



## **PLANNING & ZONING COMMISSION**

*City Commissioner's Room*

*118 S. Cage Blvd. February 23, 2015 – 6:00 p.m.*

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, February 23, 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      Tom Greuner  
Romeo Robles      Guadalupe Cano  
Victor Carrillo III      Charlie Ramirez

**ABSENT:**

Criselda Rincon-Flores      Tuan Oliva  
Heriberto Campos

**OTHERS PRESENT:** See attached list

**STAFF PRESENT:** Roy Torres, Building Official  
Roland Gomez, Senior Planner  
Heriberto Martinez, Planner I  
Johanna Maldonado, Subdivision Coordinator  
Janie Benedict, Administrative Assistant  
Edward Wylie, Director

### **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**

Romeo Robles **moved** the minutes of February 9, 2015, be accepted as submitted. Charlie Ramirez second the motion and when put to a vote it polled as follows: Hector Villarreal – approve as submitted; Romeo Robles – approve as submitted; Guadalupe Cano – approve as submitted; Charlie Ramirez – approve as submitted; and Victor Carrillo III – approve as submitted.

The motion carried unanimously to approve the minutes of February 9, 2015 as submitted.

**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 first item and read as follows:

**FUERA DE LUGAR, LLC  
d/b/a FUERA DE LUGAR RESTAURANT**

**CUP-ABC**

Fuera De Lugar, LLC, d/b/a Fuera De Lugar Restaurant, has filed with the Planning and Zoning Commission a request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). The property is legally described as .071 of an acre, more or less, out of Plaza Sports Center Phase 1 Lot 1 Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1101 East Nolana Loop. The property is currently zoned General Business District (C). The surrounding area is zoned Agricultural and/or Open Space District (A-O) to the North, General Business District (C) to the South, Agricultural and/or Open Space District (A-O) and General Business District (C) to the East and Heavy Commercial District (C) and Agricultural and/or Open Space District (A-O) to the West. The area is generally designated for commercial, industrial and public/semipublic use in the Land Use Plan. The Police Department 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 no response to the letters or the legal notice. Planning Staff is recommending approval of the request for a Conditional Use 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.

Mr. Martinez stated this item will go before the City Commission Meeting of March 03, 2015 at 5:00 p.m.

Hector Villarreal advised this item requires a public hearing and asked if there was anyone who had signed up for the public hearing. 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.

Guadalupe Cano asked as to the distance of the site from the school. Mr. Martinez responded it to be 1,000 ft. with this site being beyond that distance. Roland Gomez, Senior Planner, interjected that it should be 300 feet and this site is indeed beyond the 300 feet.

There being no further discussion, Charlie Ramirez **moved** to approve the request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). Victor Carrillo III second the motion and when put to a vote it polled as follows: Hector Villarreal – approve; Romeo Robles – approve; Guadalupe Cano – approve; Charlie Ramirez – approve and Victor Carrillo III – approve.

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

Janie Benedict voiced that Tom Greuner arrived to the meeting after the roll call had been taken and his presence to the meeting now being formally acknowledged. She also expressed his vote on Item No. 1, being the request for a Conditional Use Permit for ABC for Fuera de Lugar Restaurant had not been polled and is now being provided such opportunity. Mr. Gruener advised being present for the reading of the item and expressed his vote to be for approval of the request

**MAGIC VALLEY ELECTRIC COOPERATIVE, INC.**

**COZ: C TO H-C**

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

Magic Valley Electric Cooperative, Inc., is requesting a change of zone from General Business District (C) to Heavy Commercial District (H-C). The property is located on the west side of South Cage Blvd., with a current address of 1311 S. Cage Blvd. The property consists of one (1) Lot and is legally described as F.N.B. Pharr Brach Subdivision Lot 1, Pharr, Hidalgo County, Texas. The property fronts South Cage Blvd., a 120 foot Principal Arterial with a posted speed limit of 30 miles per hour as identified in the City of Pharr's Thoroughfare Plan. The property is currently zoned General Business District (C). The property is designated for commercial use in the Land Use Plan. The owner of the property is requesting a change of zone to Heavy Commercial District (H-C) in order to allow a collection station and a small warehouse. This property was rezoned from Agricultural and/or Open Space District (A-O) to General Business District (C) on September 20, 1977. The adjacent zonings are General Business District (C) to the North, South, West and Single Family Residential District (R-1) and Residential Mobile Home District (R-MH) to the East. The Heavy Commercial District (H-C) is intended for commercial uses that involve influences that involve large volumes of truck traffic, outside operations and storage of materials and equipment either for sale or as part of the business. Areas should not be zoned to this usage unless they are located on or close to arterials capable of carrying commercial or truck traffic. They should be located close to major truck routes. Fourteen (14) letters were mailed out to the surrounding property owners and a legal notice published in the Advance News Journal. Staff received one (1) call for information only. Planning staff is recommending approval of the request to re-zone to Heavy-Commercial District (H-C) as the property meets area requirements and has adequate ingress and egress. If approved, applicant must comply with all City Ordinances and Department requirements.

