Danny Wylie, stated the recommendation would include parking lot security.

Romeo Robles asked if parking lot security would monitor patrons parking in the parking lot.

Chairman, Danny Wylie, stated parking lot security would monitor those coming and going. He continued to state parking lot security would monitor cars speeding or racing on the street as reported by the public.

Jonathan Larraga asked if Code Compliance inspected the premise for littering on the surrounding properties.

Della Robles, Planner I, stated inspection of the surrounding properties for littering was not routine.

Roland Gomez, Assistant Director of Development Services, confirmed Code Compliance inspected the property for care of premise. He stated incidents would need to be reported to the Police Department.

Romeo Robles asked what could be done about the profanity.

Chairman, Danny Wylie, stated parking lot security could address profanity.

Roland Gomez, Assistant Director for Development Services, stated there was a motion that had not been seconded. He stated the motion would die if it was not seconded.

There being no second motion, Chairman, Danny Wylie, requested another motion.

Rafael Munguia recommended a ninety (90) day or six (6) month period and any complaints or incidents would be taken into consideration.

Chairman, Danny Wylie, stated the time frame would need to be clarified.

Rafael Munguia stated he was unsure on the time frame.

Jonathan Larraga recommended a six (6) month trial period to comply with the public's concerns. He stated upon expiration of the trial period, all concerns or incidents should be brought up to the board for further consideration.

Chairman, Danny Wylie, asked if parking lot security would be required for the recommended terms. He stated parking lot security should be required due to the profanity and additional concerns.

Jonathan Larraga stated parking lot security would be a part of the six (6) month recommendation.

Della Robles, Planner I, asked if parking lot security would be required daily or on weekends.

Chairman, Danny Wylie, stated parking lot security would be required daily.

Roland Gomez, Assistant Director of Development Services, asked for the hours of parking lot security.

Chairman, Danny Wylie, stated parking lot security should be present during hours of operation.

Della Robles, Planner I, stated the hours of operation were 7:00 a.m. to 12:00 a.m. Monday thru Saturday and 12:00 p.m. to 12:00 a.m. on Sundays.

Jonathan Larraga asked for the time of day that most incidents occur.

Evangelina M. Arteaga, residing at 218 West State Avenue, stated her granddaughter walks by the bar at 7:00 a.m. to catch the school bus on North Aster Street. She stated the concern of patrons exiting the bar is when they get into their cars. She continued to state she had seen deaths at the location. Ms. Arteaga stated the board would not be able to protect the citizens because it is the driver endangering the safety of the community. Ms. Arteaga spoke in Spanish.

Chairman, Danny Wylie, stated the public needed to take her concerns to the City Commission because the Planning and Zoning Commission did not have the authority to make those changes. He stated the board sympathized with the public, but Ms. Arteaga's concerns took place under the previous owner. He stated the board needed to give the applicant, Carlos Elizondo, the opportunity to correct the issues and run the business so that all parties are safe.

Evangelina M. Arteaga stated the patrons park on their property. Ms. Arteaga spoke in Spanish.

Chairman, Danny Wylie, stated Ms. Arteaga's concerns could be addressed with the Police Department. He asked for a recommendation on the item.

Carlos Elizondo, applicant, stated the documented hours of operation gave him the time to accept deliveries, clean, or sell a beer to a patron. He stated he intended to

open the business at 2:30 p.m. or 3:00 p.m. and close at 9:30 p.m. or 10:00 p.m. He stated he would occasionally remain open for football games, but close at halftime.

Chairman, Danny Wylie, asked if Mr. Elizondo would be changing the hours stated in his application.

Carlos Elizondo stated he would not be changing the hours of operation because there may be instances parties stay late.

Chairman, Danny Wylie, asked Mr. Elizondo if he heard the public's concerns.

Carlos Elizondo stated he heard the concerns and wanted to address them to correct. He stated the bar would not be open late and women would not be working there. He stated he intended to make the business family oriented. He continued to state he had been a patron of the bar for over thirty (30) years and was not aware of fights at the location. Mr. Elizondo stated he intended to go into the bar for clean up around 9:00 a.m. and would not be open late.

Chairman, Danny Wylie, verified that the hours of operation on the application would not be changed.

Carlos Elizondo stated the hours of operation on the application were for his protection in the instance that he is on property conducting business and a patron would like to purchase a beer. He stated he could close the bar at 11:00 p.m. if it was recommended.

Chairman, Danny Wylie, stated the hours of operation were up to Mr. Elizondo and the board was taking all suggestions into consideration.

Carlos Elizondo stated he understood the public's concerns of drunk drivers and his business would be a relaxed environment. He stated he did not want drunk patrons at his business.

There being no further discussion Jonathan Laraga moved to approve the request for a Conditional Use Permit and Late Hours Permit in a General Business District (C) for a period of six (6) months subject to site being in compliance with all City Ordinances and City Department requirements.

