



## PLANNING & ZONING COMMISSION

*City Commissioner's Room*

*118 S. Cage Blvd. October 26, 2015 – 6:00 p.m.*

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, October 26, 2015. The meeting was called to order by Romeo Robles at 6:00 p.m. at the City Commissioners' Room, located at 118 S. Cage Blvd., 2nd Floor, Pharr, Texas.

### ATTENDANCE

**MEMBERS PRESENT:** Romeo Robles                      Guadalupe Cano  
Charlie Ramirez                      Tom Greuner  
Danny Wylie                      Dr. Kenneth Fletcher  
Paco Aleman                      Porfirio Rodriguez

**ABSENT:** Victor Carrillo III                      Noe Pruneda

**OTHERS PRESENT:** See attached list

**STAFF PRESENT:** Edward M. Wylie, Assistant City Manager  
Roland Gomez, Senior Planner  
Heriberto Martinez, Planner I  
George Martinez, Building Official  
Johanna Maldonado, Subdivision Coordinator  
Della Robles, Administrative Secretary

### CALL TO ORDER

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

*Paco Aleman arrived to the meeting at 6:01 p.m.*

*Porfirio Rodriguez arrived to the meeting at 6:02 p.m.*

### APPROVAL OF MINUTES

There being no discussion, Tom Greuner **moved** the minutes of October 12, 2015, be accepted as submitted. Dr. Kenneth Fletcher second the motion and when put to a vote it polled as follows: Robles: approved as submitted; Cano: approved as submitted; Ramirez: approved as submitted; Greuner: approved as submitted; D. Wylie: approved as submitted; Dr. Fletcher: approved as submitted; Rodriguez: approved as submitted and Aleman: approved as submitted.

The motion carried unanimously to approve the minutes of October 12, 2015 as submitted.

## **PUBLIC COMMENTS:**

Romeo Robles called forth the individual who signed up to speak at the Public Comments portion of the meeting. There being no one who signed up, Romeo Robles closed the Public Comments portion of the meeting and stated they would proceed with the next item on the agenda.

## **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 item.

**AZTEC COMMERCIAL LP,  
A TEXAS LIMITED PARTNERSHIP, OWNER**

**A-O to H-C  
COZ#151060**

Aztec Commercial LP, a Texas Limited Partnership, owner, is requesting a change of zone from Agricultural and/or Open Space District (A-O) to a Heavy Commercial District (H-C). The property is located on the West side and within the 1700 and 1800 block of North Cage Boulevard. The property consists of one (1) Lot and is legally described as the South one-half of the North one-half of Lot 156, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. For the record the applicant has submitted a letter to withdraw the letter from tonight's meeting.

Romeo Robles asked if there was a need to act on the item. Heriberto Martinez advised that there was no need.

Dr. Fletcher stated that he understood the item was being withdrawn but wanted to discuss the existing words and on it, it describes the benefits of locating the property if it was going to be approved in relationship to major arterials for the truck traffic. There is a lot of mention in Section 1.26 No. 1 it would involve influences and it would be objectionable in a commercial or adjacent residential district. He stated that if we know in the comprehensive plan that wants to help the people in that way and No. 2 stated in the last two sentences these areas should not be located in close proximity to residential areas of any type. Residences and apartments should be discouraged from locating in these districts. Dr. Fletcher stated if it were to come up again it would be nice to please include that verbiage in the proceedings, so that we know we sort of have a legal bases as board members. He stated it was always going to be important to him because he lives in a situation where it is incompatible. Danny Wylie stated that he also has a question on the form that was submitted by staff No. 9 states is the proposed change in line with the Future Land Use Plan. Staff marked no. He asked if that was a sufficient reason to disallow it. Mr. Martinez stated that in the Future Land Use Plan shows the property as commercial and the zone that the applicant was requesting was Heavy Commercial (H-C) and a more heavy use then what it is zoned for. Mr. Martinez stated it was not compatible for the Future Land Use Plan. Danny Wylie stated that why did Staff just deny it right off the bat. Mr. Martinez stated that since it was going to be a dealership it would be the same as a car dealership but it would still be a heavier use. Mr. Danny Wylie stated then why No. 9 would need a yes or no answer. Mr. Tom Greuner asked why if it was not coinciding with the Future Land Use Plan why was staff even considering approving it. Mr. Roland

