

- He stated that at the other meeting he has been to there was a 1,000 foot radius if a school is involved.
- He stated he saw that the notice had a difference notice of published hearing and it was good.
- He wanted to make sure staff submitted the notice in both time and place.
- He wanted to make sure that since the Planning and Zoning Commission heard the concerns of the citizens it was staff's job to advise the City Commission in a final report of what the citizens were concerned about.
- He also wanted to make sure that Ms. Martinez would not jump up and speak out of order at the City Commissioners Meeting.
- He wanted to explain the definition of buffer, stating that they were speaking of the height of a buffer which was a minimum of 6 feet and 100% opaque. He stated it was there to block all light and noise. Unless under circumstances and additional height was required by state law.
- He stated that a resident could only have a 5 foot height chain link in the front of house and he believes it can go up to 7 feet on the sides.
- Dr. Fletcher stated that a business could have an 8 foot fence.
- He stated a fence was to mark a boundary and a buffer was to block.
- He stated we need to be mindful when they look at projects.

Melanie Cano, Interim Director of Development Services, stated that she would be more than happy to discuss the items that Dr. Fletcher had concerns with later this week if he could make time to stop by the Development Services office.

There being no further discussion, Charlie Ramirez **moved** the minutes of September 28, 2015, be accepted as submitted. Guadalupe Cano second the motion and when put to a vote it polled as follows: Robles: approved as submitted; Cano: approved as submitted; Ramirez: approved as submitted; Greuner: approved as submitted; D. Wylie: approved as submitted; Dr. Fletcher: approved as submitted and Aleman: approved as submitted.

The motion carried unanimously to approve the minutes of September 28, 2015 as submitted.

PUBLIC COMMENTS:

Romeo Robles called forth the individual who signed up to speak at the Public Comments portion of the meeting. There being no one who signed up Romeo Robles closed the public comments portion of the hearing.

Mr. Robles stated they would proceed with the next item on the agenda.

PUBLIC HEARING:

Heriberto Martinez introduced himself as Planner I for the City of Pharr and stated he had three items for recommendation and proceeded to introduce the item.

BLANCA ESTELLA MEZA
d/b/a HUKAH SPOT

CUP-ABC
CUP#150957

Blanca Estella Meza, d/b/a Hukah Spot, has filed with the Planning and Zoning Commission a request for a Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). The property is legally described as Lots 9 and 10, Block 1, Amended Plat of Mayfair Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 3914 North Jackson Road. The property is currently zoned General Business District (C). The surrounding area is zoned General Business District (C) to the North and South, Medium Density Multi-Family District (R-3) to the East, and McAllen City Limits to the West. The area is generally designated for commercial use in the Land Use Plan. Code Compliance, the Fire Marshal, the Police Chief and the Planning Department all recommend approval of the Conditional Use Permit. Nineteen (19) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. Staff received no response to the letters or the legal notice. Development Services Staff is recommending approval of the request for a Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C) subject to site being in compliance with all City Ordinances and City Department requirements.

Heriberto Martinez advised that this item will go before the City Commission Meeting of October 20, 2015 at 5:00 p.m.

Romeo Robles advised this item requires a public hearing and asked if there was anyone in the audience wishing to address this item, either for or against, to please come forth. There being no one who signed up Romeo Robles closed the public hearing and opened the item to the Planning and Zoning Commission for discussion and action.

There being no discussion, Charlie Ramirez moved to approve the request for a Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). Dr. Kenneth Fletcher second the motion and when put to a vote it polled as follows: Robles: approved the request; Cano: approved the request; Ramirez: approved the request; Greuner: approved the request; D. Wylie: approved the request; Dr. Fletcher; approved the request and Aleman: approved the request.

Motion carried unanimously to approve the request for a Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C).

