# AGENDA
# PLANNING & ZONING COMMISSION
***City Commissioner's Room***
***118 S. Cage Blvd.*** **May 3, 2024 – 8:30 AM**

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

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

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

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

**A. CALL TO ORDER:**

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

**B. PUBLIC TESTIMONY:** *(Ordinance No. O-2019-45). A person intending on addressing the governing body may speak at a scheduled meeting of the governing body following registration with the presiding clerk and prior to the scheduled meeting. A registered speaker may speak only on items on the agenda and may not exceed 1.5 minutes when addressing the board regarding an agenda item. A registered speaker may not donate time to another speaker. A sign-in form for public testimony shall be promulgated by the presiding clerk and be made available at the city clerk's office. A person may sign up for public testimony beginning at the time the agenda is posted for the meeting. A person may not sign up later than one hour before the posted meeting is scheduled to begin. No registered speaker may be allowed to speak regarding an item once the public testimony portion of the agenda has ended.*

**C. PUBLIC HEARING:** *(Ordinance No. O-2019-31). A registered speaker during the public hearing may not exceed 1.5 minutes when addressing the board. A sign-in form for participation in public a hearing shall be promulgated by the presiding clerk and be made available at the city clerk's office. The public hearing sign-in form shall include the person or entity's name, address, telephone number, other contact information, organization if applicable, and other notices, authorizations, and acknowledgements as may be allowed by law from time to time. No registered speaker may be allowed to address the governing body once the public hearing has closed.*

1) Raul Correa, DBA Tiny Cantina, has filed with the Planning and Zoning Commission a request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption. The property is legally described as being 0.040 acres, more or less, out of Lot A, Medical Ridge Subdivision, Pharr, Hidalgo County, Texas. The property is physically located at 1401 South Jackson Road, Suite 2. **CUP#240407**

**D. ANNOUNCEMENTS:**

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

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

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

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

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

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

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

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

**G. ADJOURNMENT:**

I, the undersigned authority, do hereby certify that the above notice of said Regular Meeting of the Planning & Zoning Commission was posted on the bulletin board at City Hall and on the City's web page at www.pharr-tx.gov. This Notice was posted on the 29TH day of April 2024 at 11:00 a.m. and will remain posted continuously for at least 72 hours preceding the scheduled time of said Meeting, in compliance with Chapter 551 of the Government Code, Vernon's Texas Codes, Annotated (Open Meetings Act).

**WITNESS MY HAND AND SEAL, this 29th day of April 2024**

CITY OF PHARR PHARR, TEXAS

HILDA PEDRAZA, TCMC, CMC
CITY CLERK

# AGENDA MEMORANDUM

**BOARD:** Planning & Zoning Commission

**AGENDA ITEM #:** C.1.
**DATE SUBMITTED:** April 25, 2024
**MEETING DATE:** May 3, 2024

**FROM:** Kimberly Mendoza, Development Services Director

**DEPARTMENT**: Development Services

**DIRECTOR:** Kimberly Mendoza

**Agenda Item:** Raul Correa, DBA Tiny Cantina, has filed with the Planning and Zoning Commission a request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption. The property is legally described as being 0.040 acres, more or less, out of Lot A, Medical Ridge Subdivision, Pharr, Hidalgo County, Texas. The property is physically located at 1401 South Jackson Road, Suite 2. **CUP#240407**

**Classification:** Public Hearing
**(* If closed session, City Attorney must review and approve.)**

**Issue:** Raul Correa, DBA Tiny Cantina, has filed with the Planning and Zoning Commission a request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C).