Mr. Martinez stated this item will go before the City Commission Meeting of March 03, 2015 at 5:00 p.m.

Hector Villarreal advised this item requires a public hearing and asked if there was anyone who signed up for the Public Hearing. Roland Gomez advised one person had signed up and was present. Hector Villarreal asked the person to approach the podium.

Dr. Kenneth Fletcher approached the podium and introduced himself. Some of his statements and comments included:

- Knowing what it is like living next to a heavy commercial zone.
- Wanting to advise the potential residents of what they will be experiencing.
- Pointing out the extreme noise that will be caused by the vehicles/equipment and how taxpayers will be affected.
- Noise decibels allowed in the City.
- What sleep deprivation causes to a human being.
- Provided comparisons of Costco businesses in other cities vs. what is in Pharr.

Roland Gomez advised the Planning and Zoning Commission that Dr. Fletcher lives outside the 200 foot area. Heriberto Martinez stated that representatives for Magic Valley Electric Cooperative being present.

Charlie Ramirez voiced he lives near the site and is very against the requested change of zone. He added that the area now is commercial with retail businesses such as restaurants in the area and to have trucks and materials there will cause a change of the scene. Mr. Ramirez stated the noise pollution is already high and understands what Dr. Fletcher is saying is true.

Ruben Pena approached the podium and introduced himself as General Counsel for Magic Valley. He provided statements and comments about Magic Valley some of which include:

- Length of time the business has been in Pharr.
- Why looking at this site to expand their services to their customers.
- Business wanting to be good neighbors.
- There will be no 18-wheelers but instead small trucks.
- Business will address beautification aspects.
- Have their big warehouses in other cities and in rural areas for their big commercial equipment.
- Looking to expand the labor base.

Atanasio Hinojosa approached the podium and introduced himself as the West Division Manager for Magic Valley. He provided more information, some to include:

- Magic Valley now serves approximately 20,000 customers with 10,000 being in Pharr.
- Presently there is a lot of traffic coming into the present office and expansion is needed.
- Will be looking to provide an open drive through and lobby in order to provide good services to its members.
- Now are getting 7,000 to 10,000 payments.
- Asking for the change of zone to receive materials and a place for bucket trucks and/or to pick up materials – will not be used as a main warehouse.
- Will have no major truck traffic.
- Their crew has working hours of 8-5 with zero volume of heavy traffic.

Dane Hocott approached the podium and introduced himself as the Service Division Manager for Magic Valley with some of his statements to include:

- Seeking to have a ground level warehouse.
- Will only have small to medium size trucks.

Dr. Fletcher re-approached the podium and added:

- The affects the truck lights have on a human.
- Provided more experiences of living near Costco.
- Gave explanation of buffer requirements versus what is there.
- Advised City Attorney not having a city office.
- Acknowledged not living near the site but that the noise will affect the citizens.

Hector Villarreal pointed out that the Planning and Zoning Commission is a recommending Board with the final decision to be made by the City Commission on March 03, 2015. He closed the public hearing and opened the item to the Commission.

Guadalupe Cano asked if medium size trucks were allowed in a General Business District and Heriberto Martinez affirmed this to be so. Roland Gomez pointed out that the site will be used for storage of trucks on the site.

Charlie Ramirez pointed out that if the change is allowed and then the business gets sold out or leaves, what is to happen after and provided examples of such occurrences. He also stated that although he appreciated Magic Valley looking towards Pharr for their business why not seek a remote area for their setup as they have done in the other cities they have indicated to have their warehouses. He continued that he can see the site to be used as a pay station but not for a starting point towards a warehouse as the site is not the best location for what is being asked and again reiterated being against the change. Tom Greuner concurred with what Mr. Ramirez expressed. Hector Villarreal called for the vote and explained the Planning and Zoning Commission's purpose.

