

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. July 13, 2020 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, July 13, 2020 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie
Romeo Robles

**MEMBERS PRESENT
VIA VIDEO**

CONFERENCE: Luis Madrigal Rafael Munguia
Jonathan Larraga

ABSENT: Andy Castro

OTHERS PRESENT: See attached list

STAFF PRESENT: Edward Wylie, Interim City Manager
Roy Rodriguez, Interim Assistant Director
Della Robles, Planner I
Anaisa Licerio, Planner I
Iris Mata, Secretary
Patricia Rigney, City Attorney

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. Romeo Robles seconded the motion and when put to a vote it carried unanimously.

Charlie Ramirez requested a minute of silence for the fallen McAllen Police Officers.

ITEM B. PUBLIC TESTIMONY

None.

ITEM C. APPROVAL OF MINUTES

1) MINUTES OF JUNE 29, 2020

Chairman, Danny Wylie, introduced the item.

There being no discussion Romeo Robles moved to **approve** the minutes of June 29, 2020. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PUBLIC HEARING

- 1) ANGELA OLIVA HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO NEIGHBORHOOD COMMERCIAL DISTRICT (N-C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOTS 12 AND 13, FORD'S SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 410 WEST SAM HOUSTON AVENUE. COZ#200628**

Della Robles, Planner I, introduced the item and stated the property and the surrounding properties to the north, east and west were zoned to Single-Family Residential District (R-1) on March 30, 1982, when the city adopted the current zoning ordinance we use today. A portion of the property to the south is zoned Agricultural and/or Open Space District (A-O) and the remaining portion of the property was rezoned to Office Professional District (O-P) on March 11, 2008. There have been no other zoning requests within the general vicinity of the subject property since that time. The property is generally designated for commercial use in the Land Use Plan. She further reported sixteen (16) 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 legal notice.

Della Robles, Planner I, further stated staff recommended approval of the request to re-zone to Neighborhood Commercial District (N-C) as the property meets area requirements, have adequate ingress and egress and is compatible with the properties located on the west and south. 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 Romeo Robles moved to **approve** the rezoning request for a change of zone from Single-Family Residential District (R-1) to Neighborhood Commercial District (N-C). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 2) **LITTLE EXPLORERS DEVELOPMENT & LEARNING CENTER, LLC. HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM AGRICULTURAL AND/OR OPEN SPACE DISTRICT (A-O) AND SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 2.499-ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 5, BLOCK 8, A.J. MCCOLL SUBDIVISION AND BEING A 0.458-ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 1, C.D. SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED 2301 SOUTH JACKSON ROAD. COZ#200629**

Della Robles, Planner I, introduced the item and stated the front portion of the property is currently zoned Agricultural and/or Open Space District (A-O) and the remaining portion along with the property to the east was zoned to Single-Family Residential District (R-1) on August 06, 1985. The property to the north was zoned to Residential Multi-Family High Density (R-MFHD) on December 21, 1982. On January 08, 1985, the property to the south was zoned to Townhouse Residential District (R-TH) and Pharr city limits lie to the west. There have been no other zoning requests within the general vicinity of the subject property since that time. The property is generally designated for commercial and multi-family use in the Land Use Plan. She further reported forty-seven (47) 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 five (5) telephone calls in opposition of the item and six (6) individuals signed up to speak at the public hearing.

Della Robles, Planner I, 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 and is in line with the Future Land Use Plan. 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 were 4 individuals signed up to speak.

Della Robles, Planner I, representing Abraham Buentello, residing at 2401 S. Jackson Rd. #7, read Mr. Buentellos statement. Mr. Buentello stated his property would be less attractive to future home buyers should he decide to sell and would create more traffic and congestion. He also commented his concern for a future business to be established at the location and additional noise to his backyard.

Della Robles, Planner I, representing Windielyn Labrador, residing at 2401 S. Jackson Rd. #14, read Ms. Labrador's statement. Ms. Labrador stated the traffic on Jackson Road is already heavy and having two (2) schools in one block would not help.

