

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. March 25, 2019 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, March 25, 2019 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Rafael Munguia
 Luis Madrigal Romeo Robles

ABSENT: Jonathan Larraga Charlie Ramirez
 Andy Castro

OTHERS PRESENT: See attached list

STAFF PRESENT: Alex Meade, City Manager
 Patricia Rigney, City Attorney
 Melanie Cano, Director
 Roland Gomez, Assistant Director
 Cristina Garcia, Senior Planner
 Eddie Martinez, Planner II
 Alvaro DeLeon, Building Inspector
 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.

Rafael Munguia stated there was a correction needed during, roll call Rafael Larraga was stated instead of Jonathan Larraga.

Luis Madrigal **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 MARCH 11, 2019

Chairman, Danny Wylie, introduced the item.

There being no discussion Luis Madrigal moved to approve the minutes of March 11, 2019. Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

ITEM C. PUBLIC HEARING

1) SECTION PUBLIC HEARING: SOLICITATION OF COMMENTS ON THE MORATORIUM FOR THE ISSUANCE OF ANY NEW PERMITS FOR INDIVIDUALLY RENTED STORAGE UNITS WITHIN THE CITY OF PHARR.

Della Robles, Planner I, introduced the item and asked if anyone had signed up to speak.

Robert Palmer, 5420 L.B.J Freeway Ste 1200 Dallas, TX, stated he would be speaking on behalf of Darrel Johnson and Azael Gomez of the Attic Corporation. Mr. Palmer stated that the Attic Corporation was granted a zoning change request in September to build a self-storage unit in Pharr and that project has been on-going since then. He further stated they have complied with the platting process and are now ready for the building permit process and would like to put on the record that the moratorium should not affect the progress of this project because it was underway well before the start of the moratorium. Mr. Palmer also stated that 245 of the Texas Local Government Code clearly exempts their project from this code.

Andrew K. Russel, representing the Attic Corporation, stated if you look at the statutes that support this moratorium, Chapter 212 of the Local Government Code, we dispute the idea that this project will be detrimental to the health, safety or welfare of the citizens of Pharr. He further stated that this Commission approved the zoning request for this project and nothing about the project has changed since then. Mr. Russel continued stating the project would use very little water and would not produce a lot of traffic. He also stated they do not believe that the conditions that are necessary to justify the moratorium under the controlling law exists and the project would be exempt from it since the project started before the moratorium was presented.

2) YOLANDA G. RODRIGUEZ HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW AN ACCESSORY USE STRUCTURE (GUEST HOUSE) IN A TWO-FAMILY RESIDENTIAL DISTRICT (R-2). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOT 33, LAS MILPAS SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 408 WEST LAS MILPAS ROAD. CUP#190211 (TABLED)

Della Robles, Planner I, introduced the item and stated the property is currently zoned Two-Family Residential District (R-2). The surrounding area is zoned Two-Family

Residential District (R-2) to the north, east and west and Single-Family Residential District (R-1) to the south. This area is generally designated for single family residential use in the Land Use Plan. She further reported thirty-eight (38) 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.

Della Robles, Planner I, further stated staff recommended approval of the request for Life-of-the-Use Conditional Use Permit to allow an Accessory Use Structure (Guest house) in a Two-Family Residential District (R-2) subject to applicant and site being in compliance with all City Ordinances and City Department requirements. If approved, the owner must comply with all City Ordinances and City Department requirements.

Luis Madrigal stated the item was previously tabled and there needed to be a motion to untable before proceeding.

Luis Madrigal moved to untable the request for a Life-of-the-Use Conditional Use Permit to allow an Accessory Use Structure (Guest house) in a Two-Family Residential District (R-2). Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

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 discussion Luis Madrigal moved to approve the request for a Life-of-the-Use Conditional Use Permit to allow an Accessory Use Structure (Guest house) in a Two-Family Residential District (R-2). Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

- 3) JG CUSTOMS FORWARDING, LLC. HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE OUTSIDE STORAGE OF MATERIALS AND/OR EQUIPMENT IN A LIMITED INDUSTRIAL DISTRICT (L-I). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 1.9 ACRE TRACT OF LAND, MORE OR LESS OUT OF THE W10.0 ACRES OUT OF LOT 8, JOHN CLOSNER SUBDIVISION OF PORCION 70, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED WITHIN THE 1400 BLOCK OF EAST MILITARY HIGHWAY 281. CUP#190214**

Della Robles, Planner I, introduced the item and stated the property is currently zoned Limited Industrial District (L-I). The surrounding area is zoned Single-Family Residential District (R-1) to the north, Limited Industrial District (L-I) to the west,

Agricultural and/or Open Space District (A-O) to the east and Heavy Commercial District (H-C) to the south. This area is generally designated for industrial use in the Land Use Plan. She further reported six (6) 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.

