



## **PLANNING & ZONING COMMISSION**

*City Commissioner's Room*

*118 S. Cage Blvd. February 9, 2015 – 6:00 p.m.*

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, February 9, 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  
Heriberto Campos      Tuan Oliva

**ABSENT:** Romeo Robles      Guadalupe Cano  
Victor Carrillo III      Charlie Ramirez  
Criselda Rincon-Flores

**OTHERS PRESENT:** See attached list

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

### **CALL TO ORDER**

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

### **APPROVAL OF MINUTES**

Tom Greuner **moved** the minutes of January 26, 2015 be accepted as submitted. Tuan Oliva second the motion and when put to a vote it polled as follows: Villarreal: approved; Greuner: approved; Campos; approved and Oliva: approved.

The motion carried unanimously to approve the minutes of January 26, 2015 as submitted.

## **PUBLIC HEARING:**

Heriberto Martinez introduced himself as Planner I for the City of Pharr and stated he had two items for recommendation and proceeded to introduce the first item as a tabled item that needed to be un-tabled.

Heriberto Campos moved to un-table the item. Tom Greuner second the motion and when put to a vote it polled as follows: Villarreal: approved; Greuner: approved; Campos; approved and Oliva: approved.

The motion carried unanimously to un-table the item.

**VARINIA, L.L.C**  
**d/b/a LA BARRA**

**CUP-ABC**

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

Varinia, L.L.C., d/b/a La Barra, 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 & 5 La Quinta Subdivision, Pharr, Hidalgo County, Texas. The property's 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. The Police Chief recommends denial of the Conditional Use Permit and the Planning Department recommends approval of the Conditional Use Permit. Twenty-six (26) 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 Department recommends denial 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).

Mr. Martinez stated that this item will go before the City Commission meeting of February 17, 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.

Heriberto Campos made a motion to deny 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).

Tom Greuner stated that it appeared that both the Pharr Police Department and the Development Services recommend denial of the Conditional Use Permit and it was

based on... Melanie Cano stated that based on the Planning and Zoning Meeting minutes two weeks ago, where Assistant Chief Robles stated that the Pharr Police Department has concerns of the applicant's behavior, his conduct and the activities that the manager has been involved in. She stated that the Planning Department just takes care of the landscaping and setbacks which is why the approval is there. Development Services as a Department has recommended denial because they take all the other departments into consideration. Tom Greuner stated the denial was then due to the applicants past behavior or misbehavior. Ms. Cano affirmed.

There being no further discussion, Tom Greuner second the motion and when put to a vote it polled as follows: Villarreal: approved the motion to deny; Greuner: approved the motion to deny; Campos; approved the motion to deny and Oliva: approved the motion to deny.

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

**CHARLES D. MUELLER**  
**Rep. LYNN TRACT, LP,**  
**A TEXAS LIMITED PARTNERSHIP**

**COZ: A-O TO C**

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

Charles D. Mueller, representing Lynn Tract, LP, a Texas Limited Partnership, has filed with the Planning and Zoning Commission a request for a change of zone from an Agricultural and/or Open Space District (A-O) to a General Business District (C). The property is legally described as the northeast 2.16 acres (261'x360') out of Lot 203, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located on the South side of West Ridge Road and within the 400 and 500 Block of West Ridge Road. The property consists of one (1) Lot and is legally described as the Northeast 2.167 acres (261'x360') out of Lot 203, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property fronts West Ridge Road, a 100 foot Minor Arterial with a posted speed limit of 45 miles per hour as identified in the City of Pharr's Thoroughfare Plan. The property is currently zoned Agricultural and/or Open Space District (A-O). The property is designated for commercial use in the Land Use Plan. The owner of the property is requesting a change of zone to General Business District (C) in order to develop a two (2) lot subdivision and construct commercial buildings on said lots. The adjacent zonings are Agricultural and/or Open Space District (A-O) to the North, South and West and General Business District (C) to the East. The General Business District (C) is established to provide adequate space and site diversification for most types of commercial development in the City of Pharr. Larger shopping centers and most existing commercial strips along major arterials would be included in this district. This district will be major retail district, with intensive commercial uses and large amounts of retail traffic. The noise, traffic, litter, late-night hours, and possible blighting influences require adequate buffering from residential areas, and the traffic from such uses should not pass through residential areas, except on arterials or major collectors. Six (6) letters were mailed out to the surrounding property owners and a legal notice 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 to re-zone to General Business District (C) as the property meets area requirements, has adequate ingress and egress and is compatible with the future land use plan. If approved, applicant must subdivide and comply with all City Ordinances and City Department requirements.

Mr. Martinez stated that this item will go before the City Commission meeting of February 17, 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, Tom Greuner **moved** to approve the request for a change of zone from an Agricultural and/or Open Space District (A-O) to a General Business District (C). Heriberto Campos second the motion and when put to a vote it polled as follows: Villarreal: approved; Greuner: approved; Campos; approved and Oliva: approved.

Motion carried unanimously to approve the request for a change of zone from an Agricultural and/or Open Space District (A-O) to a General Business District (C).

