



PLANNING & ZONING COMMISSION

City Commissioner's Room

118 S. Cage Blvd. January 12, 2015 – 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, January 12, 2015. The meeting was called to order by Hector Villarreal at 6:03 p.m. at the City Commissioners' Room, located at 118 S. Cage Blvd., 2nd Floor, Pharr, Texas.

ATTENDANCE

MEMBERS PRESENT: Hector Villarreal Romeo Robles
Guadalupe Cano Charlie Ramirez
Tom Greuner Criselda Rincon-Flores

ABSENT: Victor Carrillo III Heriberto Campos
Tuan Oliva

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 6:03 p.m. and welcomed all to the meeting. Roll call established a quorum.

APPROVAL OF MINUTES

Romeo Robles **moved** the minutes of December 22, 2014 be accepted as submitted. Charlie Ramirez second the motion and when put to a vote it polled as follows: Villarreal: approved; Robles: approved; Cano: approved; Ramirez: approved; Greuner: approved; and Rincon-Flores: approved.

The motion carried unanimously to approve the minutes of December 22, 2014 as submitted.

PUBLIC HEARING:

Heriberto Martinez introduced himself as Planner I for the City of Pharr and stated he had nine items 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: Villarreal: approved; Robles: approved; Cano: approved; Ramirez: approved; Greuner: approved; and Rincon-Flores: approved.

The motion carried unanimously to un-table the item.

**DIANA BEATRICE CRUZ
AND CLEMENTE SOTO**

CUP: DAYCARE

Diana Beatrice Cruz and Clemente Soto, have filed with the Planning and Zoning Commission a request for a Conditional Use Permit to allow a home occupation (Daycare Center) in a Single-Family Residential District for lots less than 50 feet in width (R-1A). The property is legally described as Lots 12 and 13, Block 95, Hackberry Addition No. 2 Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 509 North Fir Street. The property is currently zoned Single-Family Residential District for lots less than 50 feet in width (R-1A). The adjacent properties are zoned Single-Family Residential District for lots less than 50 feet in width (R-1A) to the north, south, east and west. The area is generally designated for residential use in the Land Use Plan. Sixty-two (62) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. One person signed up for the public hearing. Planning Staff is recommending approval of the request for a Conditional Use Permit to allow a home occupation (Daycare Center) in a Single-Family Residential District for lots less than 50 feet in width (R-1A) subject to the following conditions:

1. The applicant shall comply with all City of Pharr Ordinance requirements; any violation of City Ordinance will terminate this Conditional Use Permit;
2. Applicant shall conform to all Texas Department of Protective and Regulatory Service requirements;
3. The area used in conducting the home occupation will be clearly secondary to the home use;
4. A non-illuminated sign of not more than eighteen (18) inches by twenty-four (24) inches identifying the name of the owner and his/her title or occupation may be permitted when attached flush to the main building;
5. There shall be no more than one (1) additional unrelated employee other than immediate members of the family residing on the premises;
6. There shall be at least 30 square feet of indoor activity space, measured wall-to-wall on the inside, for each child in the center, not including restrooms and kitchens;
7. There shall be 80 square feet of outdoor play space for each child using the outdoor area at one time;

8. 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;
9. All outdoor play areas regularly used by children must be accessible by a safe route and enclosed by a building or fence at least 4 feet high with at least two exits. An entrance to the house may count as one exit, but one exit must be away from the house. Staff must be able to open exits immediately in an emergency;
10. Restrooms must be inside and located and equipped so that children can use them independently and staff can supervise as needed;
11. Any request to revise, alter or amend the conditions or requirements shall require the applicant to apply for a new Conditional Use Permit;
12. 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 thirty (30) days before its expiration date;
13. Garages, carports or accessory buildings, shall not be used for home occupation other than for the storage of an automobile;
14. There shall be no exterior display or alterations indicating that the building is being used for any purpose other than that of a dwelling;
15. There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of the home occupation thereon;
16. A home occupation that serves as a daycare, group home, registered home, or the like, shall be incidental to the use of a dwelling unit for residential purposes. No more than 360 square feet of indoor floor area of the dwelling may be used in connection with a home occupation or for storage purposes. Floor area of a dwelling shall include the floor area of all heated and ventilated and thereby habitable rooms and areas within the dwelling;
17. No more than one (1) home occupation shall be permitted within any single dwelling;
18. The Conditional Use Permit shall limit the number of children to a maximum of 12 at one time; any violation of this condition will terminate this Conditional Use Permit;
19. All doors must open towards the outside;
20. The kitchen cannot be used as the primary entry/exit for the home occupation;
21. Applicant shall be in full compliance with all conditions as set forth by all City Departments; and
22. The following shall be considered as grounds for the revocation of a home occupation Conditional Use Permit:
 - Any change in use or change in extent of use, area or location of the dwelling being used.
 - 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 31st day.

- Conditional Use Permits for home occupations that have been revoked may not be applied for again until a period of one year has lapsed from the date of revocation.

Hector Villarreal advised this item requires a public hearing and that the Planning and Zoning Commission would recognize any individual that has properly registered. Mr. Villarreal asked for the individual that registered, either for or against, to please come forth and state their name and address for the record.

A male individual came forth to the podium and stated the he had a copy of the petition that he and his next door neighbor picked up from Bell Street to the right and a little more. He stated all of them signed the petition. Melanie Cano asked the individual if he could introduce his name for the record.

The individual stated his name as Juan Bustos and that he lived at 511 North Fir. Mr. Bustos stated that he had a copy of the petition that he and another neighbor picked up and that it was signed from all the front of the house to Bell Street on the right side and the other corner. He stated they were all against it and they signed the petition too. He stated that he got their signatures as well as their phone numbers. He stated that a little further on his side there were a couple of families that signed it. It was to let the Planning and Zoning Commission know how the surrounding property owners feel about the item. He stated it was very dangerous and that the fence is only six months or less old. He stated it was knocked down by a car and a mail box was knocked down and he stated that he could not see any parking spaces. He stated that there was also a lady that had a blow out in front of his house and the police officer walked all the way and she stopped at the stop sign last week and walked back and she said well you only got a scratch on the pole but there is some damage on the fence. He stated he had to go talk to the police officer and the people that were there at that time. Mr. Bustos stated that if cars park there it will stop traffic because it was not wide enough. The traffic is already backing up all the way to Egly Street. Mr. Bustos stated that he just wanted to let the Planning and Zoning Commission know and that he thinks it is a dangerous place for kids. He stated he was born and raised in Pharr and he wants to see it grow but he does not think it is appropriate. He states he believes it will be a liability. Ms. Rincon-Flores asked what Mr. Bustos meant by cars lined up, was it because of that home or the residence. Mr. Bustos stated that if a car parked right there it would block the whole street they will have to stop and let the other car pass. Ms. Rincon-Flores asked Mr. Bustos if he was having those problems right now. Mr. Bustos stated that he was and more when a school bus parks on Bell Street it sends traffic all the way back. He stated that even if a small car parked there they would have to... He stated that they told his friend Joe Solis that lives on the right side he was going to get a lawn mower and the police stopped him right away. He stated that the police told him he would have to get in the driveway and he was not allowed to unload a lawnmower in the street. Mr. Bustos stated that he thinks someone is going to get hurt. The kids, he asked where they were going to unload the kids and pick them up. Mr. Bustos stated all the neighbors felt that way, not only him. He stated to look at the petition where they signed and they even have their phone number so the Commission can call them up. He stated they have lived there all their lives. Mr. Charlie Ramirez