Heriberto Martinez, Planner I, introduced the second item as follows:

Ronal O Urquia, d/b/a Lily's Bar, has filed with the Planning and Zoning Commission a request for a Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2). The property is legally described as a portion of Lot 12, and all of Lots 13-16, Block 32, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 410 West State, Suite D. The property is currently zoned Business District (C-2). The surrounding area is zoned Single-Family Residential District (R-1) to the North, General Business District (C) to the South and West, and Business District (C-2) to the East. The area is generally designated for commercial use in the Land Use Plan. Code Compliance, the Fire Marshal, the Police Chief and the Planning Department all recommend approval of the Conditional Use Permit. Thirty-one (31) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. Staff received no response to the letters or the legal notice. Development Services Staff is recommending approval of the request for a Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2) subject to site being in compliance with all City Ordinances and City Department requirements.

Heriberto Martinez advised that this item will go before the City Commission Meeting of October 20, 2015 at 5:00 p.m.

Romeo Robles advised this item requires a public hearing and asked if there was anyone in the audience wishing to address this item, either for or against, to please come forth. There being no one who signed up Romeo Robles closed the public hearing and opened the item to the Planning and Zoning Commission for discussion and action.

Mr. Cano asked if the request was due to an ownership change. Mr. Martinez affirmed and stated it was an existing bar. Dr. Fletcher stated that if you go by there you can see the parking lot lights that are directed onto the adjoining properties. He stated that the time that he went by at 9:30 the lights were not on and they were probably saving electricity. He stated that was another thing that when Code Compliance goes out it they could look for that and make sure that the high intensity light are shining towards the building and away from the street. He stated they needed to make sure that they were on the parking lot itself and not on the adjoining structures. Dr. Fletcher stated it was very quiet and there was no one there.

There being no further discussion, Charlie Ramirez moved to approve the request for a Conditional Use Permit and Late Night Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2). Danny Wylie second the motion to include the condition and when put to a vote it polled as follows: Robles: approved the request; Cano: approved the request; Ramirez: approved the request; Greuner: approved the request; D. Wylie: approved the request; Dr. Fletcher; approved the request and Aleman: approved the request.

Motion carried unanimously to approve the request for a Conditional Use Permit and Late Night Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2).

ROSIE IBARRA
d/b/a RAZZOR'S HAIR SALON

HOME OCCUPATION BEAUTY
SALON CUP#150852

Heriberto Martinez, Planner I, introduced the third item as follows:

Rosie Ibarra, d/b/a Razzor's Hair Salon, has filed with the Planning and Zoning Commission a request for a Conditional Use Permit to allow a home occupation (Beauty Salon) in a Single-Family Residential District (R-1). The property is legally described as all of Lot 3, Casa Ingles Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 7108 South Habitat Circle West. The property is currently zoned Single-Family Residential District (R-1). The adjacent properties are zoned Single Family Residential District (R-1) to the North, East and South and Agricultural and/or Open Space District (A-O) to the West. The area is generally designated for single-family residential use in the Land Use Plan. Thirty-seven (37) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. Staff received one phone call for information only. Planning Staff is recommending approval of the request for a Conditional Use Permit to allow a home occupation (Beauty Salon) in a Single-Family Residential District (R-1) subject to applicant and site being in compliance with all City Ordinances and City Department requirements.

- 1) The applicant shall comply with all City of Pharr Ordinance requirements, listed below; any violation of City Ordinance will terminate this Conditional Use Permit;
- 2) A "**home occupation**" is a commercial use customarily carried on in the home by the members of the occupant family without structural alterations in the principal building of any of its rooms, without the installation of machinery or additional equipment other than that customary to normal household operations, without the employment of additional persons.
- 3) The area used in conducting the home occupation will be clearly secondary to the home use;
- 4) A non-illuminated sign of not more than eighteen (18) inches by twenty-four (24) inches identifying the name of the owner and his/her title or occupation may be permitted when attached flush to the main building;
- 5) There shall be no more than one (1) additional unrelated employee other than immediate members of the family residing on the premises;
- 6) Any change in location, change in ownership or business entity owning or carrying out its operation on the property shall terminate this Conditional Use Permit;
- 7) Any request to revise, alter or amend the conditions or requirements shall require the applicant to apply for a new Conditional Use Permit;
- 8) This Conditional Use Permit shall be issued for a period of one (1) year. It shall be the owner's responsibility to apply for renewal thirty (30) days before its expiration date;
- 9) Garages, carports or accessory buildings, shall not be used for **home occupation** other than for the storage of an automobile;

