

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. August 26, 2019 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, August 26, 2019 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Luis Madrigal
 Romeo Robles Rafael Munguia
 Andy Castro Charlie Ramirez

ABSENT: Jonathan Larraga

OTHERS PRESENT: See attached list

STAFF PRESENT: Patricia Rigney, City Attorney
 Roland Gomez, Assistant Director
 Cristina Garcia, Senior Planner
 Eddie Martinez, Planner II
 Della Robles, Planer I
 Roy Rodriguez, Interim Building Official
 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.

Rafael Munguia 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 AUGUST 12, 2019

Chairman, Danny Wylie, introduced the item.

There being no discussion Luis Madrigal moved to approve the minutes of August 12, 2019. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM C. PUBLIC HEARING

- 1) T.W.O. HOLDINGS, LLC. HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM GENERAL BUSINESS DISTRICT (C) TO HEAVY COMMERCIAL DISTRICT (H-C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING APPROXIMATELY 1.068-ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 96, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 5201 NORTH VETERANS BOULEVARD. COZ#190754**

Della Robles, Planner I, introduced the item and stated the property is currently zoned General Business District (C). The property was zoned to General Business District (C) on April 21, 1992. The property directly to the south was zoned to Heavy Commercial District (H-C) on May 19, 1992. The properties to the north and west are zoned Agricultural and/or Open Space District (A-O) and city limits lie to the east. There have been no other zoning requests within the general vicinity of the subject property since that time. This area is generally designated for public/semi-public and commercial use in the Land Use Plan. She further reported eight (8) 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) request for public hearing in opposition of the item.

Della Robles, Planner I, further stated staff recommended approval of the request to re-zone to Heavy Commercial District (H-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, 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, Luis Gazca.

Luis Gazca, residing at 5209 North Veterans, stated he has issues with the lack of pavement and dirt brought onto his property by the movement of trucks at the place of business being discussed. He continued to state he has property damage since the winds come in from the South and the diesel fumes stick to his cars, home, and trees. Mr. Gazca stated he had been in contact with Code Compliance Supervisor, Rick Gamboa, in regard to his ongoing concerns. He stated the EPA had been called and there was an ongoing investigation. He continued to add that he was looking to take legal action against the property owners. Mr. Gazca stated if the property owner would like to be in compliance, they would need to add cement, fire hydrants, and irrigation. He stated birds are drinking the water used to wash the trucks and motors which result in dead birds on his yard.

Chairman, Danny Wylie, closed the public hearing and opened the item for discussion and action.

Rafael Munguia suggested the item be discussed in executive session.

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 6:07 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 6:25 p.m., Chairman Wylie stated the commission would be resuming the open meeting.

ITEM C. PUBLIC HEARING

- 1) **T.W.O. HOLDINGS, LLC. HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM GENERAL BUSINESS DISTRICT (C) TO HEAVY COMMERCIAL DISTRICT (H-C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING APPROXIMATELY 1.068-ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 96, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 5201 NORTH VETERANS BOULEVARD. COZ#190754**

Chairman, Danny Wylie, requested a representative for the item approach the podium.

Willie Arriata, stated the property owner, Abraham Saenz, was selling the property to Benjamin Cavazos. He stated Mr. Cavazos was going through the subdivision process to fix the issues of the property's parking which is affecting his employees. He stated Mr. Cavazos was waiting for the City's approval before putting in the money to fix the issue.

Chairman, Danny Wylie, confirmed Mr. Arriata heard and understood Mr. Gazca's concerns.

Willie Arriata confirmed he heard and understood Mr. Gazca's concerns. He stated Mr. Cavazos' employees are also affected by the dust since they work on the back of property.

Chairman, Danny Wylie, stated there was a process that needed to be followed as well as complete within the time limit.

Willie Arriata stated they were waiting on the preliminary approval, then moving on to improvements, and then final.

Luis Madrigal asked Willie Arriata the type of material that would be used.

Willie Arriata stated they would regrade the property and put down three (3) inches of compacted gravel.

Chairman, Danny Wylie, questioned the use of gravel for the parking lot.

Willie Arriata stated the Engineering Department approved the concept on two (2) previous projects in South Pharr for truck parking lots. He continued to state it was compared to the Truegrid previously approved by the City and it was working well for drainage and to control dust.

Chairman, Danny Wylie, asked the type of material to be used for the buffer.

Willie Arriata, stated by using the gravel the issue of dust is eliminated.

Chairman, Danny Wylie, asked about the buffer between commercial and residential.

Willie Arriata stated the property to the North was not zoned residential.

Roland Gomez, Assistant Director for Development Services, stated a buffer is required when abutting residential use. He continued to state that an opaque fence would be required for the North side of the property abutting the residential use and a Planner could assist with the allowable materials.

Rafael Munguia asked about a designated area for the truck washouts.

Willie Arriata referred to the diagram and stated the trucks are currently being washed in the area notated as concrete area. He continued to state the fence and gravel would be placed in the area notated as caliche area.

Rafael Munguia confirmed the applicant would be going through the subdivision process so City requirements would need to be met.

Willie Arriata confirmed Mr. Munguia's statement.

There being no further discussion, Luis Madigal moved to approve the rezoning request for a change of zone from General Business District (C) to Heavy Commercial District (H-C). Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PLAT APPROVAL

- 1) **NAIN ENGINEERING, L.L.C., REPRESENTING ABRAHAM SAENZ JR., MEMBER OF T.W.O. HOLDINGS, L.L.C., IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED G.E.C. SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 4.13 ACRE TRACT OF LAND OUT OF LOT 96, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY PHYSICAL ADDRESS IS 5201 NORTH VETERANS BLVD. ("I" RD.) SUB#190718**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned General Business District (C) and Heavy Commercial District (H-C). The adjacent zones are Agricultural Open Space District (A-O) to the north, south and west and city limits to the east. The property is designated for commercial and public/semi-public use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed G.E.C. 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 G.E.C. Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 2) **SPOOR ENGINEERING CONSULTANTS, INC., REPRESENTING AMELIO RIVAS JR. AND GLORIA M. RIVAS, OWNERS, ARE REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED ROXANNE SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.35 ACRE TRACT OF LAND OUT OF A 3.00 ACRE TRACT OF LAND, OUT OF THE SOUTH 24.19 ACRES OF LOT 5, BLOCK 12, A.J. MCCOLL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1600 BLOCK OF WEST ANAYA ROAD. SUB#190514**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently Single Family Residential District (R-1). The adjacent zones are Agricultural Open Space District (A-O) to the north, east, south and west. The property is designated for commercial use in the Land Use Plan. He added a variance was being requested and

staff recommended preliminary plat approval of the proposed Roxanne Subdivision without the variance subject to the conditions.

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

Roxanne Rivas, residing at 907 Sunchase Street, San Juan, stated she was the daughter of Amelio and Gloria Rivas and the purpose of the request was to cut a piece of land out for herself to live on. She stated she was one of two children and wanted to be close to her parents as they are older and needed assistance with daily activities. Ms. Rivas continued to state the cost of expanding the road was the reason for the variance request.

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 Roxanne Subdivision without the requested variance. Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

ITEM E. ANNOUNCEMENTS/OTHER BUSINESS

None.

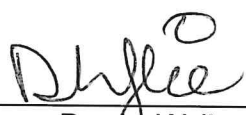
ITEM H. ADJOURNMENT

There being no further business Romeo Robles moved to adjourn. Charlie Ramirez second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:36 p.m.

ATTEST:



Andy Castro, Secretary



Chairman, Danny Wylie

APPROVED: September 23, 2019