

AGENDA
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. January 28, 2019 – 6:00 PM

The City of Pharr has called this meeting as allowed pursuant to Texas law, city charter, and Ordinance O-2018-45. The governing body may recess from day to day when it does not complete consideration of a particularly long subject as authorized by law.

If during the course of the meeting, the PLANNING & ZONING COMMISSION should determine that a closed, or executive session of the COMMISSION is required, then such closed or executive session or meeting is authorized by Sections 551.071 et seq. of the Texas Government Code. Notice of closed or executive session will be given after the commencement of the meeting covered by this notice.

Should any final action, decision, or vote be required in the opinion of the Commission with regard to any item during the meeting, then such final action, final decision, or final vote shall be made during the open meeting covered by this notice upon the reconvening of the public meeting.

In compliance with Section 551.041 et seq. of the Texas Government Codes, VTCS (Open Meetings Act), notice is given that the Planning & Zoning Commission will meet to consider and act upon the following:

PRESIDING:

A. CALL TO ORDER:

- 1) Roll call and possible action on the excusing of any absent member of the governing body.

B. APPROVAL OF MINUTES:

- 1) Minutes of January 14, 2019.

C. PUBLIC HEARING: *(Ordinance No. O-2018-45). A registered speaker during the public hearing may not exceed three (3) minutes when addressing the board. A sign-in form for participation in public a hearing shall be promulgated by the city*

clerk and be made available at the city clerk's office. The public hearing sign-in form shall include the person or entity's name, address, telephone number, other contact information, organization if applicable, and other notices, authorizations, and acknowledgements as may be allowed by law from time to time. No registered speaker may be allowed to address the governing body once the public hearing has closed.

1) Diana Mascorro, 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 all of Lot 5, Block 1, Sara Jane Manor Subdivision, Pharr, Hidalgo County, Texas. The property is physically located 1011 North Athol Street. **CUP#181286**

2) Melden & Hunt, Inc. is requesting a change of zone from Agricultural and/or Open Space District (A-O) to Heavy Industrial District (H-I). The property is legally described as being a 37.397 acres tract of land out of Lots 367 & 370, Kelly Pharr Subdivision and Lot 14, Block 1, Closner Subdivision, Pharr, Hidalgo County, Texas. The property is physically located between the 800-1200 Block of East Hi-Line Road. **COZ#181284**

D. PLATS:

E. ANNOUNCEMENTS/OTHER BUSINESS:

F. 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.*

Pursuant to Section 551.071, the Commission may convene in a closed, non-public meeting with its attorney and discuss any matters related to **legal advice on pending or contemplated litigation, settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.072, the Commission may convene in a closed, non-public meeting to discuss any matters related to real property and deliberate the purchase, exchange, lease, or value of **real property as such would be detrimental to negotiations between the City and a third party in an open meeting.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.074, the Commission may convene in a closed, non-public meeting to discuss any matters related to **appointment, employment, evaluation, reassignment, duties and discipline or dismissal of a public officer or employee and to hear any complaints or charges against an officer or employee.** The City and its attorney may also discuss such issues with the appropriate staff including members so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.076, the Commission may convene in a closed, non-public meeting to



discuss any matters on the **deployment, or specific occasions for implementation, of security personnel or devices.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.084, the Commission may convene in a closed, non-public meeting to discuss any matters involving an **investigation and may exclude a witness from hearing during the examination of another witness in the investigation.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.087, the Commission may convene in a closed, non-public meeting to discuss any matters regarding **economic development issues.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

G. RECONVENE: *into Regular Session, and consider action, if necessary on any items(s) discussed in closed session.*

H. ADJOURNMENT:

I, certify that the above notice of public hearing was posted on the bulletin board at City Hall on this the 25th day of January, 2019 at 2:00 p.m., and on the City of Pharr web site (www.pharr-tx.gov)



for *Vareesa Castillo*
Hilda Pedraza, City Clerk

MINUTES PLANNING & ZONING COMMISSION

118 S. Cage Blvd. January 14, 2019 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, January 14, 2019 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Jonathan Larraga
 Charlie Ramirez Rafael Munguia

ABSENT: Luis Madrigal
Andy Castro

OTHERS PRESENT: See attached list

STAFF PRESENT: Alex Meade, City Manager
Roland Gomez, Assistant Director
Cristina Garcia, Senior Planner
Della Robles, Planner I
Eddie Martinez, Planner II
Rogelio Rodriguez, Interim Building Official
Angie Resio, Secretary

ITEM A. CALL TO ORDER

Chairman, Danny Wylie, called the meeting to order at 6:03 p.m. Roll call established a quorum.

