

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. May 29, 2018 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, May 14, 2018 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Tom Greuner
 Charlie Ramirez Rafael Munguia
 Luis Madrigal Romeo Robles
 Andy Castro

ABSENT: None

OTHERS PRESENT: See attached list

STAFF PRESENT: Roland Gomez, Assistant Director
 Cristina Garcia, Senior Planner
 Eddie Martinez, Planner II
 Della Robles, Planner I
 George Martinez, Building Official
 Felipe Pedraza, Assistant Fire Marshall
 Rita Galvan, Administrative Assistant
 Angie Resio, Secretary

ITEM A. CALL TO ORDER

Chairman, Danny Wylie, called the meeting to order at 6:00 p.m. Roll call established a quorum.

ITEM B. APPROVAL OF MINUTES

1) MINUTES OF MAY 14, 2018

Chairman, Danny Wylie introduced the item.

Luis Madrigal **moved** to approve the minutes as submitted. Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

ITEM C. PUBLIC COMMENTS

Eduardo Anaya, residing at 7801 S. Cage, stated he was aware of how important Planning and Zoning Commission was in regards to the planning and development of the city. Mr. Anaya further stated he felt it was extremely important that the community present itself and let the Commission know what their community was made up of so they have a better understanding of how the development and growth of our city affects the citizens that are already living in the area. Mr. Anaya stated Las Milpas had eight elementary schools, two middle schools, a high school and two Head Start Programs that include about thirty-five thousand people more or less. Mr. Anaya stated it is a thriving community and they have a central location for the community where people gather and would like the Commission to consider their best interest when making decision regarding their area of the city.

ITEM D. PUBLIC HEARING

- 5) MATERIALES CANTU, LLC HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR CHANGE OF ZONE FROM HEAVY COMMERCIAL DISTRICT (H-C) TO LIMITED INDUSTRIAL DISTRICT (L-I). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOT 1, MATERIALES CANTU SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 7803 SOUTH CAGE BOULEVARD. COZ#180421**

Della Robles, Planner I, advised the item would remain tabled and no action was required.

- 1) MONSTER BURGER LLC, D/B/A BURGERIM, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION IN A GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 0.053 ACRES MORE OR LESS, OUT OF LOT 2, VAQUERO ADDITION SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1243 SOUTH CAGE BOULEVARD, SUITE 100. CUP#180528**

Della Robles, Planner I, introduced the item and stated the property was currently zoned General Business District (C). The property was currently zoned General Business District (C). The surrounding area was zoned General Business District (C) to the north and south and Single-Family Residential District (R-1) to the east and west. The area was generally designated for commercial use in the Land Use Plan. She further reported eleven (11) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. She stated staff received no response to the letters or the legal notice.

Della Robles, Planner I, further stated staff recommended approval of the request for Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C) subject to applicant and site being in compliance with all City Ordinances and City Department requirements and advised the item will be presented to the City Commission meeting of June 4, 2018 for final approval.

Chairman, Danny Wylie, opened the public hearing and asked if anyone signed up to speak. There being no one who signed up, the public hearing was closed. Mr. Wylie opened the item for discussion and action.

Chairman, Danny Wylie, asked staff if the commission could approve the condition use permit with police chief's approval pending.

Roland Gomez, Assistant Director of Development Services, stated they could approve the conditional use permit and staff would not issue the permit until they received approval from the police department.

There being no further discussion, Rafael Munguia **moved** to approve the request for Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). Charlie Ramirez seconded the motion and when put to a vote, it carried by majority with six (6) ayes and one (1) abstention to approve the item. Luis Madrigal abstained from voting.

- 2) **GENOVEVA OLIVAREZ HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW AN OVERSIZED STORAGE UNIT (LARGER THAN 120 SQUARE FEET) IN A SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOT 84, LOS EBANOS SUBDIVISION PHASE 1, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 710 ZAVALA AVENUE. CUP#180531**

Della Robles, Planner I, introduced the item and stated the property was currently zoned Single-Family Residential District (R-1). The surrounding area was zoned Single-Family Residential District (R-1) to the north, south, east and west. The area was generally designated for single-family residential use in the Land Use Plan. She further reported forty-five (45) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. She stated staff received one (1) call in for information only.

Della Robles, Planner I, further stated staff recommended approval of the request for a Life-of-the-Use Conditional Use Permit to allow an Oversized Storage Unit (larger than 120 square feet) in a Single-Family Residential District (R-1) subject to the following listed and advised the item will be presented to the City Commission meeting of June 4, 2018 for final approval.

