

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. June 11, 2018 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, June 11, 2018 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Tom Greuner
 Charlie Ramirez Rafael Munguia
 Luis Madrigal

ABSENT: Andy Castro Romeo Robles

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
 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.

Luis Madrigal **moved** to excuse absent members. Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

ITEM B. APPROVAL OF MINUTES

1) MINUTES OF MAY 29, 2018

Chairman, Danny Wylie, introduced the item.

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

Charlie Ramirez arrived at 6:03 p.m.

ITEM C. PUBLIC COMMENTS

Kenneth C. Fletcher, residing at 504 South Diplomat, stated there were people in attendance that were opposed to the Conditional Use Permit agenda item because they did not want a truckyard in their backyard. Dr. Fletcher stated he encouraged the property owners in the area of concern to refer to section 134.31 of the Pharr Municipal code and request a 20 foot buffer wall around the current property. Dr. Fletcher further stated he signed up to speak during the Public Hearing portion of the meeting and believes he has every legal right to point out that Code Compliance is not checking on businesses not operating according to their zone. Dr. Fletcher continued stating that he was still experiencing loud noise coming from the HVAC at Costco at all hours of the night and believes they need a more adequate buffer to block the sound from being heard at his residence. He stated they did not need a 20 foot wall between the United States and Mexico but they do need it behind Costco because they are now referring to his neighborhood as the "Semi-Colonia de Costco. Dr. Fletcher further stated he was still having problems sleeping and he is a high risk heart attack survivor and needs his sleep.

Sister Maria Sanchez, residing at 802 N. Oblate, San Juan, Texas, representing Mother Cabrini Catholic Church, stated the reason she was in attendance was because she is in opposition of the Materiales Cantu rezoning because it would bring 18-wheelers into the neighborhood. She stated the area to be rezoned is highly populated and many activities that involve children, the elderly, and families take place in the surrounding areas. Sister Maria Sanchez continued stating Mother Cabrini along with Valley Inter-Faith have worked with this community to better the standard of living and they have brought in money to fix the street and establish running water. She stated the community worked hard for these advances and they do not want the safety of the population to be in jeopardy.

Griselda Pacheco, residing at 415 Thomas Apartment 905, approached the podium and spoke in Spanish.

Claudia Garcia, residing at 432 W. Fiesta Street, stated she was present to speak about the change of zone requested by Materiales Cantu. Ms. Pacheco stated she was a parishioner of San Francis Cabrini Church, a CCD teacher, a member of the community and a member Valley Inter-Faith and stated she was in opposition of the requested change of zone because there are about 800 to 1,000 students that attend CCD during the week and the community does not know how the business will affect the traffic or what kind of materials will be transported to and from the location.

ITEM D. PUBLIC HEARING

- 1) **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 SUBJECT SITE IS LOCATED ON THE EAST SIDE OF SOUTH CAGE BOULEVARD WITH A PHYSICAL ADDRESS**

OF 7803 SOUTH CAGE BOULEVARD. THE PROPERTY CONSISTS OF ONE (1) TRACT OF LAND LEGALLY DESCRIBED AS BEING ALL OF LOT 1, MATERIALES CANTU SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. COZ#180421

Della Robles, Planner I, advised the item was tabled in the previous meeting and required action to untable the item.

Luis Madrigal **moved** to untable the request for change of zone from Heavy Commercial District (H-C) to a Limited Industrial District (L-I). Rafael Munguia seconded the motion and when put to a vote, it carried by majority with four (4) ayes and one (1) abstention to untable the item. Charlie Ramirez abstained from voting.

Della Robles, Planner I, introduced the item and stated the property was currently zoned Heavy Commercial District (H-C). The surrounding properties are zoned General Business District (C) and Single-Family Residential District (R-1) to the north, Two Family Residential District (R-2) and Agricultural and/or Open Space District (A-O) to the west, Agricultural and/or Open Space District (A-O), Single-Family Residential District (R-1) and Hidalgo Independent School District (HISD) to the south and Agricultural and/or Open Space District (A-O) to the east. The property is generally designated for commercial and single-family residential use in the Land Use Plan. She further reported twenty-three (23) 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 two (2) individuals called in, in opposition of the item and nine (9) individuals signed up to speak at the public hearing that are within the affected area.

Della Robles, Planner I, further stated staff recommended **denial** of the request to re-zone to Limited Industrial District (L-I). The rezoning of the property to Limited Industrial would be considered spot zoning which is defined as zoning a tract of land in a manner that is incompatible with the surrounding area and is in a manner that is incompatible with the city's zoning ordinance and comprehensive plan. The property does meet area requirements and has adequate ingress and egress. If approved, applicant must comply with all City Ordinances and City Department requirements and advised the item will be presented to the City Commission meeting of June 18, 2018 for final approval.