**Fiscal Consideration:**

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

**Alternatives:** N/A

**Exclude Material from Public Packet?** No
**Reason:** N/A

## ROUTING:

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|---|---|
| Kimberly Mendoza | Created/Initiated - 4/25/2024 |
| Ricardo Rodriguez | Final Approval - 4/29/2024 |

Pharr
Development Services

# MEMORANDUM

**DATE:** FRIDAY, MAY 3, 2024

**TO:** PLANNING AND ZONING COMMISSION

**FROM:** DEVELOPMENT SERVICES

**SUBJECT:** CONDITIONAL USE PERMIT FOR ABC FILE NO. **CUP#240407** (Raul Correa, DBA Tiny Cantina)

**GENERAL INFORMATION:**

**APPLICANT:** Raul Correa, DBA Tiny Cantina, has filed with the Planning and Zoning Commission a request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C).

**LEGAL DESCRIPTION:** The property is legally described as being 0.040 acres, more or less, out of Lot A, Medical Ridge Subdivision, Pharr, Hidalgo County, Texas.

**LOCATION:** The property is physically located at 1401 South Jackson Road, Suite 2.

**ZONING:** The property and properties to the north and south are currently zoned General Business District (C). The adjacent zoning is Residential Multi-Family High Density District (R-MFHD) to the east. The city limits lie to the west. The area is generally designated for commercial in the Land Use Plan.

**COMMENTS:**

**POLICE CHIEF:** Recommends approval of the Conditional Use Permit.

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

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|---|---|---|
| | **CODE COMPLIANCE:** | Recommends approval of the Conditional Use Permit. |
| | **HEALTH:** | Recommends approval of the Conditional Use Permit. |
| | **DEVELOPMENT SERVICES:** | Recommends approval of the Conditional Use Permit. |
| **NOTIFICATION OF PUBLIC:** | Fourteen (14) surrounding property owners were notified of the request by letter on April 22, 2024, and a legal notice was published in The Monitor Newspaper on April 24, 2024. Staff received no response to the letters or the legal notice. | |
| **DEVELOPMENT SERVICES RECOMMENDATIONS:** | Development Services is recommending **approval** of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in General Business District (C) subject to the applicant and site being in compliance with all City Ordinances and City Department requirements. | |

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**NOTE:** This item is scheduled to go before the City Commission Meeting of **Monday, May 6, 2024, at 4:00 p.m.**

*Conditions of Conditional Uses Sec. 1.48(F) of the Zoning Ordinance: Establishments selling or distributing alcoholic beverages for consumption on premises:*

1. An establishment that sells or allows the on-premises consumption of alcoholic beverages in the City of Pharr shall operate in a "C" zone, general business district; "C-2" zone, business district; "HC" zone, heavy commercial; "LI" zone, limited industrial; "HI" zone, heavy industrial; or in recreational facilities located within a private development.

2. In addition to the restricted locations as stated above, the above-mentioned establishments may be allowed to sell or allow the on-premises consumption of alcoholic beverages within 300 feet of a church, public or private school, or public hospital.

3. The establishment shall notify the church, public or private school, or public hospital, and the City of Pharr's Planning and Zoning department in written form of their interest in selling or consuming alcoholic beverages within 300 feet of such locations. If the church or school objects to the request, the City of Pharr's authorized designee may deny the request.

4. The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across

intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:

A. In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
B. If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

5. For premises where minors are prohibited from entering the premises under V.T.C.A., Alcoholic Beverage Code § 109.53, the measurement of the distance between the premises and a public school shall be:

A. In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
B. If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

6. In accordance with V.T.C.A., Alcoholic Beverage Code § 109.32, the above mentioned establishment businesses shall be not less than 300 feet from the nearest residential zone, unless located within a private development, or publicly owned building shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections, measured in a straight line or must provide sufficient buffering and sound insulation of the building such that the business is not visible and cannot be heard from such residential zone or publicly owned building and must be designed to prevent disruption of the character of adjacent residential areas. As applies to this provision, a street or alley does not constitute buffering and sound insulation. The above-mentioned businesses, unless located within a private development, must be adjacent to or abutting a minor arterial street or a street of larger classification.

7. The above-mentioned establishment must meet lot size requirements in the zoning ordinance for all uses within this zone.