#### **PLAT APPROVAL:**

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

**QUINTANILLA HEADLEY & ASSOCIATES INC.  
REP. VANGUARD ACADEMY, INC.  
ROBERT OLIVAREZ, PRESIDENT**

**VANGUARD ACADEMY  
SUBDIVISION NO. 8**

Quintanilla Headley & Associates Inc., representing Vanguard Academy, Inc., Robert Olivarez, President, is requesting preliminary and final plat approval of the proposed Vanguard Academy Subdivision No. 8. The property is legally described as being a 7.20 acre tract of land being all of Lot 1, Vanguard Academy Subdivision No. 4 Re-plat of Vanguard Academy Subdivision No. 2 and No. 3, an addition to the City of Pharr, Hidalgo County, Texas. The property is located between the 1200 and 1500 Block of East Kelly Avenue. The property is currently zoned Single-Family Residential District (R-1). The adjacent zones are Single-Family Residential District (R-1) and High Density Multi-Family Residential District (R-4) to the North, Office Professional District (OP) to the East, and Single-Family Residential District (R-1) to the South and West. The property is designated residential, public and semipublic use in the Land Use Plan. Property proposed use: School. Variances: none requested. Planning staff recommends preliminary and final plat approval of the proposed Vanguard Academy Subdivision No. 8 subject to the following conditions:

- STREETS,  
PAVING  
AND R.O.W.:** 1) No Comments.
- EASEMENTS:** 1) No Comments.
- SIDEWALK:  
ADA:** 1) Reword plat note #7: A 5.0' sidewalk with ADA ramps and landings will be required along Kelly Avenue and South Ironwood Street at time of building permit.  
2) Remove plat note #9.
- FIRE  
PROTECTION:** 1) See attach comments.
- WATER:** 1) No comments.
- SEWER:** 1) No comments.
- DRAINAGE:** 1) Add notes: Perimeter fencing shall be required in detention areas greater than or equal to 3-ft. in depth.  
2) Plat note #6: use detention directive.
- OTHER:** 1) Plat note #4: add as per City of Pharr Ordinance.  
2) Reference City of Pharr benchmark, add northing and easting.  
3) Remove plat note #14 and #16.  
4) Plat note #11: Landscaping as per City of Pharr Ordinance.  
5) Verify if there is a drain line easement. If there is a drain line easement it will become private.

Ms. Maldonado stated that this item will go before the City Commission meeting of February 17, 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 preliminary and final plat approval of the proposed Vanguard Academy Subdivision No. 8. Heriberto Campos second the motion with conditions and when put to a vote it polled as follows: Villarreal: approved; Greuner: approved; Campos; approved and Oliva: approved.

Motion carried unanimously to approve the request for preliminary and final plat approval of the proposed Vanguard Academy Subdivision No. 8.

**MELDEN & HUNT INC.,  
REPRESENTING THOMAS F. PHILLIPS**

**JACKSON RIDGE COURT  
SUBDIVISION PHASE III**

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

Melden & Hunt Inc., representing Thomas F. Phillips, is requesting final plat approval of the proposed Jackson Ridge Court Subdivision Phase III. The property is legally described as being a re-subdivision of 6.565 acres, out of Lot 5, Block 7, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 1000 Block of South Jackson Road. The property is currently zoned General Business District (C). The adjacent zones are General Business District (C) to the North, South and East and City limits to the West. The property is designated for commercial use in the land use plan. Property proposed use: Retail spaces. Variances: None requested. Planning staff recommends final plat approval of the proposed Jackson Ridge Court Subdivision Phase III subject to the following conditions:

- |  |                         |
|--|-------------------------|
| <b>STREETS,<br/>PAVING<br/>AND R.O.W.:</b> | 1) No Comments.         |
| <b>EASEMENTS:</b>                          | 1) No Comments.         |
| <b>SIDEWALK:<br/>ADA:</b>                  | 1) No Comments.         |
| <b>FIRE<br/>PROTECTION:</b>                | 1) See attach comments. |
| <b>WATER:</b>                              | 1) No Comments.         |
| <b>SEWER:</b>                              | 1) No Comments.         |
| <b>DRAINAGE:</b>                           | 1) No Comments.         |

Ms. Maldonado stated that this item will go before the City Commission meeting of February 17, 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 Jackson Ridge Court Subdivision Phase III. Tuan Oliva second the motion with conditions and when put to a vote it polled as follows: Villarreal: approved; Greuner: approved; Campos; approved and Oliva: approved.

Motion carried unanimously to approve the request for final plat approval of the proposed Jackson Ridge Court Subdivision Phase III.

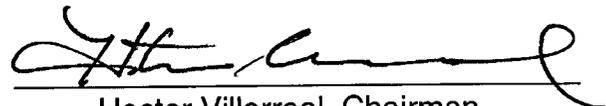
**ANNOUNCEMENTS/OTHER BUSINESS:**

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

The motion carried unanimously to excuse the absent members.

**ADJOURNMENT:** There being no further business, Tom Greuner moved that the meeting be adjourned. Heriberto Campos second the motion and when put to a vote it polled as follows: Villarreal: approved; Greuner: approved; Campos; approved and Oliva: approved.

Motion carried unanimously and the Planning and Zoning Meeting adjourned at 6:17 p.m.



Hector Villarreal, Chairman

ATTEST:



Tom Greuner, Member

