



**PUBLIC HEARING:**

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

Guadalupe Cano **moved** to un-table the item. Charlie Ramirez second the motion and when put to a vote it polled as follows: Robles: approved; Cano: approved; Ramirez: approved; Greuner: approved; and Oliva: approved.

The motion carried unanimously to un-table the item.

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

**CUP-ABC**

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 Department recommends denial of the Conditional Use Permit and the Planning and Zoning 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 Staff 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 3, 2015 at 5:00 p.m.

Romeo Robles advised this item requires a public hearing and asked if there was anyone in the audience wishing to address this item, either for or against, to please come forth. There being no one who signed up, Romeo Robles waived the public hearing and opened the item to the Planning and Zoning Commission for discussion and action.

Guadalupe Cano asked Mr. Martinez if he had heard correctly in Planning Department making a recommendation. Mr. Martinez affirmed. Mr. Cano asked if was for approval. Mr. Martinez stated that the Planning Department recommended approval and the last section read Development Services recommending denial. Mr. Wylie, Director of Development Services, stated that the first recommendation was from the Planning Department and it was the planning itself to include setbacks, building restrictions, landscaping, parking and all that which is in compliance. The

one for the overall recommendation is taking into consideration all the different departments recommendations and approval and that was the one that was denied. Mr. Ramirez stated that Police sent a memo that was just one page that was attached to the packet and asked if that was the only memo the Commission was going to get from the Police Department. Mr. Wylie asked from who. Mr. Ramirez stated the Pharr Police Department. Mr. Wylie affirmed and stated that it was their standard memo. Mr. Wylie stated that Assistant Police Chief Robles was in attendance if they needed to ask any questions. Charlie Ramirez asked if there has been a history there at the location. Assistant Chief Robles stated the Police Department recommendation was based on the applicant. Mr. Ramirez asked if it was the same people that were in operation a year. Assistant Chief Robles affirmed that it was the same people. Mr. Ramirez stated that he would frequent that business in August and he stated that he remembered that parking was the biggest issue that he could find. He stated that other than that the variety of entertainment they have they need a bigger place. Mr. Ramirez stated that there was a variety show going on but that it was too small of a venue and other than the Police Department declining them he would not find anything else to not let them proceed. Mr. Robles then asked if Mr. Ramirez was making a motion. Mr. Ramirez stated that he would like to hear more discussion on the subject. Tom Greuner asked why the Police Department was recommending denial. Joel Robles introduced himself as Assistant Chief of Police for the Pharr Department and stated that the Pharr Police Department has denied the request for the renewal for La Barra establishment based on the fact that the Police Department has issues with the designated manager or partner/manager of the establishment. Assistant Chief Robles stated the Pharr Police Department has concerns of the applicant's behavior, his conduct and activities that this manager has been involved in. Assistant Chief Robles stated that he would elude to on December 11, 2014, the Pharr Police Department did make an arrest of the gentleman for the charge of aggravated assault, which is the primary reason that on which we are basing our denial on this renewal request. Mr. Robles asked if there was anyone else that would like to speak, the owner or if there was anyone representing the business. A member of the audience came forward to the podium and introduced himself as Raul Santiago. He stated that he has a licensing service and that he had worked for the state for 27 years. He stated that he had worked with the Texas Alcoholic Beverage Commission and now he has a licensing service and helps people that are processing an application to open a business. He stated he helps to fill out their paperwork and gives guidance on what can be done and what cannot be done. Mr. Santiago stated on this particular establishment he was not aware of any problems that the applicant has had there. He stated if the applicant was arrested he was not aware if it was there on the premises or if it was at another location. Mr. Santiago stated that aggravated assault was very serious. He stated that the State usually recommends denial if there is a conviction but if there is a mere arrest it is inadequate for the Police Department to deny. Mr. Santiago stated he was not familiar with the standards for the Conditional Use Permit for the City of Pharr but this is not a renewal it is a brand new original application. The gentleman that has been there for the last 4 to 5 years is having a hard time selling meat and meals there.

*(Cryselda Rincon-Flores, Planning and Zoning Commission member, arrived at 6:17 p.m.)*