asked if Mr. Bustos submitted a copy of the petition. Mr. Bustos stated that he did and that he turned one in on Friday. Mr. Bustos stated that he had more available. Mr. Villarreal stated six. Mr. Heriberto Martinez advised the Commission that the applicant was in attendance. Ms. Rincon-Flores asked if he or she could come forth to the podium and address the Commission. Mr. Villarreal stated that the basic requirements that this calls for is that there has to be off street drop off point. Mr. Villarreal stated that he was not sure if that had been covered with the individuals as a requirement.

A member of the audience come forth to the podium and stated her name as Diana Cruz and stated she was the owner of the property. Another member of the audience approached the podium along with Ms. Cruz and stated his name as Clemente Soto, owner of the property. Ms. Cruz stated that they are in no way going to allow the parents to drop off their child or children on the side of the road. Ms. Cruz stated that they have a driveway that fits three cars in and they have a second plan. She stated that they have a fence in the back and her husband is planning on picking up the children, drive the van in close the gate and unload them in the back of the house. She stated it was a very secure area and she had pictures. Ms. Rincon-Flores asked how many children they were expected to take care of. Ms. Cruz stated that there was going to be nine total including her son. She stated that it would then really be eight. She stated that most of these families have two or three kids, which would be dropped off in one vehicle. Ms. Rincon-Flores asked if Ms. Cruz had taken applications already or how was she aware of the families. Ms. Cruz stated she had people enrolled but she did not want to enroll anyone yet until they were approved for the City of Pharr. She did state that there were several families that were waiting for her to open the center. She stated it was not a daycare center and it is not a big business. She stated that there was a limited amount of space and children. She stated that there were not in any way going to be dropped off on the side of the road like Mr. Bustos is thinking. Ms. Cruz also stated that the children would not even be in the front of the house. Ms. Cruz stated that their designated outside area is in the back and there not be any children in the front of the house. Ms. Cruz stated that the yard, even though it is fenced she will not have them in the front yard. Mr. Villarreal asked if her plan being covered by staff as far as, you do have some alternative plans. Mr. Villarreal stated if necessary Ms. Cruz can provide a combination as well a plan that will allow drop off. Ms. Cruz stated if the Commission could view the pictures there was a driveway and it can fit three cars all the way to the back. Mr. Villarreal asked if there was an exit as well where they would not have to have ... Ms. Cruz stated that the only exit would be through the alley and there is not another exit and the parents would have to reverse. Ms. Cruz stated that the other plan would be for her husband to pick up the children. Mr. Soto stated that he would pick up the children, he would drive all the way inside, close the gate and drop off the children. Ms. Rincon-Flores asked if they had gone through regulation of childcare licensing already. She asked if they had approved of their facility already. Ms. Rincon-Flores asked if licensing had looked through the home and given them the ok. Ms. Cruz stated that licensing had come, taken measurements and everything was to standards. Ms. Rincon-Flores asked if there were allowed in case of that option of Mr. Soto to pick up the children, were they given permission in case that is an alternative. Ms. Cruz stated that Mr. Soto is listed as an employee. Ms. Rincon-

Flores asked if the property in the last hearing she recalled that Ms. Cruz and Mr. Soto have only owned it for three months. Ms. Rincon-Flores asked if it was their intentions since they have not lived there a long time... Ms. Cruz stated it was because they were remodeling and stated it had been her husband's home for 50 years. Mr. Soto stated that he was born there. Ms. Rincon-Flores asked if the property was being occupied. Mr. Soto stated that his brother was living before. Ms. Rincon-Flores asked if it was alone. Ms. Cruz stated he was living with his wife and family. Ms. Rincon-Flores asked if they recently took possession of the home three months ago. Ms. Cruz stated that it had been six months and they had been remodeling the home for about a year with the intention of opening up a residential home daycare. Mr. Robles asked if they would be living at the residence. Ms. Cruz stated that they were living there already. Mr. Villarreal asked if staff had given consideration to alternate plans in this case if it would indicate that while there is a plan to allow the vehicles to get off the street in dropping them off understand that it seems to be, it is not a complete exit that would prevent backing up and asked if it had been considered by staff. Melanie Cano stated that staff had not looked at any alternate plans based on the facts that were presented by Ms. Cruz, staff feels that they could recommend approval to the commission based on as you can see in the picture there is about 100 feet more or less of depth in the driveway. Ms. Cano stated that she believes that the outside the play area is 30 feet so she will still have 70 feet. Ms. Cano stated that based on staff's recommendations she feels comfortable in recommending approval. She stated that as far as the number of students, it would be no more than nine (9) as Ms. Cruz stated. Ms. Cano stated that the Ordinance reads that a home occupation daycare there can be no more than twelve (12) at any one time. Mr. Villarreal asked Ms. Cruz if she was aware of that ceiling limitation. Ms. Cruz stated that she was aware. Mr. Bustos stated that they would have to back up onto Fir Street and it would be a lot worse. Mr. Bustos stated that they would be able to get in but they would not be able to get out. Ms. Cruz stated that they live there and they back out of their driveway every day and that is their way out. Mr. Villarreal stated that it could be done on a personal basis but when she starts deviating for what is normal one of the things that is required that is some kind of drop off where it happens to be off the street. Mr. Villarreal stated that in this case it would be a circular drive to drop off where it happens to be off the street. Somehow where one vehicle at a time can go in and drop off because one of the basic requirements is that it must be done off street. He stated that so it doesn't in any way inconvenience the public. Ms. Cruz stated that if they had to go that route they were willing to. Mr. Villarreal stated that she was willing to consider alternate and therefore he would recommend another tabling to bring this to action on the basis that some of the information that has been brought up has not been properly processed. As far as the entrance and exits. Mr. Roland Gomez stated that code only requires one off street parking under the zoning R-1A. Mr. Villarreal stated that Fir Street is if it was in a private area or less traveled but we know there is a church there in that area and which increases the activity. Melanie Cano stated that she did believe there was a church further south. Ms. Cruz stated it was two blocks south and it was Saint Anne's. Charlie Ramirez stated there was an elementary school two blocks north. Ms. Cruz stated that there was also a speed cushion there as well in front of Saint Anne's. Mr. Villarreal stated that there were concerns for the Commission to be concerned if there was something that is incomplete we might

