

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. June 10, 2019 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, June 10, 2019 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Charlie Ramirez
 Jonathan Larraga Romeo Robles
 Rafael Munguia Luis Madrigal

ABSENT: Andy Castro

OTHERS PRESENT: See attached list

STAFF PRESENT: Roland Gomez, Assistant Director
 Cristina Garcia, Senior Planner
 Eddie Martinez, Planner II
 Roy Rodriguez, Interim Building Official
 Rita Galvan, Administrative Assistant
 Iris Mata, 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. Luis Madrigal seconded the motion and when put to a vote it carried unanimously.

ITEM B. APPROVAL OF MINUTES

1) MINUTES OF MAY 28, 2019

Chairman, Danny Wylie, introduced the item.

There being no discussion Rafael Munguia moved to approve the minutes of May 28, 2019. Luis Madrigal seconded the motion and when put to a vote, it carried unanimously.

Charlie Ramirez arrived at 6:01 pm.

ITEM C. PUBLIC HEARING

- 1) **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 (TABLED)**

Cristina Garcia, Senior Planner, stated the item would remain tabled.

- 2) **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)**

Cristina Garcia, Senior Planner, stated the item would remain tabled.

- 3) **W. D. MOSCHEL 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 BEING A 3.32-ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 7, BLOCK 8, A.J. MCCOLL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1527 SOUTH JACKSON ROAD. COZ#190532**

Cristina Garcia, Senior Planner, introduced the item and stated the property is currently zoned Agricultural and/or Open Space District (A-O). A portion of the property to the north was rezoned to General Business District (C) and the other portion was rezoned Medium-Density Multi-Family District (R-3) on April 21, 2015. The property to the south and east is zoned Agricultural and/or Open Space District (A-O) and the city limits lie to the west. The property is generally designated for commercial and single-family use in the Land Use Plan. She further reported fourteen (14) 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 to re-zone to General Business District (C) as the property meets area

requirements, have adequate ingress and egress. If approved, the owner must comply with all City Ordinances and City Department requirements.

Chairman, Danny Wylie, asked if the applicant was present.

Cristina Garcia, Senior Planner, confirmed the applicant was not present.

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 Agricultural and/or Open Space District (A-O) to General Business District (C). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 4) SHATT3R HOUSE HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE PERMIT AND LATE HOURS TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES IN A BUSINESS DISTRICT (C-2). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.085-ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 10, BLOCK 1, J.T. DOSTER SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 115 EAST NEWCOMBE AVENUE (PARK AVENUE). CUP#190533**

Cristina Garcia, Senior Planner, introduced the item and stated the property is currently zoned Business District (C-2). The surrounding area is zoned Business District (C-2) to the north, south, east, and west. This area is generally designated for commercial use in the Land Use Plan. Ms. Garcia stated that the Police Chief, Fire Department, and Planning Division recommend approval. She further reported that Code Compliance and Health Division were pending a reinspection of the Conditional Use Permit. Cristina Garcia, Senior Planner, continued to report thirty (30) 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 in a Business District (C-2) subject to applicant and site being in compliance with all City Ordinances and City Department requirements.

Chairman, Danny Wylie, asked if the applicant would like to make a comment.

Ruben Meza, representing Stephanie Palacios, the applicant, residing at 115 E. Park thanked the Planning and Zoning Commission for hearing the request. He stated that they were a future business with respect and professionalism proposing a better business concept. They have spoken to several individuals, including Make Pharr

Beautiful, about providing a business that would further the Pharr community and provide a presentable business.