Mr. Santiago stated that he wants to discontinue his kitchen and wants to get rid of his liquor by the drink permit and he is asking for a beer and wine license. He stated that is where they are at the moment, with an original beer and wine application. He stated that the applicant was presently open in operation and he is just trying to change it over to a beer and wine. Mr. Santiago stated if not, he would just keep his liquor by the drink. Mr. Greuner asked if he was convicted of a felony would he not be allowed to have a beer and wine license or liquor license. Mr. Santiago stated that he would not and if he would get convicted he would be automatically disqualified for 5 years. He stated that after 5 years the applicant could apply again. Mr. Santiago stated that if the applicant gets convicted of a felony he will be disqualified but not until he gets convicted not just a mere arrest. He stated it was not adequate for the state license instead they want a final conviction on it. Mr. Santiago informed the Planning and Zoning Commission that Mr. Cirlos had just walked in and if they wanted to ask any questions he was available to answer them. Mr. Robles welcomed Mr. Cirlos and asked the Commission if they had any questions for him. Mr. Robles stated that since he had just walked in he wanted him to know that they were discussing the application and they had some concerns with the some issues that the Pharr Police Department had against him personally as far as there being an arrest. Mr. Cirlos affirmed that he had been arrested. Mr. Romeo Robles asked if there was a conviction. Mr. Cirlos stated that there has not been any convictions. Romeo Robles asked Mr. Cirlos if he wanted to discuss the situation with the business. Mr. Cirlos stated that he wanted to change the name due to Pharr Police Department raiding him 25 times in a period of 3-4 months. Mr. Cirlos stated that he had all the dates and the Pharr Police Department had all the dates. Mr. Cirlos stated that all the times that they went in they took the dog. He then asked if he could address the Commission in Spanish. Mr. Cirlos then addressed the Commission in both English and Spanish. Mr. Ramirez stated that Mr. Cirlos had the safest bar in town. Mr. Cirlos stated he did not understand. Mr. Ramirez stated he had the safest bar because no one showed up. Mr. Cirlos continued in Spanish. Mr. Ramirez stated to Mr. Cirlos that last year he had gone to his bar where he had a variety show going on. He stated that there was a singer and a comedian and that the only thing he found wrong was that there was not enough parking. Mr. Ramirez stated that Mr. Cirlos had a great venue and whatever was going on that night he had to park a ways away and walk to the bar. Mr. Cirlos continued to address the Commission in Spanish. Charlie Ramirez spoke to applicant in Spanish. Della Robles, Secretary, asked if applicant could identify himself for the record. Applicant stated his name as Rodolfo Cirlos. Tom Greuner stated that he had another question and asked Mr. Cirlos why he had been raided all together 45 times by 2 different law-enforcement agencies and why they were "targeting" him. Mr. Cirlos stated he was not sure. He stated he did not know if it was his competitors or what but he was sure that they had raided him 20 times, Pharr Police Department and the other agency 25 times. He stated that they checked in their records and it is true. He stated that in all of those raid they did not find anything only one fine was for a bottle that one of his bartenders when it finished he was supposed to scratch off the tag and he did not and so he was fined \$900 dollars. Mr. Cirlos stated that was the only violation in his 3 years. He then stated that it has been going and going because he stated that apparently somebody told Pharr Police Department that he was selling drugs there. He stated he was not but that they were saying that his workers were

selling drugs and that was the reason they raided and raided and raided. Mr. Cirlos stated that was the reason the kept on raiding until he went in and asked for a meeting with Mr. Villescas and he told him. He stated that Chief Villescas apologized and told him he did not know about it. Mr. Cirlos stated that they would go 2-3 times a week. He said they kept going and going and sometimes with the dog. He stated that was when he started to lose business and his food started to spoil and all that stuff. Mr. Wylie stated that Assistant Chief Robles had a question for the applicant. Assistant Chief Robles asked Mr. Cirlos what year it was that he was raided those 45 times. Mr. Cirlos asked if he meant by Pharr Police Department then it was 2014. He then stated it was on record and it started around January or February and it was a total of 20 times by Pharr Police Department. Assistant Chief Robles stated for the record that he was the one in charge of voluntary compliance as far as all the bars and business in the City of Pharr and he is the Assistant Chief of Police for the Police Department. He stated that he had not spoken to Mr. Cirlos in regards to that but he can tell him that they do bi-annual inspections of business that do sell alcohol and that he recalls they have done two inspections of his business. One was when T.A.B.C. found the bottle without the seal. Mr. Cirlos stated that it was more than two times and when he spoke to Mr. Villescas, Chief of Police, he called someone and they brought a little black book and he asked him, "Do you recall what he said." The person stated, "I think so." Assistant Chief Robles stated that they would look into it. Romeo Robles asked if there were any more questions. Mr. Wylie stated he would like one request in light of the situation that Mr. Cirlos brought up, they would like to verify it and therefore would like to keep the item tabled for one more meeting.

There being no further discussion, Guadalupe Cano **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). Tom Greuner second the motion with conditions and when put to a vote it polled as follows: Robles: approved to table; Cano: approved; Ramirez: approved to table; Greuner: approved to table; Rincon-Flores: approved to table; and Oliva: approved to table.

Motion carried unanimously to table the item.

Mr. Romeo Robles advised the applicant that the Planning and Zoning Commission was only a recommending board to the City Commission and the final decision would be made by City Commission. Mr. Wylie asked if Mr. Cirlos could bring Planning Staff the dates so that they could pass along the information to the Pharr Police Department so that they can verify. Mr. Cirlos stated that they have them on file and he had already spoken to Mr. Villescas. Mr. Wylie stated that Pharr Police Department would do their research but he wanted to get his dates so they could verify with them and make an impartial decision.