- 10) There shall be no exterior display or alterations indicating that the building is being used for any purpose other than that of a dwelling;
- 11) There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of the **home occupation** thereon;
- 12) A **home occupation** that serves as a daycare, group home, registered home, or the like, shall be incidental to the use of a dwelling unit for residential purposes. No more than 360 square feet of indoor floor area of the dwelling may be used in connection with a **home occupation** or for storage purposes. Floor area of a dwelling shall include the floor area of all heated and ventilated and thereby habitable rooms and areas within the dwelling;
- 13) No more than one (1) **home occupation** shall be permitted within any single dwelling;
- 14) The following shall be considered as grounds for revocation of a **home occupation** Conditional Use Permit:
 - Any change in use or change in extent of use, area or location of the dwelling being used.
 - Failure to allow periodic inspections by representatives of the City of Pharr at any reasonable time.
 - Failure to pay the annual renewal fee of \$50.00 shall result in the assessment of an additional five dollars (\$5.00) per business day late fee up to thirty (30) days after the date of expiration of the Conditional Use Permit; or revocation of the permit if not paid by the 31st day.
 - Conditional Use Permits for **home occupations** that have been revoked may not be applied for again until a period of one (1) year has lapsed from the date of revocation.
- 15) All doors must open towards the outside;
- 16) The kitchen cannot be used as the primary entry / exit for the home occupation;
- 17) Applicant shall be in full compliance with all conditions as set forth by Code Compliance, Fire Department, Police Department and / or Health Department.

Romeo Robles advised this item requires a public hearing and asked if there was anyone in the audience wishing to address this item, either for or against, to please come forth. There being no one who signed up, Romeo Robles waived the public hearing and opened the item to the Planning and Zoning Commission for discussion and action.

Tom Greuner asked if the request was approved if the applicant would take out the doors and switch them around to where they all open towards the outside. Mr. Martinez stated that there were only allowed as it is and the home could not be modified. Mr. Greuner stated that on item #15: all doors must open to the outside. He stated that it was standard commercial in case there was a fire. Ms. Cano stated that the item would be addressed and if they needed to modify it they would be required to do so. Mr. Martinez stated that inspections are still required. Mr. Cano stated that item #10 indicates that the building should not be used for any purpose other than that of a dwelling. Mr. Martinez stated that they are not allowed to have a commercial type of sign. Mr. Cano asked if they were not going to be allowed to advertise. Mr. Martinez stated that they would be allowed a small sign attached to the actual structure (their home). Dr. Fletcher stated that there was a dog without a leash in the picture. He stated that there was a leash law in the City of Pharr. Mr. Robles commented it was good observation on his part. Mr. Fletcher

reenacted his statement and stated he sees it is tied up but it needs to be in the shade.

There being no further discussion, Dr. Kenneth Fletcher **moved** to approve the request for a Conditional Use Permit to allow a home occupation (Beauty Salon) in a Single-Family Residential District (R-1). Charlie Ramirez second the motion and when put to a vote it polled as follows: Robles: approved the request; Cano: approved the request; Ramirez: approved the request; Greuner: denied the request; D. Wylie: approved the request; Dr. Fletcher; approved the request and Aleman: denied the request.

The motion carried by majority with five (5) of the members voting yea and two (2) members denying the request for a Conditional Use Permit to allow a home occupation (Beauty Salon) in a Single-Family Residential District (R-1). Motion passed.

