

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. April 8, 2019 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, April 8, 2019 and following is the record of attendance.

MEMBERS PRESENT:	Danny Wylie	Porfirio Rodriguez
	Luis Madrigal	Romeo Robles
	Andy Castro	Jonathan Larraga

ABSENT:	Rafael Munguia	Charlie Ramirez
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OTHERS PRESENT: See attached list

STAFF PRESENT: Roland Gomez, Assistant Director
Eddie Martinez, Planner II
Della Robles, Planner I
Rogelio Rodriguez, Interim Building Official
Rita Galvan, Administrative Assistant

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. Luis Madrigal seconded the motion and when put to a vote it carried unanimously.

ITEM B. APPROVAL OF MINUTES

1) MINUTES OF MARCH 25, 2019

Chairman, Danny Wylie, introduced the item.

Luis Madrigal stated there was a correction that he was noted as absent and present at the meeting and he was present.

Rita Galvan stated the minutes would be corrected.

There being no further discussion Luis Madrigal moved to approve the minutes of March 25, 2019 with corrections. Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

ITEM C. PUBLIC HEARING

- 1) **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 AT 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 (TABLED)**

Della Robles, Planner I, stated the item would remain tabled.

- 2) **LIZBETH G. VELASCO 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 7, FAIRVIEW VILLAGE SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 7508 SOUTH CARLOS STREET. CUP#190317**

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

There being no discussion Luis Madrigal moved to table the request for a Life-of-the-Use Conditional Use Permit to allow an oversize storage unit (larger than 120 square fee) in a Single-Family Residential District (R-1). Andy Castro seconded the motion and when put to a vote, it carried unanimously.

- 3) **PIPIRIN HOLDINGS, INC., D/B/A BRAVO CARNE ASADA, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE 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 LOT 209, VALLE DE LA PRIMAVERA SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 6701 SOUTH JACKSON ROAD. CUP#190318**

Della Robles, Planner I, introduced the item and stated the property is 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 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 letter or the legal notice.

Della Robles, Planner I, further stated staff recommended approval of the request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C) subject to applicant and site being in compliance 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.

Andy Castro asked staff what the hours of operation were.

Adrian Zavala, COO of Bravo Carne Asada at 6701 S. Jackson Rd., stated the hours of operation are 11:00 a.m. to 10:00 p.m. Monday thru Thursday, 11:00 a.m. to 11:00 p.m. Friday and Saturday, and 11:00 a.m. to 8:00 p.m. on Sunday.

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

- 4) MAYRA ELIZABETH PEDRAZA 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 48, LOS RANCHITOS NO. 3 SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 7517 SOUTH PLATA LANE. CUP#190319**

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 sixty-two (62) 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 four (4) telephone calls; three (3) for information only and one (1) in favor of the item.

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.

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.

Mayra Elizabeth Pedraza, residing at 7517 S. Plata Ln., stated that staff is asking her to move the storage because of the utility easement and she called 811 and they stated that there were no wires in the area of the storage unit.

Chairman, Danny Wylie, asked staff to clarify the applicant's statement.

Della Robles, Planner I, stated there is a 10-foot utility easement that runs in the back of the applicant's property and Ms. Pedraza was advised when she came into the office that she would have to respect that easement. She further stated she would be required to move the storage unit five feet to comply with the easement requirement.

Chairman, Danny Wylie, asked the applicant if she is willing to comply with the request of Development Services.

Mayra Pedraza, applicant, stated that she would like to do what the City is asking, and it was her mistake to not get a permit, but she was not aware of the requirements until she received a letter from the City. She further stated she called the person who built the storage to ask if it could be moved and they told her it was very heavy, so she is still trying to figure out how to move it. She also stated that she would like to keep it where it is located and doesn't know what other options she has.

Roland Gomez, Assistant Director of Development Services, stated that the only way she would be able to keep the storage unit where it is located is if she got a letter from the utility companies stating they do not have any objection of the storage unit being located on the utility easement, then that would be ok with us.

Chairman, Danny Wylie, asked staff if the Commission should approve or table the item until more information is available.

Roland Gomez, Assistant Director of Development Services, stated he recommends the Commission table the item, so they can discuss the options with the applicant before moving forward.

There being no further discussion Andy Castro moved to table 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). Luis Madrigal seconded the motion and when put to a vote, it carried unanimously.

- 5) 1500 HALL ACRES, LLC., HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO MEDIUM DENSITY MULTI-FAMILY DISTRICT (R-3). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 12.997 ACRE TRACT OF LAND, OUT OF LOTS 5&6, BLOCK 8, A.J. MCCOLL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1500 WEST HALL ACRES ROAD. COZ#190320**

Eddie Martinez, Planner II, introduced the item and stated the property is currently zoned Single-Family Residential District (R-1). The surrounding properties are zoned Agricultural and/or Open Space District (A-O) to the north, a combination of Agricultural and/or Open Space District (A-O), Residential Townhouse District (R-TH) and General Business District (C) to the south, a combination of Residential Townhouse District (R-TH) and Single-Family Residential District (R-1) to the east and High-Density Multi-Family Residential District (R-4), Residential Townhouse District (R-TH) and Agricultural and/or Open Space District (A-O) to the west. The property is generally designated for commercial, public/semi-public and multi-family residential use in the Land Use Plan.

He further reported one hundred nine (109) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. He stated staff no response to the letter or legal notice.

Eddie Martinez, Planner II, further stated staff recommended approval of the request to re-zone to Medium Density Multi-Family District (R-3) as the properties meets area requirements, have adequate ingress and egress. If approved, the owner must comply 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, asked the owner if he would like to comment on the request for a Change of Zone.

