

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. May 14, 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: Charlie Ramirez Tom Greuner
 Luis Madrigal Rafael Munguia
 Andy Castro Romeo Robles
 Porfirio Rodriguez

ABSENT: Danny Wylie

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

Vice Chairman, Charlie Ramirez, called the meeting to order at 6:00 p.m. Roll call established a quorum.

Vice Chairman, Charlie Ramirez, moved to excuse the absent members. Rafael Munguia seconded the motion and when put to a vote it carried unanimously.

ITEM B. APPROVAL OF MINUTES

1) MINUTES OF APRIL 23, 2018

Vice Chairman, Charlie Ramirez 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 by majority of six (6) ayes and one (1) abstention. Porfirio Rodriguez abstained from voting.

ITEM C. PUBLIC COMMENTS

Kenneth C. Fletcher, residing at 504 South Diplomat, stated he was still trying to survive the noise and lights from Costco. Dr. Fletcher also stated he signed up to speak at the Public Hearing but could not stay for the entire meeting, due to a continuing education class he needed to attend. Dr. Fletcher stated he would like to commend the staff in acting in the public's best interest by not allowing a change of zone for Polar Fast Trucking. He then stated he would like to mention the conditional use permit agenda item shows a storage unit that is more than ten feet tall and does not understand why people do not get fined for not following the ordinance. Dr. Fletcher referred to a picture of the storage unit and stated that it was on blocks labeled Made in Mexico and that material must be tested by the City before it can be used.

Sister Maria Sanchez, representing Mother Cabrini Catholic Church, Valley Inter-Faith, and Saint Paul Church, stated although the change of zone agenda item would be tabled she would still like to express her concerns. Ms. Sanchez mentioned it would be a tremendous risk for the community, the church, and school behind Cabrini Catholic Church and does not see how it would benefit the city of Pharr. Ms. Sanchez stated she will return for the next meeting that is scheduled May 29, 2018.

Eduardo Anya, residing at 7801 S. Cage, stated that Change of Zone being requested is for a property that is a six to seven acre land of property adjacent to their church. Mr. Anya further stated St. Frances Cabrini Church has about four thousand parishioners and one thousand children that attend catechism right next to the property that is going to be rezoned for tractor trailers, toxic chemicals and petroleum. Mr. Anya further mentioned there are over five hundred children which attend Kelly Elementary that is also adjacent to that property and stated he is concerned for the safety and health of the community and for these reasons he is asking for Planning and Zoning Commissioners to deny the request when the change of zone comes back on the agenda.

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 (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, requested the item to be tabled.

Vice Chairman, Charlie Ramirez, 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. Ramirez opened the item for discussion and action.

There being no discussion Luis Madrigal **moved** to table the request for a change of zone from Heavy Commercial District (H-C) to Limited Industrial District (L-I). Rafael Munguia seconded the motion and when put to a vote, it carried by majority with six (6) ayes and one (1) abstention to table the item. Charlie Ramirez abstained from voting.

- 2) **MICHAEL R. FRYMAN, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR 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 ALL OF LOT 31, BLOCK 2, SANDOVAL SUBDIVISION UNIT 2, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1711 NORTH DATE STREET. CUP#180422**

Della Robles, Planner I, introduced the item and stated the property was currently zoned Single-Family Residential District (R-1). The surrounding area is zoned Single-Family Residential District (R-1) to the north, south, and east and Agricultural and/or Open Space District (A-O) to the west. The area is generally designated for single-family residential use in the Land Use Plan. She further reported twenty six (26) 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 conditions and advised the item will be presented to the City Commission meeting of May 21, 2018 for final approval and advised the applicant was in the audience.

Vice Chairman, Charlie Ramirez, 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. Ramirez opened the item for discussion and action.