PLAT APPROVAL:

Johanna Maldonado introduced herself as Subdivision Coordinator for the City of Pharr and stated that she had two items for recommendation and proceeded to introduce the item as follows:

**MELDEN & HUNT INC.
Rep. VAQUERO VENTURES
MANAGEMENT**

**VAQUERO VENTURES
SUBDIVISION SUB#150921**

Melden & Hunt Inc., representing Vaquero Ventures Management, LLC, W.A. Landreth, Manager, is requesting preliminary and final plat approval of the proposed Vaquero Ventures Subdivision. The property is legally described as being a re-subdivision of 2.23 acres out of Lot 196, Kelly Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 1300 Block of South Cage Boulevard. The property is currently zoned General Business District (C). The adjacent zones are General Business District (C) to the South, and Single-Family Residential District (R-1) to the North, East and West. The property is designated for residential use in the Land Use Plan. Property proposed use: Coffee shop/ Retail. Variances: See attached variance. Planning staff recommends preliminary and final plat approval of the proposed Vaquero Ventures Subdivision **without** the variance subject to the following conditions:

**STREETS, PAVING
AND R.O.W.:**

- 1) Label the center R.O.W. line of East Ridge Road.
- 2) Verify if plat note # 18 and # 19 are R.O.W. easements or utility easements.
- 3) Developer to construct turning lane.

EASEMENTS:

- 1) Verify the locations of the Easements along S. Cage Boulevard.
- 2) On the HCID 30' Easement verify (NOTE 4).

- SIDEWALK:
ADA:** 1) Plat Note # 8 should read: A 5ft.' sidewalk with ADA compliant ramp and landings will be required along East Ridge Road and South Cage Boulevard at building permit.
- FIRE PROTECTION:** 1) See attach comments.
- WATER:** 1) The water service should stop at the easement.
2) Move water connections to Cage Boulevard.
- SEWER:** 1) Proposing to tap into the manhole in E.D.C property on the south east side of the property.
- DRAINAGE:** 1) See attach comments.
- OTHER:** 1) Update the location map.
2) Verify the Box in the south east corner of Lot 1.
3) Plat note # 3 should read: Min. building setback lines: As per City of Pharr Ordinance.
4) Complete plat note # 4.
5) Correct the Northing and easting on the Bench Mark.
6) Remove plat note # 14.
7) Verify the owner's dedication block.
8) Verify the county for the notary.
9) Kelly-Pharr is misspelled in the legal description.
10) Remove the Sq. ft. From the metes and bounds.
11) Remove the numbers from the metes and bounds and shift the paragraphs over.
12) Verify who the Engineer is.

Johanna Maldonado advised that this item will go before the City Commission Meeting of October 20, 2015 at 5:00 p.m.

Hector Villarreal advised this item does not require a public hearing and opened it up to the Planning and Zoning Commission for discussion and action.

Kelly Heller Vela with Melden and Hunt, Engineer for the property and working with the developer Vaquero Ventures out of Fort Worth. Dr. Fletcher stated that when the property is graded for them to save the soil and not to transport it off they can make a berm and then they could put a 10 or 12 foot wall to include the berm. Dr. Fletcher stated that it was going to be right next to the housing to the East and car doors slamming and car alarms going off for security and headlights. He asked if she was aware where the building was going to be located. Ms. Vela stated that it was going to have two buildings on Lot 1 and one is going to be a Starbuck's and the building is in the center and the other lot is going to have a retail strip center which again will be centered in the middle of the lot. Ms. Vela stated that the east side will be the detention area. Dr. Fletcher stated that he wanted her to be aware of the situation with the neighbors and for the Planning and Development