Jonathan Larraga **moved** to excuse the absent members. Charlie Ramirez seconded the motion and when put to a vote it carried unanimously.

ITEM B. APPROVAL OF MINUTES

1) MINUTES OF DECEMBER 26, 2018

Chairman, Danny Wylie, introduced the item.

There being no discussion Rafael Munguia **moved** to approve the minutes of December 26, 2018. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM C. PUBLIC HEARING

None

ITEM D. PLAT APPROVAL

- 1) MELDEN & HUNT INC., REPRESENTING ANDRES ZUNIGA, PRESIDENT OF ZUKO FAMILY LIMITED PARTNERSHIP, A TEXAS LIMITED PARTNERSHIP, IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED GEMINI SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 37.397 ACRES OUT OF LOTS 367 AND 370, KELLY PHARR SUBDIVISION AND OUT OF LOT 14, BLOCK 1, A RE-SUBDIVISION F CLOSER SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 900 BLOCK OF EAST HI LINE ROAD. SUB# 181238**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Agricultural Open Space District (A-O). The adjacent zones are Agricultural Open Space District (A-O) to the north, east and west and Limited Industrial District (L-I) and Agricultural Open Space District (A-O) to the south. The property is designated for industrial use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed Gemini 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 Rafael Munguia moved to approve the request for preliminary plat approval of the proposed Gemini Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 2) PABLO SOTO JR., P.E., REPRESENTING ROSANA RIOJAS, PRESIDENT OF RICH HERITAGE CONSTRUCTION, INC., IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED HERITAGE MANOR NO. 2 SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING THE EAST 4.62 ACRE OF THE NORTH 5 ACRES OF THE SOUTH 15 ACRES OF LOT 121, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 3400 BLOCK OF NORTH SUGAR ROAD. SUB# 180720**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Medium Density Multi-Family District (R-3). The adjacent zones are Agricultural Open Space District (A-O) and Heavy Industrial District (H-I) to the north, Single Family Residential District (R-1) to the east and west and Agricultural Open Space District (A-O) and Single Family Residential District (R-1) 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 Heritage Manor No. 2 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.

Jonathan Larraga asked staff if an additional street to enter and exit the subdivision would be added or if all traffic would enter through Sugar Road.

Eddie Martinez, Planner II, stated there is going to be a proposed public street within the front area of the apartments.

Jonathan Larraga asked staff if the area will have like a cul-de-sac at the end of the street.

Eddie Martinez, Planner I, stated the plans indicate a cul-de-sac towards the end of the street.

There being no further discussion Jonathan Larraga **moved** to approve the request for preliminary plat approval of the proposed Heritage Manor No. 2 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 Charlie Ramirez **moved** to adjourn. Jonathan Larraga second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:09 p.m.

Chairman, Danny Wylie

ATTEST:

Luis Madrigal, Secretary

APPROVED:_____

MEMORANDUM

DATE: MONDAY, JANUARY 28, 2019
TO: PLANNING AND ZONING COMMISSION
FROM: DEVELOPMENT SERVICES

SUBJECT: LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW AN
OVERSIZED STORAGE UNIT (LARGER THAN 120 SQUARE FEET)
FILE NO. **CUP#181286**

GENERAL INFORMATION:

APPLICANT: Diana Mascorro 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).

LEGAL DESCRIPTION: The property is legally described as being all of Lot 5, Block 1, Sarah Jane Manor Subdivision, Pharr, Hidalgo County, Texas.

LOCATION: The property's physical address is 1011 North Athol Street.

ZONING: The property is 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 General Business District (C) to the west. This area is generally designated for single-family residential use in the Land Use Plan.