There being no further discussion Charlie Ramirez **moved** to deny the request for the change of zone from General Business District (C) to Heavy Commercial District (H-C). Tom Greuner second the motion and when put to a vote it polled as follows: Hector Villarreal – disagreed to deny; Romeo Robles – agreed to deny; Guadalupe Cano – agreed to deny; Charlie Ramirez – agreed to deny; Victor Carrillo III – agreed to deny and Tom Greuner – agreed to deny.

Motion carried by majority vote to deny the request for a change of zone from General Business District (C) to Heavy Commercial District (H-C).

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

Magic Valley Electric Cooperative, Inc., has filed with the Planning and Zoning Commission a request for a Conditional Use Permit to allow the outside storage of materials and/or equipment in a General Business District (C). The property is legally described as Lot 1, F.N.B. Pharr Branch Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1311 South Cage Boulevard. The property is currently zoned General Business District (C). The adjacent properties are zoned General Business District (C) to the North, South, West and Single-Family Residential District (R-1) and Residential-MobileHome District (R-MH) to the East. The area is designated for commercial use in the Land Use Plan. Seventeen (17) surrounding property owners were notified by letter and a legal notice was published in the Advance News Journal. Staff received one (1) phone call for information only. Planning Staff is recommending approval of the Conditional Use Permit to allow the outside storage of materials and/or equipment in a General Business District (C) subject to the following conditions:

1. Outside storage of materials shall be limited to only paved surfaces on the lot;
2. Applicant shall provide paving for all areas that will be used for the maneuvering of vehicles;
3. Applicant shall comply with all City of Pharr Landscaping and Sign Ordinance requirements, any violations will terminate this Conditional Use Permit;
4. Any request to revise, alter or amend the conditions or requirements shall require the applicant to reapply for a new Conditional Use Permit;
5. 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;
6. 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 30 days before its expiration date;
7. The applicant must provide a buffer (opaque) along any side abutting any non-commercial area;
8. The following shall be considered as grounds for the revocation of the Conditional Use Permit:
  - Any change in use or change in extent of use, area or location.
  - Failure to allow periodic inspections by representatives of the City of Pharr at any reasonable time.
  - Failure to pay the annual renewal fee 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 31<sup>st</sup> day.
  - 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.

Before the Commission proceeded with the item, Senior Planner, Roland Gomez, expressed that since this item was contingent to the previous item, this item needed to be tabled. After a brief discussion, Hector Villarreal asked for the vote.

Guadalupe Cano **moved** to table the request for a Conditional Use Permit to allow the outside storage of materials and/or equipment in a General Business District (C). Charlie Ramirez second the motion and when put to a vote it polled as follows: Hector Villarreal – agree to table; Romeo Robles – agree to table; Guadalupe Cano – agree to table; Charlie Ramirez – agree to table; Victor Carrillo III – agree to table and Tom Greuner – agree to table.

Motion carried unanimously to table the request for a Conditional Use Permit to allow the outside storage of materials and/or equipment in a General Business District (C).

Dr. Fletcher approached the podium and asked why the presentation he'd submitted was not shown. Hector Villarreal addressed Dr. Fletcher and that the issue was now a closed case.

#### **PLAT APPROVAL:**

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

**SAM ENGINEERING & SURVEYING, INC.  
REP. JUAN R. GUERRERO AND  
GRACIELA GUERRERO**

**MASTER PLAT OF GUERRERO  
SUBDIVISION**

Sam Engineering & Surveying Inc., representing Juan R. Guerrero and Graciela Guerrero, are requesting preliminary plat approval of the proposed Master Plat of Guerrero Subdivision. The property is legally described as being a 2.00 acre tract of land out of Lot 176, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 100 Block of North Palm Drive. The property is currently zoned General Business District (C). The adjacent zones are Single-Family Residential District (R-1) to the North, General Business District (C) to the East and South and Heavy-Commercial District (H-C) to the West. The property is designated for manufactured homes use in the Land Use Plan. Property proposed use: Small retail business. Variances: None requested. Planning staff recommends preliminary plat approval of the proposed Master Plat of Guerrero Subdivision subject to the following conditions:

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

- 1) Show rail road R.O.W.
- 2) Provide a street lighting plan.
- 3) Driveway approaches need to comply with city standards.
- 4) Need housekeeping on lot.
- 5) As per Rene Saenz, AT&T is working on new pole which is within the new proposed R.O.W. need to relocate to the new R.O.W. line.

