



PLANNING & ZONING COMMISSION

City Commissioner's Room

118 S. Cage Blvd. May 11, 2015 – 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, May 11, 2015. The meeting was called to order by Hector Villarreal at 6:01 p.m. at the City Commissioners' Room, located at 118 S. Cage Blvd., 2nd Floor, Pharr, Texas.

ATTENDANCE

MEMBERS PRESENT: Hector Villarreal Romeo Robles, Sr.
Guadalupe Cano Charlie Ramirez
Tom Greuner Criselda Rincon-Flores
Tuan Oliva

ABSENT: Victor Carrillo III

OTHERS PRESENT: See attached list

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

CALL TO ORDER

Hector Villarreal called the meeting to order at 6:01 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 April 27, 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; Rincon-Flores: approved as submitted and Oliva: approved as submitted.

The motion carried unanimously to approve the minutes of April 27, 2015 as submitted.

PUBLIC HEARING:

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

ABRAHAM MACIAS
d/b/a IGLESIA TU LIBERTADOR

CUP: CHURCH
CUP#150328

Abraham Macias, representing Iglesia Tu Libertador, has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow a church in General Business District (C). The property is legally described as 0.02 acres out of Lot 2, El Chaparral Subdivision, Pharr, Hidalgo County, Texas. The properties physical address is 1000 East Highway 83, Suite G. The property is currently zoned General Business District (C). The surrounding area is zoned General Business District (C) to the North, South, East and West. This area is generally designated for commercial use in the Land Use Plan. Thirteen (13) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance Newspaper. Staff received no response to the letters or the legal notice. Planning Staff is recommending **approval** of the request for a Life-of-the-Use Conditional Use Permit to allow a church in General Business District (C) subject to the following conditions:

1. Parking requirements as per Ordinance;
2. If the need arises for expansion, it will be necessary for the Planning & Zoning Commission to reconsider this permit;
3. The applicant shall comply with the Landscaping and Sign Ordinance;
4. Any change in ownership or applicant conducting business shall terminate this Conditional Use Permit;
5. The property would have to be subdivided as per city codes and ordinances prior to construction;
6. A building permit and Certificate of Occupancy will be required and current standard building codes must be observed.
7. 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 of the building 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 May 12, 2015 at 5:00 p.m.

Hector Villarreal 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, Hector Villarreal waived the public hearing and opened the item to the Planning and Zoning Commission for discussion and action.

There being no discussion, Criselda Rincon-Flores **moved** to approve the request for a Life-of-the-Use Conditional Use Permit to allow a church in General Business District (C). Guadalupe Cano second the motion and when put to a vote it polled as follows: Villarreal: approved the request; Robles: approved the request; Cano: 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 a church in General Business District (C).

MARTIN SANTOS
d/b/a STORMY COLORS BAR AND GRILL
DRIVING RANGE OF SOUTH TEXAS

CUP: ABC
CUP#150429

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

Martin Santos, d/b/a Stormy Colors Bar and Grill, 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 0.10 acres out of Lots 15-19, Bustamante Subdivision Unit No. 2, Pharr, Hidalgo County, Texas. The properties physical address is 802 East IH-2, Suite H and I. The property is currently zoned General Business District (C). The surrounding area is zoned General Business District (C) to the North, East and West and Single-Family Residential District (R-1) to the South. The area is generally designated for commercial use in the Land Use Plan. Code Compliance, Fire Department, the Police Chief and Planning Department recommend approval of the Conditional Use Permit. Seventeen (17) 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 recommends 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.

Roland Gomez advised this item will go before the City Commission Meeting of May 12, 2015 at 5:00 p.m.

Hector Villarreal 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, Hector Villarreal waived 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). Tuan Oliva second the motion and when put to a vote it polled as follows: Villarreal: approved the request; Robles: approved the request; Cano: 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 Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C).

MARIO I. LEDEZMA
Rep. LA FRONTERA BAR

CUP: ABC
CUP#150431

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

Mario I. Ledezma, d/b/a La Frontera 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 General Business District (C). The property is legally described as Lots 4 and 5, La Quinta Subdivision, Pharr, Hidalgo County, Texas. The properties physical address is 5808 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 and 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 Compliance, Fire Department, the Police Chief and Planning Department recommend approval of the Conditional Use Permit. Twenty-Seven (27) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. Staff received two people in opposition of the item and two people signed up to speak at the public hearing. Development Services Staff recommends 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.