FIRE DEPARTMENT: Pending re-inspection of the Conditional Use Permit

CODE COMPLIANCE DIVISION: Recommends approval of the Conditional Use Permit

PLANNING DIVISION: Recommends approval of the Conditional Use Permit

**NOTIFICATION
OF PUBLIC:**

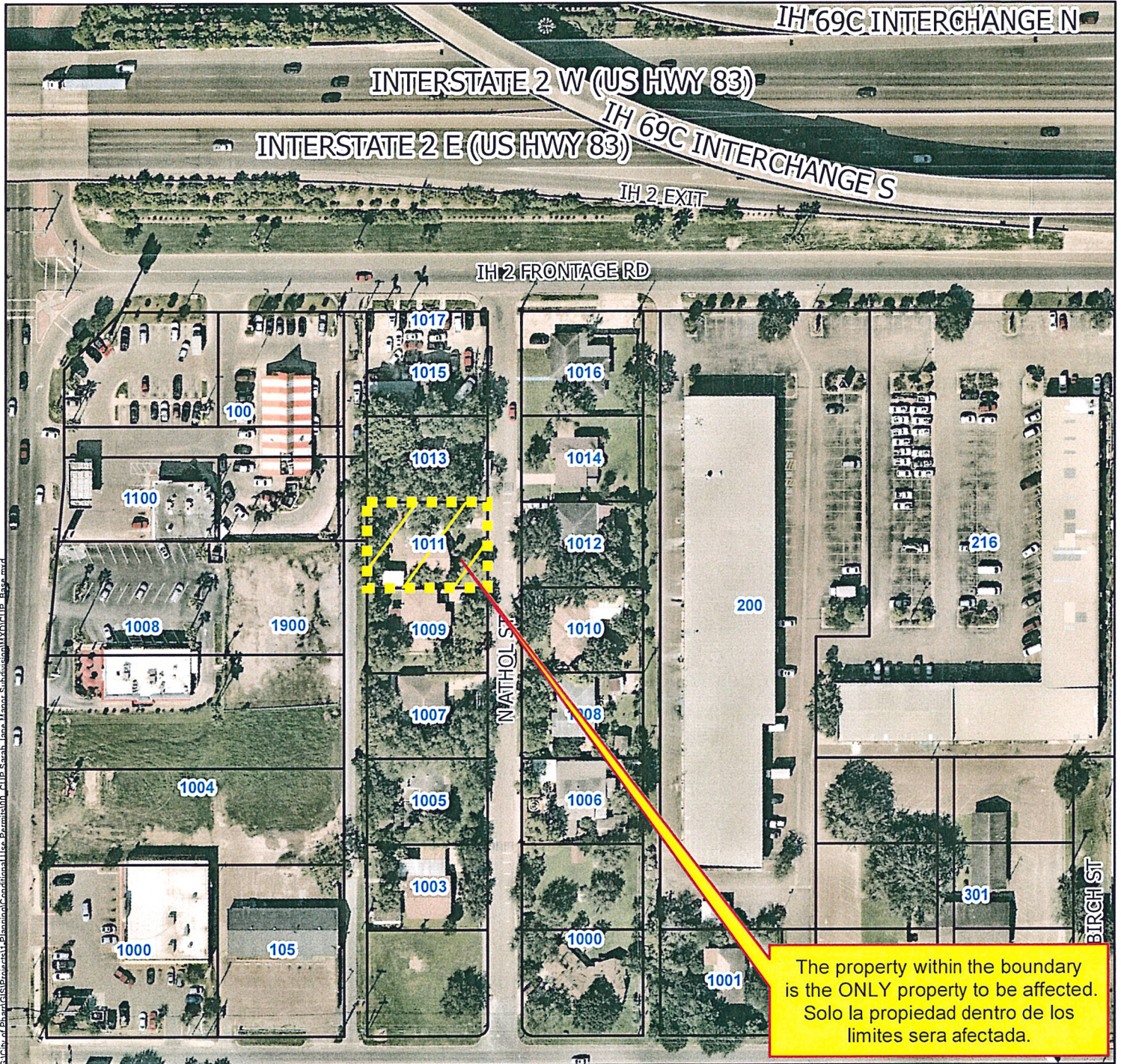
Twenty-two (22) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. Staff received no response to the letters or the legal notice.

