



## PLANNING & ZONING COMMISSION

*City Commissioner's Room*

*118 S. Cage Blvd. August 24, 2015 – 6:00 p.m.*

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, August 24, 2015. The meeting was called to order by Hector Villarreal at 6:00 p.m. at the City Commissioners' Room, located at 118 S. Cage Blvd., 2nd Floor, Pharr, Texas.

### ATTENDANCE

**MEMBERS PRESENT:** Hector Villarreal      Romeo Robles  
Guadalupe Cano      Tom Greuner  
Charlie Ramirez      Criselda Rincon-Flores

**ABSENT:** Victor Carrillo III      Tuan Oliva

**OTHERS PRESENT:** See attached list

**STAFF PRESENT:** Roland Gomez, Senior Planner  
Heriberto Martinez, Planner I  
George Martinez, Interim Building Official  
Della Robles, Administrative Secretary

### CALL TO ORDER

Hector Villarreal called the meeting to order at 6:00 p.m. and welcomed all to the meeting. Roll call established a quorum.

### APPROVAL OF MINUTES

There being no discussion, Romeo Robles moved the minutes of August 06, 2015, be accepted as submitted. Charlie Ramirez second the motion and when put to a vote it polled as follows: Villarreal: approved as submitted; Robles: approved as submitted; Cano: approved as submitted; Ramirez: approved as submitted; Greuner: approved as submitted; and Rincon-Flores: approved as submitted.

The motion carried unanimously to approve the minutes of August 06, 2015 as submitted.

### PUBLIC COMMENTS:

Hector Villarreal called forth the individual who signed up to speak at the Public Comments portion of the meeting.

An individual came forth and introduced himself as Kenneth Fletcher, who resides at 504 South Diplomat in Pharr, Texas. Still the contiguous neighbor of Costco and there are still ongoing nuisances coming from Costco. He stated that in studying in how Costco came to be there was found to be several irregularities. Mr. Fletcher stated that this body was supposed to produce a preliminary report and final report and prior notice of the meeting and those, in his opinion, have been violated. He stated he would be glad to talk to anybody in three (3) minutes about that later. He stated that the paper record on some of the transactions like the re-plat is one thing he can remember is supposed to have at least sixteen 16 days. It lists how to proceed with the plat in the City of Pharr it is on the website and it lists fifteen (15) days but in fact it is sixteen (16) days. He stated there is supposed to be notification on many of these things according to his understanding before it goes to the City Commission. Mr. Fletcher wanted to make the Planning and Zoning Commission aware of that. He stated that there was a new Administration of the Developmental Department and he did not want to see if going on making these mistakes and making these omissions or commissions. He stated they may not be in the state but he wanted to make the Planning and Zoning Commission aware of that. Mr. Fletcher concluded and thanked the Commission.

Mr. Villarreal 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 one items for recommendation and proceeded to introduce the item.

**D & G SALOON, LLC.  
Rep. CAPITOLIO EVENT CENTER**

**CUP:ABC  
CUP#150749**

D & G Saloon, LLC., d/b/a Capitolio Event Center, 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 La Quinta Subdivision, Replat Lots 52-55, Pharr, Hidalgo County, Texas. The property's physical address is 5952 South Cage Boulevard. The property is currently zoned General Business District (C). The surrounding area is zoned General Business District (C) to the North, South, East and Single-Family Residential District (R-1) to the West. The area is generally designated for commercial use in the Land Use Plan. Code Enforcement, the Fire Marshal and the Planning Department are pending inspection and the Police Chief recommends approval. Twenty-two (22) 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 September 01, 2015 at 5:00 p.m. Mr. Martinez stated that one person signed up to speak.

