



PLANNING & ZONING COMMISSION

City Commissioner's Room

118 S. Cage Blvd. July 13, 2015 – 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, July 13, 2015. The meeting was called to order by Romeo Robles at 6:03 p.m. at the City Commissioners' Room, located at 118 S. Cage Blvd., 2nd Floor, Pharr, Texas.

ATTENDANCE

MEMBERS PRESENT: Romeo Robles Charlie Ramirez
Tom Greuner Criselda Rincon-Flores
Tuan Oliva

ABSENT: Hector Villarreal Guadalupe Cano
Victor Carrillo III

OTHERS PRESENT: See attached list

STAFF PRESENT: Melanie Cano, Asst. Director of Development Services
Roland Gomez, Senior Planner
Johanna Maldonado, Subdivision Coordinator
Della Robles, Administrative Secretary

CALL TO ORDER

Romeo Robles called the meeting to order at 6:03 p.m. and welcomed all to the meeting. Roll call established a quorum.

APPROVAL OF MINUTES

There being no discussion, Criselda Rincon-Flores **moved** the minutes of June 22, 2015, be accepted as submitted. Charlie Ramirez second the motion and when put to a vote it polled as follows: Robles: approved as submitted; Ramirez: approved as submitted; Greuner: approved as submitted; Rincon-Flores: approved as submitted and Oliva: approved as submitted.

The motion carried unanimously to approve the minutes of June 22, 2015 as submitted.

PUBLIC COMMENTS:

Romeo Robles 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. He stated he lived adjacent to Costco and he was still suffering from noise pollution and light pollution that they have there. Mr. Fletcher addressed the Chairman and the Planning and Zoning Board Members and staff in advising them that there was a possible, P&Z but it might be an oversight but a possible, violation in regards to planning of Bracamontes-Jaime Subdivision that was approved on February 23, 2015, and voted on and passed at the City Commissioners Meeting of March 03, 2015. He stated he became aware of that because he was trying to attend this and find out more about how his city functions and everything so someone does not get a Costco in their house in the future. He stated that was the reason he had been emphasizing the buffer. He stated he had just glanced at the P&Z plat packet that it was that thick and he was not a trained professional engineer but he stated that it appeared to him that the Fire Department required a fire hydrant and was not installed per construction plans and to code. He stated he wanted to let the Planning and Zoning Commission Members know this. He stated that he knows they are involved and he understands that they only recommend; so therefore; he recommends that they recommend to the City Commission look into that. He stated he got interested in this like he stated because he was trying to get the papers by the freedom of information and he does not know if there will be an eight (8) foot block wall built around the Magic Valley property. He stated it was two (2) separate things that they are talking about, Bracamontes-Jaime Subdivision. He stated furthermore when he was examining the papers there it appeared that it was originally a Carrillo property that was subdivided once. He stated he thinks that it is a Re-plat instead of a plat but maybe he was reading the things wrong. He stated he wanted to let them know about that so that they could pass it on to the Mayor and Commissioners of the City of Pharr. He thanked the Planning and Zoning Commission for their service and stated that all the time that they spend away from their families and everything what they say should be done. He stated what they were given to vote on because they have the ability here at this stage to stop a project. He stated if they were not fully informed and he thinks they were not fully informed. He thanked the Commission again and stated he would see them later on in the Public Hearing portion of the meeting. As he was leaving the podium Mr. Fletcher stated that he had a slide and asked to see the slide. He stated that we were not to dock him because they slide did not come up. He stated that if the Commission could see it was very confusing that was updated on 05/06/2015 and right above the "N" on El Rancho Blanco Road should be (time limited was up ringing bell) that is where the property in question is and it is A-O on this and if you go on the parcel map on the city site it is residential and you get information from our tax assessor collector on the zoning it does not say anything. He stated that apparently the Carrillo family conveyed the deed. Ms. Rincon-Flores stated that she was sorry to interrupt but there was a time constraint...Mr. Fletcher stated that unfortunately he did not get his slides up as instructed and stated he was sitting down right now waiting to return. Ms. Rincon-Flores stated that maybe next time there would not be a problem and thanked Mr. Fletcher. Mr. Fletcher returned to his seat and then turned around and returned to the podium and addressed Ms. Rincon-