Chairman, Danny Wylie, opened the public hearing and asked if anyone signed up to speak.

Guillermo Ramirez, Director of Purchasing for Hidalgo ISD, stated Hidalgo ISD was in opposition of the change of zone because of the safety concerns. Mr. Ramirez stated the flow of vehicles that happen every day in the area for Hidalgo Independent School District are four (4) buses every day, parental vehicles, maintenance vehicles, administration vehicles, staff vehicles and food service vehicles. Mr. Ramirez mentioned the school is comprised of fifty-five (55) staff members and over four hundred (400) students and one third of the students are transfer students that cross Cage Boulevard to get to Kelly Elementary school daily. Mr. Ramirez also stated the Hidalgo ISD welcomes

businesses to thrive and flourish the community but there was two (2) accidents last year that involved heavy duty vehicles and luckily there were no major injuries. Mr. Ramirez further stated when an emergency occurs whether it's an active shooter or a fire there needs to be a clear access to the building and the traffic from the proposed change could affect that. Mr. Ramirez also mentioned the school's playground is in the rear of the property and wants to make sure their students are always safe. Mr. Ramirez stated if there was any more data from the school district or statistics to back up what was stated he would be glad to provide that information.

Eddie Anaya, business located 7801 South Cage, stated his business is located near the area that is requesting the change of zone. Mr. Anaya stated he has been in business for over twenty (20) years as an attorney and his residential home address is 311 East Anaya road. Mr. Anaya further stated he understands the area very well and Valley Inter-Faith has done good things in the community by bringing running water, city lights and sewage to the area. Mr. Anaya further stated the past couple of years the City of Pharr has invested a lot of money into infrastructures, the library, lighting, and renovation of our parks and they have done a good job with that, but this would not be in the best interest of the citizens of the community. Mr. Anaya mentioned next to this property is their church that consists of four thousand (4,000) parishioners and one thousand (1000) CCD students. He also stated that as an attorney he represents the community for immigration and safety cases. Mr. Anaya further stated fifteen (15) years ago there was an accident where a tractor trailer caring toxic chemicals exploded and he represented seventy-five (75) out of three hundred (300) people that were affected because of that explosion. Mr. Anaya stated the community does not want an accident like that to happen again and that kind of hazard in not needed within their community. Mr. Anaya closed by stating the community would like the city to consider an alternative to the change of zone like a walking trail, park, or public clinic.

There being no one else signed up to speak, the public hearing was closed. Mr. Wylie opened the item for discussion and action.

At this time, Luis Madrigal 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 6:25 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 6:54 p.m., Chairman, Danny Wylie stated the commission would be resuming the open meeting.

- 2) **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 SUBJECT SITE IS LOCATED ON THE EAST SIDE OF SOUTH CAGE BOULEVARD WITH A PHYSICAL ADDRESS OF 7803 SOUTH CAGE BOULEVARD. THE PROPERTY CONSISTS OF ONE (1) TRACT OF LAND LEGALLY DESCRIBED AS BEING ALL OF LOT 1, MATERIALES CANTU SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. COZ#180421**

Luis Madrigal asked staff to clarify that the request to rezone was from a Heavy Commercial District to a Limited Industrial District and as a Heavy Commercial District if the business was allowed to have a temporary parking for commercial vehicles, an office shop and maintenances services.

Della Robles, Planner I, stated yes that would be allowed in a heavy commercial District.

Luis Madrigal asked staff if a truck wash, DOT inspections center, and tire center was allowed in a Heavy Commercial District.

Della Robles, Planner I, stated that was correct.

Luis Madrigal asked staff if the current zone would allow the applicant to conduct business as proposed in the rezoning request without changing the zone.

Della Robles, Planner I, stated everything they have proposed would be allowed in a Heavy Commercial District.

There being no further discussion Luis Madrigal moved to **deny** the request for a change of zone from Heavy Commercial District (H-C) to a Limited Industrial District (L-I). Rafael Munguia seconded the motion and when put to a vote, it carried by majority with four (4) ayes and one (1) abstention to approve to deny the request. Charlie Ramirez abstained from voting.

Gerardo Guerra, representing Materiales Cantu LLC, asked permission to address the Commission and he spoke in Spanish.

- 2) **TEODORO SILVA 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 21, OAKLANE ESTATES SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1019 WEST OAK LANE. CUP#180533

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 fifty-two (52) 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 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 18, 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.