An individual approached the podium and stated his name as Kenneth Fletcher, who resides at the same place and getting the same nuisances of course. He stated he visited the site two (2) hours ago and it was raining like crazy but it was not 100% opaque rear fence. He stated it was close enough that there are people parking behind the building when they are getting in and out of their cars. He stated that the car horns will be enough of a disturbance and he receives that in his neighborhood when the people show up to work at Costco at 4 a.m. Mr. Fletcher stated it was much closer and the house on the corner of Falcon and he forgot the name of the South cross street. He stated it was right behind the establishment and is in direct line when people come out and they exit the back at 2 a.m. they will be shining lights all over the people's houses and that is the kind of treatment they get from the Costco trucks when they come in at all hours of the night. He stated that was his comment and it was a wooden fence and it had gaps in it and he suggested it could be taller and it was not 100% opaque. He stated that the landscaping ordinance, he is sorry that he forgot the name of it, it specifies 100% opaque built for the purposes it is meant for and a wooden fence is just not getting it. Mr. Fletcher stated it would be good to put a restriction on the permit and not let anyone park on the west side, behind the building and have the late night

Mr. Villarreal stated that there was no one else who signed up to speak at the public hearing he would closed and proceed with discussion and action.

Charlie Ramirez asked if it was an event center and it was only going to be used for weddings, quinceneras and social events.

Conversations ensued in *Spanish*.

Mr. Gomez stated that according to T.A.B.C. if it is an event center and they are allowed to sell alcohol. He stated that being it is an event center as per T.A.B.C. the patrons will be allowed to bring in liquor as well.

Conversations ensued in *Spanish*.

Mr. Greuner asked the applicant if he was planning on having live bands.

Conversations ensued in *Spanish*.

Mr. Greuner stated he was concerned about the loud music late at night.

Conversations ensued in *Spanish*.

Ms. Criselda Rincon-Flores explained to Mr. Greuner that the applicant told her that there was going to be 24 cameras and a cedar fence. She stated that she knows they had concerns with other locations there but she thinks that this one which is close to where she lives has decent constriction and looks good. Mr. Cano stated that there was extra insulation on the west wall to absorb the sound. Mr. Greuner asked if there was egress going into the back street. Mr. Cano stated it was only for the musicians and cooks and delivery only. Mr. Greuner stated that one of the concerns was the residents. He stated that as per what Mr. Fletcher stated the wall has to be opaque wall or buffer. Mr. Gomez stated that a cedar

fence counts as an opaque buffer and is allowed. He stated that any type of shrubbery that blocks the view and that would block anything like that would be allowed. Ms. Rincon-Flores stated that the buffer towards the residents is block. Mr. Gomez affirmed and stated that all the thru driving including ingress and egress is all on Cage. MS. Rincon-Flores stated that she knew it was going to have security and therefore was different than La Frontera.

Conversation ensued in *Spanish*.

Mr. Greuner asked if there was parking in the back. Mr. Gomez stated that there was a few places in the back but it was only for the band and catering services. All visitors would park in the parking lot and can only enter and exit from Cage. Ms. Rincon-Flores asked how many people the building could accommodate. Mr. Gomez stated he did not have the specifics on that at the moment. Mr. George Martinez stated it was 220 people.

Mr. Greuner asked if the noise gets out of hand can the citizens come to the city and complain and we could revoke the permit. Mr. Gomez affirmed and stated that they could call the police department and they could go out there and run the decibel meter and check to see if they are within the limit. Mr. Gomez stated that this was just for the alcohol. Mr. Greuner stated he was talking about the music and letting people sleep at night.

Ms. Rincon-Flores asked about the lighting that Cage had an issue with being dark. She asked if that area would have more lighting for the people going in and out especially if people are going to be drinking. Mr. Gomez stated that when the subdivision was re-platted it did call for street lighting. He stated that he believed they installed a street light on the entrance and the building has exterior lighting as well.

Conversations ensued in *Spanish*.

There being no further discussion, Criselda Rincon-Flores **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). Charlie Ramirez second the motion and when put to a vote it polled as follows: Villarreal: approved the request; Robles: opposed the request; Cano: approved the request; Ramirez: approved the request; Greuner: approved the request and Rincon-Flores: 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).

**PLAT APPROVAL: None**

**ANNOUNCEMENTS/OTHER BUSINESS: None**

**ABSENTEE REPORT:**

Victor Carrillo III and Tuan Oliva 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: Villarreal: approved to excuse; Robles: approved to excuse; Cano: approved to excuse; Ramirez: approved to excuse; Greuner: approved to excuse and Rincon-Flores: approved to excuse.

The motion carried unanimously to excuse the absent members.

**ADJOURNMENT:**

There being no further business, Romeo Robles 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 6:26 p.m.



Hector Villarreal, Chairman

**ATTEST:**



Guadalupe Cano, Secretary