**DEVELOPMENT
SERVICES
RECOMMENDATION:**

Development Services is recommending **approval** of the 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) subject to the following conditions:

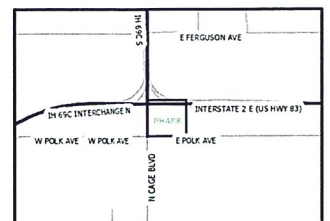
1. This permit shall be for the Life-of-the Use and issued to the current owner only;
2. The storage unit shall not have separate electrical services;
3. No living amenities shall be installed in unit;
4. Applicant shall comply with all City of Pharr Ordinances and codes, any violation will terminate this Conditional Use Permit;
5. Applicant must acquire a building permit before start of construction;
6. Any request to revise, alter or amend the conditions or requirements shall require the applicant to apply for a new Conditional Use Permit;
7. The following shall be considered as grounds for the revocation of the Conditional Use Permit:
 - Any change in use or change in extent of use, area or location.
 - Failure to allow periodic inspections by representatives of the City of Pharr at any reasonable time.
 - Conditional Use Permits that have been revoked may not be applied for again until a period of one year has lapsed from the date of revocation.

NOTE: This item will go before the City Commission Meeting of **February 04, 2019** at **4:00 p.m.**



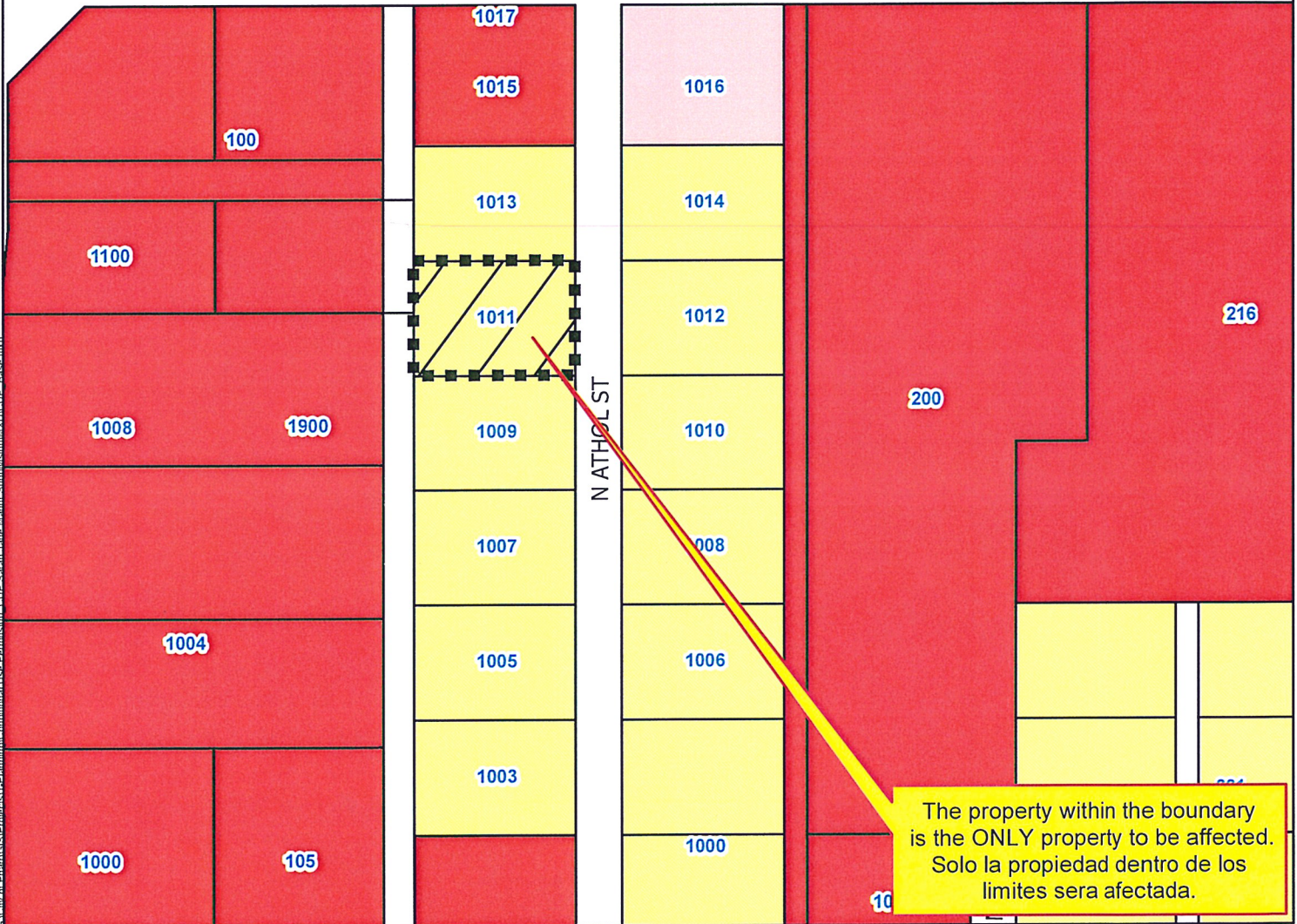
- | | | |
|-----------------------------|-------------------|--------------------------|
| Agricultural Open Space | Townhouse | Heavy Commercial |
| Single Family | HUD Code | Heavy Industrial |
| Single Family Small Lot | Rail Road R.O.W. | Limited Industrial |
| Two Family | Government Owned | Neighborhood Commercial |
| Medium Density Multi-Family | General Business | Office Professional |
| High Density Multi-Family | Business District | PSJA ISD |
| Mobile Home | Drainage Easement | Hidalgo ISD |
| | | Valley View ISD |
| | | Planned Unit Development |