give you the options might give you a better action to be considered upon. Because it is up to the Commission. Mr. Robles asked Ms. Cruz if she had commented that there was a way that they could exit through the alley. Ms. Cruz affirmed that there was an exit through the alley and there was only two house until they get to Bell Street. Mr. Soto stated that they had a gate that opened to the back. Mr. Robles stated that they could just drive through. Mr. Villarreal stated that this would have to be reconsidered from the staff to consider having a mobile or permission giving or renting it from the City of Pharr to allow Ms. Cruz to utilize the alley with a moving vehicle. Mr. Villarreal stated that normally alleys are used for off situations and not on a daily basis. He stated that now some of the questions that the Commission might be answered with that consideration in that the staff give it a second review since it was not brought up before. Ms. Cruz stated that she had asked if that could be an option to use the alley but staff stated that they would have to ask someone. Melanie Cano stated that staff would have to look into it. Mr. Villarreal stated that is what he understood that they would need a better recommendation because the individuals here are going to consider the basis also in the moving of the traffic. Ms. Cruz reiterated that there would not be a lot of traffic coming in and out because she would have very few children and many of these children are from the same family. Mr. Soto stated that if he would start to pick them up. Mr. Villarreal reminded them to keep in mind the permission that is given here is... they may not have a full enrollment of the normally twelve (12) required. Ms. Cruz stated that she was only allowed nine (9) because of the area of the home. Mr. Villarreal stated that if something happens there must be security exits for the... Ms. Cruz stated that she has all that available and ready. Ms. Cruz stated that the reason she already has it prepared was that she went about the process the wrong way. She stated she went with state licensing first. She stated they went into the home first and has to make sure everything was set before they approved and that was when she found out that she should have gone with the city first. Ms. Cruz stated that she then withdrew her application for the state. Mr. Villarreal stated that the state had its own regulations based on the number of occupants that are going to be in the school as well as other state requirements which is why it would have to be a completely different situation when you exceed those limits. He stated that the city also has its own coding requirements for the issue that might not...he stated that the state cannot grant in this case the in-depth that might be considered by looking at the daycare center with all possible action that would happen. Mr. Villarreal stated that once it was granted it needed to clear all those points even if Ms. Cruz did not have full in this case a complete automation for all of them. Mr. Villarreal stated that Ms. Cruz' projected for nine (9) but Ms. Rincon-Flores asked if the state had made them aware because they were under the impression that they had already received permission from the city. She asked if they were the ones that had asked if Ms. Cruz had complied with the city first. Ms. Cruz stated that the state had asked a question in regards to the fire extinguisher that she had so they called the city and spoke to someone at the fire department and that is when they found out that she had not finished her application with the city. Ms. Cruz stated that she withdrew her application with the licensing department and which is why she has everything ready. She stated she has her emergency preparedness plan ready and everything for them. Ms. Rincon-Flores stated that the state had other things that they look into which are highly of concern because this is involving children, she stated that she understood Mr.

Bustos concern and all the other neighbors from that neighborhood because she understands that Ms. Cruz will be taking care of children but there are other children in that neighborhood and there are other parents that are going to be there that can be an inconvenience for them. Ms. Rincon-Flores stated she wanted the best for the City of Pharr. Ms. Rincon-Flores stated that she felt what the state was already thinking was that the permits had been resolved and since they were made aware that had not been then it will be our decision to make whether or not we approve it but she stated she felt it would be a good idea to bring as much information to the Commission or to the staff so that they could provide it to us. Ms. Rincon-Flores addressed Mr. Bustos and told him if his neighbors were having this concern she stated that she believed that they had to do the proper procedure. Mr. Bustos stated that they could not come because they got home after 6:00 p.m. Ms. Rincon-Flores stated that she understood that they had to work late but when things have a priority we have to make adjustments. Mr. Bustos asked if they were going to receive another letter for another meeting. Ms. Rincon-Flores stated that there was not going to be another letter that they had already been notified and we will see from staff when we will be given another reset to hear the item and to table the item and have the opportunity to make a more informed decision. Mr. Villarreal stated that it would give the Commission more flexibility because otherwise they would not have enough information from the full staff. Ms. Rincon-Flores stated that maybe more options and different scenarios that they could consider and that way the applicant can benefit, Mr. Bustos and make everyone happy. Mr. Bustos stated that there was Buckner school 6 blocks away and with that traffic. Mr. Villarreal stated that his concern would be that they had already made progress here and they needed to consider the other alternatives as well because they have to consider Fir Street is not if it was just a private residential area that would not have as much traffic. He stated he knew because he was a member of Saint Anne's and he lived across town. He stated it would give staff more to consider any alternatives that have been recognized because if not there might be some narrow minded situations that will clutter up the decision. He stated he wanted to give them all the opportunity to see if that could be compromised at some form or fashion because this is where staff will have to indicate that they have to look at it from a different approach and look at it from a stand point that we have certain individuals that need to be pacified on the basis on how they feel about it. And the ones that are not here, we need to make sure that they are not forgotten as well and I think they are all questions that need to be addressed and it takes a little bit more time. He stated that instead of starting all over again they are already...and to keep in mind that it has to be approved by the City Commission as well. Melanie Cano stated that the item only had to go to Planning and Zoning Commission. Mr. Villarreal stated that the approval of the permit would be granted by this... he stated it was just that 80 percent of all their action was all times had to be a recommendation for us to the City Commission but in this case these other permits they were the ending source. He stated that they would have to consider all alternative and see if the Planning and Zoning Commission can be able to... The staff needs to address these individuals that have their concern be addressed. They are not here and they are not forgotten as well because this is part of the initial disclosure of who else is surrounding neighbors that might not be fully aware of the circumstances. He stated that he was aware that the traffic is not always there for the church and it would impact Fir Street. Mr. Villarreal