She continued to state that this would add to the amount of accidents in this area and she was against the change of zone.

Deyanira Robles, residing at 100 West Moore Road, Lot 47, and owning Lots 9, 10, and 12 at Dunlyn Estates, stated there were one hundred and sixty-nine (169) families between Dunlyn Estates and Dunlyn Acres which are on each side of the property. She stated the residents already have trouble getting in and out of the subdivision with the high traffic. She continued to state that the centerline would likely be full in the morning and afternoon hours which would make it more difficult for the families to enter or exit their subdivision. Mrs. Robles compared the traffic to the Oratory on Moore Rd. and Jackson Rd. and mentioned there was also an adult daycare on the same block as well.

Rosa Maria Ayala, Manager for Dunlyn Estates Co-Owners Association, residing at 2401 South Jackson Rd. #62, spoke in Spanish.

Mr. Wylie questioned if this property was part of the subdivision.

Della Robles, stated the property was not a part of the Dunlyn Estates subdivision and was in the subdivision process.

Chairman, Danny Wylie, asked for elaboration from City Attorney, Patricia Rigney, in regard to the two separate entities.

Patricia Rigney, City Attorney, stated that in the Local Government Code 211.006, the requirement to notify the surrounding property owners and does not make a distinction of them being in a gated subdivision. She continued to state a petition signed by each individual property owner would still be required to be in opposition of the change of zone.

Chairman, Danny Wylie, confirmed that the petition could be presented to the City Commission.

Patricia Rigney, City Attorney, stated the ultimate decision would be at the City Council level with respect to the petition and if the required number of signatures were present to affect the majority vote required to change the zone.

Rafael Munguia questioned if the change of zone was in line with the Future Land Use Plan.

Chairman, Danny Wylie, stated it was and referred to checklist in the Agenda Packet.

Ruben de Jesus, Melden & Hunt, representing the applicant, stated the purpose of the change of zone was for a daycare with forty (40) to fifty (50) students. He stated during the subdivision process traffic would be addressed per the City's requirements. Mr. de Jesus stated the site plan would also be presented as it is planned to use the existing structure and make the proper improvements to meet the daycare requirements.

He continued to state that the property would not change very much as they are wanting to give the children enough area to play and beautify the area.

Chairman, Danny Wylie, asked if the current entrances and exits were on Jackson Road and if there were plans to change those.

Ruben de Jesus stated that the current entrances and exits would be utilized.

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) and Single-Family Residential District (R-1) to General Business District (C). Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

ITEM E. PLAT APPROVAL

- 1) **MELDEN AND HUNT INC, REPRESENTING 3100 SUGAR SUBDIVISION, LTD., A TEXAS LIMITED PARTNERSHIP, IS REQUESTING A PRELIMINARY PLAT APPROVAL OF THE PROPOSED D & F SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 5.458 ACRES OF LAND, BEING PART OR PORTION OUT OF LOT 135, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 3106 NORTH SUGAR ROAD. SUB#200414**

Della Robles, Planner I, introduced the item. She stated the property is currently zoned Agricultural and/or Open Space District (A-O). The adjacent zones are Heavy Commercial District (H-C) to the north, east, and south and Heavy Commercial District (H-C) and General Business District (C) to the west. The property is designated for industrial use in the Land Use Plan. She added no variances were being requested and staff recommended preliminary plat approval of the proposed D & F 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 D&F 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.

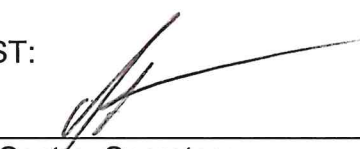
ITEM G. RECONVENE

None.

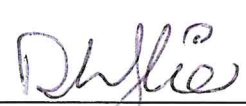
ITEM H. ADJOURNMENT

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



Chairman, Danny Wylie

APPROVED: July 27, 2020