Roland Gomez advised this item will go before the City Commission Meeting of May 12, 2015 at 5:00 p.m.

Hector Villarreal advised this item requires a public hearing and stated that there were two people who signed up to speak at the public hearing, to please come forth.

An individual approached the podium and stated his name as Jose Jesus Luna and addressed the Commission in Spanish. Another individual approached the podium and stated his name as Raymond Luna, eldest son to Jose Jesus Luna. He stated his father's address as 101 West Green Jay. He stated that are opposed to the item due to the reason that they have had too many problems with the previous business that was there.

- Raymond Luna stated his father had filed police reports.
- He stated that his father has brought receipts and pictures of the constant situation that has been going on.
- He stated they are opposed of the permit that the applicant is requesting.

Raymond Luna asked if the Commission wanted him to read the letter and Mr. Villarreal stated that each member had a copy. Mr. Raymond Luna asked if the Commission had any questions they wanted to ask his father or him since they were present. Mr. Villarreal stated they would open the item for discussion. Mr. Raymond Luna asked if the Commission had a copy of the letter and pictures of what they were requesting. Mr. Villarreal affirmed. Raymond Luna continued:

- They were in attendance was because during the last business that was in operations.
- He stated that they live on Lot 153 which is directly across from the business and because of the abundance of customers and they park on his father's property.
- He stated that he himself has had confrontations with the people.
- Mr. Raymond Luna stated that customers block the entrance his father's home.
- He stated that his parents are elderly, they have health problems and they both have heart conditions.
- He stated that he did not bring any of their medical records but if the Commission needed them he would be able to provide them.
- He stated that the customers from the bar park right in front so that Mr. Luna cannot get in or out of his property.
- Mr. Raymond Luna stated that he has gone and spoken with them, and that he has gotten into confrontations with them.
- He stated that they have thrown beer bottles at his parents' house.
- He stated they have broken windows and two months ago before they closed the business someone backed up into one of their vehicles a red Mustang which is indicated in the photos that he provided.
- Stated that last confrontation he had was because the individuals were doing inappropriate things in front of the house.
- He stated that they have called Pharr Police and because of that they have retaliated and broken back windshield of his parents' van.
- Police report has been attached in the packet.
- Bills and invoices have been attached to repair the property.
- Mr. Raymond Luna stated that they wake up every morning to a yard full of beer bottles, cans and other unmentionables.
- He stated that because there is a Zoning Commission where they stated they can have only so many customers in a business but when they have live bands or concerts there are too many people parking in the street.
- There is not enough parking.
- Raymond Luna stated that they call the police but they are told the streets are part of city property and they can park there.

- He stated they do not have issues with them parking there but they do not want them to park in front of the gates because they cannot get in or out in case of an emergency that has happened before what are they going to do.
- His father has been working with City of Pharr for 15 years and is ready to retire.
- Raymond Luna stated his parents wanted to enjoy their time at home but Thursdays –Sundays they cannot enjoy their evenings.
- Kids cannot be outside playing.
- They have witnessed fights, stabbings and shootings.
- He stated that he is now documenting all issues.

Ms. Rincon-Flores asked how long ago the old bar was closed down. Mr. Raymond Luna stated that it closed down in February. Ms. Rincon-Flores stated about 2-3 months ago. Mr. Luna affirmed that it had been between a month to a month and half. He stated he had just moved in from out of state and moved in with his parents because of their health conditions, they have problems with the bar. Ms. Rincon-Flores stated that Mr. Jose Luna was having problems with the previous bar and owner. She stated that they (previous owner) is no longer involved with it. Mr. Raymond Luna stated he did not know for sure if they were involved or not he then continued:

- He stated it was going to be the same thing as the previous owner.
- They are only allowed so many customers because of parking.
- He stated he added pictures of the street when full.
- Raymond Luna stated that the business only had 38 spaces for patrons.
- He stated that they can have over 60 people which is 2 people per car.
- The business is open until 2-3 o'clock in the morning.