stated there were events that are also required by the parish hall and the classes that they hold there as well. He stated that there was still traffic that traverses on Fir Street. He thinks that they hold a better chance by the Commission tabling the matter and readdressing on the circumstances that they were bringing up the questions that they would make it easier for the Commission to be able to make a good decision because it would be for them to accept or deny. Mr. Villarreal stated it would not be a halfway decision there. Romeo Robles stated that it was the second time that they would be dealing with the same issue. Mr. Villarreal stated that he was not aware completely that everything else had been considered because they themselves have to consider the public in general. The impact that it would make on them. Mr. Robles asked what the reason was that they could not use the alley. Mr. Robles asked Mr. Bustos if that would relieve his concern if they could just come in and go through the alley. Mr. Bustos stated that there was no gate there. Mr. Robles asked him if the city said that they could not and his question to the city is if they were to just circle around and go out in the alley but they were told by the city that they could not do that. He asked if there was a particular reason that they cannot do that. Melanie Cano stated that staff did not speak to Ms. Cruz in regards to the public alley. She stated it was public access but staff would have to check to see if the alley is paved as well and if it is under compliance. Mr. Bustos stated that the alley was in very bad shape, very bad and he did not believe that the alleys were made for that. Mr. Villarreal stated to keep in consideration that the added pressure in the alley is being done to some kind of system maybe not the whole length of the block. Mr. Bustos stated that he puts a lot of trimming of the trees as well as the neighbor and they were going to block it. Mr. Villarreal stated it might not be actually possible to traverse the alley in both directions which means that somehow maybe a direction that for a short distance might be considered like one way. Mr. Soto stated that he took care of the alley and he cleaned it up. Mr. Soto stated there was no way that they could go to the side where Mr. Bustos puts his trash and he cleaned it all the way and is from here to the screen (standing at the podium and pointed to the screen) Mr. Villarreal stated that it had been addressed but they needed to make sure that staff needed to grant any dedication there might be strictly maybe on a short maybe half of the area there that might be considered one way. Mr. Villarreal stated it was a possibility. Mr. Greuner asked what would happen if it rained and the alley was not possible. Ms. Cruz and Mr. Soto stated that the alley was not muddy and was very clean. Mr. Soto stated that it was very clean and he took care of that. Ms. Cruz stated that there were no rocks and from the alley in back of their property to Bell Street that alley was very clean. Mr. Soto stated that there was another thing that if he had 4 or 5 he would pick them up. He stated he would go all the way in, close the gate and then take them off and they would go inside and that was it. He stated that he would not be backing up again until they go home. Ms. Cruz stated that Mr. Bustos was concerned about the school nearby but she stated she would not have any parents picking up children during school hours. She stated that her hours were from 7:30 in the morning to 7:00 in the evening. Ms. Cruz stated she was not going to have afterschool children and the children she is going to have will be from 7:30 to 7:00. She stated that they would only have 30 minutes in the morning of outside time and 30 minutes in the evening of outside time which is required by the state. She stated that they would have an hour per day, 30 in the a.m. and 30 in the p.m. She stated that if they were concerned about the noise of the other kids she doesn't

believe it would be a problem. Mr. Robles asked if Ms. Cruz was pretty sure that if she was granted permission by the Commission was there any way that the state could come and say that they needed to do something else or was she sure that once she gets permission she would be able to open. Ms. Cruz stated that she had been with the state already.

There being no further discussion, Romeo Robles moved to approve the request for a Conditional Use Permit to allow a home occupation (Daycare Center) in a Single-Family Residential District for lots less than 50 feet in width (R-1A). Charlie Ramirez second the motion. Mr. Robles stated that he wanted to take care of the matter and asked if she knew if they accepted it and City Commission doesn't it would be up to them. Mr. Ramirez stated that it would not be going to City Commission. Mr. Villarreal stated that they would have to address all the issues necessary unimaginable ones. He stated that they would have to keep this alley being able to have clearance all the way through all the months out of the year. Even through off school or whatever the case may be. Mr. Villarreal stated that they might have to consider that maybe part of the area might have to be changed as far the surface. Instead of them leaving it to nature they might have to ...it may be necessary to add caliche. Mr. Soto stated that if it came down to that he would take care of it. Mr. Villarreal stated that the burden would be place on them as well because they need to keep in mind that once the permits are out there they would be subject to violations could be considered that the alley becomes un-traversable every single...one day. Ms. Cruz asked if that happened one day they could use the driveway to get them out in front of the house. Mr. Villarreal stated that this was one thing that they have to settle the situation because the neighbors are the ones that are going to grade them on the basis of is everything satisfactory, being back on them. Mr. Villarreal stated that a permit like this does not mean that everything is great and they can be stopped at any time in the year that violations exceed. Mr. Villarreal stated that things happen and that is why permits like this are granted on a year to year basis and the opportunity is there that if there is any impact on the people because of the alley is public. Mr. Soto stated that trash gets picked up in front. Mr. Villarreal stated that there could be an impact on all the lots and they could be full. He stated that it could be easy right now but under adverse weather or any other situation they are making themselves responsible that the movement of the kids need to continue and there cannot be anything that ...because they will use it against them. Mr. Villarreal stated that if the impact comes back that it was their school there this is no different than when other areas are regulated by not causing any problems in the future. Mr. Villarreal stated that in any event that the neighbors have will fall back on the operation of the daycare. Mr. Bustos stated that if they use the alley they would get stuck because of the mud and it gets flooded when it rains. Mr. Greuner stated that his primary concern was the kids and also the traffic backing up into the street that has traffic wrecks. He stated that it was mainly the children and he had heard stories every single year where kids get run over by parents backing up their cars out of their driveway. Mr. Greuner stated that some cars now have cameras on them and some don't but regardless even those with cameras they can still run over a little kid and that is bad news. Mr. Greuner stated that if they had traffic moving in one direction it would really help them. Mr. Greuner asked the Commission if there was going to have stipulations on there where if it causes a problem in backing out of the driveway