There being no further discussion Luis Madrigal **moved** to approve the request for Conditional Use Permit to allow an Oversized Storage Unit (larger than 120 square feet) in a Single-Family Residential District (R-1). Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

- 3) **MARCO ANTONIO CORTEZ, REPRESENTING IGLESIA EMBAJADORES DE CRISTO (RESTAURANDO LA UNIDAD FAMILIAR) 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 HEAVY COMMERCIAL DISTRICT (H-C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOT 1, ESPARZA SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE**

**PROPERTY'S PHYSICAL ADDRESS IS 5706 SOUTH CAGE
BOULEVARD. CUP#180423**

Della Robles, Planner I, introduced the item and stated the property was currently zoned Heavy Commercial District (H-C). The property is zoned Agricultural and/or Open Space District (A-O) to the north, south and west and Single-Family Residential District and Agricultural and/or Open Space District (A-O) to the east. This area is generally designated for commercial and single-family residential use in the Land Use Plan. She further reported fifteen (15) 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 a church in a Heavy Commercial District (H-C) subject to the following conditions and advised the item will be presented to the City Commission meeting of May 21, 2018 for final approval.

Vice Chairman, Charlie Ramirez, 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.

Tom Gruener asked staff how many church members there would be and where would they park.

Della Robles, Planner I, stated there are currently 25 members of the church that would be parking on-site and the church would have to comply with the City's parking ordinance.

Luis Madrigal asked staff what the ordinance per square foot for a place of worship is.

Della Robles, Planner I, stated the requirement is one parking space for every four seats.

Roland Gomez, Assistant Director of Development Services, stated restaurant parking requirements is one space for every 100 square feet and this is one for every four seats.

Porfirio Rodriguez asked what the hours of operation would be and if would there be enough parking space.

Neredia Rodriguez, representing Igelsia Embajadores de Cristo, stated the church has a morning prayer at 5:00 a.m., Wednesday's from 7:00 p.m. to 9:00 p.m., Friday's from 7:00 p.m. to 9:00 p.m., Sunday bible school from 10:30 a.m. to 11:30 a.m., worship service on Sunday from 11:30 a.m. to 12:30 p.m., and Church service from 1:30 p.m. to

2:30 p.m. She further stated for the amount of parishioners they currently have there would be enough parking spaces.

Della Robles, Planner I, stated they have thirteen parking spaces in front available not including what they have in the back area that needs to be striped as per city parking ordinance.

Ms. Rodriguez mentioned the building is big but are only using part of the building which is the showcase that the furniture store was using previously.

Felipe Pedraza, Assistant Fire Marshal, stated he did a courtesy inspection on site and the building is large. He stated the occupancy measurements for the front area was to exceed a 300 person occupancy. He further stated they were advised they would need to install a sprinkler system and fire alarm. Mr. Pedraza stated if they closed off the back area and only used the front they would be in compliance with the Fire Department but would also need to meet the requirements for the parking area and parking ordinance.

There being no further discussion Andy Castro moved to approve the request for Conditional Use Permit to allow Life-of-the-Use Conditional Use Permit to allow a church in a Heavy Commercial District (H-C). Romeo Robles, seconded the motion and when put to a vote, it carried unanimously.

- 4) VANESSA ANN ZUNIGA HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A HOME OCCUPATION (MASSAGE THERAPY BUSINESS) IN A SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF 0.054 ACRES OUT OF LOT 15 & 16, LONE STAR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 405 WEST ELLER AVENUE. CUP#180424**

Della Robles, Planner I, introduced the item and stated the property was currently zoned Single-Family Residential District (R-1). The surrounding area is zoned Single-Family Residential District (R-1) to the south, east and west and General Business District (C) to the north. The area is generally designated for single-family residential use in the Land Use Plan. She further reported seventeen (17) 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 a Home Occupation (Massage Therapy Business) in a Single-Family Residential District (R-1) subject to the following conditions and advised the item will be presented to the City Commission meeting of May 21, 2018 for final approval.

Vice Chairman, Charlie Ramirez, 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.

Andy Castro asked staff if this will be by appointments only.

Della Robles, Planner I, stated home occupations are by appointments only.

There being no further discussion Luis Madrigal **moved** to approve the request for Conditional Use Permit to allow a Home Occupation (Massage Therapy Business) in a Single-Family Residential District (R-1). Andy Castro seconded the motion and when put to a vote, it carried unanimously.