Chairman, Danny Wylie, advised a public hearing was required and asked anyone signed up to speak. There being no one who signed up the public hearing was closed. Mr. Wylie opened the item for discussion and action.

At this time, Charlie Ramirez recommended the item be discussed in executive session. There was no objection.

ITEM G. CLOSED SESSION: IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOV'T. CODE, THE PLANNING AND ZONING COMMISSION HEREBY GIVES NOTICE THAT IT MAY MEET IN A CLOSED (NON-PUBLIC) EXECUTIVE SESSION TO DISCUSS THE ITEMS LISTED ON THE PUBLIC PORTION OF THE MEETING AGENDA IN ACCORDANCE WITH THE FOLLOWING BELOW

The time being 6:12 p.m., Chairman, Danny Wylie, stated the commission would be entering closed session in accordance with Chapter 551 of the Texas Govt. Code to discuss agenda items listed in the public portion of the agenda and Pursuant to Sections 551.071, 551.072, 551.074, 551.076, 551.084 and 551.087

ITEM H. RECONVENE:

The time being 6:51 p.m., Chairman, Danny Wylie stated the commission would be resuming the open meeting.

- 2) **GENOVEVA OLIVAREZ HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW AN OVERSIZED STORAGE UNIT (LARGER THAN 120 SQUARE FEET) IN A SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOT 84, LOS EBANOS SUBDIVISION PHASE 1, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 710 ZAVALA AVENUE. CUP#180531**

Della Robles, Planner I, re-introduced the item.

Tom Greuner moved to approve the request for Conditional Use Permit to allow Life-of-the-Use Conditional Use Permit to allow an Oversized Storage Unit (larger than 120 square feet) in a Single- Family Residential District (R-1). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 3) **NELDA TELLES HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR CHANGE OF ZONE FROM TWO-FAMILY RESIDENTIAL DISTRICT (R-2) TO SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING N266'-W1.21 ACRES OF THE N6.21 ACRES OF LOT 1, GEHLERTS SUBDIVISION, PHARR, HIDALGO COUNTY,**

**TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 222 EAST SAM
HOUSTON. COZ#180529**

Della Robles, Planner I, introduced the item and stated the property was currently zoned Two-Family Residential District (R-2). The surrounding properties were zoned Single-Family Residential District (R-1) to the north, south, east and west. The property was generally designated for Right of Way use in the Land Use Plan. She further reported twenty-five (25) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. She Stated staff received no response to the letters or the legal notice.

Della Robles, Planner I, stated staff recommended denial as a single-family detached dwelling was a permitted use within a Two-Family Residential District (R-2). All evidence suggests that the dwelling was a duplex-type residential development, which was defined as a building designed and/or occupied exclusively by two families living independently of each other; therefore, the requested use does not meet the restrictions and/or permitted uses of a single-family zone. The property meets area requirements has adequate ingress and egress. If approved, applicant must comply with all City Ordinances and City Department requirements. The item will be presented to the City Commission meeting of June 4, 2018 for final approval.

Chairman, Danny Wylie, advised a public hearing was required and asked anyone signed up to speak. There being no one who signed up the public hearing was closed. Mr. Wylie opened the item for discussion and action.

Nelda Telles, residing at 6517 North 35th in McAllen, stated the initial reason for wanting the property to be zoned Two Family Residential District (R-2) was for her daughter to live upstairs and have her own place but she moved to Austin so the only person living in the apartment upstairs was her disabled brother.

Tom Greuner asked the applicant if she would be willing to follow Single-Family Residential District (R-1) requirements and be in compliance with the Code Department and if so how long would it take to fulfill all requirements.

Nelda Telles stated she was willing to fulfill all requirements set by Development Services staff.

Tom Greuner, stated that he was not a city inspector and if there would be a process to change the inside of the current structure form a duplex to a single family home.

Luis Madrigal stated he would like to deny the request until all Single Family Residnetial District (R-1) requirements are met and the applicant could reapply when all requirements were met.

There being no further discussion Luis Madrigal moved to deny the request for a Change of Zone from Two-Family Residential District (R-2) to Single-Family Residential District (R-1). Tom Greuner seconded the motion and when put to a vote, it carried unanimously.