rather than going forward causing any kind of congestion there in the street and the neighbors start to complain about it is the Commission going to turn around and yank the permit. Mr. Charlie Ramirez stated that there has already been complaining and the permit has not even been issued yet. Mr. Ramirez stated that if there was an alternative for them to exit through the rear of the property and the city has not told them no and they are also willing to take care of the place. He stated that if he was also willing to put caliche or anything too or to add a subsurface to the alley then it would be fine. Mr. Greuner asked Mr. Ramirez that it sounded like he did not have a problem with them backing up. Mr. Ramirez stated he did not and he had been there before. Mr. Villarreal stated he did have a problem with the vehicles backing up. He stated that is why they were considering it as an alternative to go through the alley or in the front they could also consider removing the front or just the area in where they make a half moon. Mr. Ramirez stated that the reason there was a problem on that street, there was a canal there at one time. He stated it was on the east side there was an underground irrigation pipe and that is why that whole street is all messed up. Charlie Ramirez stated that it should have been a wider street to begin with. Mr. Villarreal stated that it was more like a half street. Mr. Ramirez state that it was a full street 40 or 50 foot. Mr. Ramirez stated that he was still going with his motion to approve the item. Mr. Villarreal stated that his choices here are to accepting it, declining it or tabling it to make sure that those are the choices that the majority rules. Ms. Rincon-Flores stated that since they did not know how each one of the members were thinking it would have to be by majority, she would hate for them to take a chance. She stated that they didn't know what Mr. Greuner was thinking, they did not know what Mr. Cano was thinking or what she was thinking. She stated that if they were all to accept then perfect but she was not sure whether to deny it. She stated that if they table it there was still hope that if they were able to hear from staff or whatever then it would be approved then it would be approved all the way. Ms. Rincon-Flores stated that she believes tabling would be something more recommended for the benefit of them. She stated that at this point she did not know how the other three are going to vote. Mr. Roland Gomez stated that he believed there was already a motion on the floor for approval. Mr. Cano stated that there was also a second of the motion. Mr. Gomez stated that Commissioner Ramirez. Mr. Villarreal stated that he was merely indicating the alternative is still there also and they have the option. He stated that some of them could accept, deny or table. Ms. Cruz stated that the alley would work great and it would be a lot safer. Mr. Villarreal stated that if they table it... Ms. Cruz stated that they were willing to do that. Ms. Rincon-Flores asked staff if that was something that could be done or can do it subject to that condition being met. Melanie Cano stated if they were going that route she would recommend tabling the item until staff checks the status of the alley and right now the alley, discussing with staff, it is not paved. Ms Rincon-Flores stated that they were willing to do that expense. Ms. Cruz stated that from her house to Bell it would only be three houses in total and the two were his relatives and they would be ok with it. Ms. Cano stated that what she means paved it would have to be asphalt because caliche is not allowed. Mr. Bustos stated that people put their leaves and trees there and everything in the alley. Ms. Rincon-Flores stated that this would maybe help them to be cleaner. She stated that if they were to resolve it in that way in her mind she would not hesitate to approve it. Melanie Cano stated that so there was no confusion when she means pave the alley she means the entire alley and

access. Ms. Cano stated it was the whole access that they would be using. Mr. Soto stated that the alley the T's off and the city comes and throws the trash the ones on Mr. Bustos side and the ones on the T. Ms. Cruz stated that the exit will be to the left from their house there is an alley that goes straight out to the back street and the one that goes out to Bell. Ms. Rincon-Flores stated that their home is closer to Bell Street. Ms. Cano stated that they would have to pave from Wright to Bell. Mr. Ramirez asked if it was the whole length of the block. Ms. Cano affirmed because it was public access and they did not have control of where they would generate traffic. Ms. Rincon-Flores asked if there could be another option in the front could they do a moon where they would just drop off. Mr. Roland Gomez stated that they could not since minimum requirements are that the lots have 70 feet frontage. He stated that in this case there was two lots with 50 feet frontage; therefore, they could not do a half moon. Mr. Guadalupe Cano stated that the house in the corner has a half moon and it has two lots. Ms. Cruz stated that she was looking at theirs and they have a half-moon and their lot was the same size as theirs. Ms. Cruz stated that they park three cars there plus they do not have a fence in the front and she did not consider that unsafe. Mr. Roland Gomez stated that staff had no idea when they did that driveway and they have to go by current codes. He stated that current codes specify 70 feet frontage. Ms. Rincon-Flores asked Ms. Melanie Cano if it was necessary the whole alley be paved even if they were not using the opposite side. Mr. Soto asked if it would be from one side of the alley to the other and it didn't make a lot of sense if they would be throwing trash on asphalt. Mr. Gomez stated that according to city ordinance all green had to be thrown in front of the house and not in the back. Mr. Soto stated that the alley was clean except for Mr. Bustos' house and the rest of the neighbors throw it there on the T. Mr. Soto indicated that from his house to Bell was clean and nobody throws trash there. He stated that they come and throw it on the T. Mr. Greuner asked Mr. Gomez if they could combine the two lots and make a hundred linear feet. Mr. Gomez stated that the lots were not 50 feet it was 25 feet each making it only 50 feet in front. Mr. Bustos stated that Mr. Soto and Ms. Cruz throw their trash in the neighbor's house. He stated that the alley belongs to the other neighbor. He stated that they had that problem and they called the police and they fought with the previous owner last year and he called the police. He stated that they would throw leaves and wood and he got mad and went to talk to them and the police came and he was not sure after that. Mr. Soto stated it was not them and Ms. Rincon-Flores stated it might have been someone else because Mr. Soto and Ms. Cruz were not living there last year. Mr. Soto stated that Mr. Leal lived in the back and he talked to him and they all throw their trash in the same place. He stated that they talk to almost all of their neighbors and he has known them for a long time. Mr. Bustos stated that he knows someone called the police on them last year. Mr. Villarreal stated that they needed to consider the motion that was on the floor. Mr. Greuner stated that there had been a motion and a second of the motion and they needed to move forward. Ms. Rincon Flores asked if the Commission could meet. Mr. Greuner asked if she wanted to go to executive session. She affirmed. Mr. Villarreal stated that maybe they should spend a few minutes in executive session to discuss. Ms. Rincon-Flores asked if staff could accompany them.

The Planning and Zoning Commission entered into Executive Session at 6:50 p.m.

The Planning and Zoning Commission returned from Executive Session at 7:11 p.m.

Mr. Villarreal stated that on the basis of the motion that was already on the floor they can modify the motion.