All information displayed on this map is subject to verification by field survey or by the agency responsible for maintaining the information. This map is intended for general information only.



INTERSTATE 2 E (US HWY 83) IH 69C INTERCHANGE S
IH 2 EXIT

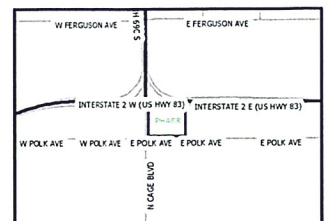
IH 2 FRONTAGE RD



The property within the boundary
is the ONLY property to be affected.
Solo la propiedad dentro de los
limites sera afectada.

- | | | | |
|-----------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | Townhouse | Heavy Commercial | Valley View ISD |
| Single Family | HUD Code | Heavy Industrial | Planned Unit Development |
| Single Family Small Lot | Rail Road R.O.W. | Limited Industrial | |
| Two Family | Government Owned | Neighborhood Commercial | |
| Medium Density Multi-Family | General Business | Office Professional | |
| High Density Multi-Family | Business District | PSJA ISD | |
| Mobile Home | Drainage Easement | Hidalgo ISD | |

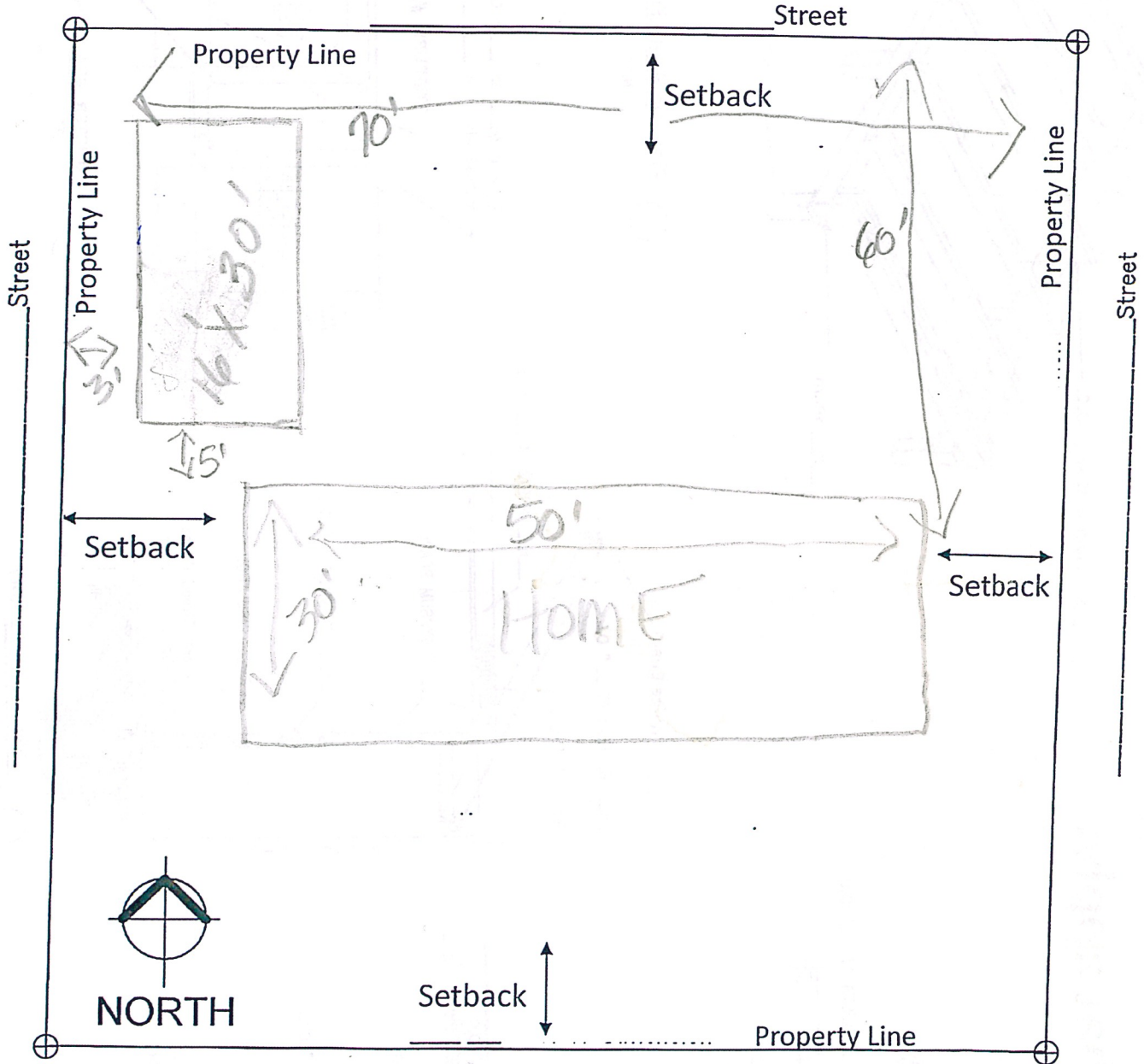
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ORLANDO MASCOMO
DIANA MASCOMO
956-320-3000