- 6) Mobile homes on new R.O.W. to be moved prior of completing subdivision process.
  - 7) Add a 5' utility easement behind the new R.O.W.
- EASEMENTS:**
- 1) Verify if any existing utility easements front Lots 1 & 2, if any please relocate them to the new R.O.W. line.
- SIDEWALK:  
ADA:**
- 1) No Comment.
- FIRE  
PROTECTION:**
- 1) See attach comments.
- WATER:**
- 1) Extend services to the new R.O.W. line.
  - 2) Property shall have a domestic and irrigation meter per lot.
  - 3) If building suites, each one shall have a water meter. (no sharing)
- SEWER:**
- 1) 6" sewer service per lot.
  - 2) Verify the sewer line going south.
  - 3) Provide the flows and tops for sewer manholes.
- DRAINAGE:**
- 1) Drainage report to be revised to show the two lots.
- OTHER:**
- 1) Verify the call outs "west line of Lot 176" not on the right place.
  - 2) Show center of N. Palm Dr., label the center line of street.
  - 3) Plat note # 9, to be per lot basis.
  - 4) Grace Community Church Subdivision plat, verify the south west corner of this plat it shows an easements and it shows property corner into proposed Guerrero Subdivision Lot 1.
  - 5) Layout not to scale the dimensions around the property do not match, verify.
  - 6) Show tracts on plat layout with warranty deed numbers.
  - 7) Verify the description and metes & bounds you have K-P 176 & 111.
  - 8) Verify on metes and bounds the calling of the west line of lot 176, paragraph #3.
  - 9) Verify the ½" iron rod found on the northwest corner of lot 1, why is this rod not within the property line?
  - 10) Verify the distance on Palmyra Subdivision east side property dimension reads 130'.
  - 11) Check warranty deed 1320839, the dimensions do not match with proposed property.

Johanna Maldonado stated that this item will go before the City Commission Meeting on March 03, 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 what the proposed use was to be. Johanna advised it will be for a small plaza. Mr. Ramirez expressed the site looking like a small mobile home park and asked if there was a time line involved. Johanna explained there will be phases for the subdivision and would be looking at 2 years to complete. Mr. Ramirez asked if the mobile homes are to be removed and Johanna stated that is why the owners are asking for the subdivision to be carried out in phases, to give themselves time to move out the mobile homes. Mr. Ramirez asked if the owners are the original owners or now someone new who is going in to make the transitions. Johanna advised the owners are the original owners from years back.

There being no further discussion, Guadalupe Cano **moved** to approve the request for preliminary plat approval of the proposed Master Plat of Guerrero Subdivision. Charlie Ramirez second the motion with conditions and when put to a vote it polled as follows: Hector Villarreal – approve; Romeo Robles – approve; Guadalupe Cano – approve; Charlie Ramirez – approve; Victor Carrillo III – approve and Tom Greuner – approve.

Motion carried by unanimous vote to approve the request for preliminary plat approval of the proposed Master Plat of Guerrero Subdivision

**SAM ENGINEERING & SURVEYING, INC.  
REP. MARIO A. BRACAMONTES AND  
ALICIA E. JAIME**

**BRACAMONTES-JAIME  
SUBDIVISION**

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

Sam Engineering & Surveying Inc., representing Mario A. Bracamontes and Alicia E. Jaime, are requesting final plat approval of the proposed Bracamontes-Jaime Subdivision. The property is legally described as being a 1.00 acre tract of land out of Lot 245, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 300 Block of West Rancho Blanco 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, East and West and Agricultural and/or Open-Space District (A-O) to the South. The property is designated for residential use in the Land Use Plan. The property's proposed use is for residential homes. No variances are being requested. Planning staff recommends final plat approval of the proposed Bracamontes-Jaime Subdivision subject to the following conditions.

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

**EASEMENTS:** 1) No Comments.

- SIDEWALK:** 1) No Comments.
- ADA:**
- FIRE PROTECTION:** 1) No Comments.
- WATER:** 1) No Comments.
- SEWER:** 1) No Comments.
- DRAINAGE:** 1) No Comments.
- OTHER:** 1) No Comments.

Johanna Maldonado stated that this item will go before the City Commission Meeting on March 03, 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, Victor Carrillo III **moved** to approve the request for final plat approval of the proposed Bracamontes-Jaime Subdivision. Charlie Ramirez second the motion and when put to a vote it polled as follows: Hector Villarreal – approve; Romeo Robles – approve; Guadalupe Cano – approve; Charlie Ramirez – approve; Victor Carrillo III – approve and Tom Greuner – approve.