Mr. Robles made a motion to modify his original motion to require that there will be no backing up into the street. Mr. Ramirez stated that all vehicles would have to do a turn around so that people that drive in and drop off the children must backup within the lot and so they would have to drive out forward. Mr. Ramirez stated there would be no backing up, no unloading children on the street. He stated there will be no parking, no loading or unloading in the street. Mr. Villarreal stated what they were saying was that at the moment right now it will be a pass through, as long as the alley is traversable. Mr. Villarreal stated that in adverse weather there is an alternate way which is some area might have to be designated as a reverse within their property so that the vehicle does not reverse or back up into the street. He stated that it will not be permitted. He stated that it was just asking for trouble and danger and it is a risk. Mr. Villarreal stated that the driveway has to be a continuation to exit into the alley and they will then be able to go either way. He stated that they will have to exit and it will have to be a one way driveway. He stated that if that was acceptable then the Commission had come to a consensus that it will be necessary in order for this issue to pass. Mr. Soto stated that he understood. Mr. Villarreal stated that sometime in the future that the city might be able to pave the alley the alternative will be, we always consider it as well but maybe some kind of caliche in the area they will be using to traverse out of there through the alley. Mr. Villarreal stated it would be the area they are considering to use when exiting into Bell. Mr. Villarreal stated that sometime in the future that it becomes a problem and it will become an alternative but it will be at an additional cost to them. Ms. Rincon-Flores stated that what the Commission came to the conclusion was that everyone in this room, staff, Commission and audience and even Mr. Bustos, we all want the best for our children. She stated they would have double responsibility because people are entrusting their children at their home but also the children in the neighborhood. She stated therefore they have double the people to control. She stated that the Commission has agreed to allow them to have the permit with that condition. She stated that did not mean because they still want to have caution with what Commissioner Greuner brought up is very critical now-a-days of backing up over our youth and death with kids. She stated especially five year olds that are running to go see mommy before she leaves and stuff like that. Ms. Rincon-Flores stated that they were going to be right there inside of their house. Ms. Rincon-Flores stated that the street kids might be safer now but for them to keep eyes on the kid's right there because they will be backing out in their home to come out safely into the street. She also stated there was nothing better then awareness. She stated that last time she mentioned there was a website for parents to become aware. She addressed Mr. Bustos and stated that the Commission cares about what he told them. She stated that they are aware of the six people have concerns. Ms. Rincon-Flores stated that it was hard for them to come to a decision and they finally came to this medium ground. She stated that they were going to be allowed to have the daycare but there will be restrictions on what they can do. Ms. Rincon-Flores stated that the beauty of this was that Mr. Bustos and his neighbors will be able to see what they are doing

what we are asking them to. She stated that the Commission and/or staff will not be there. She stated that Mr. Soto and Ms. Cruz know there will be conditions. She stated though that they cannot just be making false allegations now-a-days there are cameras and video, so we will need actual proof of violations not going through. She stated that she wanted everyone to realize, including Mr. Bustos, was that if they had six children in that daycare they wouldn't even be here. She stated they would not have needed to have permission and we did not have to know about it. Ms. Rincon-Flores stated that the reason was because they were having three more and one of them being their own child. So stated to Mr. Bustos to not think that the Commission did not take his thoughts and the other six people's thoughts into consideration. She stated that the Commission does care but after convening and talking with staff the Commission came to this middle ground where hopefully it is the best for everyone all around and what we all in this room care about which is our children and youth.

Mr. Villarreal stated that the Commission would have to be polled. Romeo Robles had made a motion and Charlie Ramirez has seconded that motion and when put to a vote it polled as follows: Villarreal: approved with conditions; Robles: approved with conditions; Cano: approved with conditions; Ramirez: approved with conditions; Greuner: disapprove and Rincon-Flores: approved with conditions and that they will go through child care licensing which will be another requirement.

Motion carried to approve the request for a Conditional Use Permit to allow a home occupation (Daycare Center) in a Single-Family Residential District for lots less than 50 feet in width (R-1A) with the conditions.

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

CUP-ABC

Heriberto Martinez, Planner I, introduced the second 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.

Mr. Martinez stated that staff would like to table the item due to necessary information that needed to be provided.

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). Charlie Ramirez second the motion and when put to a vote it polled as follows: Villarreal: approved; Robles: approved; Cano: approved; Ramirez: approved; Greuner: approved; and Rincon-Flores: approved.

Motion carried unanimously to table the item.

CANTINA BAR AND GRILL

CUP-ABC

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

Cantina 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 Lot 187, Valle De La Primavera Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 6905 South Jackson Road. The property is currently zoned General Business District (C). The surrounding area is zoned General Business District (C) to the north and south, Single Family Residential District (R-1) to the east and city limits to the west. The area is generally designated for commercial use in the Land Use Plan. The Police Chief and the Planning Department recommend approval of the request. Forty-four (44) 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 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.

Mr. Martinez stated that this item will go before the City Commission Meeting of January 20, 2015 at 5:00 p.m.

Tom Greuner asked if this item was in legal. Mr. Villarreal stated that it was item number 2 that was pending paperwork and did not have recommendation from the Police Department.

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.

Tom Greuner asked Mr. Martinez what was the legal description on this item. Mr. Martinez asked for the current item that he read. Mr. Greuner affirmed. Mr. Martinez stated it was Lot 187, Valle De La Primavera Subdivision. Mr. Cano asked if this item was required to have a buffer in the back since there was a residential area in the back. Mr. Martinez stated there was an alley. Mr. Gomez stated that yes they needed a buffer but there was already a concrete fence.

There being no further 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). Tom Greuner second the motion and when put to a vote it polled as follows: Villarreal: approved; Robles: approved; Cano: approved; Ramirez: approved; Greuner: approved; and Rincon-Flores: approved.

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).

RIO LAGUNA, INC.

COZ: R-4 to C

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

Rio Laguna, Inc., owner, has filed with the Planning and Zoning Commission a request for a change of zone from a High Density Multi-Family District (R-4) to a General Business District (C). Rio Laguna Inc., owner, is requesting a change of zone from High Density Multi-Family District (R-4) to a General Business District (C). The property is located on the west side of N. Sugar Rd. with a current address of 1200 West Hummingbird Court. The property consists of one (1) proposed lot and is legally described as Lot 1, Empire No. 2 Subdivision, Pharr, Hidalgo County, Texas. The property fronts North Sugar Road., an 80 foot Major Collector 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 High-Density Multi-Family District (R-4). The property is designated for residential 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 construct a commercial building. This property was rezoned from Agricultural-Open Space District (A-O) to High Density Multi-Family District (R-4) on December 09, 2002. The adjacent zonings are Single-Family Residential District (R-1) to the north and east, General Business District (C) to the south and High-Density Multi-Family District (R-4) to the west. 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. Thirteen (13) 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 and has adequate ingress and egress. If approved, applicant must comply with all City Ordinances and Department requirements.

Mr. Martinez stated that this item will go before the City Commission Meeting of January 20, 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 change of zone from a High Density Multi-Family District (R-4) to a General Business District (C). Guadalupe Cano second the motion and when put to a vote it polled as follows: Villarreal: approved; Robles: approved; Cano: approved; Ramirez: approved; Greuner: approved; and Rincon-Flores: approved.

Motion carried unanimously to approve the request for a change of zone from a High Density Multi-Family District (R-4) to a General Business District (C).