Ms. Rincon-Flores asked if we can monitor this type of business and new owners to make sure that they follow rules. She stated that she understands their fear and it is valid. She asked if there was something that the city could do to regulate their behavior so it doesn't happen again. She suggested a probationary period. She then asked if parking was regulated to that near the business and asked what the capacity was for the lot. Ms. Melanie Cano, Assistant Director, stated that for this particular location it did meet code for a Bar and Grill or a restaurant. Ms. Cano stated that for live events it would be something that they would have to present to the city beforehand and if she is not mistaken, they are not supposed to be having those type of events. Ms. Rincon-Flores stated that with the previous owner they were having a lot of difficulty. Ms. Cano affirmed. Ms. Cano stated that as for parking in residential areas, it would be something that Development Services could reach out the Police Department so that they could monitor it. She then added that as the Planning and Zoning Commission the members could put additional conditions to the permit. Ms. Rincon-Flores asked if the charges that were filed were prosecuted. Mr. Raymond Luna stated that they had not but that they put in the letter was that they have called the police numerous times stating that because they park there they needed access into and out of their house, family members cannot park there for longer than an hour. Ms. Rincon-Flores stated that those were not criminal charges but more like the vehicle, disorderly conduct or have been paid restitution through crime victims or those individuals

been prosecuted. Mr. Raymond Luna stated that they have not since the Good Times Bar has been closed.

- Mr. Raymond Luna stated that he has moved back in with his parents' right before Christmas.
- He stated that his parents are not aware of the laws and when they call the police they are always told the same thing, there are only two police officers available at this time for this area.
- He stated that he had suggested to police to sit out there at 2 o'clock in the morning.
- The customers have run signs down.
- He stated he will be installing cameras on their property so that everything that happens will be documented.
- He stated on December 23, Lot 153 they had a dispute and there was gunfire and shot 4-5 times.
- He stated if a bullet had come in one of the two window that faces the bar who knows what could have happened.
- He is not saying that the new owners that are applying are the same way.
- He stated that any time they have a live band the street gets congested on both sides.
- Mr. Raymond Luna stated that their fence had been knocked down where they park their vehicles.
- He stated he had brought proof of everything.

Tom Greuner asked if the back of the bar faced his father's property. Raymond Luna stated it did. Ms. Rincon-Flores asked if it was 135. Mr. Luna affirmed stating Lots 135 and 134 were the lots his father owned. Raymond Luna stated that the neighbor across the street also had problems and she registered to speak but she was not in attendance. He continued with:

- Mr. Luna stated that when they come out of the parking lot they come out at tremendous speed.
- Most when leaving they are feeling pretty good.
- They cannot go out in the evenings with kids or grandkids.
- He stated that they yell out vulgar remarks and he has gotten into 3 altercations in his father's property.
- He stated that they call the police but they cannot be on every call.
- Stated that they are putting cameras.
- He suggested they could put a wall there and not come out from there since it faces directly to their property.

Ms. Rincon-Flores asked if there was a way to make traffic go another way. Ms. Cano stated that this lot in particular the way it was designed it has angled parking so the width they have only allows a one way. Which exits through the residential neighborhood.

Mr. Luna continued by stating:

- When they leave at 2 o'clock in the morning they leave at a high rate of speed.
- He stated that he has personally witnessed a stabbing and a shooting in February and by the time the police got there everyone was gone.
- He stated that he has had in total about seven altercations.
- They cannot barbeque because there are drunk people and they throw bottles in there.
- They have had to get a dog so that people do not enter into their back yard and get their chairs.

Ms. Rincon-Flores stated that on Balli Street there were other bars or pool bars. Mr. Luna stated that there were but they were down the street and he was talking about this bar and of course the previous owner. He continued by stating his father works for the City of Pharr for 15 years and deserves something. Ms. Rincon-Flores stated that the City and staff was grateful for his service to the City and that is why they are there trying to do what was best for the community. She stated that they were glad that he was raising these concerns because thanks to people like him the last bar was no longer there. She stated that things were done, precautions were taken and it was very unfortunate that your family has had to suffer the consequences that some people that were not obeying what the city requires them to do. Ms. Rincon-Flores asked if the owners of the new club were in attendance. Della Robles stated that he was not in attendance. Ms. Rincon-Flores stated that the previous owner was not allowed to have those concerts or the bands there and that they were breaking the rules. She stated that we were now going to make sure we are stricter in making sure that will not happen again because if she had heard correctly that was the reason for the traffic and bad situations.

- Mr. Luna stated that the occupancy of the building was over the limit.
- He stated when concerts were being held there were fights.
- He understands that the bar owners cannot control the customers but because of that he is going to put up cameras.
- He continued by stating they would have live bands Thursday through Sunday.
- On Tuesdays and Wednesdays they would have game nights.
- Raymond Luna stated that they have windows broken where they have thrown bottles because they have asked them to move.
- They have put signs up that state no parking and they take them and throw them in their yard.
- He stated they are worried if something happens.
- Mr. Raymond Luna stated that there have been shootings that have happened and by time police arrive everyone is gone.
- What will happen if there are kids outside?
- Their front yard faces the back of the bar and in the direct path of the exit.
- He suggested they fix their parking and angle it the other way.
- He stated that their music is so loud that their windows tremble.
- They cannot sleep.