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 request for a Conditional Use Permit and Late Hours Permit in a Business District (C-2). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 5) DESTINY THROUGH CHRIST CHURCH, INC., A TEXAS NONPROFIT CORPORATION, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW A CHURCH IN A GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOTS 1, 2, AND 4, OUT OF THE REPLAT OF LOT 1, MEXICAN FIESTA SUBDIVISION AND LOT 1, MEXICAN FIESTA SUBDIVISION UNIT NO. 2, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1302 WEST NOLANA LOOP. CUP#190430**

Cristina Garcia, Senior Planner, introduced the item and stated the property is currently zoned General Business District (C). The surrounding area for Lots 1 & 2 are zoned General Business District (C) to the north, south and east and city limits lie to the west. The surrounding area for Lot 4 is Agricultural and/or Open Space District (A-O) to the north, General Business District (C) to the east and west, and General Business District (C) and Single-Family Residential District (R-1) to the south. This area is generally designated for commercial use in the Land Use Plan. She further reported eighteen (18) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. One (1) individual signed up to speak at the Public Hearing in opposition of the item.

Cristina Garcia, Senior Planner, further stated staff recommended approval of the request for a Conditional Use Permit and Late Hours Permit 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, asked if the applicant would like to make a comment.

Rudy Beltran, Lead Pastor for Destiny Through Christ Church, Inc., residing at 1302 W. Nolana stated they purchased the property in November 2018 and looked forward to transforming it to a positive place for the community. He referred to the screen for a video rendering of the proposed church. He continued to state that the church has resided in Pharr for the last ten (10) years and grown to a place where they have the ability to build a new church.

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

Iris Mata, Secretary, stated there was one (1) individual in the affected area that signed up to speak, Pharr Bingo.

Cris Elizondo, representing Pharr Bingo, located at 1400 W. Nolana, stated that the property owner was not against Destiny Through Christ's request for a Conditional Use Permit, but was against the rezoning of the property. She continued to state that the concern was the possible decrease in the property value and the ability to lease the property as a night club in the future.

Chairman, Danny Wylie, closed the public hearing and opened the item for discussion and action. Mr. Wylie questioned if this was the only item requesting a Change of Zone.

Roland Gomez, Assistant Director of Development Services, stated that the item was not a Change of Zone, but a request for a Conditional Use Permit for a church.

Charlie Ramirez asked about the impact the church will have on the leasing of the other property as a night club.

Cristina Garcia, Senior Planner, stated that if the Conditional Use Permit was approved, the night club would need to ask the church for permission as it would not meet the one thousand (1,000) foot requirement.

Chairman, Danny Wylie, questioned if the church was similar to a school in regard to the requirements.

Roland Gomez, Assistant Director of Development Services, confirmed Mr. Wylie's statement and noted that the requirement for the sale of alcohol was a three hundred (300) foot radius.

Charlie Ramirez suggested the item be discussed in executive session as he had a legal question.

Roland Gomez, Assistant Director of Development Services, stated that the church meets all the requirements, and should the neighboring property want to open a nightclub or other business that sells alcohol they would need to go through the church for approval.

There being no further discussion Romeo Robles moved to **approve** the request for a life-of-the-use conditional use permit to allow a church in a General Business District (C). Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PLAT APPROVAL

- 1) SALINAS ENGINEERING & ASSOCIATES, REPRESENTING RICHARD L. WOLF AND WIFE, SHERRY L. WOLF, OWNERS, ARE REQUESTING PRELIMINARY AND FINAL PLAT APPROVAL OF THE OF THE PROPOSED VALENTINA SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 1.25 GROSS ACRE TRACT OF LAND OUT OF LOT 8, BLOCK 6, A.J. MCCOLL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1400 BLOCK OF WEST FERGUSON AVENUE. SUB#190411**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Heavy Commercial District (H-C). The adjacent zones are Agricultural and/or Open Space District (A-O) to the north, General Business District (C) and Agricultural and/or Open Space District (A-O) to the east and General Business District (C) to the south 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 and final plat approval of the proposed Valentina 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 and final plat approval of the proposed Valentina Subdivision. Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

- 2) MELDEN & HUNT INC., REPRESENTING HERBERT L. LEVINE, MANAGER FOR MCALLEN LEVCAL LLC, IS REQUESTING PRELIMINARY AND FINAL PLAT APPROVAL OF THE OF THE PROPOSED 2ND REPLAT OF THE VACATED CAR-MEL SUBDIVISION, VACATED EL CENTRAL MALL NO. 3 AND 4 SUBDIVISIONS. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 49.684 ACRES BEING ALL OF LOTS 1A, 2A, 3A, AND 4A, REPLAT OF VACATED CAR-MEL SUBDIVISION, VACATED EL CENTRO MALL NO. 3 AND 4 SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 500 BLOCK OF NORTH JACKSON ROAD. SUB#190512**