Gomez, Senior Planner stated that the Future Land Use is Commercial (C) and Heavy Commercial (H-C) falls in line with that land use. Mr. Gomez stated that there was a typo on the sheet. Mr. Cano stated that it should have been marked yes. Mr. Gomez affirmed. Mr. Greuner asked if the change of zone would be compatible with the surrounding properties. Mr. Gomez stated that staff marked no because there is a mobile home trailer park which is located on the South side of the property and everything that is located along frontage to the north is zoned Commercial, Heavy Commercial and if you go further North it is Limited Industrial. Dr. Fletcher stated that even if it was a new truck dealership those crazy air brakes could be heard very well. He stated it would take a buffer, opaque and very tall. Mr. Wylie, Assistant City Manager, stated for the record that he was the previous Development Services Director and he always stressed to the Commission and this was for the new Commission that the Future Land Use is a guide for the city and it is not set in stone. If it was set in stone it would be a matter of a check box and a secretary or a person there approving the applications. Edward Wylie stated that zoning was a very subjective application of the police powers of the city where we chose to put things and how we chose to zone them, that is why there is a board. He stated that seven (7) heads are better than one person sitting there and that is why there are appointed and the City Commission is formed to approved such things. He stated nothing was set in stone and it is always subjective. Mr. Rodriguez stated that he was reading and on Sugar Road there was permission granted for trailers and asked if it was similar to what they were requesting. Edward Wylie stated it was very similar as far as the zoning and the use and he wanted to state it was the one by the old Valley Yamaha. Mr. Edward Wylie stated that the only reason this went to an HC was because of the weight of the trucks which exceeded the gross weight ordinance and the use of the outside storage for the trucks being there as opposed to a regular car dealership. He stated it would have otherwise been zoned as General Business District. Mr. Rodriguez stated he lived around that area in Car-Mel and he does not know why it was approved. He stated it was like sending a precedence. Dr. Fletcher asked if with the discussion it would never be Heavy Commercial. Mr. Robles stated this was not the time to discuss this and it had been withdrawn. He asked that the Commission would like some training and they could discuss it outside of the meeting. Mr. Wylie stated that if Mr. Robles would like they could have a discussion after the meeting was adjourned.

There being no further discussion Heriberto Martinez introduced the second item on the agenda

### **CHANGE THE STREET NAME**

### **GAY STREET TO LOS UNICOS STREET**

Petition to change the street name of Gay Street to Los Unicos Street in Pharr, Hidalgo County, Texas. Gay Street is a 50 foot local street that runs North and South between North Palm Drive and North Sugar Road. The property surrounding the proposed street name change is currently zoned Single Family Residential District (R-1). The area is generally designated for residential use in the Land Use Plan. Public Works recommends denial of the street name change and Planning Department recommends denial of the street name change. Eleven (11)

surrounding property owners are in agreement to change Gay Street to Los Unicos Street in Pharr, Hidalgo County Texas. Development Services Staff is recommending denial of the request for the requested street name change due to the following:

- The approval of street names within the City and its extraterritorial jurisdiction is a process identified and addressed at the development stage.
- There are approximately (3) three recorded plats that confront the existing street in question and have followed the legal formalities of recording the existing street name (See attached plats).
- Current street name is served by local and/or inter-local 9-1-1 emergency dispatch system and street names play a critical role for emergency responders.

Heriberto Martinez advised that this item will go before the City Commission Meeting of November 03, 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. Della Robles, Secretary, advised that the item did not require a public hearing but Ms. Villarreal who initiated the petition was in the audience.

An individual approached the podium and stated his name as Mel Villarreal. He stated that his street has been Gay for he was not sure how long. He stated back when he was young gay was being happy and now it has another meaning to it.