- He stated that the Commission is welcome to come to their house and see for themselves the windows tremble.

Mr. Greuner stated that one of the conditions they could set was to enclose that wall completely that way it limits them to egress and they won't be getting into bar fights or getting into their front yard and they would have to walk all the way around the building to get to the front door. Mr. Rincon-Flores agreed and asked if it was possible. Ms. Cano stated that the way it was designed it was not possible and it was only 15 feet with the one way and for two cars so it can be a two-way would be 24 feet. She states it was only 15 feet so it only allowed them to exit through the residential in the rear. Ms. Rincon-Flores asked if the other bars had the same exits into the neighborhood. Ms. Cano stated that she did not believe so. Mr. Luna stated there was another bar around the area called the "Red" something and they have parking in front so when they leave they back up and get back on the main road. Ms. Rincon-Flores asked that the only one with the mandatory exit is that one. Mr. Luna stated that their parking was very limited and it was not really about the parking but what they do when they park there. He stated that the children have asked why cars are moving and he says because something is going on. Ms. Rincon-Flores stated that what she understand was that it was not so much the flow of traffic but the things that occur in that area because unfortunately when there is alcohol involved things like this can happen. She suggested to call police. Mr. Luna stated that by the time some of these things that happen and they call police everyone is gone. Ms. Rincon-Flores stated that because there were other bars in the area we needed to give them the opportunity to see if they can follow the guidelines but she stated she did not want to have the family in a situation where they worry about what might happen. She stated that what Mr. Luna and his family were going through are all valid points but it would not be fair to the new owners coming in to give them that opportunity. Mr. Luna asked why the other bar was shut down was it because of all the illegal stuff that happens in bars like that. Ms. Rincon-Flores stated she did not have the answer for that but luckily it was shut down and she was glad that they did. She asked how many days the bar was open and if it was Tuesday through Sunday or was every day. Ms. Cano stated that she believed the bar was open every day. Raymond Luna stated that was when they had game nights and it was supposed to be a sports bar/restaurant that serves food they would be open until 10:00 p.m. He stated that was when they applied for the late hours and all the issues began. Mr. Luna stated that the patron come out of there at a high velocity of speed and he has called the police over and over and over. He stated that he told the police they did not have to patrol the area every hour but just to have someone sit there at 2:00 a.m. He stated the police told them it was a public street and he understands that but he does not want them to park so far into his father's property where they knock his fence down. Mr. Raymond Luna stated he does not want them to throw trash or beer bottles because he was the one doing the cleaning. He stated that they break beer bottles that they do not see in the morning and because of that they get flat tires. He stated that his father has had to put four brand new tires on his truck and he had to put a brand new tire about four weeks ago on his Mustang. He stated he was not fighting the owners or whoever is filing for the permit but he is fighting the late hours and that was when problems start. He stated that he has had four

altercations before they closed the previous bar and he will protect his father and his mother.

Ms. Rincon-Flores asked if they have had issues from the new owners. Raymond Luna stated they did not know who they were. She asked since the change in management or owners has he had issues. Mr. Luna stated that the bar has not been open and been closed for a month and a half. He stated it was sometime in February but he was not sure what date. Mr. Greuner asked if someone could redesign the parking lot and if closing the back could alleviate the problem. Ms. Cano stated that the business did not have any additional space to meet the requirements. Mr. Greuner stated that they may have to use some of the parking spaces as a turn around. Ms. Cano stated they would be in a predicament because they would not meet the parking space requirement for that type of business. Raymond Luna stated that the building was built the long ways instead of building it on the rear part of the lot and spreading it. He stated that they had built a wall to the side of the Mexican restaurant Don Felipe and because of that wall they are limited and come in and park at an angle. Mr. Luna stated because of that when they leave the back up and drive out on their street and in front of their house. Mr. Villarreal asked if he had already added video surveillance. Mr. Luna stated that they had not yet because it costs money. He stated that they have thrown rocks at his parents' windshields and they cannot afford it because of their medications. He stated that his father still worked for the city and he was 76 years old. He stated that he had to work and the children are helping where they can. Mr. Luna stated that when the previous owner of Good Times Bar had opened he came over and spoke to his parents and asked if they could park there. He stated his mother told them "no, you cannot park here because it is our property". Mr. Luna asked the Commission how they would like it if he went to go park on their property. He stated that he did not mind so much the parking but more all the other stuff they should not be doing. He stated that the kids go out and they watch what is going on and once his five year old niece told him that there were people inside a vehicle and it was moving. He stated that she does not need to be seeing that. Mr. Raymond Luna stated that his father had built the house 30 years ago and there was no bars. He stated that there had been other businesses and there was a mechanic shop right across from them and they have never had issues with them. He stated it was just the previous bar that they started having problems. Mr. Luna stated that the neighbors had issues as well but he was not sure where they were but they were in Lot 120. He stated that they had been there since 1985.