Flores. He stated that he knew she was a lawyer and that it was perplexing to him why she interrupted and it was up to the Chairman and it was not her function. He stated she needed to be recognized by the Chairman and in turn he would address the speaker. He stated they were Robert's Rules.

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

PUBLIC HEARING:

Roland Gomez introduced himself as Senior Planner for the City of Pharr and stated he had two items for recommendation and proceeded to introduce the first item.

CHRISTOPHER T. NIXON
Rep. ALLTEL COMMUNICATIONS, LLC
d/b/a VERIZON WIRELESS

CUP-LOU
CO-LOCATION
CUP#150643

Christopher T. Nixon, representing Alltel Communications, LLC, d/b/a Verizon Wireless, has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on an existing tower in an Agricultural and/or Open Space District (A-O). The property is legally described as 0.06 acres of land, more or less, out of Lot 293, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is physically located at 5712 South Cage Boulevard. The property is currently zoned Agricultural and/or Open Space District (A-O). The surrounding area is zoned Agricultural and/or Open Space District (A-O) to the North, South, East and West. The area is generally designated for single family residential use in the Land Use Plan. Six (6) surrounding property owners were notified by letter and a legal notice was published in the Advance News Journal. Staff received one person in favor of the item and one person signed up for the public hearing. Planning Staff is recommending approval of the Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on an existing tower in an Agricultural and/or Open Space District (A-O) subject to the following conditions:

1. The applicant shall comply with all City of Pharr Ordinance requirements. Any violation of City Ordinance will terminate this Conditional Use Permit;
2. Any request to revise, alter or amend the conditions or requirements shall require the applicant to apply for a new Conditional Use Permit;
3. 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;
4. This Conditional Use Permit shall be issued for the Life-of-the-Use; and
5. The telecommunications tower must comply with all setback and height requirements.
6. The following shall be considered as grounds for the revocation of a Conditional Use Permit:
 - Any change in use or change in extent of use, area or location being used.
 - Failure to allow periodic inspections by representatives of the City of Pharr at any reasonable time.
 - Conditional Use Permits that have been revoked may not be applied for again until a period of one year has lapsed from the date of revocation.

Roland Gomez advised that this item will go before the City Commission Meeting of July 21, 2015 at 5:00 p.m.

Romeo Robles advised this item requires a public hearing and stated that there was one person who signed up to speak at the public hearing and to please come forth.

An individual approached the podium and stated his name as Kenneth C. Fletcher his address is 504 South Diplomat, Pharr and he was still getting noise nuisance and light nuisance from Costco. He stated he was here to say he was pro-business and communications are very important. Mr. Fletcher stated to have the tower there and that there was a very interesting website that you can make it look like a giant cactus or whatever. He stated that something that is stationary could turn out to look unsightly and to live by it they start to ignore it and when you get constant light and noise, like from Costco, it is very hard to ignore. He stated he was for this project and right now if you move in there the tower is already there so there is no problem. He stated he lived in his house for six years before Costco was put there and he thinks Costco is really a heavy commercial so one of these days when they go from commercial to heavy commercial like he thinks it should be then there will be more control over it and more control. He stated he was trying to speak to the Commission and to use the tower to serve the underserved in the south when the tower way back on the agenda came up and he was denied his public hearing on the 3rd and the 21st before early voting and before the elections so that is an open meetings act violation and he would think that everyone has a T.V. so that it would cost approximately one hundred thousand dollars (\$100,000.00) to hook it up and broadcast public health problems and English as a second language and he believes Pharr should mimic KTTT T.V. and it would stand for Knowledge and Total Transparency and Truth station.