Chairman, Danny Wylie, asked if the recommendation included parking lot security.

Jonathan Larraga stated the recommendation would not include parking lot security. He stated the recommendation was a trial basis and any concerns or incidents should be brought back to the Planning and Zoning Commission for evaluation.

There being no second motion, Chairman, Danny Wylie, requested another motion.

Rafael Munguia moved to **approve** the request for a Conditional Use Permit and Late Hours Permit in a General Business District (C) for a period of 90 days subject to site being in compliance with all City Ordinances and City Department requirements. Jonathan Larraga seconded the motion and when put to a vote, it carried by majority, Mr. Robles voted against the request.

- 3) ROXANNE RIVAS, REPRESENTING AMELIO RIVAS JR. AND GLORIA M. RIVAS, 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) TO SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.35 ACRE TRACT OF LAND, OUT OF A 3.00 ACRE TRACT OF LAND, OUT OF THE SOUTH 24.19 ACRES OF LOT 5, BLOCK 12, A.J. MCCOLL SUBDIVISION, OF PORCION 68, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1618 WEST ANAYA ROAD. COZ#190643**

Della Robles, Planner I, introduced the item and stated the property is currently zoned Agricultural and/or Open Space District (A-O). On June 16, 2009, the property to the north of the 3.00-acre tract of land was zoned Limited Industrial District (L-I) and a portion of the property to the west of the 3.00-acre tract of land was zoned Single-Family Residential District (R-1) upon annexation into the City Limits on May 06, 2003. The remaining portion of the property to the west, the property to the east and the property to the south are all zoned Agricultural and/or Open Space District (A-O). There have been no other zoning requests within the general vicinity of the subject property since that time. The property is generally designated for commercial use in the Land Use Plan. She further reported eight (8) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. She stated staff received no response to the letters or the legal notice.

Della Robles, Planner I, further stated staff recommended approval of the request to re-zone to Single-Family Residential District (R-1) 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, opened the public hearing and asked if anyone signed up to speak. There being no one in the affected area who signed up, the public hearing was closed. Mr. Wylie opened the item for discussion and action.

There being no discussion Jonathan Larraga moved to **approve** the rezoning request for a change of zone from Open Space District (A-O) to Single-Family Residential District (R-1). Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PLAT APPROVAL

- 1) SPOOR ENGINEERING CONSULTANTS, INC., REPRESENTING AMELIO RIVAS JR. AND GLORIA M. RIVAS, OWNERS, ARE REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED ROXANNE SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.35 ACRE TRACT OF LAND OUT OF A 3.00 ACRE TRACT OF LAND, OUT OF THE SOUTH 24.19 ACRES OF LOT 5, BLOCK 12, A.J. MCCOLL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1600 BLOCK OF WEST ANAYA ROAD. SUB#190514**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Agricultural Open Space District (A-O). The adjacent zones are Agricultural Open Space District (A-O) to the north, east, south and west. The property is designated for commercial use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed Roxanne 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 Jonathan Larraga moved to **approve** the request for preliminary plat approval of the proposed Roxanne Subdivision. Romeo Robles seconded the motion and when put to a vote, it carried unanimously.

- 2) SPOOR ENGINEERING CONSULTANTS, INC., REPRESENTING W.D. MOSCHEL, OWNER, IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED FOX SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 3.32 ACRE TRACT OF LAND OUT OF THE NORTH 10.0 ACRES OF LOT 7, BLOCK 8, A.J. MCCOLL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1500 BLOCK OF SOUTH JACKSON ROAD. SUB#190515**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned General Business District (C). The adjacent zones are General Business District (C) and Medium Density Multi-Family District (R-3) to the north, Agricultural Open Space District (A-O) to the east and south and city limits to the west. The property is designated for commercial and single family use in the Land Use Plan. He stated variances were being requested and staff recommended preliminary plat approval of the proposed Fox Subdivision.

Chairman, Danny Wylie, asked if the applicant requested to make comment.

Steve Spoor, residing at 202 South 4th Street, McAllen, TX, stated a variance was requested to the front setback for the existing building. He stated the existing building had been in existence for over forty (40) years. He continued to state they would follow the setback ordinance for new construction if the existing building was demolished.

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 Rafael Munguia moved to **approve** the request for preliminary plat approval of the proposed Junction View Subdivision to include the requested variance. Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

ITEM E. ANNOUNCEMENTS/OTHER BUSINESS

None.

ITEM F. CLOSED SESSION

None.

ITEM G. RECONVENE

None.

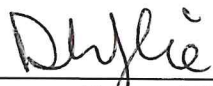
ITEM H. ADJOURNMENT

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 6:44 p.m.

ATTEST:



Andy Castro, Secretary



Chairman, Danny Wylie

APPROVED: July 22, 2019