

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. April 24, 2023 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, April 24, 2023 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Rafael Munguia
Jonathan Larraga Luis Madrigal
Mercedes Guillen

ABSENT: Charlie Ramirez Guadalupe Cano
Romeo Robles Andy Castro

STAFF PRESENT: Patricia Rigney, City Attorney
Kimberly Mendoza, Director of Development Services
Anaisa Licerio, Planner II
Eddie Martinez, Planner II
Laura Fonseca, Planner I
Joanna Villarreal, Secretary

ITEM A. CALL TO ORDER

1) ROLL CALL AND POSSIBLE ACTION ON THE EXCUSING OF ANY ABSENT MEMBER

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. PUBLIC TESTIMONY

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

Joanna Villarreal, Secretary, stated there was no one who had signed up to speak.

ITEM C. APPROVAL OF MINUTES

1) MINUTES FOR APRIL 10, 2023

Chairman, Danny Wylie, introduced the item.

Luis Madrigal **moved** to approve the minutes as submitted. Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PUBLIC HEARING:

- 1) LAURA B. TISCARENO, OWNER, FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM HEAVY COMMERCIAL DISTRICT (H-C) TO TOWNHOUSE RESIDENTIAL DISTRICT (R-TH). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 2.0 ACRES, MORE OR LESS, OUT OF THE NORTH ½ LOT 89, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS WITHIN THE 1000 BLOCK OF WEST MINNESOTA ROAD. COZ#230280**

Anaisa Licerio, Planner II, introduced the item and stated Laura B. Tiscareno was requesting a Change of Zone from Heavy Commercial District (H-C) to Townhouse Residential District (R-TH) in order to develop and construct a single-family residence and townhouses as part of a phased development. She went over the property's legal description and physical address and stated the property fronts West Minnesota Road, an 80 ft. major collector street which runs east and west with a posted speed limit of 30 miles per hour or less as identified in the City of Pharr's Thoroughfare Plan.

Anaisa Licerio, Planner II, stated the property was currently zoned Heavy Commercial District (H-C) and the properties to the east and west were annexed on September 19, 1989, and were zoned to Heavy Commercial District (H-C). The property to the south was zoned to Medium Density Multi-Family Residential District (R-3) on October 19, 2004 and the properties to the north were zoned to Agricultural and/or Open Space District (A-O) upon annexation to the City of Pharr on March 6, 1984. She further stated there have been no other zoning requests within the general vicinity of the subject property since that time and the property was generally designated for commercial use in the Land Use Plan.

Anaisa Licerio, Planner II, further stated the Residential Townhouse District (R-TH) was established to provide adequate space and site diversification for medium-density residential development that was single-family, on separate lots, and typically owner occupied. She briefly stated townhouse development was a low to medium density use and before zoning to townhouse usage, the increased requirements for street, water and fire protection, wastewater, drainage, and adequate open space must be met. She also stated townhouse developments must be properly buffered from nonresidential uses and protected from high volumes of non-single-family traffic, or from pollution and/or environmental hazards.

Lastly, Ms. Licerio reported twenty-nine (29) letters were mailed out to the surrounding property owners within a two hundred (200) foot radius on April 6, 2023, and

a legal notice was published in the Advance News Journal on April 5, 2023. Staff received no response to the letters or the legal notice.

Anaisa Licerio, Planner II, stated staff recommended **denial** of the request to re-zone from Heavy Commercial District (H-C) to Townhouse Residential District (R-TH) due to property not being in line with the future land use plan.

Anaisa Licerio, Planner II, further stated the Planning and Zoning Commission voted unanimously to approve the request for a change of zone from Heavy Commercial District (H-C) to Townhouse Residential District (R-TH) at their meeting on Monday, March 27, 2023.

Chairman, Danny Wylie, asked if applicant had any comments. Pablo Soto, Engineer, representing Laura B. Tiscareno briefly stated to the north and east were residential, to the south was multi-family and the property to the west was vacant previously known as Victoria Steel.

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, and the item was opened for discussion.

At this time, Board Member Rafael Munguia requested the item to be discussed in closed session. There was no objection.

ITEM G. 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 6:06 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 H. RECONVENE:

The time being 6:52 p.m., Chairman, Danny Wylie stated the commission would be resuming the open meeting.