Motion carried unanimously to approve the request for final plat approval of the proposed Bracamontes-Jaime Subdivision.

**MELDEN & HUNT, INC.**  
**Rep. FERNANDO LOPEZ, EXECUTIVE**  
**DIRECTOR FOR PHARR HOUSING**  
**AUTHORITY**

**SUNSET TERRACE SENIOR**  
**VILLAGE SUBDIVISION**

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

Melden & Hunt Inc. representing Fernando Lopez, Executive Director for Pharr Housing Authority, is requesting final plat approval of the proposed Sunset Terrace Senior Village Subdivision. The property is legally described as being a Re-subdivision of 3.254 acres being all of Lot 2, Sunset Terrace Apartments Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 700 Block of west Egly Avenue. The property is currently zoned High Density Multi-Family District (R-4). The adjacent zones are Agricultural and/or Open-Space District (A-O) to the North, Single-Family Small Lot Residential District (R-1A) to the East and South and High Density Multi-Family District (R-4) to the West. The property is designated for Multi-Family residential use in the Land Use Plan. Property proposed use: Housing Authority. Variances: None requested. Planning staff recommends final plat approval of the proposed Sunset Terrace Senior Village Subdivision subject to the following conditions:

- STREETS, PAVING AND R.O.W.:** 1) Street lighting at building permit.  
2) Street cuts to be per City of Pharr standards.
- EASEMENTS:** 1) Need to provide the offsite utility easement to read "Exclusive to City of Pharr".  
2) Proposed 10' to be worded "Exclusive to City of Pharr".
- SIDEWALK: ADA:** 1) Sidewalks shall be clear of obstructions, sidewalks to go around power poles and shall be 5'.
- FIRE PROTECTION:** 1) No comments.
- WATER:** 1) Need new fire hydrant, old hydrant to be returned to City of Pharr Public Utilities Department.  
2) Cap Fire hydrant stub out.  
3) Flag & Egly tie in with 8" tapping tee & valve cap old 8" AC pipe going north.
- SEWER:** 1) No comments.
- DRAINAGE:** 1) Add plat note: Pond maintenance as per inter-local agreement.  
2) Onsite/offsite drainage outfall details needed.  
3) Need SWPPP.
- OTHER:** 1) Need to show existing subdivision to the west.

Johanna Maldonado stated that this item will go before the City Commission Meeting on March 03, 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, Guadalupe Cano **moved** to approve the request for final plat approval of the proposed Sunset Terrace Senior Village Subdivision. Charlie Ramirez second the motion and when put to a vote it polled as follows: Hector Villarreal – approve; Romeo Robles – approve; Guadalupe Cano – approve; Charlie Ramirez – approve; Victor Carrillo III – approve and Tom Greuner – approve.

Motion carried unanimously to approve the request for final plat approval of the proposed Sunset Terrace Senior Village Subdivision.

**QUINTANILLA, HEADLEY AND ASSOC., INC.**  
Rep.: HECTOR GUERRA, JR., MEMBER  
TANZANIA INVESTMENTS LLC

**HACIENDA LA ESPERANZA SUBDIVISION**

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

Quintanilla, Headley and Associates, Inc. representing Hector Guerra Jr., Member, Tanzania Investments LLC, is requesting final plat approval of the proposed Hacienda La Esperanza Subdivision. The property is legally described as being a 9.855 acre tract of land out of the South one-half (1/2) of Lot seven (7), Block eight (8), A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 1200 Block of West Moore Road. The property is currently zoned Single-Family Residential District (R-1). The adjacent zones are Agricultural and/or Open-Space District (A-O) to the North and South, Single-Family Residential District (R-1) to the East and Residential-Townhouse District (R-TH) to the West. The property is designated for residential use in the Land Use Plan. Property proposed use: Single-Family Residential. Variances: None requested. Planning staff recommends final plat approval of the proposed Hacienda La Esperanza Subdivision subject to the following conditions:

**STREETS, PAVING AND R.O.W.:** 1) Draw a line along W. Moore Rd. to determine the public & private R.O.W. on plat layout.

2) No open cuts on W. Moore Rd. will be allowed.