There being no further discussion, Tom Greuner **moved** to approve the request for a Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on an existing tower in an Agricultural and/or Open Space District (A-O). Charlie Ramirez second the motion and when put to a vote it polled as follows: Robles: approved the request; Ramirez: approved the request; Greuner: approved the request; Rincon-Flores: approved the request; and Oliva: approved the request.

Motion carried unanimously to approve the request for a Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on an existing tower in an Agricultural and/or Open Space District (A-O).

CHRISTOPHER T. NIXON
Rep. WWC TEXAS RSA, LLC
d/b/a VERIZON WIRELESS

CUP-LOU
TELECOMMUNICATION
TOWER CUP#150644

Roland Gomez, Senior Planner, introduced the second item as follows:

Christopher T. Nixon, representing WWC Texas RSA, LLC, d/b/a Verizon Wireless, has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow an existing telecommunication tower in an Agricultural and/or Open Space District (A-O). The property is legally described as

0.06 acres of land, more or less, out of Lot 98, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is physically located at 705 East Nolana Loop. The property is currently zoned Agricultural and/or Open Space District (A-O). The surrounding area is zoned Agricultural and/or Open Space District (A-O) to the North, South, East and West. The area is generally designated for industrial use in the Land Use Plan. Seven (7) surrounding property owners were notified by letter and a legal notice was published in the Advance News Journal. Staff received one person in favor of the item and one person signed up for the public hearing. Planning Staff is recommending approval of the Life-of-the-Use Conditional Use Permit to allow an existing telecommunication tower in an Agricultural and/or Open Space District (A-O) subject to the following conditions:

1. The applicant shall comply with all City of Pharr Ordinance requirements. Any violation of City Ordinance will terminate this Conditional Use Permit;
2. Any request to revise, alter or amend the conditions or requirements shall require the applicant to apply for a new Conditional Use Permit;
3. 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;
4. This Conditional Use Permit shall be issued for the Life-of-the-Use; and
5. The telecommunications tower must comply with all setback and height requirements.
6. The following shall be considered as grounds for the revocation of a Conditional Use Permit:
 - Any change in use or change in extent of use, area or location being used.
 - Failure to allow periodic inspections by representatives of the City of Pharr at any reasonable time.
 - Conditional Use Permits that have been revoked may not be applied for again until a period of one year has lapsed from the date of revocation.

Roland Gomez advised that this item will go before the City Commission Meeting of July 21, 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. Della Robles advised that Mr. Fletcher left the meeting and would not speak in regards to the item. There being no one else 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, Tuan Oliva moved to approve the request for a Life-of-the-Use Conditional Use Permit to allow an existing telecommunication tower in an Agricultural and/or Open Space District (A-O). Charlie Ramirez second the motion and when put to a vote it polled as follows: Robles: approved the request; Ramirez: approved the request; Greuner: approved the request; Rincon-Flores: approved the request; and Oliva: approved the request.

Motion carried unanimously to approve the request for a Life-of-the-Use Conditional Use Permit to allow an existing telecommunication tower in an Agricultural and/or Open Space District (A-O).

PLAT APPROVAL:

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

**QUINTANILLA HEADLEY & ASSOCIATES INC.
Rep. ESPONJAS DEVELOPMENT, LTD.,
CRUZ CANTU III, PRESIDENT**

**MEDICAL RIDGE
SUBDIVISION
SUB#150411**

Quintanilla Headley & Associates Inc., representing Esponjas Development, LTD., Cruz Cantu III, President, is requesting preliminary plat approval of the proposed Medical Ridge Subdivision. The property is legally described as being a 21.12 acre tract of land out of Lot 8, Block 8, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property is located between the 1400 and 1600 Block of South Jackson Road. The property is currently zoned General Business District (C) and Medium-Density Multi-Family Residential District (R-3). The adjacent zones are General Business District (C), and Agricultural and/or Open-Space District (A-O) to the North, Agricultural and/or Open-Space District (A-O) to the East and South, and city limits to the West. The property is designated for multi-family residential use in the Land Use Plan. Property proposed use: Commercial/Residential. Variances: None requested. Planning staff recommends preliminary plat approval of the proposed Medical Ridge Subdivision subject to the following conditions:

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

- 1) Verify the entire R.O.W.
- 2) Need to verify the utility's in the R.O.W.
- 3) Lot lines need to extend to the middle of the R.O.W.
- 4) Need to identify the common area as a Lot, it also needs water and sewer.
- 5) Label alley as private.
- 6) Will need a permit from H.C.I.D. No.2 to cross their 30' R.O.W.
- 7) The storm outfall line to the ditch will need an easement.
- 8) Street names need to align with closest street.
- 9) Verify corner clips (L1&L2).

EASEMENTS:

- 1) 10' Utility Easement Exclusive to City of Pharr between R.O.W. & drainage swale.

**SIDEWALK:
ADA:**

- 1) No Comments.

FIRE PROTECTION:

- 1) See attach comments.

WATER:

- 1) Replace 8" waterline with a 12" waterline along South Jackson Road.
- 2) Install a 12" waterline inside 10' Utility Easement.
- 3) A 9' separation is needed between water and sewer lines on Lot A & B.
- 4) Need 2X5 multi "Y" for each Lot.

- SEWER:**
- 1) Install all sewer services in the middle of the Lots.
 - 2) Provide analysis of the capacity of the existing lift station to handle proposed subdivision. Based on the analysis there could be improvements at the receiving lift station.

- DRAINAGE:**
- 1) Since this is a private subdivision, the proposed storm system to the outfall must be placed within private easements. The storm system will not be allowed to be placed within city easements.
 - 2) Hydraulic calculations of storm system need to be provided and verified by Engineering Department.
 - 3) Storm water detention needs to be on an as per Lot basis.

- OTHER:**
- 1) Update location map.
 - 2) Verify surrounding areas.
 - 3) Setbacks are as per City Ordinance.
 - 4) On the signature block for the irrigation district be consistent. (No. or #)
 - 5) Need to reference City of Pharr Benchmark.
 - 6) Verify the scale.
 - 7) We will require a buffer around the entire property during subdivision phase.

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.

There being no discussion, Tom Greuner **moved** to approve the request preliminary plat approval of the proposed Medical Ridge Subdivision. Tuan Oliva second the motion and when put to a vote it polled as follows: Robles: approved the request; Ramirez: approved the request; Greuner: approved the request; Rincon-Flores: approved the request; and Oliva: approved the request.

Motion carried by unanimous vote to approve the request preliminary plat approval of the proposed Medical Ridge Subdivision.

ANNOUNCEMENTS/OTHER BUSINESS: NONE

ABSENTEE REPORT: Hector Villarreal, Guadalupe Cano and Victor Carrillo III were the absent members. Charlie Ramirez moved to excuse the absent member. Tuan Oliva second the motion and when put to a vote it polled as follows: Robles: approved to excuse; Ramirez: approved to excuse; Greuner: approved to excuse; Rincon-Flores: approved to excuse and Oliva: approved to excuse.

The motion carried unanimously to excuse the absent member.

ADJOURNMENT:

There being no further business, Tom Greuner moved that the meeting be adjourned. Tuan Oliva second the motion and when put to a vote it polled as follows: Robles: approved to adjourn; Ramirez: approved to adjourn; Greuner: approved to adjourn; Rincon-Flores: approved to adjourn and Oliva: approved to adjourn.

Motion carried unanimously and the Planning and Zoning Meeting adjourned at 6:20 p.m.



Romeo Robles, Vice-Chairman

ATTEST:



Charlie Ramirez, Member