SITEPLAN

Address: 1011 N. Athol PHARR, TX 78577
Subdivision: _____
Phase: _____ Block# _____ Lot# _____



1011 N. Athol Street
PHARR, TX 78577

COMMENTS: _____





Pharr

Development Services



STANDARDIZED RECOMMENDATION FORM

MEETING DATE: January 28, 2019

ROUTE TO BOARD:

☐ CITY COMMISSION

AGENDA ITEM: COZ:#181284

☒ PLANNING & ZONING COMMISSION

DATE SUBMITTED: December 21, 2018

1. **Applicant:** Melden & Hunt, Inc., representing Andres Zuniga, President of Zuko Family Limited Partnership, a Texas Limited Partnership, owner.
2. **Requested Action:** Re-zoning request from Agricultural and/or Open Space District (A-O) to Heavy Industrial District (H-I).
3. **Nature / Intent of Request:** In order to develop the property for a warehouse and storage facility for a heavy industrial business.

4. **Routing to Staff:**

A. **Melanie Cano, Director**


Initials

1/23/19
Date

☒ Approval ☐ Denial

B. **Planning Staff
Recommendations**


Initials

1-23-19
Date

☒ Approval ☐ Denial

C. **Planning and Zoning
Commission**

Initials

Date

☐ Approval ☐ Denial

D. **City Attorney**

Initials

Date

☐ Approval ☐ Denial

E. **City Manager**

Initials

Date

☐ Approval ☐ Denial



MEMORANDUM

DATE: MONDAY, JANUARY 28, 2019

TO: PLANNING AND ZONING COMMISSION

FROM: DEVELOPMENT SERVICES

SUBJECT: Re-zoning Request: From Agricultural and/or Open Space District (A-O) to Heavy Industrial District (H-I): Being 37.397 acres tract of land out of Lots 367 & 370, Kelly Pharr Subdivision and Lot 14, Block 1, Closner Subdivision, Pharr, Hidalgo County, Texas. The property is physically located within the 800-1200 Block of East Hi-Line Road.

