

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. June 24, 2019 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, June 24, 2019 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Charlie Ramirez
 Romeo Robles Rafael Munguia
 Luis Madrigal Porfirio Rodriguez

ABSENT: Jonathan Larraga Andy Castro

OTHERS PRESENT: See attached list

STAFF PRESENT: John Rigney, City Attorney
 Melanie Cano, Director
 Roland Gomez, Assistant Director
 Cristina Garcia, Senior Planner
 Eddie Martinez, Planner II
 Alvaro De Leon, Building Inspector
 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.

Charlie Ramirez moved to excuse the absent members. Luis Madrigal seconded the motion and when put to a vote it carried unanimously.

Rafael Munguia arrived at 6:00 pm.

ITEM B. APPROVAL OF MINUTES

1) MINUTES OF JUNE 10, 2019

Chairman, Danny Wylie, introduced the item.

There being no discussion Romeo Robles moved to approve the minutes of June 10, 2019. Luis Madrigal seconded the motion and when put to a vote, it carried unanimously.

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 required a motion to untable the item.

Luis Madrigal moved to untable 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). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

Cristina Garcia, Senior Planner, introduced the item and stated the property is currently zoned Agricultural and/or Open Space District (A-O). The property to the north is zoned Agricultural and/or Open Space District (A-O) and on March 05, 1996, the property to the south was re-zoned to Single-Family Residential District (R-1). On March 06, 2012, a portion of the property to the west was re-zoned to General Business District (C) and on April 21, 2015, the remaining portion was re-zoned to Medium-Density Multi-Family District (R-3). On May 02, 1995, a portion of the property to the east was zoned to High Density Multi-Family District (R-4) and on June 18, 1996, the remaining portion was re-zoned to General Business District (C). There have been no zoning requests within the general vicinity of the subject property since that time. The property is generally designated for multi-family residential use in the Land Use Plan. She further reported twenty-six (26) 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 one (1) telephone call for information only.

Cristina Garcia, Senior Planner, further stated staff recommended approval of the request to re-zone to High-Density Multi-Family District (R-4) 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 would like to comment.

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 rezoning request for a change of zone from Agricultural and/or Open Space District (A-O) to High-Density Multi-Family Residential District (R-4). Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

- 3) IMPERIUM EVENT CENTER, LLC. HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR 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 LOT 1, VACATING PLAT OF LA QUINTA SUBDIVISION LOTS 52-55, PHARR, HIDALGO COUNTY, TEXAS THE PROPERTY'S PHYSICAL ADDRESS IS 5952 SOUTH CAGE BOULEVARD. CUP#190540**

Cristina Garcia, Senior Planner, introduced the item and stated the property is currently zoned General Business District (C). The surrounding area is zoned General Business District (C) to the north, south and east and Single-Family Residential District (R-1) to the west. The area is generally designated for commercial use in the Land Use Plan. She further reported thirty four (34) 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 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.

There being no discussion Luis Madrigal moved to **approve** the request for a Conditional Use Permit and Late Hours Permit in a General Business District (C). Romeo Robles seconded the motion and when put to a vote, it carried unanimously.

- 4) **KHANH NGUYEN, D/B/A SNOW BITE, 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 0.078-ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 4A, REPLAT OF VACATED CAR-MEL SUBDIVISION, VACATED EL CENTRO MALL NO. 3 & 4 SUBDIVISION PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 500 NORTH JACKSON ROAD, SUITE L-2. CUP#190536**

Cristina Garcia, Senior Planner, introduced the item and stated the property is currently zoned General Business District (C). The surrounding area is zoned General Business District (C) to the north, south and east and Heavy Industrial District (H-I) to the west. This area is generally designated for commercial use in the Land Use Plan. She further reported one (1) surrounding property owner was 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 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 comment.

Khanh Nguyen, applicant, residing at 500 North Jackson Road, stated she was excited to be a part of the City of Pharr.

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.

Chairman, Danny Wylie, asked about the business hours being before noon on Sundays.

Khanh Nguyen, applicant, stated that when she applied, she was unsure of the hours for Sunday as her previous location was not open on Sundays. She continued to state that she kept the same hours and understood she could change them at a later time.

Luis Madrigal asked what Snow Bite was.

Khanh Nguyen, applicant, stated Snow Bite is a Vietnamese restaurant that opened in 2013 in Edinburg. The original plan for the restaurant was to sell deserts and fusion foods, such as tapas. She continued to state that customers requested additional items, so Snow Bite transitioned to a full dine in restaurant.

There being no further discussion Rafael Munguia moved to approve the request for a Conditional Use Permit and Late Hours Permit in a General Business District (C). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 5) **NELDA TELLES HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM TWO-FAMILY RESIDENTIAL DISTRICT (R-2) TO SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING THE N266'-W1.21 ACRES OF THE N6.21 ACRES OF LOT 1, GEHLERT'S SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 222 E. SAM HOUSTON AVE. COZ#190534**

Cristina Garcia, Senior Planner, introduced the item and stated the property is currently zoned Two-Family Residential District (R-2) and was rezoned from Single-Family Residential District (R-1) on November 05, 2012. On March 30, 1982, the surrounding properties to the north, south, east and west were zoned to Single-Family Residential District (R-1), when the city adopted the current Zoning Ordinance used today. There have been no other zoning requests within the general vicinity of the subject property since that time. The property is generally designated for Right of Way use in the Land Use Plan. She further reported twenty-five (25) 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 Single-Family Residential District (R-1) 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 would like to make a comment.