8. The above-mentioned establishment must provide parking sufficient to comply with all ordinance requirements.

9. The above-mentioned establishment shall restrict the number of persons within the building to those allowed by the city commission with the recommendation of the planning and zoning commission at the time of permit issuance, which number shall be determined by the commission after having taken into account the recommendations of the fire marshal, code enforcement officer [head building inspector], and director of planning. This number cannot exceed the number provided for in existing city ordinances.

10. The above-mentioned establishment shall take action to prevent and be designed to discourage criminal activities and vandalism both on site and on adjacent property by means of sufficient lighting, elimination of dark areas, and the orientation of the building such that it provides maximum visibility from a public street, unless located within a private development.

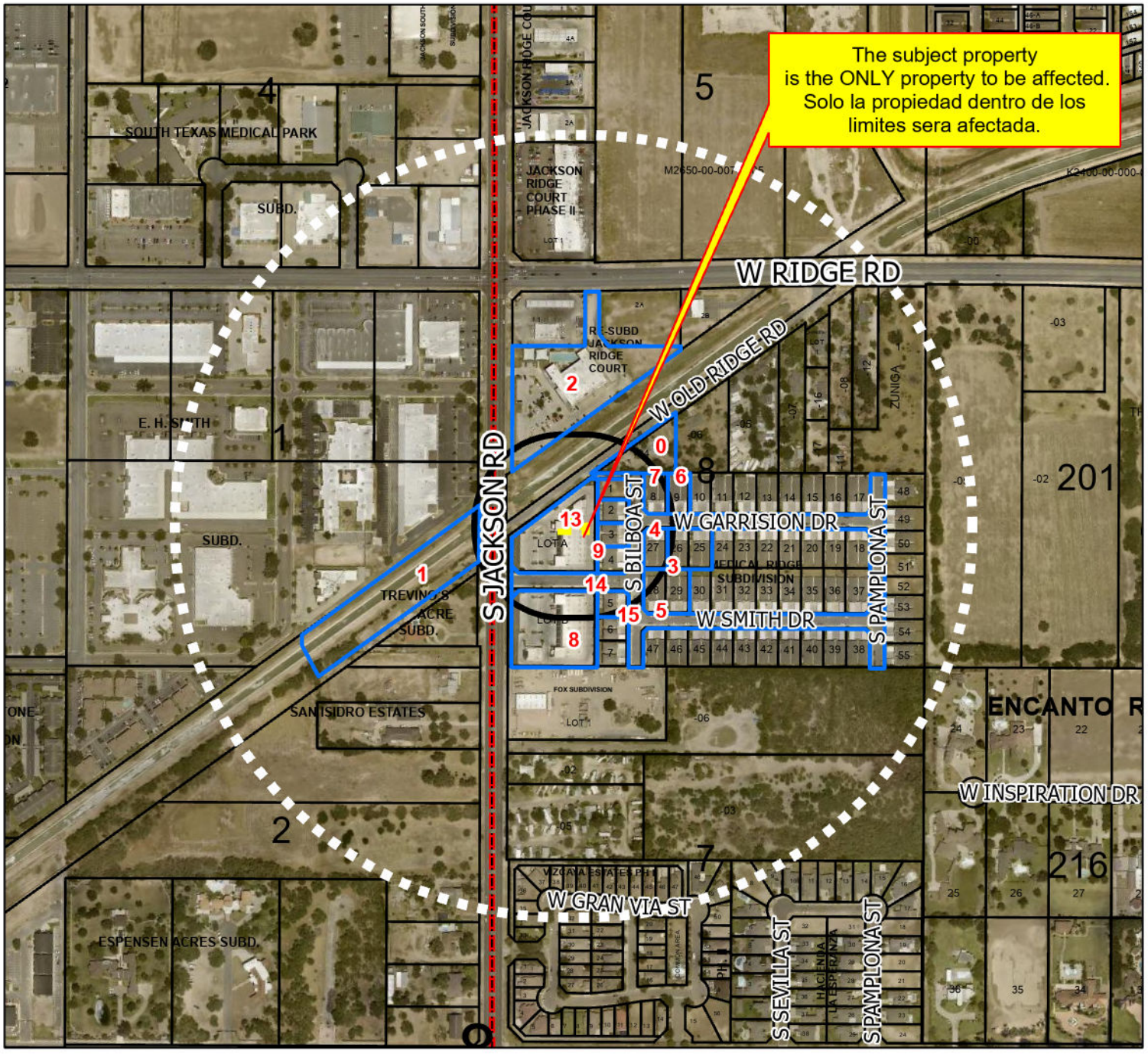
11. The above-mentioned businesses must make provisions to keep litter from being spread to adjacent streets and property.