- 1) LAURA B. TISCARENO, OWNER, FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM HEAVY COMMERCIAL DISTRICT (H-C) TO TOWNHOUSE RESIDENTIAL DISTRICT (R-TH). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 2.0 ACRES, MORE OR LESS, OUT OF THE NORTH ½ LOT 89, KELLY-**

PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS WITHIN THE 1000 BLOCK OF WEST MINNESOTA ROAD. COZ#230280

Anaisa Licerio, Planner II, reintroduced the item.

Luis Madrigal moved to deny the request to rezone from Heavy Commercial District (H-C) to Townhouse Residential District (R-TH). Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

- 2) THOMAS F. PHILLIPS, OWNER, FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A LIFE OF THE USE CONDITIONAL USE PERMIT TO ALLOW A SELF-STORAGE FACILITY IN A GENERAL BUSINESS DISTRICT (C) AND LIMITED INDUSTRIAL DISTRICT (L-I). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 5.28 ACRES, MORE OR LESS, OUT OF LOT 6, BLOCK 5, A.J. MCCOLL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS WITHIN THE 2400-2800 BLOCK OF NORTH JACKSON ROAD. CUP#230388**

Anaisa Licerio, Planner II, introduced the item and stated Thomas F. Phillips was requesting a Life of the Use Conditional Use Permit to allow a Self-Storage facility in a General Business District (C) and Limited Industrial District (L-I). She went over the property's legal description and physical address and stated the property was currently zoned General Business District (C) and Limited Industrial District (L-I). She further stated the surrounding area was zoned General Business District (C) and Limited Industrial District (L-I) to the north, Limited Industrial District (L-I) and Residential Multi-Family High Density District (R-MFHD) to the east, Residential Multi-Family District (R-MF) to the south, and a portion to the west was General Business District (C) and the remaining were the city limits. She stated the area was generally designated for commercial and multi-family use in the Land Use Plan.

Anaisa Licerio, Planner II, reported Fire Department and Code Compliance Division were pending inspection of the Conditional Use Permit, and Planning Division was recommending approval. She stated three (3) letters were mailed out to the surrounding property owners within a 300-foot radius on April 6, 2023, and a legal notice was published in the Advance News Journal on April 5, 2023. Staff received no response to the letters or the legal notice.

Anaisa Licerio, Planner II, briefly stated inspections were pending due to storage being under construction and stated staff recommended approval of the Life of the Use Conditional Use Permit to allow a Self-Storage facility in a General Business District (C) and Limited Industrial District (L-I) subject to applicant and site be in compliance with all City Ordinances and City Department requirements.

Chairman, Danny Wylie, asked if applicant had any comments. Thomas F. Phillips, owner, stated they would like to build a storage facility.

At this time, 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.

There being no further discussion, Rafael Munguia moved to approve the request for a Life of the Use Conditional Use Permit to allow a Self-Storage facility in a General Business District (C) and Limited Industrial District (L-I). Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

3) MELDEN AND HUNT INC., REPRESENTING TRAILS ON JACKSON LLC., OWNER, FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM GENERAL BUSINESS DISTRICT (C) TO RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT (R-MFHD). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 7.059 ACRES, MORE OR LESS, OUT OF LOTS 1 THROUGH 28, BROTHERS COMMERCE CENTER SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 4800-5000 BLOCK OF NORTH JACKSON ROAD. COZ#230387

Laura Fonseca, Planner I, introduced the item and stated Melden and Hunt Inc., representing Trails on Jackson LLC. was requesting a Change of Zone from General Business District (C) to Residential Multi-Family High Density District (R-MFHD) in order to develop and construct apartments. She went over the property's legal description and physical address and stated the subject site was located on the east side of North Jackson Road, approximately 900 ft. south of West Minnesota Road. She stated the property fronts North Jackson Road, a 120 ft.-150 ft. principal arterial that runs north and south with a posted speed limit of 40 to 55 miles per hour as identified in the City of Pharr's Thoroughfare Plan.

Laura Fonseca, Planner I, reported the property was rezoned from Agricultural and/or Open Space District (A-O) to General Business District (C) on April 1, 2008. The property to the east was zoned Agricultural and/or Open Space District (A-O) since annexed on October 13, 1989 and a portion of the property to the north was rezoned from Agricultural and/or Open Space District (A-O) to General Business District (C) on April 1, 2008. She stated another portion of the north was rezoned from Agricultural and/or Open Space District (A-O) to General Business District (C) on May 12, 2015 and the property to the south was rezoned from Agricultural and/or Open Space District (A-O) to General Business District (C) on April 17, 2023. She further stated the property was generally designated for commercial and multi-family residential use in the Land Use Plan.