Department he noticed on the city map that was posted in the conference room that the Development Services office is a municipal building that is on R-1 and it should be covered in as a government building. He stated welcome to Pharr. Dr. Fletcher stated that he believed that the Starbucks opens at 5 and he is up at 4 because of where he lives. He stated he walks by Starbucks and wakes them up so to be aware of that situation. Danny Wylie asked if the recommendation was for approval without the variance and the initial variance was not to build the turning lane. Johanna Maldonado affirmed. Mr. D. Wylie stated that staff was recommending with the turning lane. Ms. Maldonado stated that they were asking there not be a turning lane and staff is asking that they construct it. Mr. D. Wylie stated that another recommendation by fire was the placement of a fire hydrant and he believed that we need fire hydrants everywhere. Another comment was if an island was installed at the south entrance to assist with traffic control and 20 foot width shall be required on each side of the island. Mr. Wylie asked what the island will be made out of. Ms. Vela stated that for the fire hydrant there was a utility layout there and they are adding an additional fire hydrant on the southeast corner and the entrance which what he was talking about when they get to the site plan stage they will have an entrance to the property off of Ridge and if they needed to do a divider or median in the entrance that the lane on either side of the divider needs to be 20 foot wide so that the fire trucks can make it through. Danny Wylie asked again what the island will be made out of. Ms. Vela stated it would be constructed out of concrete. He stated that would deter anyone turning in who is headed east. Mr. D. Wylie stated they would be headed west. Ms. Vela stated they are working on the site plan layout and both entrances on Ridge and Cage with the city. Ms. Maldonado stated that the questions and comments were more for the engineer to be aware of when they are making the actual plans but they are addressed during the building portion...Danny Wylie stated that he has seen some of the islands in the City of McAllen that are made out of rubber or plastic and people run over them. He stated he has seen people turning in the wrong way another words and they create a traffic hazard. Ms. Vela stated typically is should be made out of concrete with a concrete curb. Dr. Fletcher stated that they needed to be aware that the businesses would be receiving deliveries and those trucks that he is aware of and familiar with in McAllen is that they come in at 4. So without a sufficiently high wall to block off graded truck noise and everything there will be a problem from there which is why he suggests to keep the soil and build a wall above it.

There being no discussion, Tom Greuner moved to approve the preliminary and final plat approval of the proposed Vaquero Ventures Subdivision without the requested variance. Charlie Ramirez second the motion and when put to a vote it polled as follows: Robles: approved the request; Cano: approved the request; Ramirez: approved the request; Greuner: approved the request; D. Wylie: approved the request; Dr. Fletcher; approved the request and Aleman: approved the request.

Motion carried by unanimous vote to approve the request for preliminary and final plat approval of the proposed Vaquero Ventures Subdivision without the requested variance.

MELDEN & HUNT INC.
Rep. HERBERT L. LEVINE, MANAGER

VACATED CAR-MEL SUBDIVISION
EL CENTRO MALL NO. 3 AND 4
SUBDIVISION SUB#140611

Johanna Maldonado, Subdivision Coordinator, introduced the second item as follows:

Quintanilla, Headley & Associates Inc., representing SCI Management, Dann Narveson, Director of Real Estate, is requesting final plat approval of the proposed Palm Valley Section Two Subdivision. The property is legally described as being a 13.20 acre tract of land, being all of the 50.00 foot street right of way, all of Lots 1 through 15, the South 15.00 feet of Lot 17 and all of Lots 18 through 22, Amended Valley Cathedral Subdivision, Pharr, Hidalgo County, Texas. The property is located between the 4600 and 4800 Block of North Sugar Road. The property is currently zoned Agricultural and/or Open-Space District (A-O). The adjacent zones are Agricultural and/or Open-Space District (A-O) to the North and East, General Business District (C) to the South and Agricultural and/or Open-Space District (A-O) and General Business District (C) to the West. The property is designated for public/semi public use in the Land Use Plan. Property proposed use: Funeral Home. Variances: None requested. Planning staff recommends final plat approval of the proposed Palm Valley Section Two Subdivision subject to the following conditions:

STREETS, PAVING AND R.O.W.: 1) No Comments.