12. Alcoholic beverage establishments shall fall into two categories: (A) Alcohol as a principle use where 51 percent or more of sales come from alcohol; or (B) Food as a principle use where 51 percent or more of sales are food related (a copy of the establishment's full menu must be provided for documentation).

13. The city reserves the right to approve, amend or deny any city regulation that may be allowed by the Texas Alcoholic and Beverage Code as may be amended from time to time. The City of Pharr shall also be authorized to carry out any and all duties and responsibilities as directed by the City of Pharr and as may be allowed by law. Should any person or establishment be found to have committed acts or allowed the commission of any act or condition found by the City of Pharr to be detrimental to the public health, safety, and welfare of the residents of the City of Pharr or persons located within corporate boundaries, the City of Pharr shall be authorized to take any action allowed by ordinance, state or federal law, or other regulation. These actions may include but not limited to quarantine, abatement of premises, closure, condemning, removal of dangerous substances and persons, and other preventive measures and actions.

Conditional Use Permit
Medical Ridge Lot A
Tiny Cantina

AERIAL




G:\City of Pharr\GIS\Projects\1-Planning\PRO Conditional Use Permits\CUP 240407 MEDICAL RIDGE LOT A\aprx\00_BASE Project File.aprx

- Agricultural Open Space
- Single Family
- Single Family Small Lot
- Residential Multi-Family
- Residential Multi-Family High Density
- Mobile Home
- Townhouse
- HUD Code
- Rail Road R.O.W
- Government Owned
- General Business
- Business District
- Drainage Easement
- Heavy Commercial
- Heavy Industrial
- Limited Industrial
- Neighborhood Commercial
- Office Professional
- PSJA ISD
- Hidalgo ISD
- Valley View ISD
- Planned Unit Development
- Notified Properties
- 300 ft. Notification Buffer
- Location
- QuarterMileRadius