**GARY EDENBURN
REP. CROWN CASTLE
INTERNATIONAL CORPORATION**

**LOU: TELECOMMUNICATION TOWER
836 NORTH CAGE BOULEVARD**

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

Gary Edenburn, representing Crown Castle International Corporation, has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow an existing telecommunication tower in a General Business District (C). The property is legally described as 0.034 of an acre, more or less, out of Lot 6, Henderson Plaza Subdivision Phase 2, Pharr, Hidalgo County, Texas. The property is physically located at 836 North 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 west and Single-Family Residential District (R-1) to the east. The area is generally designated for commercial use in the Land Use Plan. Twenty-seven (27) 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 Life-of-the-Use Conditional Use Permit to allow an existing telecommunication tower in a General Business District (C) subject to the following conditions:

1. The applicant shall comply with all City of Pharr Ordinance requirements. Any violation of City Ordinance will terminate this Conditional Use Permit;
2. Any request to revise, alter or amend the conditions or requirements shall require the applicant to apply for a new Conditional Use Permit;
3. Any change in location, change in ownership or business entity owning or carrying out its operation on the property shall terminate this Conditional Use Permit;
4. This Conditional Use Permit shall be issued for the Life-of-the-Use; and
5. The telecommunications tower must comply with all setback and height requirements.
6. The following shall be considered as grounds for the revocation of a Conditional Use Permit:

- Any change in use or change in extent of use, area or location being used.
- Failure to allow periodic inspections by representatives of the City of Pharr at any reasonable time.
- Conditional Use Permits that have been revoked may not be applied for again until a period of one year has lapsed from the date of revocation.

Mr. Martinez stated that this item will go before the City Commission Meeting of January 20, 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 Life-of-the-Use Conditional Use Permit to allow an existing telecommunication tower in a General Business District (C). Criselda Rincon-Flores second the motion and when put to a vote it polled as follows: Villarreal: approved; Robles: approved; Cano: approved; Ramirez: approved; Greuner: approved; and Rincon-Flores: approved.

Motion carried unanimously to approve the request for a Life-of-the-Use Conditional Use Permit to allow an existing telecommunication tower in a General Business District (C).

**GARY EDENBURN,
Rep. SPRINT SPECTRUM, LP**

**LOU: CO-LOCATION OF
TELECOMMUNICATION EQUIPMENT
836 NORTH CAGE BOULEVARD**

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

Gary Edenburn, representing Sprint Spectrum, LP, has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on an existing tower in a General Business District (C). The property is legally described as 0.034 of an acre, more or less, out of Lot 6, Henderson Plaza Subdivision Phase 2, Pharr, Hidalgo County, Texas. The property is physically located at 836 North 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 west and Single Family Residential District (R-1) to the east. The area is generally designated for commercial use in the Land Use Plan. Twenty-seven (27) surrounding property owners were notified by letter and a legal notice was published in the Advance News Journal. Staff received one (1) phone call. Planning Staff is recommending approval of the Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on an existing tower in a General Business District (C) subject to the following conditions:

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

Mr. Martinez stated that this item will go before the City Commission Meeting of January 20, 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 the co-location of telecommunication equipment on an existing tower in a General Business District (C). Charlie Ramirez second the motion and when put to a vote it polled as follows: Villarreal: approved; Robles: approved; Cano: approved; Ramirez: approved; Greuner: approved; and Rincon-Flores: approved.

Motion carried unanimously to approve the request for a Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on an existing tower in a General Business District (C).

KATY SWENSON
Rep. SPRINT SPECTRUM, LP

**LOU: CO-LOCATION OF
TELECOMMUNICATION EQUIPMENT
806 SOUTH VETERANS BOULEVARD**

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

Katy Swenson, representing Sprint Spectrum, LP, has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on an existing tower in an Agricultural Open-Space District (A-O). The property is legally described as 0.034 – 1.34 of an acre, more or less, out of Lot 192, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is physically located at 806 South Veterans Boulevard. The property is currently zoned Agricultural Open-Space District (A-O). The surrounding area is zoned General Business District (C) to the north, Single-Family Residential District (R-1) to the west and Agricultural Open-Space District (A-O) to the south and east. The area is generally designated for residential use in the Land Use Plan. Thirty (30) surrounding property owners were notified 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 Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on an existing tower in an Agricultural Open-Space District (A-O) subject to the following conditions:

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

Mr. Martinez stated that this item will go before the City Commission Meeting of January 20, 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 Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on an existing tower in a General Business District (C). Criselda Rincon-Flores second the motion and when put to a vote it polled as follows: Villarreal: approved; Robles: approved; Cano: approved; Ramirez: approved; Greuner: approved; and Rincon-Flores: approved.

Motion carried unanimously to approve the request for a Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on an existing tower in a General Business District (C).

**GARY EDENBURN
REP. CROWN CASTLE
INTERNATIONAL CORPORATION**

**LOU: TELECOMMUNICATION TOWER
1011 WEST KELLY AVENUE**

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

Gary Edenburn representing Crown Castle International Corporation, has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow an existing telecommunication tower in a Single-Family Residential District (R-1). The property is legally described as 0.021 of an acre, more or less, out of Lot 184, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is physically located at 1011 West Kelly Avenue. The property is currently zoned a Single-Family Residential District (R-1). The surrounding area is zoned Single-Family Residential District (R-1) to the north, west and east and High Density Residential District (R-4) to the south. The area is generally designated for public/semi-public use in the Land Use Plan. Four (4) surrounding property owners were notified 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 Life-of-the-Use Conditional Use Permit to allow an existing telecommunication tower in a Single-Family Residential District (R-1) subject to the following conditions:

1. The applicant shall comply with all City of Pharr Ordinance requirements. Any violation of City Ordinance will terminate this Conditional Use Permit;
2. Any request to revise, alter or amend the conditions or requirements shall require the applicant to apply for a new Conditional Use Permit;

3. Any change in location, change in ownership or business entity owning or carrying out its operation on the property shall terminate this Conditional Use Permit;
4. This Conditional Use Permit shall be issued for the Life-of-the-Use; and
5. The telecommunications tower must comply with all setback and height requirements.
6. The following shall be considered as grounds for the revocation of a Conditional Use Permit:
 - Any change in use or change in extent of use, area or location being used.
 - Failure to allow periodic inspections by representatives of the City of Pharr at any reasonable time.
 - Conditional Use Permits that have been revoked may not be applied for again until a period of one year has lapsed from the date of revocation.

Mr. Martinez stated that this item will go before the City Commission Meeting of January 20, 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 an existing telecommunication tower in a Single-Family Residential District (R-1). Charlie Ramirez second the motion and when put to a vote it polled as follows: Villarreal: approved; Robles: approved; Cano: approved; Ramirez: approved; Greuner: approved; and Rincon-Flores: approved.