*Conversation ensued in Spanish.*

Mr. Robles advised that they would only visit the item that is on the agenda and asked Mr. Ramirez to address Mr. Mel Villarreal.

*Mr. Ramirez address Mr. Villarreal in Spanish.*

...lots of musical success with the group, again it is the call of the city. Mr. Ramirez stated that they would look at the petition and they would be able to vote on it. He stated it may get voted down once it goes to the City Commission. Mr. Ramirez advised Mr. Villarreal the issue with his alley needs to be brought to the attention to Public Works and see if they are willing to help. Mr. Ramirez stated it was outside what the Planning and Zoning Commission is able to do. Mr. Ramirez stated he had been to Mr. Villarreal's home. He stated he went to school with his daughter Rachel and he had attended parties there as well. Mr. Ramirez stated he also knows Mr. Villarreal's son and had known them all his life and went to school with them and he understands what he wants to do with the alley and if the city could get it done we would love to do it for them. Mr. Ramirez stated that going back to the street name change he was not sure if their hands were tied to rename the street and he was not sure if this was the correct committee to come to. Mr. Wylie stated that it was since there was no formal process in place at the moment. He stated it went before City Commission at the last meeting and the City Attorney

said to revert it back to Planning and Zoning to get a recommendation before it goes before City Commission.

There being no further discussion, Charlie Ramirez moved to approve the street name of Gay Street to Los Unicos Street.

Mr. Villarreal stated he did not care what the name was just to take Gay off. Mr. Danny Wylie stated that if it were not for the 911 it was his understanding if it were to get changed each individual land owner along that street would have to go and change their title legally to the new street and the description of the street would not be legal and they would not be able to sell the property. Mr. Cano stated that the legal description would not change to include the block number and plat all that would change would be the address. Mr. Rodriguez asked if this was the process they went through to change Veterans and was there a problem. Mr. Edward Wylie stated that the reason there was not a process was because the city cannot do as Mr. Villarreal is requesting. He stated that anyone who puts a petition to the city, the city is obligated to run with it and present it. Edward Wylie stated that what Mr. Villarreal wanted to do was to change the name of the street and the street is dedicated by plat. He stated it has gone through the legal recording process and the city could not change that because it is not the cities plat. He stated it was the owners wished that develop the property at that time. Mr. Edward Wylie stated that what happened with Veterans and the same thing with Newcombe was that the city added a second name on there. He stated that they did not change the name of the road it was still "I" Road –Veterans and Park –Newcombe. Edward Wylie stated that what Mr. Danny Wylie was true that it forced the people that did not sign the petition to change their license, their mailing address, bank accounts, and everything else. They would need to go to the post office and have all that changed around. Mr. Wylie stated that was the reason that there was not a process because they cannot change the name of the street. Dr. Fletcher asked Mr. Villarreal where he found out about the petition form, did he make it or did he get the petition form from the city. *Inaudible*. Dr. Fletcher asked who they submitted it to first was it to Development Services. Mr. Edward Wylie stated it had gone to the City Manager. Dr. Fletcher stated he had gone out to and looked at fire hydrants and there was a Bluebonnet Street way south of city hall and a Bluebonnet near city hall. He stated if there were any other discrepancies like that for the EMS they needed to find those out and report and change them. Dr. Fletcher stated right where he lives there is South Citrus Avenue that does not have a sign and there is an unnamed street that runs behind just east of Jackson Road. Mr. Robles stated that they were out of order and they need to proceed with the item.

Motion had been made by Charlie Ramirez to approve adding the street name and legacy of his accomplishment here in the City of Pharr. Guadalupe Cano second the motion and when put to a vote it polled as follows: Robles: denied the request; Cano: approved the request; Ramirez: approved the request; Greuner: denied the request; D. Wylie: denied the request; Dr. Fletcher: denied the request; Rodriguez: approved the request and Aleman: denied the request.

The motion was denied by majority with five (5) of the members voting nay and three (3) members voting yea for the approval of the petition to change the street

name of Gay Street to Los Unicos Street in Pharr, Hidalgo County, Texas.. Motion denied.