REZONING CHECKLIST / GOALS:

Comprehensive zoning and rezoning regulations and ordinances should be adopted and designed to facilitate, as much as possible, the following items:

1. To lessen congestion;
2. Secure safety from fire, panic and other dangers;
3. To promote health and general welfare;
4. To provide adequate light and air;
5. To protect the overcrowding of land and abutting traffic ways;
6. Avoid undue concentration of population, and;
7. To facilitate the adequate provisions of transportation, water, sewage, schools, parks, and other public requirements as per Local Government Code, Sect. 211.004.

DESCRIPTION OF PROPERTY:

Melden & Hunt Inc., representing Andres Zuniga, President of Zuko Family Limited Partnership, a Texas Limited Partnership, owner, has filed with the Planning and Zoning Commission a request for a Change of Zone from Agricultural Open Space District (A-O) to Heavy Industrial District (H-I) in order to develop the property for a warehouse and storage facility for a heavy industrial business.

The subject site which is located on the north side within the 800-1200 Block of East Hi-Line Road and legally described as being a 37.397 acre tract of land, out of Lots 367 & 370, Kelly Pharr Subdivision and Lot 14, Block 1, Closner Subdivision, Pharr, Hidalgo County, Texas.

The property fronts East Hi-Line Road, an 80' major collector which runs east and west with a posted speed limit of 30 miles per hour or less as identified in the City of Pharr's Thoroughfare Plan.

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, east and west and a combination of Agricultural and/or Open Space District (A-O) and Limited Industrial District (L-I) to the south. On December 16, 2014, a portion of property to the south was re-zoned from Heavy Commercial District (H-C) to Limited Industrial District (L-I). There have been no other zoning requests within the general vicinity of the subject property since that time. The property is generally designated for industrial use in the Land Use Plan.

The Heavy Industrial District (H-I) is established to provide adequate space and site diversification. The area requirements in this district are minimal, and will allow both large and small industrial uses either on separate small lots or as part of a park. Some screening is required, but because of the potential for hazardous or possibly blighting uses, this district should not be located close to residential areas of any type. Areas should not be zoned to this usage unless they are located on or close to arterials capable of carrying commercial and truck traffic.

Seven (7) letters were mailed out to the surrounding property owners and a legal notice was published in the Advance News Journal. Staff received no response to the letters or the legal notice.

Development Services is recommending **approval** of the request to re-zone to Heavy Industrial District (H-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.

NOTE: This item is scheduled to go before the City Commission Meeting of **February 04, 2019 at 4:00 p.m.**

PLANNING COMMISSION OPTIONS:

- 1. Approve the rezoning request;**
- 2. Table the item for:**
 - a) consideration by the full board;**
 - b) additional information;**
 - c) additional time for applicant and adjacent property owners to meet;**
- 3. Disapprove the request.**



Pharr

Development Services



REQUEST FOR CHANGE OF ZONE & AMENDMENT TO LAND USE PLAN

Melden & Hunt, representing Andres Zuniga, President of Zuko
Family Limited Partnership, a Texas Limited Partnership, owner.
APPLICANT

Agricultural and/or Open Space District (A-O)
CURRENT ZONE

Within the 800-1200 Block of East Hi-Line Road.
ADDRESS

Heavy Industrial District (H-I)
PROPOSED ZONE

	YES	NO
1 Does the property meet the minimum area requirements for the proposed zone?	X	
2 Does the property have adequate ingress and egress?	X	
3 Will the change of zone be compatible with surrounding properties? (Zoning and Land Use)	X	
4 Is the property located along a major thoroughfare?	X	
5 Will the property have adequate parking for the proposed use?	X	
6 Will the property have adequate landscaping as per City Ordinance?	X	
7 Will the zone change increase the volume of traffic?	X	
8 Will a buffer be required?		X
9 Is the proposed change in line with the Future Land Use Plan?	X	

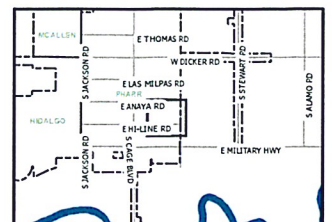
STAFF RECOMMENDATIONS:

Approval

The property meets area requirements, has adequate ingress and egress and is compatible with
the surrounding properties.