**EASEMENTS:** 1) On Lot 25, easement shall be 20' Exclusive to City of Pharr.

2) Provide easements for water & sewer lines within the property shall be 10' Exclusive to City of Pharr.

3) On lots 20, 21, 30 and 31 verify for an electrical easement, showing power poles.

**SIDEWALK: ADA:** 1) Need to show ADA landings & ramps at intersection streets. (Only Moore Rd.)

**FIRE PROTECTION:** 1) No Comments.

**WATER:** 1) No Comments.

**SEWER:** 1) No Comments.

**DRAINAGE:** 1) Sheet 1 of 2 drainage easement needs to match plat layout.

**OTHER:** 1) Need to correct vol. & pg. number for Los Laureles Subdivision.  
2) Plat note #6, delete the first sentence.  
3) Need to correct spelling for street "SEVILLA".

Johanna Maldonado stated that this item will go before the City Commission Meeting on March 03, 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, Tom Greuner moved to approve the request for final plat approval of the proposed Hacienda La Esperanza Subdivision. Victor Carrillo III second the motion and when put to a vote it polled as follows: Hector Villarreal – approve; Romeo Robles – approve; Guadalupe Cano – approve; Charlie Ramirez – approve; Victor Carrillo III – approve and Tom Greuner – approve.

Motion carried unanimously to approve the request for final plat approval of the proposed Hacienda La Esperanza Subdivision.

**NAIN ENGINEERING, LLC**  
**Rep.: MARCO ANTONIO RETURETA**  
**SALAS AND ELBA BONILLA TORAL**

**RETURETA SUBDIVISION**

NAIN Engineering, L.L.C., representing Marco Antonio Retureta Salas and Elba Bonilla Toral, are requesting final plat approval of the proposed Retureta Subdivision. The property is legally described as being a 1.00 acre tract of land being the south 104 feet of the west 418 feet of Lot 349, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 8600 Block of South Cage Boulevard. The property is zoned Limited Industrial District (L-I). The adjacent zones are General Business District (C) to the north, Single Family Residential District (R-1) to the west and east and Heavy Commercial District (H-C) to the south. The property is designated for commercial use in the land use plan. The property's proposed use is for import and export of heavy machinery and no variances are being requested. Planning staff recommends final plat approval of the proposed Retureta Subdivision subject to the following conditions:

**STREET, PAVING**      1) No Comments.  
**R.O.W.:**

**EASEMENTS:**      1) No Comments.

**SIDEWALK:**      1) No Comments.  
**ADA:**

**FIRE**      1) No Comments.  
**PROTECTION:**

**WATER:**      1) No Comments.

**SEWER:**      1) No Comments.

**DRAINAGE:**      1) No Comments.

**OTHER:**      1) No Comments.

Johanna Maldonado stated that this item will go before the City Commission Meeting on March 03, 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.

Tom Greuner asked if this subdivision had been previously presented to the Planning & Zoning Commission and Heriberto Martinez advised it had been presented for the preliminary phase. Mr. Greuner pointed out there was to be heavy machinery next to a residential area. Charlie Ramirez stated there had been a similar subdivision that had been re-platted and had also ended next to a residential area but a street and the requested buffering had been addressed. After further discussion Mr. Edward Wylie advised this issue is not a land use issue but a subdivision issue.

Guadalupe Cano asked what kind of buffering would be required abutting up to the residential area. Mr. Wylie advised a 6 ft. – 7 ft. opaque buffer. Further discussion followed after which Mr. Villarreal asked for the vote.

Charlie Ramirez **moved** to approve the request for final plat approval of the proposed Retureta Subdivision. Victor Carrillo III second the motion and put to a vote it polled as follows: Hector Villarreal – approve; Romeo Robles – approve; Guadalupe Cano – approve; Charlie Ramirez – approve; Victor Carrillo III – approve and Tom Greuner – approve.

Motion carried unanimously to approve the request for final plat approval of the proposed Retureta Esperanza Subdivision

*Mr. Edward Wylie requested the Commission go into Executive Session. Hector Villarreal announced the Planning and Zoning Commission would go into Executive Session as of 7:13 p.m.*

*Mr. Hector Villarreal announced the Planning and Zoning Commission back in session at 7:38 p.m.*

Mr. Edward Wylie requested the Planning and Zoning Commission return to Item No. 2 on the agenda.