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

City of Pharr, Texas
Engineering Department
956.402.4242

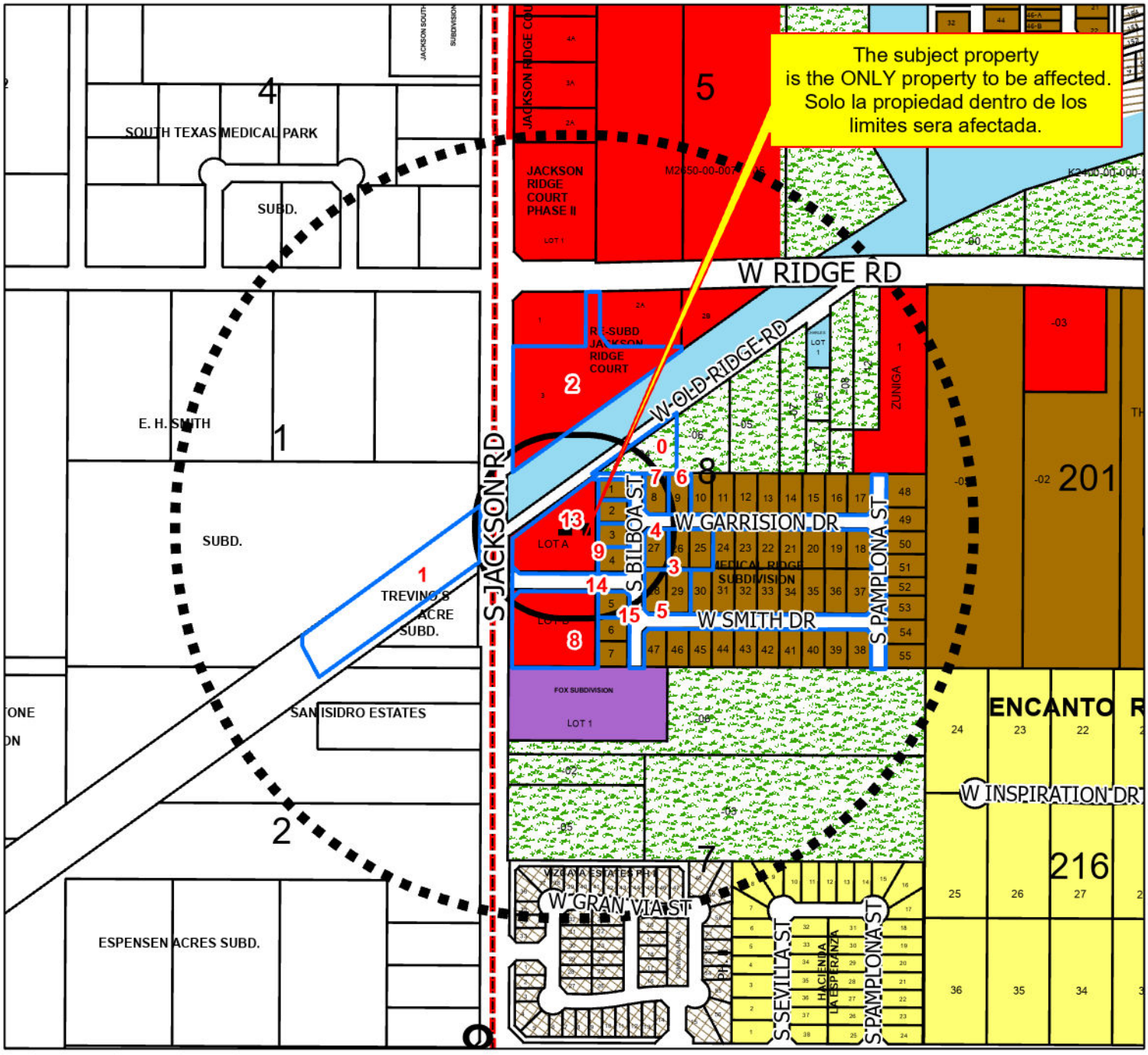
Date: 4/18/2024

Scale: 1:6,000

0 250 500 1,000 1,500 2,000 Feet

Conditional Use Permit