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 East and South, General Business District (C), Heavy Industrial District (H-I), and City Limits to the West and Heavy Commercial (H-C) and General Business District (C) to the North. The property is designated for commercial use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary and final plat approval of the proposed 2nd Replat of the Vacated Car-Mel Subdivision, Vacated El Central Mall No.3 and 4 Subdivisions.

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 and final plat approval of the proposed 2nd Replat of the Vacated Car-Mel Subdivision, Vacated El Central Mall No.3 and 4 Subdivisions. Luis Madrigal seconded the motion and when put to a vote, it carried unanimously.

- 3) **SPOOR ENGINEERING CONSULTANTS, INC., REPRESENTING THOMAS F. PHILLIPS, PRESIDENT FOR MCALLEN INVESTMENT PARTNERS, LTD., IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED PHARR INVESTMENT SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A REPLAT OF LOTS 2, 3, 4 AND 5, BLOCK 5, PLANTATION SOUTH SUBDIVISION, UNIT NO. 6 AMENDED, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 100 BLOCK OF EAST PLANTATION DRIVE. SUB#190305**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Planned Unit Development District (PUD). The adjacent zones are Planned Unit Development District (PUD) to the north, east and west 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 Pharr Investment 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 Valentina Subdivision. Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

- 4) **NAIN ENGINEERING, L.L.C., REPRESENTING JORGE KAMEL, PRESIDENT FOR 1500 HALL ACRES, L.L.C., IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED 1500 HALL ACRES SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 13.785 ACRE TRACT OF LAND OUT OF LOTS 5 AND 6, BLOCK 8, A.J. MCCOLL SUBDIVISION AND LOT 113, DUNLYN ESTATES PHASE II, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS WITHIN THE 1500 BLOCK OF WEST HALL ACRES ROAD. SUB#170924**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Medium Density Multifamily District (R-3). The adjacent zones are Agricultural and/or Open Space District (A-O) to the north, Single Family Residential District (R-1) and

Townhouses Residential (R-TH) to the east, General Business District (C) and Townhouses Residential District (R-TH) to the south and High Density Multifamily Residential District (R-4), Townhouses Residential District (R-TH) and Agricultural and/or Open Space District (A-O) to the west. The property is designated for multi-family, commercial and public/semipublic use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed 1500 Hall Acres 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. Mr. Wylie asked if this was a previous item that was a Multi Family District and then changed to Single Family District.

Eddie Martinez, Planner II, confirmed Chairman Danny Wylie's statement.

Chairman, Danny Wylie, asked if the request was to move back to Multi Family District.

Eddie Martinez, Planner II, stated that the applicant had changed the dimensions of the lots, applied for the change of zone, and now presenting as multi family.

There being no further discussion Luis Madrigal moved to **approve** the request for preliminary plat approval of the proposed 1500 Hall Acres Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM E. ANNOUNCEMENTS/OTHER BUSINESS

Roland Gomez, Assistant Director for Development Services, stated there was a workshop application and agenda placed before the board for Planning Commissioners, Elected Officials and Staff. He stated the department encouraged them to attend and Rita Galvan, Administrative Assistant, or Iris Mata, Secretary, could complete the registration.

Rita Galvan, Administrative Assistant, asked that the members notify staff prior to June 25, 2019 to allow ample time for check requests.

ITEM F. CLOSED SESSION

None.

ITEM G. RECONVENE

None.

ITEM H. ADJOURNMENT

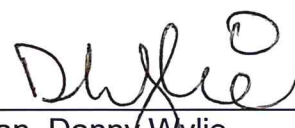
There being no further business Romeo Robles moved to adjourn. Charlie Ramirez second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:27 p.m.

ATTEST:



Andy Castro, Secretary

APPROVED: June 24, 2019



Chairman, Danny Wylie