- 5) **POLAR FAST TRUCKING LLC. HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A ZONE FROM AGRICULTURAL AND/OR OPEN SPACE DISTRICT (A-O) TO LIMITED INDUSTRIAL DISTRICT (L-I). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 4.657 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 236, KELLY PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED WITHIN THE 2800 BLOCK OF SOUTH CAGE BOULEVARD. COZ#180426**

Della Robles, Planner I, introduced the item and stated the property is 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, Single-Family Residential District (R-1) to the west, General Business District (C) to the south and Planned Unit Development (PUD) to the east. The property is generally designated for commercial and single-family residential use in the Land Use Plan. She further reported thirteen (13) 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 a Home Occupation (Massage Therapy Business) in a Single-Family Residential District (R-1) subject to the following conditions and advised the item will be presented to the City Commission meeting of May 21, 2018 for final approval.

Vice Chairman, Charlie Ramirez, 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

Luis Madrigal asked staff if the applicant was notified this was considered spot zoning and that staff would recommend denial.

Della Robles, Planner I, stated applicant was notified but wanted to proceed with the request for a change of zone.

There being no further discussion Luis Madrigal moved to deny the request to re-zone to Limited Industrial District (L-I). Andy Castro seconded the motion and when put to a vote, it carried unanimously

ITEM G. CLOSED SESSION:

None.

ITEM H. PLAT APPROVAL

- 1) **H.L.G. PLAN REVIEW SERVICES, REPRESENTING OSCAR LOZANO AND ROSIE LOZANO, OWNER'S ARE REQUESTING PRELIMINARY AND FINAL PLAT APPROVAL OF THE PROPOSED BAUTISTA ESTATES SUBDIVISIONS LOTS 1 & 2. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 1.848 ACRE TRACT OF LAND OUT OF LOT 36, SING'S SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 600 BLOCK OF W. CORPUS STREET. SUB# 180207**

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, East, South and West. The property is designated for residential use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary and final plat approval of the proposed Bautista Estates Subdivision Lots 1 & 2 subject to the following conditions.

At this time Vice Chairman, Charlie Ramirez, 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 and final plat approval of the proposed Bautista Estates Subdivision. Luis Madrigal seconded the motion and when put to a vote, it carried unanimously.

- 2) **SAM ENGINEERING & SURVEYING INC. REPRESENTING RAMON GUAJARDO JR., OWNER IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED FERGUSON SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 1.00 ACRE TRACT OF LAND OUT OF LOT 147, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 400 BLOCK OF E. FERGUSON AVE. (F.M. 495). SUB# 170511**

Eddie Martinez, Planner II, introduced the item. He stated the property was currently General Business District (C). The adjacent zones are Agricultural and/or Open

Space District (A-O) to the North, Heavy Commercial District (H-C) to the East and South and Agricultural and/or Open Space District (A-O) and General Business District (C) to the West. He further stated the property was designated for commercial and residential use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed Ferguson Subdivision subject to the conditions.

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

Luis Madrigal asked staff to clarify if the width of the lot was 85 feet.

Eddie Martinez, Planner II, stated the width of the lot was 65 feet.

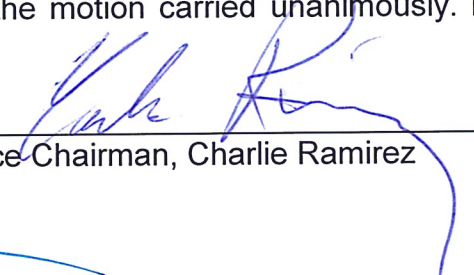
There being no further discussion, Rafael Munguia **moved** to approve the request for preliminary plat approval of the proposed Ferguson Subdivision. Tom Greuner seconded the motion and when put to a vote, it carried unanimously.

ITEM F. ANNOUNCEMENTS/OTHER BUSINESS

None.

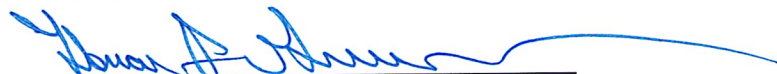
ITEM I. ADJOURNMENT

There being no further business, Andy Castro **moved** to adjourn. Romeo Robles second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:34 p.m.



Vice Chairman, Charlie Ramirez

ATTEST:



Tom Greuner, Secretary

APPROVED: 5-29-18