

MINUTES
PLANNING & ZONING COMMISSION SPECIAL MEETING
City Commissioner's Room
118 S. Cage Blvd. September 17, 2018 - 3:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, September 17, 2018 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Jonathan Larraga
 Charlie Ramirez Rafael Munguia
 Romeo Robles Andy Castro

ABSENT: Luis Madrigal

OTHERS PRESENT: See attached list

STAFF PRESENT: Melanie Cano, Director
 Roland Gomez, Assistant Director
 Patricia Rigney, City Attorney
 Eddie Martinez, Planner II
 Della Robles, Planner I
 Rita Galvan, Administrative Assistant

ITEM A. CALL TO ORDER

Chairman, Danny Wylie, called the meeting to order at 3:00 p.m. Roll call established a quorum.

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

ITEM B. PUBLIC HEARING

- 1) **THE CITY OF PHARR, FOR THE BETTERMENT OF THE CITY, 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 GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS THE NORTH TEN (N10) ACRES OF THE WEST ONE HALF (W ½) OF LOT NO. TWO HUNDRED TWENTY-ONE (221), KELLY-PHARR SUBDIVISION, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1801 SOUTH CAGE BOULEVARD. COZ#180861**

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 east and south. General Business District (C), Agricultural and/or Open Space District (A-O), and Office Professional District (O-P) to the west and General Business District (C) to the north. The property is generally designated for commercial and parkland use in the Land Use Plan. She further reported nine (9) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. She stated one person came in for information only and one person sent in a letter of opposition.

Della Robles, Planner I, further stated staff recommended 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, the property must be subdivide and comply with all City Ordinances and City Department requirements once it is ready for development and advised the item will be presented to the City Commission meeting of September 17, 2018 for final approval.

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

Rita Galvan, Administrative Assistant, stated Joe Cisneros had signed up to speak during the public hearing portion of the meeting.

Attorney Joe Cisneros, representing 3 property owners, asked staff what particular area was proposed to be rezoned and how many acres the property was.

Melanie Cano, Director of Development Services stated the property is approximately ten (10) acres.

Mr. Cisneros stated he was speaking on behalf of himself, Rene Trevino, and Oscar Palacios. He further stated several years ago when the City was under a different administration they requested them to provide an easement and he believes that was done with no cost to the City of Pharr. He continued stating that the City had asked the property owners to donate ten (10) acres of land to the City of Pharr but that request was declined informally because no formal request was ever made. Mr. Cisneros also stated the majority owners of the property were Rene Trevino and Oscar Palacios; Oscar Elizondo, Sr., who is now deceased, and Mr. Cisneros were the minority owners. Mr. Cisneros continued stating Oscar Elizondo, Jr. has stated since his fathers passing he is now one fourth owner of the property but he, Rene Trevino, and Oscar Palacios were unable to attend the meeting.

Rita Galvan, Administrative Assistant, advised Jose Cisneros the time allowed to speak during the public hearing was up.

Mr. Cisneros asked the Chairman for more time to speak.

Chairman, Danny Wylie, advised Mr. Cisneros he would allow him to speak for two more minutes.

Joe Cisneros stated he sent a letter to the City of Pharr in opposition of the change of zone and the reason for the opposition is explained in that letter. Mr. Cisneros further stated he sent a memo to Patricia Rigney, City Attorney, regarding the potential conflict of interest in the Planning and Zoning Commission approving the change of zone. He continued stating the Planning and Zoning Commission is appointed by the Mayor and City Commission and they may not be at liberty to deny a request that is being requested by the City itself. He asked the Commission if they would be able to make their own decision and tell City staff they would not pass the item and do what is fair and just. He stated the property owners will apply for a change of zone when they think it is the proper time to do so because they would like the property value to increase. He continued stating the property owners would like the property to be zoned not only in the best interest of the City of Pharr but also in the best interest of the property owners. He closed by stating he would like to Commission to deny the request.

There being no one else in the affected area who signed up, the public hearing was closed. Mr. Wylie opened the item for discussion and action.