Della Robles, Planner I, further stated staff recommended approval of the request for Conditional Use Permit to allow the outside storage of materials and/or equipment in a Limited Industrial District (L-I). Applicant shall move forward with the subdivision process as well as being subject to the listed conditions. If approved, the owner must comply with all City Ordinances and City Department requirements.

Cloromiro Hinojosa, representing CLH Engineering, stated they have begun the subdivision process and for now it will be used for boat storage.

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.

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

ITEM 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 IN ACCORDANCE WITH THE FOLLOWING BELOW

The time being 6:11 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 G. RECONVENE:

The time being 6:44 p.m., Chairman Wylie stated the commission would be resuming the open meeting.

ITEM C. PUBLIC HEARING

- 3) **JG CUSTOMS FORWARDING, LLC. HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE OUTSIDE STORAGE OF MATERIALS AND/OR EQUIPMENT IN A LIMITED INDUSTRIAL DISTRICT (L-I). THE**

PROPERTY IS LEGALLY DESCRIBED AS BEING A 1.9 ACRE TRACT OF LAND, MORE OR LESS OUT OF THE W10.0 ACRES OUT OF LOT 8, JOHN CLOSNER SUBDIVISION OF PORCION 70, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED WITHIN THE 1400 BLOCK OF EAST MILITARY HIGHWAY 281. CUP#190214

There being no further discussion Luis Madrigal moved to approve the request for a Conditional Use Permit to allow the outside storage of materials and/or equipment in a Limited Industrial District (L-I). Romeo Robles seconded the motion and when put to a vote, it carried unanimously.

- 4) MARTIN RAMIREZ HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW AN OVERSIZE STORAGE UNIT (LARGER THAN 120 SQUARE FEET) IN A SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOT 12, BLOCK 2, BUSTAMANTE SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 910 EAST ELLER AVENUE. CUP#190215**

Della Robles, Planner I, introduced the item and stated 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, east and west. This area is generally designated for single family residential use in the Land Use Plan. She further reported forty-one (41) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. She stated one individual came in for information only.

Della Robles, Planner I, further stated staff recommended approval of the request for Life-of-the-Use Conditional Use Permit to allow an oversize storage unit (larger than 120 square feet) in a Single-Family Residential District (R-1) subject to applicant and site being in compliance with all City Ordinances and City Department requirements. If approved, the owner must comply with all City Ordinances and City Department requirements.

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 discussion Luis Madrigal moved to approve the request for a Life-of-the-Use Conditional Use Permit to allow an oversize 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.

- 5) **CESAR CHAVEZ FOUNDATION OR AFFILIATE 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 HIGH-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (R-4). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 10.00 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 201, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED WITHIN THE 1500 BLOCK OF WEST RIDGE ROAD. COZ#190316**

Della Robles, Planner I, stated the applicant requested to table the item.

There being no discussion Rafael Munguia moved to table the request for a Change of Zone from Agricultural and/or Open Space District (A-O) to High-Density Multi-Family Residential District (R-4). Luis Madrigal seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PLAT APPROVAL

- 1) **CDSMUERY ENGINEERS, REPRESENTING TODD IRELAND, REAL ESTATE MANAGER FOR AEP TEXAS CENTRAL COMPANY IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED AEP YOUNG SUBDIVISION LOTS 1&2, BLOCK 1. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 5.150 ACRE AND 3.143 ACRE TRACTS OF LAND LYING IN THE SOUTH 10 ACRES OF LOT 7, BLOCK 5 OF THE A.J. MCCOLL SUBDIVISION. THE PROPERTY IS LOCATED WITHIN THE 2900 BLOCK OF N. JOHNSON STREET. SUB# 190202**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Limited Industrial District (L-I). The adjacent zones are Heavy Commercial District (H-C) and Agricultural Open-Space District (A-O) to the north, Heavy Commercial District (H-C) to the east, General Business District (C), Limited Industrial District (L-I) and High-Density Multi-Family Residential District (R-4) to the south and City limits to the west. The property is designated for industrial and commercial use in the land use plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed Andres Garcia 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.

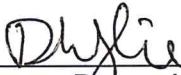
There being no discussion Rafael Munguia moved to approve the request for preliminary plat approval of the proposed AEP Young Subdivision. Romeo Robles seconded the motion and when put to a vote, it carried unanimously.

ITEM E. ANNOUNCEMENTS/OTHER BUSINESS

None.

ITEM H. ADJOURNMENT

There being no further business Romeo Robles moved to adjourn. Luis Madrigal 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: April 8, 2019