- 4) **RICH HERITAGE CONSTRUCTION INC. HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM AGRICULTURAL AND/OR OPEN SPACE DISTRICT (A-O) TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (R-3). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 4.85 ACRES, MORE OR LESS, OUT OF LOT 121, KELLY PHARR TRACT, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 3401 NORTH SUGAR ROAD. COZ#180532**

Della Robles, Planner I, introduced the item and stated the property was currently zoned Agricultural and/or Open Space District (A-O). The surrounding properties were zoned Limited Industrial District (L-I) and Agricultural and/or Open Space District (A-O) to the north, Single Family Residential District (R-1) to the east and west and Agricultural and/or Open Space District (A-O) and Single-Family Residential District (R-1) to the south. The property was generally designated for single-family residential use in the Land Use Plan. She further reported fifty (50) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. She stated staff received no response to the letters or the legal notice.

Della Robles, Planner I, further stated staff recommended approval of the request to re-zone to Medium-Density Multi-Family District (R-3) as the property meets area requirements and has adequate ingress and egress. If approved, applicant must comply with all City Ordinances and City Department requirements. The item will be presented to the City Commission meeting of June 4, 2018 for final approval.

Chairman, Danny Wylie, advised a public hearing was required and asked anyone signed up to speak. There being no one who signed up the public hearing was closed. Mr. Ramirez opened the item for discussion and action.

There being no further discussion Tom Greuner moved to approve the request to re-zone to Medium-Density Multi-Family District (R-3). Luis Madrigal seconded the motion and when put to a vote, it carried unanimously.

ITEM H. PLAT APPROVAL

- 1) **NAIN ENGINEERING, LLC., REPRESENTING JORGE KAMEL, PRESIDENT FOR 1500 HALL ACRES, L.L.C., IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED 1500 HALL ACRES SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 13.785 ACRE TRACT OF LAND OUT OF LOT 113, DUNLYN ESTATES PHASE II, PHARR, HIDALGO COUNTY, TEXAS. THE**

**PROPERTY IS LOCATED WITHIN THE 1500 BLOCK OF WEST HALL
ACRES ROAD. SUB# 170924**

Eddie Martinez, Planner II, introduced the item. He stated the property was currently zoned Single-Family Residential District (R-1). The adjacent zones were Agricultural and/or Open Space District (A-O) to the north, Single Family Residential District (R-1) and Townhouses Residential District (R-TH) to the East, General Business District (C) and Townhouses Residential District (R-TH) to the South and High Density Multifamily Residential District (R-4) and Agricultural and/or Open Space District (A-O) to the West. The property was designated for multi-family, commercial and public/semi public use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed 1500 Hall Acres Subdivision subject to the following conditions.

At this time Chairman, Danny Wylie, advised a public hearing was not required and opened the item for discussion and action.

There being no discussion, Luis Madrigal moved to approve the request for preliminary plat approval of the proposed 1500 Hall Acres Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried majority with six (6) ayes and one (1) abstention to approve the item. Rafael Munguia abstained from voting.

- 2) MELDEN & HUNT INC., REPRESENTING VICTOR PEREZ.,
EXECUTIVE DIRECTOR FOR PHARR ECONOMIC DEVELOPMENT
CORPORATION II, IS REQUESTING PRELIMINARY PLAT APPROVAL
OF THE PROPOSED RUBIPHARR SUBDIVISION. THE PROPERTY IS
LEGALLY DESCRIBED AS BEING A RE-SUBDIVISION OF 8.13
ACRES OUT OF LOTS 2 AND 3, BLOCK D, KELLY PHARR
SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY
IS LOCATED WITHIN THE 601 WEST POLK AVENUE. SUB# 180412**

Eddie Martinez, Planner II, introduced the item. He stated the property was currently zoned Agricultural and/or Open Space District (A-O). The adjacent zones were General Business District (C) and Single Family Residential District (R-1) to the north, High Density Multifamily Residential District (R-4) and Agricultural and/or Open Space District (A-O) to the East, Single Family Residential District for Lots less than 50 feet in width (R-1A) to the south and Agricultural and/or Open Space District (A-O) to the West. The property is designated for residential use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed RubiPharr Subdivision subject to the conditions.

At this time Chairman, Danny Wylie, advised a public hearing was not required and opened the item for discussion and action.

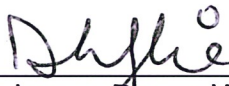
There being no further discussion, Tom Greuner **moved** to approve the request for preliminary plat approval of the proposed RubiPharr Subdivision. Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

ITEM F. ANNOUNCEMENTS/OTHER BUSINESS

None.

ITEM I. ADJOURNMENT

There being no further business, Rafael Munguia **moved** to adjourn. Romeo Robles second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 7:12 p.m.



Chairman, Danny Wylie

ATTEST:



Tom Greuner, Secretary

APPROVED: 6-11-18