

**MINUTES**  
**PLANNING & ZONING COMMISSION**  
*City Commissioner's Room*  
*118 S. Cage Blvd. December 10, 2018 - 6:00 p.m.*

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, December 10, 2018 and following is the record of attendance.

**MEMBERS PRESENT:** Danny Wylie                      Jonathan Larraga  
                                 Romeo Robles                      Andy Castro

**ABSENT:**                      Charlie Ramirez                      Luis Madrigal  
                                 Rafael Munguia

**OTHERS PRESENT:**    See attached list

**STAFF PRESENT:**        Roland Gomez, Assistant Director  
                                 John Rigney, City Attorney  
                                 Cristina Garcia, Senior Planner  
                                 Eddie Martinez, Planner II  
                                 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.

Jonathan Larraga, moved to excuse the absent members. Romeo Robles seconded the motion and when put to a vote it carried unanimously.

**ITEM B.        APPROVAL OF MINUTES**

**1)                MINUTES OF NOVEMBER 26, 2018**

Chairman, Danny Wylie, introduced the item.

There being no discussion Jonathan Larraga moved to approve the minutes of November 26, 2018. Romeo Robles seconded the motion and when put to a vote, it carried unanimously.

**ITEM C.        PUBLIC HEARING**

**1)                FERNANDO R. MENDOZA, D/B/A TRES HERMANOS DROP YARD, LLC, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A PARKING FACILITY IN A LIMITED INDUSTRIAL DISTRICT (L-I). THE**

**PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOT 3B, RE-SUBDIVISION OF LOT 3 SPAMER BUSINESS PARK, PHARR HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1800 WEST LAS MILPAS ROAD. CUP#181178**

Cristina Garcia, Senior Planner, introduced the item and stated the property is currently zoned Limited Industrial District (L-I). The surrounding area is zoned Limited Industrial District (L-I) to the north, east and west and Limited Industrial District (L-I) and Agricultural and/or Open Space District (A-O) to the south. This area is generally designated for single family residential use in the Land Use Plan. She further reported eight (8) 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 letter or the legal notice.

Cristina Garcia, Senior Planner, further stated staff recommended approval of the request for a Conditional Use Permit to allow a parking facility in a Limited Industrial District (L-I) subject to the applicant and site being in compliance with all City Ordinances and City Department requirements. If approved, the owner must comply with all City Ordinances, City Department requirements and must complete the subdivision process.

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

Angie Resio, Secretary, stated Santiago Alanis signed up to speak for public hearing.

Cristina Garcia, Senior Planner, stated Santiago Alanis did not sign up for this item and is not in the affected area.

At this time, Andy Castro recommended the item be discussed in closed 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 6:03 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 H. RECONVENE:**

The time being 6:34 p.m., Chairman Wylie stated the commission would be resuming the open meeting.

**ITEM C. PUBLIC HEARING**

- 1) **FERNANDO R. MENDOZA, D/B/A TRES HERMANOS DROP YARD, LLC, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A PARKING FACILITY IN A LIMITED INDUSTRIAL DISTRICT (L-I). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOT 3B, RE-SUBDIVISION OF LOT 3 SPAMER BUSINESS PARK, PHARR HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1800 WEST LAS MILPAS ROAD. CUP#181178**

There being no further discussion Jonathan Larraga moved to approve the request for a Conditional Use Permit to allow a parking facility in a Limited Industrial District (L-I). Romeo Robles seconded the motion and when put to a vote, it carried unanimously.

- 2) **LOS BANDIDOS MEXICAN GRILL & SPORTS BAR HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE PERMIT AND LATE HOURS PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION IN A GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.06 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 188, VALLE DE LA PRIMAVERA SUBDIVISION, PHARR HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 6903 SOUTH JACKSON ROAD. CUP#181179**

Cristina Garcia, Senior Planner, introduced the item and stated the property currently zoned General Business District (C). The surrounding area is zoned General Business District (C) to the north and south, Single-Family Residential District (R-1) to the east and Pharr city limits lie to the west. This area is generally designated for commercial use in the Land Use Plan. She further reported thirty-seven (37) 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.

Cristina Garcia, Senior Planner, further stated staff recommended approval of the request for a Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C) subject to the applicant and site being in compliance with all City Ordinances and City Department requirements. If approved, the owner must comply with all City Ordinances, City Department requirements and must complete the subdivision process and advised the item will be presented to the City Commission meeting of December 17, 2018 for final approval.

Chairman, Danny Wylie, asked the applicant if he would like to comment on the request for a Conditional Use Permit.

Manuel Lince, residing at 401 South 23<sup>rd</sup> Street, Hidalgo, Texas, stated if there were any questions he would be glad to answer, and this is his first time in a Planning and Zoning meeting

Chairman, Danny Wylie, asked if applicant has to state anything on his behalf.

Manuel Lince, stated no not at this moment.

Andy Castro asked the applicant what the hours of operation are.

Manuel Lince stated Monday through Thursday they will be open from 11:00 a.m. to 12:00 a.m., Friday and Saturday the restaurant will be open until 2:00 a.m. and Sunday they will be open from 11:00 a.m. to 12:00 a.m.

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

There being no further discussion Jonathan Larraga moved to approve the request for a Use Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). Romeo Robles seconded the motion and when put to a vote, it carried unanimously.