Motion carried unanimously to approve the request for a Life-of-the-Use Conditional Use Permit to allow an existing telecommunication tower in a Single-Family Residential District (R-1).

GARY EDENBURN,
Rep. SPRINT SPECTRUM, LP

**LOU: CO-LOCATION OF
TELECOMMUNICATION EQUIPMENT
1011 WEST KELLY AVENUE**

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

Gary Edenburn representing Sprint Spectrum, LP, has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment in a Single-Family Residential District (R-1). The property is legally described as 0.021 of an acre, more or less,

out of Lot 184, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is physically located at 1011 West Kelly Avenue. The property is currently zoned Single-Family Residential District (R-1). The surrounding area is zoned Single-Family Residential District (R-1) to the north, west and east, and High-Density Residential District (R-4) to the south. The area is generally designated for public/semi-public use in the Land Use Plan. Four (4) surrounding property owners were notified 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 Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on an existing tower in a Single-Family Residential District (R-1) subject to the following conditions:

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

Mr. Martinez stated that this item will go before the City Commission Meeting of January 20, 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 the co-location of telecommunication equipment in a Single-Family Residential District (R-1). Charlie

Ramirez second the motion and when put to a vote it polled as follows: Villarreal: approved; Robles: approved; Cano: approved; Ramirez: approved; Greuner: approved; and Rincon-Flores: approved.

Motion carried unanimously to approve the request for a Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment in a Single-Family Residential District (R-1).

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:

SAM ENGINEERING & SURVEYING INC
Rep. ANDRES ZUNIGA ZUKO, FLP

EVERGREEN
SUBDIVISION

Sam Engineering & Surveying Inc., representing Andres Zuniga Zuko, FLP (Family Limited Partnership), is requesting preliminary plat approval of the proposed Evergreen Subdivision. The property is legally described as being a 20 acre tract of land, more or less, out of Lot 376, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located between the 1300 and 1600 Block of West Hi-Line Road. The property is currently zoned Limited Industrial District (L-1). The adjacent zones are High-Density Multi-Family Residential District (R-4) and Agricultural Open-Space District (A-O) to the north, Limited-Industrial District (L-1) to the east and Agricultural Open-Space District (A-O) to the west and south. The property is designated for industrial use in the Land Use Plan. Property proposed use: Cold Storage. Variances: None requested. Planning staff recommends preliminary plat approval of the proposed Evergreen Subdivision subject to the following conditions:

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

- 1) Power lines need to be relocated out of R.O.W.
- 2) Developer shall widen Hi-Line Road with sidewalks or shall escrow the amount to construct it. Escrow estimate must be submitted, reviewed and accepted by the City of Pharr.

EASEMENTS:

- 1) Provide documents for easement along the west lot line.
- 2) Provide documents verifying that the properties on the northwest corner will not be land locked.

**SIDEWALK:
ADA:**

- 1) In Compliance.

**FIRE
PROTECTION:**

- 1) See attach comments.

WATER:

- 1) Verify water lines.

- 2) Replace and move 12" AC pipe with 12" PVC C-900 pipe.
- 3) Remove 12 ft. stub out on Hi-Line Road.
- 4) Must have 9 ft. separation between water and sewer lines.

SEWER:

- 1) Sewer is flowing in the wrong direction.

DRAINAGE:

- 1) Need SWPPP with CNOI before NTP is issued.
- 2) Add notes: Perimeter fencing shall be required in detention areas greater than or equal to 3-ft. in depth.
- 3) Developer to construct fence for lot(s) abutting/fronting drain ditch or irrigation canal.
- 4) Need discharge permit from H.C.I.D. #2 (per drainage report-outfall to ditch).
- 5) Outfall drain pipe details to be included in building plans.

OTHER:

- 1) Verify 40' on the east side of the property. What is it?
- 2) Verify the northing and easting on the benchmark.
- 3) Add note: Enforcement of all plat notes and dedications shall be the responsibility of the agency or entity to whom the dedication is granted.
- 4) Verify title of Andres Zuniga.
- 5) Need to update utility layout sheet, show current Lot number.
- 6) Update location map.
- 7) Owner's acknowledgment block is missing a parenthesis after (Family Limited Partnership) and the owners name needs to be added to the notary block.
- 8) Show irrigation line.
- 9) Verify the meets and bounds on the warranty deed.

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.

Johanna Maldonado stated that the Limited Industrial District was L-I and not L-1.

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

Motion carried unanimously to approve the request for preliminary plat approval of the proposed Evergreen Subdivision.

ANNOUNCEMENTS/OTHER BUSINESS:

Mr. Villarreal asked staff if there was any other business besides the election of officers. Melanie Cano stated that there was no other business except for the election of officers. Mr. Villarreal stated that the consensus for... Melanie Cano stated that the Commission should start with the position of Chairman. Mr. Villarreal stated what he was thinking was to ask the Commission if they wanted to wait for next time when they would have a full Commission. Mr. Ramirez stated that would be a good idea. Ms. Rincon-Flores asked if there was anyone firing their spots and if not they could take it as it is. Mr. Villarreal stated that was the reason he was requesting as Chairman that they have a full Commission or as full as they could. Mr. Greuner asked if staff had called all the other Commission Members and make them aware that there were going to be elections today. Della Robles, Secretary, stated that all the Commission Members had been notified that there were elections and not everyone was able to attend. Mr. Campos has been ill and Mr. Oliva is out of town. Mr. Villarreal stated that he had requested as Chairman some information of the attendance record for last year to see if there were any individuals who would want towe have had it every year. Della Robles advised that she did not have the information. Mr. Villarreal stated that it was a consensus. He asked if the Commission if they wanted or wished to wait for next time. Della Robles asked if there were any nominations on the floor. Mr. Villarreal asked if there were any nominations or if they preferred to wait for next meeting. Mr. Robles moved that all the existing officers be nominated. Ms. Rincon-Flores second the motion, Charlie Ramirez second the motion again, Tom Greuner made a third motion, and Guadalupe Cano made a fourth motion. Mr. Villarreal stated that the existing officers were nominated. Ms. Rincon-Flores stated that was a compliment and showed that they were doing a great job.

There being no further discussion, Della Robles polled the Commission and results were as follows: Villarreal: approved; Robles: approved; Cano: approved; Ramirez: approved; Greuner: approved; and Rincon-Flores: approved.

Motion carried unanimously to approve the existing officers for another term.

All members offered congratulations to the officers.

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

The motion carried unanimously to excuse the absent members.

ADJOURNMENT:

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

Motion carried unanimously and the Planning and Zoning Meeting adjourned at 7:46 p.m.



Hector Villarreal, Chairman

ATTEST:



Romeo Robles, Vice Chairman