Mr. Greuner asked if it would help if the city put up some no parking signs. Mr. Raymond Luna stated that the patrons would take them down and that he had already put them up and they were thrown back into his yard. Mr. Greuner stated that it was in his property. Mr. Luna stated that at 2 or 3 o'clock in the morning if they take them down they would not know who it was. Ms. Cano stated that what we could do given the history of the business and property was to recommend them submitting a security plan from a security company to try to eliminate some of the issues that the residence have around the area. She stated that could be an additional request added to the permit. Mr. Luna asked what about the music, which was so loud. Ms. Cano stated that it was supposed to be reported to the Police Department and they have a measuring device that measures the sound

decibels. She stated that the parking around the residential neighborhood could also be reported to the Police Department.

Mr. Luna continued:

- They double park and they step on their grass, so now it is dying.
- They peel out and chunks fly everywhere.
- They park on the easements and knock down Mr. Luna's fence which he has had to fix three times already.
- Street is narrow and they block traffic.
- He is starting to document everything.
- Not against new bar owners but does not want the issues that happen.
- Stated he believed everyone needs an opportunity and chance.
- Police get there but they get there late and he understands they are short on man power.
- He stated that they do not need to be there all the time just at 2:00 a.m. and they could catch everybody. It would be like catching fish in a barrel.

Mr. Villarreal stated that he believes the surveillance from the video cameras would help. He stated it should be a requirement especially when they have concerts. Ms. Rincon-Flores stated that she thought concerts were not allowed. Mr. Greuner stated that it would be too loud especially with a residential neighborhood right there. Ms. Cano stated that the type of business that is allowed is specifically what they are applying for which is the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption/a bar. Mr. Villarreal stated that El Rodeo Bar which is a ways down lost their permit completely which was due to an incident that happened there. He stated that the only thing they needed to have and the Police Department would need to have proof which means that it could happen at any time, security requirements that are necessary. He stated that he knows they have packages for 300-400 hundred dollars. Mr. Villarreal stated that they could have four cameras out there that will record during the night and make it look like daytime with the clarity of the cameras. He stated that any violation that is recorded properly will be all that is necessary during the probationary period and that will be consequences.

Mr. Luna stated it sounded great but his parents could not afford a lot of stuff and all the kids are pitching in to make it happen. He continued and stated that his father has lived there for so many years and he was an outstanding citizen and paid all his taxes on time. Mr. Villarreal stated it could be added as additional conditions for the business itself because it would be beneficial for them and they will be able to prove it was not their customers and will show the identity of vehicles that are doing this. He stated it could be other vehicles from around the area and not necessarily theirs so for the protection of the owners as well it will conclude with more accuracy the violations that will happen at any time even with very dim lights. Mr. Luna stated that they did not have a problem during the day or afternoons about 8 or 10 o'clock. He stated what was happening is every time there are concerts or loud music is when it all happens. He stated all the other businesses around there are not affecting his father but what is happening is the late hours. Mr. Raymond Luna stated that the new applicant is applying for the late

hours with alcohol. He stated he knows that is what is causing the problems and everyone knows that. He stated that they can help the police since they will be putting up cameras to report accurate crimes and what not.

Mr. Jose Luna addressed the Commission in Spanish.