Laura Fonseca, Planner I, further reported the Residential Multi-Family High Density District (R-MFHD) was established to provide adequate space and site

diversification for medium to high density areas. She stated that would be a zone for transitional areas developed for single-family usage, but due to the need for rehabilitation, or changes in the character of the neighborhood, it was now deemed suitable for some multi-family development. She explained the zone allowed medium to high density developments and should be located where additional requirements for streets, water and fire protection, wastewater, drainage, and adequate open space shall be met.

Laura Fonseca, Planner I, also reported R-MFHD uses should not run traffic over long distances of single-family residential-sized streets or neighborhoods and should be located close to arterials or collectors capable of carrying the additional traffic. She explained multi-family developments were not a buffer between single-family and commercial uses and should be properly buffered from nonresidential land uses and traffic, or from pollution and environmental hazards. She reported six (6) letters were mailed out to the surrounding property owners on April 6, 2023, and a legal notice was published in the Advance News Journal on April 5, 2023. Staff received no response to the letters or the legal notice.

Laura Fonseca, Planner I, stated staff recommended denial of the request to rezone from General Business District (C) to Residential Multi-Family High Density District (R-MFHD) due to the majority of the property not being in line with the future land use plan.

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

Mario Reyna, Project Engineer, explained development trend on both sides of Jackson Road was multi-family. He stated the zone was adequate for high development with an estimated 24 million dollars to construct including many amenities which include pickleball, basketball courts, pools etc.

Board member, Rafael Munguia, asked if Lot 1 fronting Jackson Road would be commercial or parking. Mario Reyna, Project Engineer, briefly stated replat to 1 lot.

Board member, Rafael Munguia, asked if a buffer to Jackson Road would be in place. Mr. Reyna stated there was no buffering.

Chairman, Danny Wylie, closed the public hearing. There being no discussion, Mr. Wylie opened the item for board discussion, there being no discussion he opened the floor for a motion.

Board member Jonathan Larraga **moved** to approve the request to rezone from General Business District (C) to Residential Multi-Family High Density District (R-MFHD). Luis Madrigal seconded the motion and when put to a vote, it carried by a majority 4 ayes and 1 nay. Chairman, Danny Wylie, voted against.

ITEM E. PLATS:

HALFF ENGINEERING, REPRESENTING PHIL DYER, MANAGER OF CAPOTE FARMS GP, L.L.C., IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED CAPOTE INTERNATIONAL BUSINESS PARK PHASE VI LOTS 1 & 2 SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING 19.522 ACRES OUT OF LOTS 3 & 4 OF THE CLOSNER SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1000 BLOCK OF EAST CAPOTE CENTRAL AVENUE. SUB#220720

Eddie Martinez, Planner II, introduced the item and stated HALFF Engineering, representing Phil Dyer, Manager of Capote Farms GP L.L.C. was requesting final plat approval of the proposed Capote International Business Park Phase VI Lots 1 & 2 Subdivision. He went over the property's legal description and stated the property was located within the 1000 Block of East Capote Central Avenue. He further stated the property was currently zoned Limited Industrial District (L-I) and the adjacent zones were Agricultural Open/Space District (A-O) and Limited Industrial District (L-I) to the north, Limited Industrial District (L-I) to the south and west and City limits to the east. The property was designated for industrial use in the Land Use Plan which was zoned and proposed for warehouses.

Eddie Martinez, Planner II, stated staff recommended final plat approval of the proposed Capote International Business Park Phase VI Lots 1 & 2 Subdivision subject to the following conditions as noted in the packet.

There being no discussion, Rafael Munguia moved to approve the request for final plat approval of the proposed Capote International Business Park Phase VI Lots 1 & 2 Subdivision. Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

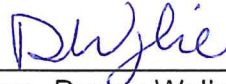
ITEM F. ANNOUNCEMENTS/OTHER BUSINESS:

Kimberly Mendoza, Director of Development Services welcomed the new alternate member, Mercedes Guillen.

ITEM I. ADJOURNMENT

There being no further business, Jonathan Larraga moved to adjourn. Rafael Munguia seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 7:06 p.m.

PLANNING & ZONING COMMISSION



Chairman, Danny Wylie

ATTEST:



Andy Castro, Secretary

APPROVED: May 8, 2023