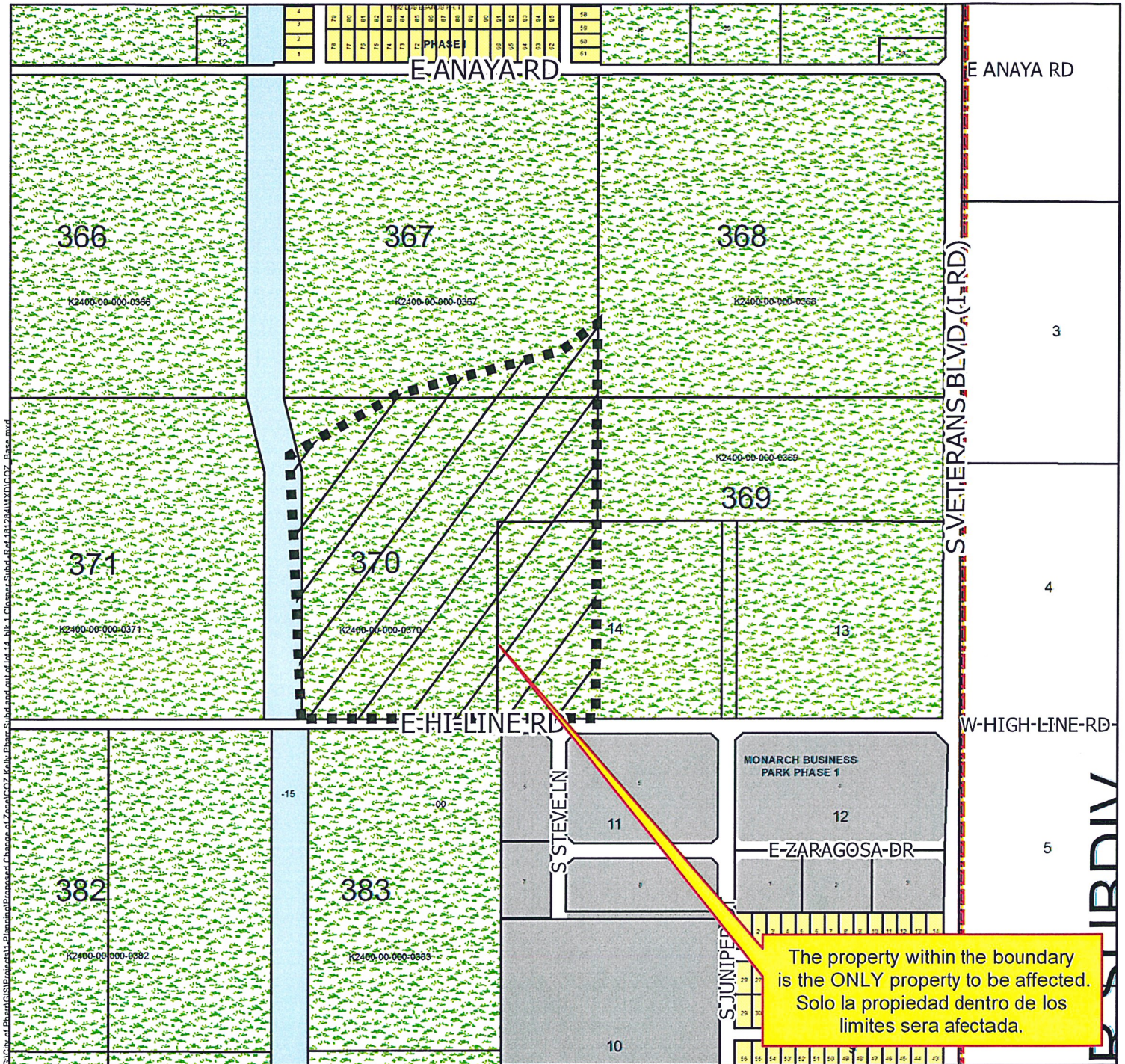
Della Robles, Planner I
PREPARED BY

January 21, 2019
DATE



0 290 580 1,160 1,740 2,320 Feet

Date: 1/8/2019



- Agricultural Open Space
- Single Family
- Single Family Small Lot
- Two Family
- Medium Density Multi-Family
- High Density Multi-Family
- Mobile Home

- Townhouse
- HUD Code
- Rail Road R.O.W.
- Government Owned
- General Business
- Business District
- Drainage Easement

- Heavy Commercial
- Heavy Industrial
- Limited Industrial
- Neighborhood Commercial
- Office Professional
- PSJA ISD
- Hidalgo ISD

- Valley View ISD
- Planned Unit Development

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