Mr. Luna asked what if someone new came in and wanted to open the same type of business. Mr. Villarreal stated that anyone that comes in is supposed to honor the requirements there and any violations and they will lose the permit and no one else will be able to have that permit or sublease. Mr. Villarreal stated that until recently once the permit is revoked completely on number 14 & 15 that has never happened in that area. He stated that there are new conditions added to the requirements and it was at the individual member that votes on it. He stated that they could also make it a requirement that surveillance in the evening hours of operation. Ms. Rincon-Flores asked if the restaurant next door sold alcohol. Ms. Cano stated that she would have to look into it. Mr. Luna stated that he believes they serve beer and Ms. Rincon-Flores affirmed. Mr. Greuner asked if the restaurant had the same egress. Mr. Luna stated they did but it was Lot 1 and it was their parking lot so when they exit they come out on the right. Ms. Cano stated that the parking at the taqueria was 90 degree parking. Mr. Greuner asked if they could have the 90 degree parking at the bar. Ms. Cano stated they would not fit the standards or requirements. Mr. Robles asked if they do not meet the standards could they still operate. Ms. Cano stated that they would not unless they meet the standards. She stated that the way it was designed it was approved for the usage for a Bar & Grill. Mr. Luna stated a Bar & Grill and not a concert hall. Mr. Greuner asked what the city could do to help these folks. Ms. Cano stated that she would reach out to Public Works Department and she was pretty sure that there could be signs that could be put in place. She stated that it could be a condition that the Commission could put in place. Ms. Cano addressed Mr. Luna and informed that the Planning and Zoning was only a recommendation to the City Commission. Mr. Luna informed that they were also scheduled to speak at the City Meeting tomorrow. Mr. Luna stated that his main concern was when they block the gates. He stated he was not allows there because he travels so his sister was there in case something happens. Mr. Luna asked the Commission to look at the picture of the window that was broken on the van it was the time that he had the altercation with a gentlemen to move his vehicle. He stated he had asked the man to move his vehicle so that they could leave the gates open and if he did not he would have to call the police. He stated that they had to leave the gates open because they needed access especially in case of an emergency. Ms. Rincon-Flores stated she liked the security being required because she knows that dealing with people who are intoxicated is... She stated she was scared for his safety and he should not have to deal with people who are not being logical when they are under the influence of alcohol. So if they obtain security to make sure that no one parks in that area being there in the late hours where it is the most dangerous time and making it requirement that the owners install cameras that can look at their business so in case Mr. Luna's family cannot afford it they have the proof to dispute and say that things are done right. She stated that the cameras can get video of the areas nearby. Mr. Villarreal stated that as long as there is 360 degree coverage from the front, rear areas completely and sideways at any time during the

evenings. Ms. Rincon-Flores stated that they would need security of the heavy days like Fridays and Saturdays. Mr. Greuner stated that the owners may not want a security camera so they do not lose any clients. Ms. Cano stated maybe not the cameras but they could have security and preventative measures put into place. She stated for instance hiring a security company with security guards that will monitor the occupancy load. Mr. Villarreal stated that any type of violation that is indicated to the 360 degree circumference completely. He stated it would cover the residential areas in the back and it will save the individual homeowners any additional liability. Ms. Rincon-Flores stated that we should let the new owners know the issues that were happening with the previous owners for them not to commit the same mistakes. Mr. Luna stated that he had put the bills and receipts and it had cost his parents about \$1,500.00 extra. Mr. Villarreal stated that the main thing is to know the individual that caused the damage and once that was identified it would weed out all the bad customers. Mr. Luna stated that the business has a big street light just about the door and it reflects but it was the only lighting out there. He stated for that reason they were also looking into motion detection lights because there are not lights in the street and it was dark. One night he encountered men out putting cases of beer into a vehicle. Ms. Rincon-Flores asked if the new owners have tried to make contact. Mr. Luna stated that they had not but they were willing to sit with them and talk to them about the problems. Ms. Rincon-Flores stated that there was nothing better than communication. She stated that as the city informs them that there were prior concerns, residents really close by that have had major things happen to them and inform them that they should follow what the city was asking to follow because it will be easy for us to remove the permit. She stated that because we are aware of the tendencies. She stated it was not fair for the new bar owner to suffer with that but now he is aware of what could happen and can do something to avoid it because if not there will be consequences. Mr. Robles stated that he was here to protect the residents and he did not want to go to bed thinking that my actions had something to do with...he does not want to commit himself to open that type of business if there is not more insurance that the behavior is not going to happen. Mr. Robles suggested that they table the item and so they can meet with the owners. Commission asked if the owner was in attendance. Staff advised the Planning and Zoning Commission that the applicant was informed and encouraged to come to the meeting and it would be in their best interest to attend. Mr. Luna stated that he spoke to the business of 135 a mechanic business and across the street where the sign is and asked if they had issues and he spoke to Medina's Chicken and to the person next to the Lot 150 but they were scared. They did not want to come talk or register or anything. The only person that came was the lady that applied from Lot 120. Everyone was scared and they did not want. Ms. Rincon-Flores asked if they were scared of the past owner or this new one. Mr. Luna stated he did not know. Ms. Rincon-Flores asked besides the police who do they inform directly. Ms. Cano stated that they could notify Development Services and Code Compliance that they could reach out to. Ms. Cano stated that he could also inform T.A.B.C about the containers that they remove off-premise who will open up an investigation and shut them down for 30 plus days.