Luis Madrigal 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) CENTRO CRISTIANO NUEVO PACTO HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW A CHURCH IN A SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOT 1, 2 AND 3, BLOCK 20 HIDALGO PARK ESTATES SUBDIVISION PHASE 1, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 7505 SOUTH STEVE LANE. CUP#180535**

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 fifty-four (54) 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 to the legal notice.

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 18, 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.

There being no discussion Luis Madrigal moved to approve the request for Conditional Use Permit to allow Life-of-the-Use Conditional Use Permit to allow a church in a Single-Family Residential District (R-1). Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

- 4) **GARRETT MANN MANAGEMENT LLC, 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 LIMITED INDUSTRIAL DISTRICT (L-1). THE SUBJECT SITE IS LOCATED ON THE WEST SIDE OF SOUTH VETERANS BOULEVARD PHYSICALLY LOCATED WITHIN THE 6000 BLOCK OF SOUTH VETERANS BOULEVARD. THE PROPERTY CONSISTS OF ONE (1) LOT LEGALLY DESCRIBED AS BEING LOT 304, KELLY PHARR TRACT, PHARR, HIDALGO COUNTY, TEXAS. COZ#180538**

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 are zoned Agricultural and/or Open Space District (A-O) to the north, south and west and the Pharr city limits lie to the east. The property is generally designated for commercial, multi-family residential and Right of Way use in the Land Use Plan. She further reported fourteen (14) 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 Limited Industrial District (L-I) 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 18, 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.

There being no discussion Tom Greuner moved to approve the request for a Change of Zone from Agricultural and/or Open Space District (A-O) to Limited Industrial District (L-I). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM H. PLAT APPROVAL

- 1) NAIN ENGINEERING, LLC., REPRESENTING ELIGN XAVIER, OWNER, IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED LAS CANTERAS PLAZA SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING 1.08 ACRES OF LAND OUT OF LOT 7, BLOCK 5, A.J. MCCOLL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 3000 BLOCK OF NORTH JACKSON ROAD. SUB# 180413**

Eddie Martinez, Planner II, introduced the item. He stated the property was currently zoned General Business District (C). The adjacent zones are Agricultural and/or Open Space District (A-O) to the north and south, Heavy Commercial District (H-C) to the east, and the City of Pharr's City Limits to the west. The property is designated for commercial use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed Las Canteras Plaza 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, Rafael Munguia moved to approve the request for preliminary plat approval of the proposed Las Canteras Plaza Subdivision. Luis Madrigal seconded the motion and when put to a vote, it carried unanimously.

- 2) QUINTANILLA, HEADLEY AND ASSOCIATES, INC., REPRESENTING NOVUS POLARIS, INC., FERNANDO CALDERON, PRESIDENT IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED CAPE SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 5.45 ACRE TRACT OF LAND OUT OF LOT 135 KELLY PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 3108 NORTH SUGAR ROAD. SUB# 161232**

Eddie Martinez, Planner II, introduced the item. He stated the property was currently zoned Heavy Commercial District (H-C). The adjacent zonings are Single-Family Residential District (R-1) to the north, General Business District (C) to the west, Residential Mobile Home District (R-MH) to the east and Agricultural and/or Open Space District (A-O) and Heavy Commercial District (H-C) to the south. The property is designated industrial use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed Cape

Subdivision subject to the conditions. The item will be presented to the City Commission meeting of June 18, 2018 for final approval.

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 Tom Greuner **moved** to approve the request for final plat approval of the proposed Cape Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried majority with four (4) ayes and one (1) abstention to approve the item. Luis Madrigal abstained from voting.

- 3) SAM ENGINEERING AND SURVEYING, INC. REPRESENTING JACINTO CANO AND WIFE, ALICE R. CANO, IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED ANGELICA CANO SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 1 LOT SUBDIVISION OUT OF A 0.35 ACRE TRACT OF LAND OR PORTION OF LOT 247, KELLY PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED AT THE 800 BLOCK OF WEST EL RANCHO BLANCO ROAD. SUB# 160409**

Eddie Martinez, Planner II, introduced the item. He stated the property was currently zoned Single-Family Residential District (R-1). The adjacent zones are Single-Family Residential District (R-1) to the North and West, Single-Family Residential District (R-1) and High Density Multi-Family District (R-4) to the East and City of Pharr Limits to the South. The property is designated for single family residential use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed Angelica Cano Subdivision subject to the conditions. The item will be presented to the City Commission meeting of June 18, 2018 for final approval.

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 final plat approval of the proposed Angelica Cano Subdivision. Charlie Ramirez 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. Tom Greuner second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 7:16 p.m.

Dwyllie

Chairman, Danny Wylie

ATTEST:

Charlie Ramirez

~~Tom Greuner~~, Secretary

Charlie Ramirez

APPROVED:

K. 7-9-18