Willie Arratia, Project Engineer, stated initially they applied for a zoning change to Single-Family and now they are requesting Multi-Family to develop duplexes that are going to be private.

Luis Madrigal asked what the length of the entrance is required to be.

Eddie Martinez, Planner II, stated it was 50 feet.

Chairman, Danny Wylie, asked if there was an existing buffer wall all the way around the property.

Mr. Arratia, Project Engineer, stated on the east side there is a gap, but they would be putting a new block fence all the way around the property and it would be gated.

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 Luis Madrigal moved to **approve** the rezoning request for a change of zone from Single Family Residential District (R-1) to Medium-Density Multi-Family District (R-3). Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PLAT APPROVAL

- 1) R. GUTIERREZ ENGINEERING CORPORATION, REPRESENTING CRUZ CORTEZ AND ENRIQUETA CORTEZ, OWNER'S ARE REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED CORTEZ SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 2.15 ACRE TRACT OF LAND OUT OF LOT 125, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 300 BLOCK OF EAST ELDORA ROAD. SUB# 151126**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Heavy Commercial District (H-C). The adjacent zones are Limited Industrial District (L-I) and Agricultural and/or Open Space District (A-O) to the north, Agricultural and/or Open Space District (A-O) to the east, Limited Industrial District (L-I) to the south and General Business District (C), Limited Industrial District (L-I) and Agricultural and/or Open Space District (A-O) to the west. The property is designated for industrial use in the Land Use Plan. He added no variances were being requested and staff recommended final plat approval of the proposed Cortez 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.

Luis Madrigal suggested discussing the item in executive session, there were no objections.

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 6:21 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 6:55 p.m., Chairman Wylie stated the commission would be resuming the open meeting.

ITEM D. PLAT APPROVAL

- 1) **R. GUTIERREZ ENGINEERING CORPORATION, REPRESENTING CRUZ CORTEZ AND ENRIQUETA CORTEZ, OWNER'S ARE REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED CORTEZ SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 2.15 ACRE TRACT OF LAND OUT OF LOT 125, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 300 BLOCK OF EAST ELDORA ROAD. SUB# 151126**

Luis Madrigal asked staff if on the special notes where it stated that additional fire protection may be required during the plat review phase in order to provide any additional fire protection requirements, if there were any additional requirements that would be needed beside the fire hydrants.

Eddie Martinez, Planner II, stated there were no additional fire protection requirements requested.

There being no further discussion Luis Madrigal moved to **approve** the request for final plat approval of the proposed Cortez Subdivision. Andy Castro seconded the motion and when put to a vote, it carried unanimously.

- 2) **URBAN INFRASTRUCTURE GROUP, INC., REPRESENTING VALLEY CATHEDRAL, INC., A TEXAS NON-PROFIT CORPORATION, OWNER, IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED**

VANGUARD-BETHEL SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 19.145 ACRE TRACT OF LAND, MORE OR LESS, BEING COMPRISED OF AN 8.86 ACRE TRACT OF LAND OUT OF LOT 181, KELLY-PHARR SUBDIVISION, ALL OF LOT 1, VANGUARD ACADEMY SUBDIVISION NO. 8 AND ALL OF LOT 1, TEMPLO BETHEL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1200 EAST BLOCK OF KELLY AVENUE. SUB# 180931

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Single-Family Residential District (R-1) and Office Professional District (OP). The adjacent zones are Single Family Residential District (R-1) and Office Professional District (OP) to the south, Single Family Residential District (R-1) to the west, High Density Multi-Family District (R-4) and Single-Family residential District (R-1) to the north, and Pharr city limits to the east. The property is designated for Single Family Residential use and Public/Semi Public in the Land Use Plan. He added no variances were being requested and staff recommended final plat approval of the proposed Vanguard-Bethel 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.

Chairman, Danny Wylie, asked if the traffic study had been completed and if the issued had been addressed.

Eddie Martinez, Planner II, stated yes it had been completed and all issues would be addressed.

There being no further discussion Jonathan Larraga moved to approve the request for final plat approval of the proposed Vanguard-Bethel Subdivision. Andy Castro seconded the motion and when put to a vote, it carried unanimously.

- 3) MELDEN & HUNT INC., REPRESENTING CARLOS VARELA, REGISTERED AGENT FOR VARCO PHARR LAND, LLC., IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED JUNCTION VIEW SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A TRACT OF LAND CONTAINING 2.61 ACRES OUT OF LOT 149, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 2100 BLOCK OF NORTH IH 69C. SUB# 190307**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned General Business District (C). The adjacent zones are General Business District (C) to the north, south, east and west. The property is designated for commercial use in

the Land Use Plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed Junction View 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 Luis Madrigal moved to approve the request for preliminary plat approval of the proposed Junction View Subdivision. Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

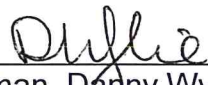
ITEM E. ANNOUNCEMENTS/OTHER BUSINESS

1) Election of officers

Roland Gomez, Assistant Director of Development Services, recommended postponing the election of officers to the next meeting since there were two regular members absent today.

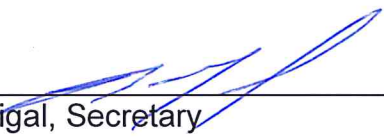
ITEM H. ADJOURNMENT

There being no further business Romeo Robles moved to adjourn. Andy Castro second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 7:03 p.m.



Chairman, Danny Wylie

ATTEST:



Luis Madrigal, Secretary

APPROVED: May 13, 2019