Mr. Jose Luna addressed the Commission in Spanish.

Mr. Greuner stated that he believed Mr. Ramirez was on the right tract in putting an extra security light put out by the street on the telephone pole on the back exit. Mr. Ramirez stated that if they put up security lights who is to stop someone from breaking them.

There being no further discussion, Romeo Robles **moved** to table 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 to table the request; Robles: approved to table request; Cano: approved to table request; Ramirez: approved to table request; Greuner: approved to table request; Rincon-Flores: approved to table request and Oliva: approved to table request.

Motion carried unanimously to table 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:

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

SALINAS ENGINEERING & ASSOCIATES
Rep. URIEL DE ALBA AND DORA G. DE ALBA

DE ALBA
SUBDIVISION
SUB#150204

Salinas Engineering & Associates, representing Uriel De Alba and Dora G. De Alba, are requesting preliminary plat approval of the proposed De Alba Subdivision. The property is legally described as being a 2.76 acre tract of land, more or less, out of and forming a part of Lot 188, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located between the 900 and 1000 Block of South Cage Boulevard. The property is currently zoned General Business District (C). The adjacent zones are General Business District (C) to the North, Office Professional District (O-P) and General Business District (C) to the East, General Business District (C), Single-Family Residential District (R-1), Medium-Density Multi-Family Residential District (R-3) and High-Density Multi-Family Residential District (R-4) to the South, and Medium-Density Multi-Family Residential District (R-3) to the West. The property is designated for residential use in the Land Use Plan. Property Proposed Use: Bakery/undecided. Variances: none requested. Planning staff recommends preliminary plat approval of the proposed De Alba Subdivision subject to the following conditions:

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

- 1) Corner easements should be 30 x 30 on Leslie Avenue & Cage Boulevard and Lauck Avenue & Cage Boulevard.

EASEMENTS:

- 1) 20-ft. easement needs to be exclusive to City of Pharr

and needs to extend passed the sewer line.

- SIDEWALK:
ADA:**
- 1) Plat note # 8: To read as follows "A 5-ft. concrete sidewalk with ADA compliant ramps and landings will be required along S. Cage Boulevard., Leslie Avenue and Lauck Avenue at building permits stage.
 - 2) Side-walk along proposed Lot 1 needs to be done during subdivision phase.

- FIRE PROTECTION:**
- 1) See attach comments.

- WATER:**
- 1) Extra water services may be needed.
 - 2) No master meter is allowed.

- SEWER:**
- 1) The sewer line needs a clean out.

- DRAINAGE:**
- 1) Provide correct Flood Zone "B" description. The current description is Flood Zone "C".
 - 2) Plat Note #3, Provide detention volume per lot basis.

- OTHER:**
- 1) Remove Plat Note #4, #6 and #11.
 - 2) Verify if there are existing lot lines.
 - 3) Water and sewer improvements to be done with the subdivision process not at building permit.

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.

There being no discussion, Tom Greuner moved to approve the request for the preliminary plat approval of the proposed De Alba Subdivision. Charlie Ramirez second the motion and when put to a vote it polled as follows: Villarreal: approved the request; Robles: approved the request; Cano: 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 for preliminary plat approval of the proposed De Alba Subdivision.

**SAM ENGINEERING & SURVEYING,
Rep. MARIA DE LA LUZ SANTANA
JOSE LUIS DELGADO**

**G & D EVENT
CENTER SUBDIVISION
SUB#131128**

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

Sam Engineering & Surveying, representing Maria De La Luz Santana and Jose Luis Delgado, are requesting final plat approval of the proposed G & D Event Center Subdivision. The property is legally described as being a 2.20 acre tract of land, out of Lot 111, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The

properties physical address is 1002 East Nolana Loop. The property is currently zoned General Business District (C). The adjacent zones are General Business District (C) to the North, East and West and Single-Family Residential District (R-1) to the South. The property is designated for commercial use in the Land Use Plan. Property Proposed Use: Event Center. Variances: none requested. Planning staff recommends final plat approval of the proposed G & D Event Center 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 attach comments.
- WATER:** 1) North Alamo Water Supply Corporation.
- SEWER:** 1) No Comments.
- DRAINAGE:** 1) No Comments.
- OTHER:** 1) No Comments.