At this time, Romeo Robles recommended the item be discussed in closed session. There was no objection.

ITEM E. 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 3:12 p.m., Chairman Wylie stated the commission would be entering into 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 F. RECONVENE:

The time being 3:34 p.m., Chairman Wylie stated the commission would be resuming the open meeting.

ITEM B. PUBLIC HEARING

- 1) THE CITY OF PHARR, FOR THE BETTERMENT OF THE CITY, 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 GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS THE NORTH TEN (N10) ACRES OF THE WEST ONE HALF (W ½) OF LOT NO. TWO HUNDRED TWENTY-ONE (221), KELLY-PHARR SUBDIVISION, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1801 SOUTH CAGE BOULEVARD. COZ#180861

There being no further discussion Rafael Munguia moved to approve the request for a change of zone from Agricultural and/or Open Space District (A-O) to General Business District (C). Jonathan Larraga seconded the motion and when put to a vote it carried by majority vote of five (5) ayes and one (1) nay. Charlie Ramirez voted against the motion.

ITEM C. PLAT APPROVAL

- 1) **R. GUTIERREZ ENGINEERING CORPORATION, REPRESENTING CANO ENTERPRISES, LLC, IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED GRANDE PRODUCE WAREHOUSE NO. 2 SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING 5.10 ACRES OF LAND OUT OF THE WEST 200.00 FEET OF LOT 9. BLOCK 16, JOHN CLOSNER ET. AL SUBDIVISION, SAN JUAN, HIDALGO COUNTY, TEXAS/ THE PROPERTY IS LOCATED WITHIN THE 2900 BLOCK OF WEST DICKER ROAD.**

Eddie Martinez, Planner II, introduced the item. He stated the northern portion of the property is located within San Juan City Limits and the southern portion is located in the City of Pharr's Extraterritorial Jurisdiction (ETJ). The property is designated for Commercial (C), Single Family Residential District (R1) and Multi-Family use in the Land Use Plan. He added variances requested were explained in the attached letter and staff recommended denial of the preliminary plat approval of the proposed Grande Produce Warehouse No. 2 Subdivision subject to the conditions and advised the item will be presented to the City Commission meeting of September 17, 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.

Ramiro Gutierrez, Project Engineer, asked staff to clarify if Development Services was recommending denial of the preliminary plat approval or just the variance.

Eddie Martinez, Planner II, stated Development Services was recommending denial of the preliminary plat approval.

Ramiro Gutierrez, Project Engineer, explained the variance was being requested due to the fact that there is no sanitary service anywhere near the property. He further stated the sanitary service for the property is the City of San Juan and the closest sewer line is approximately three (3) miles away and would cost several million dollars to

connect to it. He continued stating that would not be cost efficient for an independent business owner and even if the City of Pharr and San Juan would come to an agreement to connect to the City of Pharr's sewer system it would still cost over a million dollars. Mr. Gutierrez further stated the City of San Juan has already approved the preliminary plat along with the variance and they are requesting the same from the City of Pharr.

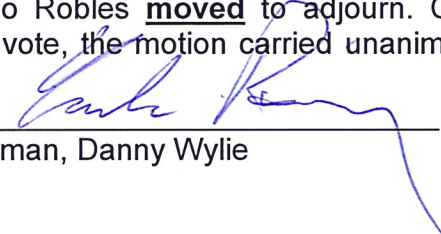
There being no further discussion Rafael Munguia **moved** to approve the denial for preliminary plat approval of the proposed Grande Produce Warehouse No. 2 Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM D. ANNOUNCEMENTS/OTHER BUSINESS

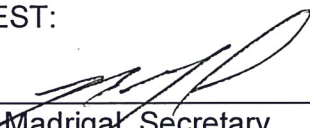
None.

ITEM G. ADJOURNMENT

There being no further business, Romeo Robles **moved** to adjourn. Charlie Ramirez second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 3:41 p.m.


Chairman, Danny Wylie

ATTEST:


Luis Madrigal, Secretary

APPROVED: 9-24-18