**PLAT APPROVAL: None**

**ANNOUNCEMENTS/OTHER BUSINESS:**

Dr. Fletcher stated that a couple of meetings ago that if it is a home occupation business if the Commission denies it that was it but he believed that we needed to inform the people that there is a Board of Appeals. They could appeal to the Board of Appeals on anything that goes on. Mr. Robles stated that as far as he understood the Planning and Zoning Commission recommends to the City Commission. Dr. Fletcher stated it was for the people that are involved and do not like the decision and instead of going out of here thinking that is it we could advise that there is a Board of Appeal. Mr. Gomez stated that they could appeal to the City Commission. Dr. Fletcher wanted to know where the Board of Appeals comes in and if it was after the City Commission. Mr. Wylie stated that the Board of Appeals is on ordinance usages not decisions of staff or P&Z. He stated that if Dr. Fletcher would look in the legal provisions on the Zoning Ordinances it states that City Commission has the right to hear appeals on Conditional Use Permits and stuff that the Planning and Zoning Board decides on. Mr. Cano asked if it was the same as the Board of Adjustment. Mr. Wylie stated that it was not that the Board of Adjustment was the judicial board within the city who hears appeals on ordinances, setbacks and variances.

**ABSENTEE REPORT:** Victor Carrillo III and Noe Pruneda were the absent members. Charlie Ramirez moved to excuse the absent member. Dr. Fletcher second the motion and when put to a vote it polled as follows: Robles: approved to excuse; Cano: approved to excuse; Ramirez: approved to excuse; Greuner: approved to excuse; D. Wylie: approve to excuse; Dr. Fletcher: approved to excuse; Rodriguez: approve to excuse and Aleman: approved to excuse.

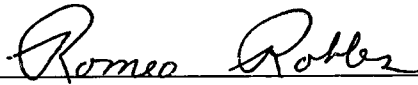
The motion carried unanimously to excuse the absent members.

Tom Greuner stated he received a call in regards to the doors if they open in or out. He stated he had a little bit of experience in the commercial building industry and commercial buildings because of fire code are designed to all open out so that they could get everyone out of the building. Residential homes typically open in and it started a long time ago and mainly came from up north where they had snow and people could not get the doors out anyways because of snow. Mr. Greuner stated that the person who called him brought that up and he did not have an answer but his recommendation is that she call either the Fire Chief or the Fire Marshal. He stated she got a hold of the Fire Marshal and they told her that if they were only going to have one or two people it would not be a big deal so the doors could open in but a daycare facility they want the doors to open out. Mr. Greuner stated that as a panel they needed to keep in mind about fire code and fire safety and if they have anything going on be it residential or

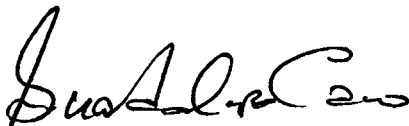
commercial we need to look at the doors and make it a requirement in the permit process. George Martinez, Building Official, stated that the question was can the doors open in, in a commercial business. In the ICC-International Building Code 2012 that the city has adopted it stated that the doors can open towards the inside. He stated that there was an occupancy load which we based ourselves off of for a commercial district. In a daycare if the occupancy load is 15 or less then the doors can open towards the inside. Mr. Greuner stated that the report that he received was from a lay person a young journalist and did not mention that the Fire Marshal told her that.

**ADJOURNMENT:** There being no further business, Charlie Ramirez moved that the meeting be adjourned. Guadalupe Cano second the motion and when put to a voted they voted unanimously.

Motion carried unanimously and the Planning and Zoning Meeting adjourned at 6:39 p.m.

  
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Romeo Robles, Chairman

ATTEST:

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

# Audience Attendance Sheet



DATE: OCTOBER 26, 2015

MEETING: P&Z MEETING

NAME: PRINT	ADDRESS	PHONE NO.	-AGENDA- ITEM NUMBER
<i>Mr &amp; Mrs</i>	<i>Mel Ullman</i>		
<i>Mike Pablos</i>	<i>1499 N. Cage Pharr</i>	<i>712-1788</i>	<i>Change id zone</i>