Johanna Maldonado advised this item will go before the City Commission Meeting of May 19, 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.

Charlie Ramirez asked given the proximity of residential area there he stated he could see noise violations, complaints. He asked if that street was going to be open on the east side of Obra Vista. Ms. Maldonado stated that at this moment the city was not subdividing that property so she cannot give the Commission a yes or no. Mr. Ramirez stated that the Taylor Lot 1 was a residence. He wanted to know what they were going to build and how big it was going to be. Ms. Maldonado stated that it was going to be an Event Center. Mr. Ramirez asked how large it was going to be. Ms. Cano stated that they had not submitted any plans. Ms. Maldonado stated that they were barely subdividing and not in the construction phase. She stated as far as the actual plans of how big we do not have those yet. Mr. Charlie Ramirez stated that he did not want to give them the ball and they are going to get all tripped up in the width and all sorts of other things coming along. Mr. Cano stated that later they could request a buffer. Ms. Cano stated that as part of the requirements, if she was not mistaken, was that there be a buffer and maybe even a sound insulation buffer. Ms. Maldonado asked if they would have to come in and apply. Ms. Cano stated it would depend on what sort of permits they came in for but that would be something that we could enforce.

There being no further discussion, Guadalupe Cano **moved** to approve the request for the final plat approval of the proposed G & D Event Center Subdivision. Charlie Ramirez second the motion and when put to a vote it polled as follows Villarreal: approved the request; Robles: approved the request; Cano: 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 for final plat approval of the proposed G & D Event Center Subdivision.

MGE
Rep. PHARR-SAN JUAN-ALAMO I.S.D

PSJA ISD PALMER
ELEMENTARY SUBDIVISION
SUB#130820

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

MGE, representing Pharr-San Juan-Alamo I.S.D., is requesting final plat approval of the proposed PSJA ISD Palmer Elementary Subdivision. The property is legally described as a 21.70 acre tract of land, out of Lot 232, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located between the 12,000 and 1600 Block of West Hall Acres Road. The property is currently zoned Agricultural and/or Open-Space District (A-O). The adjacent zones are Single-Family Residential District (R-1) to the North and East, General Business District (C) and Single-Family Residential District (R-1) to the South and Residential-Townhouse District (R-TH) and Single-Family Residential District (R-1) to the West. The property is designated for residential use in the Land Use Plan. Property Proposed Use: New elementary school. Variances: None requested. Planning staff recommends final plat approval of the proposed PSJA ISD Palmer Elementary 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 attach comments.
- WATER:** 1) No Comments.
- SEWER:** 1) No Comments.
- DRAINAGE:** 1) No Comments.
- OTHER:** 1) No Comments.

Johanna Maldonado advised this item will go before the City Commission Meeting of May 19, 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.

There being no discussion, Tuan Oliva **moved** to approve the request for the final plat approval of the proposed PSJA ISD Palmer Elementary Subdivision. Charlie Ramirez second the motion and when put to a vote it polled as follows Villarreal: approved the request; Robles: approved the request; Cano: 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 for final plat approval of the proposed PSJA ISD Palmer Elementary Subdivision.

ANNOUNCEMENTS/OTHER BUSINESS: NONE

ABSENTEE REPORT: Victor Carrillo III was the absent member. Tuan Oliva moved to excuse the absent member. Charlie Ramirez 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; Rincon-Flores: approved to excuse and Oliva: approved to excuse.

The motion carried unanimously to excuse the absent member.

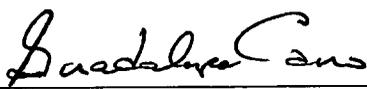
ADJOURNMENT: There being no further business, Romeo Robles moved that the meeting be adjourned. Charlie Ramirez second the motion and when put to a vote it polled as follows: Villarreal: approved to adjourn; Robles: approved to adjourn; Cano: approved to adjourn; Ramirez: approved to adjourn; Greuner: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

Motion carried unanimously and the Planning and Zoning Meeting adjourned at 7:09 p.m.



Hector Villarreal, Chairman

ATTEST:



Guadalupe Cano, Secretary