Medical Ridge Lot A
Tiny Cantina

ZONING

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Conditional Use Permit
Medical Ridge Lot A
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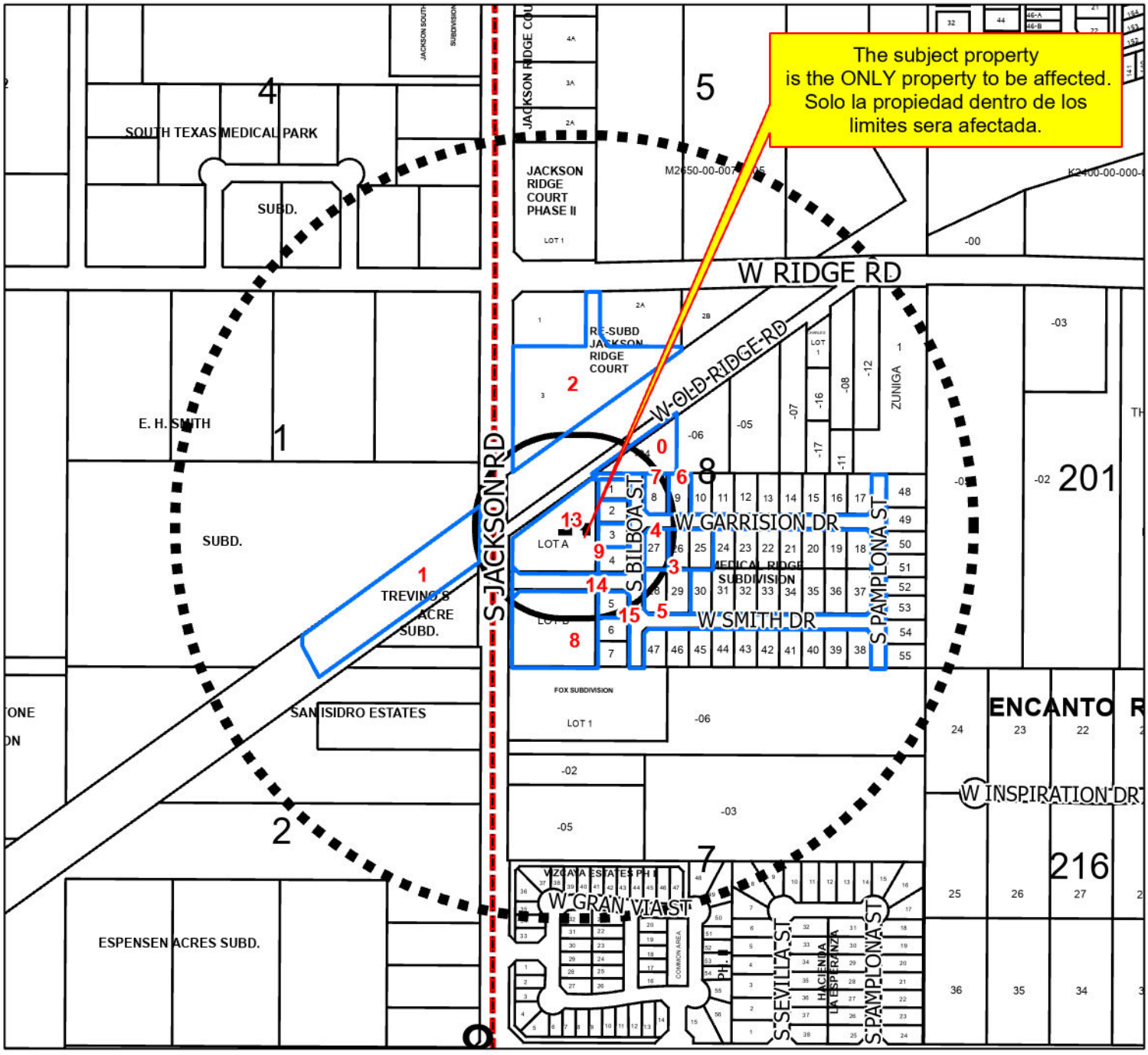
RADIUS