#### **PLAT APPROVAL:**

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

**QUINTANILLA HEADLEY & ASSOCIATES INC.  
Rep. ESPONJAS DEVELOPMENT, LTD.**

**TROPIC STAR ESTATES  
SUBDIVISION**

Quintanilla Headley & Associates Inc., representing Esponjas Development, LTD., Cruz Cantu III, President, is requesting preliminary plat approval of the proposed Tropic Star Estates Subdivision. The property is legally described as being a 1.845 acre tract of land out of the south 574.00 feet of Lot 1, Tropic Star Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 100 Block of East Tropic Star Road. The property is currently zoned High-Density Multi-Family Residential District (R-4). The adjacent zones are Mobile-Home District (R-MH) to the east and General Business District (C) to the north, south and west. The property is designated commercial and manufactured homes use in the Land Use Plan. Property proposed use: Apartments. Variances: None requested. Planning staff recommends preliminary plat approval of the proposed Tropic Star Estates Subdivision subject to the following conditions:

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

- 1) Alley will need to be paved by owner/developer as per City of Pharr standards. (matching existing alley to be verified).
- 2) Alley to include stop sign at intersection.
- 3) Street lights needed.
- 4) Will project have frontage to Tropic Star Street?

**EASEMENTS:**

- 1) Verify the easements on the plat.
- 2) Show existing 24'X150' access easement on Lot 4 of Tropic Star Commercial Plaza Phase I Subdivision.
- 3) Show all existing easement on Tropic Star Commercial Plaza Phase I Subdivision (26' common access is missing).

**SIDEWALK:  
ADA:**

- 1) In Compliance.

**FIRE  
PROTECTION:**

- 1) See attach comments.

**WATER:**

- 1) Replace 8" AC water line with 8" PVC C-900 DR-18 pipe.
- 2) Add 2-8" valves.
- 3) Cap old line.

**SEWER:**

- 1) Adjust sewer manholes due to street paving.
- 2) Do not put fence on top of sewer line.

**DRAINAGE:**

- 1) Add notes: Perimeter fencing shall be required in detention areas greater than or equal to 3-ft. in depth.
- 2) Owner to maintain detention area.
- 3) Will require a SWPPP.

- 4) Add drainage directive note with detention volume figures as per drainage report.
- 5) Has a preliminary site plan been developed for the proposed development? What is going to be built?

**OTHER:**

- 1) Remove plat note #7. Ramps and landing are already taken care of by note #6.
- 2) Remove plat note #12.
- 3) Revise metes and bounds.
- 4) Proposed Lot 1 lines A 30'X140' section of the portion of the tract was sold for access to Lot 1 of Tropic Star Commercial Plaza Phase I Subdivision.
- 5) Property line should be solid.
- 6) Plat note #4: add as per City of Pharr ordinance.

Romeo Robles advised this item does not require a public hearing and opened it up to the Planning and Zoning Commission for discussion and action.

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

Motion carried unanimously to approve the request for preliminary plat approval of the proposed Tropic Star Estates Subdivision.

**ANNOUNCEMENTS/OTHER BUSINESS:**

Edward M. Wylie stated that on February 11, 2015, we will have a kickoff meeting for the Pharr 2025 Comprehensive Plan update. He stated that the next Planning and Zoning Meeting, which was the beginning of February we would get the Commission a time and date of when to show up. Mr. Wylie stated they were all welcome to show up since they will play a big role in the process. Guadalupe Cano asked what time the meeting was going to be held. Mr. Wylie stated they had not set up a definite time but that they were going to do it this week or next week. He stated that for sure it was going to be after hours.

**ABSENTEE REPORT:**

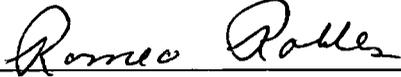
Hector Villarreal, Victor Carrillo III and Heriberto Campos were the absent members. Charlie Ramirez moved to excuse the absent members. Guadalupe Cano second the motion and when put to a vote it polled as follows: Robles: approved; Cano: approved; Ramirez: approved; Greuner: approved; Rincon-Flores: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

The motion carried unanimously to excuse the absent members.

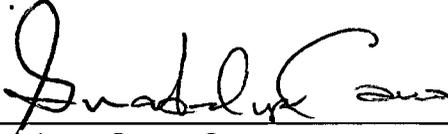
**ADJOURNMENT:**

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

Motion carried unanimously and the Planning and Zoning Meeting adjourned at 6:28 p.m.

  
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Romeo Robles, Vice-Chairman

ATTEST:

  
\_\_\_\_\_  
Guadalupe Cano, Secretary