EASEMENTS: 1) No Comments.

SIDEWALK: ADA: 1) No Comments.

FIRE PROTECTION: 1) See attached Comments.

WATER: 1) No Comments.

SEWER: 1) No Comments.

DRAINAGE: 1) No Comments.

OTHER: 1) No Comments.

Johanna Maldonado advised that this item will go before the City Commission Meeting of October 20, 2015 at 5:00 p.m.

Romeo Robles advised this item does not require a public hearing and opened it up to the Planning and Zoning Commission for discussion and action.

Danny Wylie stated that the property proposed use it was stated it was for a funeral home and he would like to know if it was for a funeral home or a cemetery. Ms. Maldonado stated that it was going to be for a funeral home and it was the piece that was being subdivided. Ms. Maldonado stated it was going to be a funeral home and not a cemetery. Dr. Fletcher stated since it was going to be a peaceful restful place he recommends that they plant a lot of trees and for them to use the native trees so that they can attract more birds and more eco-tourism. He stated it was the best place to do birding in a city like Pharr. Dr. Fletcher stated that Pharr was one of the lowest to have canopy cover in the valley.

A member of the audience approached the podium and introduced himself as Alfonso Quintanilla, Quintanilla, Headley and Associates. He stated that the first phase of the development will be the funeral home and there will be future cemetery plots to the west of the property and the plat at the moment is just one plat. Mr. D. Wylie asked if it was just a regular funeral home for anyone. Mr. Quintanilla affirmed. Mr. Tom Greuner stated that he remembers this item coming up last year to the west part. Danny Wylie asked that the road for the entrance and exit going out...he has never seen a paved road coming out from a cemetery. Mr. Quintanilla stated that the next step is to construct the actual building plans and roads all have been submitted on the funeral home. He stated that more than halfway there is a projected paved road to service the funeral home and eventually to service the cemetery. Mr. Quintanilla stated that landscaping plans have been submitted according to the city's code. Danny Wylie asked that the road going through the cemetery will be paved. Mr. Quintanilla affirmed. Mr. Greuner asked if the old cemetery had caliche. Mr. Quintanilla stated he was not sure but this item that is before the Planning and Zoning Commission will be paved and the construction plans are here at city hall and being reviewed.

There being no further discussion, Dr. Kenneth Fletcher **moved** to approve the request for final plat approval of the proposed Palm Valley Section Two Subdivision. Charlie Ramirez second the motion and when put to a vote it polled as follows: Robles: approved the request; Cano: approved the request; Ramirez: approved the request; Greuner: approved the request; D. Wylie: approved the request; Dr. Fletcher; approved the request and Aleman: approved the request.

Motion carried by unanimous vote to approve the request for final plat approval of the proposed Palm Valley Section Two Subdivision.

ANNOUNCEMENTS/OTHER BUSINESS: None

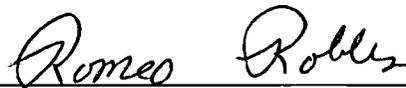
ABSENTEE REPORT: Victor Carrillo III, Porfirio Rodriguez and Noe Pruneda were the absent members. Charlie Ramirez moved to excuse the absent member. Guadalupe Cano second the motion and when put to a vote it polled as follows: Robles: approved to excuse; Cano: approved to excuse; Ramirez: approved to excuse; Greuner: approved to excuse; D. Wylie: approved to excuse; Dr. Fletcher: approved to excuse and Aleman: approved to excuse.

The motion carried unanimously to excuse the absent members.

ADJOURNMENT:

There being no further business, Dr. Kenneth Fletcher moved that the meeting be adjourned. Charlie Ramirez second the motion and when put to a voted they voted unanimously.

Motion carried unanimously and the Planning and Zoning Meeting adjourned at 6:31 p.m.



Romeo Robles, Chairman

ATTEST:



Guadalupe Cano, Secretary