#### **MAGIC VALLEY ELECTRIC COOPERATIVE, INC.**

**COZ: C TO H-C**

Hector Villarreal stated that reconsideration is being given due to new developments brought forth to the attention of the Planning and Zoning Commission. Mr. Wylie advised the Commission return to Charlie Ramirez to rescind his motion.

Charlie Ramirez stated that he will rescind his motion to deny and instead **move** to approve the application by Magic Valley Electric Cooperative, Inc. requesting a change of zone from General Business District (C) to Heavy Commercial District (H-C). Guadalupe Cano second the motion and when put to a vote it polled as follows: Hector Villarreal – approve; Romeo Robles – approve; Guadalupe Cano – approve; Charlie Ramirez – approve; Victor Carrillo III – approve and Tom Greuner – approve.

Motion carried unanimously to approve the application by Magic Valley Electric Cooperative, Inc. requesting a change of zone from General Business District (C) to Heavy Commercial District (H-C).

Mr. Hector Villarreal stated the Commission would now address Item No. 3 of the agenda but the item would require un-tabling before proceeding.

Charlie Ramirez **moved** Item No. 3 be un-tabled. Guadalupe Cano second the motion and when put to a vote it polled as follows: Hector Villarreal – approve; Romeo Robles – approve; Guadalupe Cano – approve; Charlie Ramirez – approve; Victor Carrillo III – approve and Tom Greuner – approve.

Motion carried unanimously to un-table Item No. 3, Magic Valley Electric Cooperative, Inc., requesting a Conditional Use Permit to allow the outside storage of materials and/or equipment.

Heriberto Martinez then re-read Item No. 3 in its entirety with the change of the site's zone now being a Heavy Commercial District (H-C).

Charlie Ramirez asked if the warehouse being proposed is only the 1500 sq. ft. Mr. Wylie advised this to be true, and it to be for materials that are not weatherproof. Items that are weatherproof will be outside. The Commission was also reminded that this is a Conditional Use Permit being requested so conditions can be placed as need to. Mr. Ramirez asked as to the recommended height of the fence. Mr. Wylie advised the standard for commercial is 7 feet but can go up to 8 feet. Mr. Ramirez asked as to the material and Mr. Wylie advised that when a meeting had been held with the Magic Valley representatives it was made clear that everything was going to be screened and buffered from view and nothing can extend beyond the fence. Nothing can be seen underneath the fence and everything is supposed to be landscaped. These were the requirements staff placed to them and if the Commission wishes to add conditions the Commission can by all means do so. Mr. Villarreal asked if the height is going to be level with the buffer and Mr. Wylie affirmed this to be true. Mr. Villarreal asked for a motion.

Tom Greuner **moved** to approve the request by Magic for a Conditional Use Permit to allow the outside storage of materials and/or equipment with the condition they install an 8-ft. block fence.

Question was posed if this was to be "in the front" and Mr. Villarreal clarified "to be block fence" and added as long as it is opaque. Mr. Wylie stated that if the Commission is wanting it to be block such can be imposed. Mr. Villarreal stated it would be just a partial towards the front and Mr. Wylie responded it to be entirely up to the Commission. If the Commission wants block Mr. Wylie will assume it is to be everything but can be further clarified. Commission discussed the size and location of the fence and what it would cover. Mr. Wylie added that regardless of what the material the Commission wants, Magic Valley had already been told extra landscaping would be required so as to not allow the site to look like a yard. Mr. Villarreal pointed out that with the vegetation and all the landscape the site would look like a hidden bank.

Romeo Robles **moved** to approve the request with the stipulation of the block buffer. More definition of what was wanted continued and where exactly the fence

would be going. Mr. Wylie stated the fence can go all around except for the gates as these can't be block; such must be movable. Mr. Villarreal stated the front should be scaled down to the entrance with nice landscaping in the front. Mr. Wylie stated that if the Commission will indulge him, he will advise Magic Valley the Commission requiring a block fence as much as can be done, let them draw it up and that can be brought to the Commission at the next Planning and Zoning Commission meeting to review and make modifications as need to. Mr. Charlie Ramirez stated this is to keep the noise down from the residential area. Again the commission entered into discussion as to what areas and sides the fence would encompass and what would be covered. Mr. Wylie pointed out the diagram only shows the new 8 ft. high fence on the West side – it already being half-way there. Recommendation will be made to finish it up on the East side and then do the whole fence. Mr. Ramirez pointed out this fence will also serve for security purposes.