Cristina Garcia, Senior Planner, stated that the applicant would comment if the Commission had questions.

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 Romeo Robles moved to approve the rezoning request for a change of zone from Two-Family Residential District (R-2) to Single-Family Residential District (R-1). Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

- 6) **ARMANDO ESCAMILLA HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO MULTI FAMILY RESIDENTIAL DISTRICT (R-3). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOT 6, BLOCK 3, PALM HEIGHTS WEST SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1010 WEST CAFFERY AVENUE. COZ#190535**

Cristina Garcia, Senior Planner, introduced the item and stated the property is currently zoned Single-Family Residential District (R-1). On March 30, 1982, the property and the surrounding properties were zoned to Single-Family Residential District (R-1), when the city adopted the current Zoning Ordinance used today. On October 06, 1992 the property to the west was re-zoned to Medium Density Multi-Family District (R-3). The property to the east was re-zoned to Medium Density Multi-Family District (R-3) on January 17, 1995 and the property to the south was also re-zoned to Medium Density Multi-Family District (R-3) on September 17, 1985. There have been no other zoning requests within the general vicinity of the subject property since that time. The property is generally designated for multi-family residential use in the Land Use Plan. She further reported fifteen (15) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. Staff received two (2) telephone calls for information only.

Cristina Garcia, Senior Planner, further stated staff recommended approval of the request to re-zone to Medium Density Multi-Family District (R-3) 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, 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.

Chairman, Danny Wylie, asked if the property would be next to another existing apartment complex.

Cristina Garcia, Senior Planner, confirmed that the property was next to an existing apartment complex.

Chairman, Danny Wylie, asked if Caffery Street was a narrow street.

Cristina Garcia, Senior Planner, stated the property meets the area requirement for existing apartments.

Chairman, Danny Wylie, asked if the added traffic from the additional apartments would cause a problem.

Cristina Garcia, Senior Planner, stated the traffic from the additional apartments would not cause a problem.

There being no further discussion Romeo Robles moved to **approve** the rezoning request for a change of zone from Single-Family Residential District (R-1) to Multi Family Residential District (R-3). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PLAT APPROVAL

- 1) R. GUTIERREZ CORPORATION, REPRESENTING ANDRES RODRIGUEZ AND ISMAEL RODRIGUEZ, OWNER'S, ARE REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED REPLAT OF LOT 28, ADDITION TO LAS MILPAS SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 1.00 ACRE TRACT OF LAND, BEING ALL OF LOT 28, ADDITION TO LAS MILPAS SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY PHYSICAL ADDRESS IS 304 WEST LAS MILPAS ROAD. SUB#180825**

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 Two Family Multi-Family District (R-2) to the north and west, Single Family Residential District (R-1) to the south and Two Family Multi-Family District (R-2) and High Density Multi-Family District (R-4) to the east. The property is designated for single family in the Land Use Plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed Replat of Lot 28, Addition to Las Milpas 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, referred to memo attachment, Other #8, "Existing homes shall meet City of Pharr setback ordinance" and asked if there were already homes on the property.

Eddie Martinez, Planner II, stated there were homes on the property.

Chairman, Danny Wylie, asked if they had already met the setback requirements.

Eddie Martinez, Planner II, stated that once they bring in the site plan, we would verify that the setbacks are met.

Chairman, Danny Wylie, asked what would happen should the setbacks not be met on the site plan.

Eddie Martinez, Planner II, stated that they were currently on pad and piers and could be moved to the proper setback.

There being no further discussion Luis Madrigal moved to **approve** the request for preliminary plat approval of the proposed Replat of Lot 28, Addition to Las Milpas Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 2) **MELDEN & HUNT INC., REPRESENTING CARLOS VARELA, REGISTERED AGENT FOR VARCO PHARR LAND, LLC., IS REQUESTING FINAL 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 final plat approval of the proposed Junction View 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 final plat approval of the proposed Junction View Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM E. ANNOUNCEMENTS/OTHER BUSINESS

None.

ITEM F. CLOSED SESSION

None.

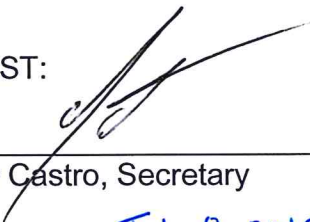
ITEM G. RECONVENE

None.

ITEM H. ADJOURNMENT

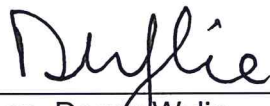
There being no further business Romeo Robles moved to **adjourn**. Charlie Ramirez second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:24 p.m.

ATTEST:



Andy Castro, Secretary

APPROVED: July 8, 2019



Chairman, Danry Wylie