- 3) THE CITY OF PHARR HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO HEAVY COMMERCIAL DISTRICT (H-C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOTS 1 THROUGH 7, BLOCK 27, AND PART OF A 20 FOOT ALLEY R.O.W. (ABANDONED), PHARR ORIGINAL TOWNSITE SUBDIVISION, PHARR HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 200 EAST CLARK AVENUE. COZ#181177**

Cristina Garcia, Senior Planner, introduced the item and stated the property currently zoned Single-Family Residential District (R-1). The surrounding properties are zoned Single-Family Residential District (R-1) to the north, and Heavy Commercial District (H-C) to the south, east and west. The property is generally designated for public/semi-public use in the Land Use Plan. She further reported sixteen (16) 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) walk-in, one being against and the other for information only.

Cristina Garcia, Senior Planner, further stated staff recommended approval of the request to re-zone to Heavy Commercial District (H-C) as the property meets area requirements and has adequate ingress and egress. If approved, the owner must comply

with all City Ordinances and City Department requirements and must complete the subdivision process and advised the item will be presented to the City Commission meeting of December 17, 2018 for final approval.

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

Kenneth C. Fletcher, residing at 504 South Diplomat, stated he signed up to speak during the Public Hearing portion of the meeting.

Chairman, Danny Wylie advised Dr. Fletcher if he continues to interrupt the meeting he will be removed from the audience.

Santiago Alanis, residing 121 East Clark, stated he was born and raised in the City of Pharr and his family has owned the house and property where he now resides for over seventy (70) years. He further stated he would like to express his concerns for the safety and well-being of his family, young daughter and neighbors who are geriatrics. He continued stating by allowing heavy cargo such as eighteen wheelers and box trucks storing flammable liquids, chemicals and solvents their safety is in question. Mr. Alanis stated in Waco, Texas there was an incident where the improper storing ammonium nitrate that caused an explosion. He further commented by stating we hear the phrase safety first, yet accidents happen and must we wait until someone gets injured or killed before adjusting issues. Mr. Alanis commented the City can we be pro-active and insure with one hundred (100) percent certainty that this will not occur by denying this change of zone as the property in question currently stands and is owned by the City of Pharr. Mr. Alanis continued stating the City of Pharr does not abide by their own city ordinances because grass has been allowed to grow two to three feet high in certain areas and should be no more than twelve inches. He further stated if the City of Pharr sets a precedent of not following its own rules then what reason does the next owners have to do any different. Mr. Alanis stated less than one hundred (100) yards from his front door is a produce transportation company that would like to buy this property. He further commented by stating rotting produce fills the street and air around our neighborhood and believes there is no wall that acts as a barrier. Mr. Alanis stated he implores the Planning and Zoning Commission to reconsider this decision and require that a wall at least be put up between the neighborhood and the heavy industry. Mr. Alanis closed by stating thank you for your time and considerations in our concerns.

Chairman, Danny Wylie, asked staff if Mr. Alanis had spoken to staff about his concerns.

Cristina Garcia, Senior Planner, stated Mr. Alanis had met with staff.

Roland Gomez, Assistant Director, stated Mr. Alanis had met with staff and they explained the reasons for the change of zone.

There being no further discussion Jonathan Larraga moved to approve the request to re-zone to Heavy Commercial District (H-C). Andy Castro seconded the motion and when put to a vote, it carried unanimously.

**ITEM D. PLAT APPROVAL**

- 1) **M. GARCIA ENGINEERING, LLC, REPRESENTING DARREL JOHNSON, A ATTIC XI LIMITED PARTNERSHIP, A TEXAS LIMITED PARTNERSHIP, IS REQUESTING PRELIMINARY AND FINAL PLAT APPROVAL OF THE PROPOSED A ATTIC XI SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 4.957 ACRE TRACT OF LAND SITUATED IN LOT 202, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1200 BLOCK OF WEST RIDGE ROAD. SUB# 181135**

Eddie Martinez, Planner II, introduced the item. He stated property is currently zoned General Business District (C). The adjacent zones are Agricultural Open Space District (A-O) to the north, High Density Multi-family District (R-4) and Agricultural Open Space District (A-O) to the east, Medium Density Multi-family District (R-3) to the south and High Density Multi-family District (R-4) to the west. The property is designated for commercial and multi-family 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 A Attic XI 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 discussion Jonathan Larraga moved to approve the request for preliminary and final plat approval of the proposed A Attic XI Subdivision. Andy Castro seconded the motion and when put to a vote, it carried unanimously.

- 2) **CLH ENGINEERING INC., REPRESENTING RICARDO ABREU, IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED KISKEYA PARK SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING 3.42 ACRES OUT OF LOT 8, BLOCK 4, A.J. MCCOLL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1200 BLOCK OF WEST MINNESOTA ROAD. SUB# 160924**

Eddie Martinez, Planner II, introduced the item. He stated property is currently zoned General Business District (C). The adjacent zones are General Business District (C) to the north and south and Agricultural and/or Open Space District (A-O) to the east and west. The property is designated for multi-family residential use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed Kiskeya Park 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.

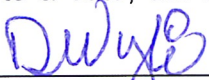
There being no discussion Romeo Robles moved to approve the request for final plat approval of the proposed Kiskeya Park Subdivision. Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

**ITEM F. ANNOUNCEMENTS/OTHER BUSINESS**

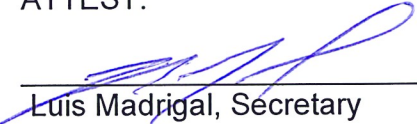
None.

**ITEM I. ADJOURNMENT**

There being no further business Romeo Robles moved to adjourn. Jonathan Larraga second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:50 p.m.

  
\_\_\_\_\_  
Chairman, Danny Wylie

ATTEST:

  
\_\_\_\_\_  
Luis Madrigal, Secretary

APPROVED: \_\_\_\_\_

12.26.18