Hector Villarreal advised the Commission the original vote was initiated by Tom Greuner who moved to approve the request by Magic Valley for a Conditional Use Permit to allow the outside storage of materials and/or equipment with the condition they install an 8-ft. block fence. Romeo Robles second the motion and when put to a vote it polled as follows: Hector Villarreal – approve; Romeo Robles – approve; Guadalupe Cano – approve; Charlie Ramirez – approve; Victor Carrillo III – approve and Tom Greuner – approve.

Motion carried unanimously to approve the request by Magic Valley Electric Cooperative, Inc., requesting a Conditional Use Permit for the Life-of-the-Use to allow the outside storage of materials and/or equipment in a Heavy Commercial District (H-C) with the condition an 8-ft. fence be installed.

#### **ANNOUNCEMENTS/OTHER BUSINESS:**

Roland Gomez, Senior Planner, announced to be presented before the Planning and Zoning Commission for consideration and action, if any, the revocation of the Conditional Use Permit and Late Hours Permit for the sale of alcoholic beverages for on-premise consumption in a General Business District (C). The property is legally described as Lots 14 and 15, La Quinta Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 5826 South Cage Boulevard. Pharr Police Department is requesting this revocation and provided a detailed memo, such being submitted to the Commission as part of the packet.

Hector Villarreal asked if this has been checked by the attorney and Mr. Wylie advised packets being sent to the city attorney and there was no response. Mr. Villarreal asked if this was to be checked to be sure such meets any litigation should the individual come back with some kind of legal issue. Mr. Wylie advised this Commission is the approving authority for revoking Conditional Use Permits. If they have an appeal they can to go City Commission. Tom Greuner asked if this to be the first time this happens and Mr. Wylie responded this being the first time to this business but not the first time a Conditional Use Permit has been revoked. Tom Greuner asked if this is the first infraction with the police. Mr. Wylie stated this not to be the first infraction, there being several infractions, but this is the first time to present the revocation of the Conditional Use Permit. Mr. Guadalupe Cano asked if this business has a history of this type of disturbance and Mr. Wylie

affirmed this to be so. Romeo Robles asked if this business will be asked to close and Mr. Wylie explained if the Conditional Use Permit is revoked for the alcohol, this is one of the older businesses which technically they have a bar and grill which will allow them to stay open as a restaurant. Mr. Charlie Ramirez asked for an explanation of the 51% rule. Mr. Wylie explained the 51% is the Texas Alcoholic Beverage Commission requirement that if a business sells more than 51% of the profits due to alcohol such has to be posted on the window. This business does not have such posted.

There being no further discussion, Mr. Guadalupe Cano **moved** that based on the evidence presented the Conditional Use Permit and Late Hours Permit be revoked. Charlie Ramirez second the motion and when put to a vote it polled as follows: Hector Villarreal – approve; Romeo Robles – approve; Guadalupe Cano – approve; Charlie Ramirez – approve; Victor Carrillo III – approve and Tom Greuner – approve.

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

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

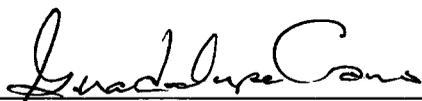
The motion carried unanimously to excuse the absent members.

**ADJOURNMENT:** There being no further business, Romeo Robles moved that the meeting be adjourned. Guadalupe Cano second the motion and when put to a vote it polled as follows: Hector Villarreal – approve; Romeo Robles – approve; Guadalupe Cano – approve; Charlie Ramirez – approve; Victor Carrillo III – approve and Tom Greuner – approve.

Motion carried unanimously and the Planning and Zoning Meeting adjourned at 7:57 p.m.

  
Hector Villarreal, Chairman

ATTEST:

  
Guadalupe Cano, Secretary

# Audience Attendance Sheet



DATE: FEBRUARY 23, 2015

MEETING: P&Z MEETING

NAME: PRINT	ADDRESS:	PHONE NO.	-AGENDA-ITEM NUMBER
ENRIQUE S. MALDONADO	4308 N. McGill McAllen	682-7125	D-1
KC. Fletcher	504 E. Diplomat Dr	Enrique Fletcher	@gmp/CS D2
Dane HOCOTT	MVEC	903-3057	MVEC
LALO Ramirez	QHA	381-6480	
Kelley Heller-Vela	Mendenhall	381-0931	Part 3
Ruben PENA			MVEC #2
Jose Antonio Cas	Maldonado Pharr		
Diego GUCMAN	7201 S. Cagebird	956-5794385	freelance etc