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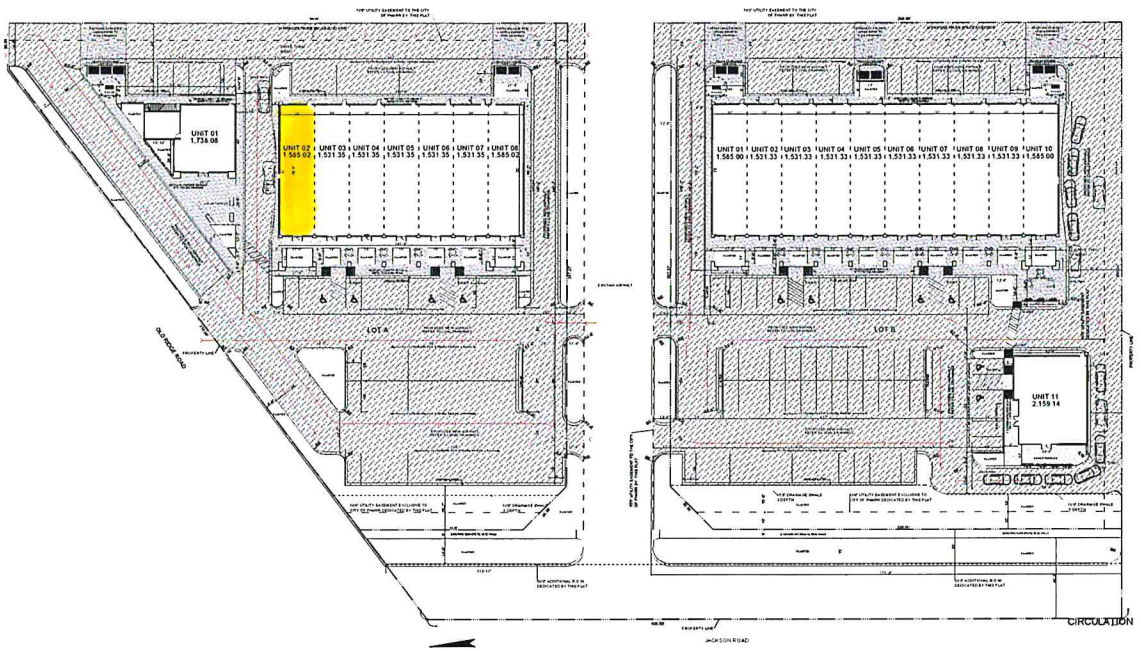


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|---|---|---|---|
| LOT A | PARKING SPACE REQ.:<br>RETAIL AREA= 10,797.85 SQ.FT.<br>RESTAURANT AREA= 1,585.02 SQ.FT.<br>TOTAL PARKING REQ.= 55 | LOT B | PARKING SPACE REQ.:<br>RETAIL AREA= 15,420 SQ.FT.<br>RESTAURANT AREA= 2,159.14 SQ.FT.<br>TOTAL PARKING REQ.= 75 |
| LOT AREA:<br>66,171.68 SQ.FT. | PARKING SPACES PROVIDED:<br>69 PARKING SPACES | LOT AREA:<br>75,870.60 SQ.FT. | PARKING SPACES PROVIDED:<br>78 PARKING SPACES |
| ONE STORY<br>8 UNITS | GREEN AREA REQ.:<br>6,617.16 SQ.FT | ONE STORY<br>11 UNITS | GREEN AREA REQ.:<br>7,587.06 SQ.FT |
| TOTAL GROSS BUILDING AREA:<br>12,564.87 SQ.FT. | GREEN AREA PROVIDED:<br>10,377.49 SQ.FT | TOTAL GROSS BUILDING AREA:<br>17,347.74 SQ.FT. | GREEN AREA PROVIDED:<br>13,000.52 SQ.FT |

SHEET NO.

**00-01**

SITE PLAN

SCALE: 1/32" = 1'0"

DATE: 05/03/2018

**JACKSON PLAZA**

LOT A & B MEDICAL TRACE
BEING A 1.7 ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 4, J.J. HAGELL SUBDIVISION, HIDALGO COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 21, PAGE 3-48, DEED RECORDS HIDALGO COUNTY, TEXAS AND ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET 2, SLIDE 2-2 PLAT RECORDS CLERKS DOCUMENT NUMBER 1749593, OFFICIAL RECORDS HIDALGO COUNTY, TEXAS.

NOT FOR CONSTRUCTION

**LOT A & B**

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COMPLETION DRAWING

DRAWN BY

CHECKED BY

APPROVED BY

REVISIONS

**LOPEZ RESENDEZ STUDIO**
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PHONE: (956) 683 0649
luis@lopezresendez.com / luis@casalabdesign.com
www.lopezresendez.com / www.casalabdesign.com

LRS

Pharr
Development Services

# Site Photo

**1401 S JACKSON ROAD SUITE 2**