

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. May 08, 2023 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, May 08, 2023 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Rafael Munguia
 Charlie Ramirez Jonathan Larraga
 Guadalupe Cano

ABSENT: Luis Madrigal Mercedes Guillen
 Romeo Robles Andy Castro

STAFF PRESENT: Patricia Rigney, City Attorney
 Anali Alanis, Interim City Manager
 Kimberly Mendoza, Director of Development Services
 Laura Fonseca, Planner I
 Eddie Martinez, Planner II
 Roy Rodriguez, Assistant Director of Building and Code
 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.

Rafael Munguia moved to excuse the absent members. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM B. PUBLIC TESTIMONY

No one signed up.

ITEM C. APPROVAL OF MINUTES

1) MINUTES FOR APRIL 24, 2023

Chairman, Danny Wylie, introduced the item.

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

ITEM D. PUBLIC HEARING:

- 1) SAMES INC., REPRESENTING LORD & GONZALEZ INVESTMENT GROUP LLC., OWNER 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 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 24.81 ACRES, MORE OR LESS, LOT 96, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS WITHIN THE 1100-1300 BLOCK OF EAST MINNESOTA ROAD. COZ#230497**

Laura Fonseca, Planner I, introduced the item and stated SAMES Inc., representing Lord & Gonzalez Investment Group LLC., owner was requesting a Change of Zone from Agricultural and/or Open Space District (A-O) to Single-Family Residential District (R-1) to develop and construct single family lots. She went over the property's legal description and physical address and stated the property was located on the south side of East Minnesota Road, approximately 950 ft. west of North Veterans Boulevard and the property fronts East Minnesota Road, an 80 ft. major collector that 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.

Laura Fonseca, Planner I, stated the property was currently zoned Agricultural and/or Open Space District (A-O) upon annexation on July 23, 1991 and the property to the west was rezoned from Agricultural and/or Open Space District (A-O) to Residential Multi-Family District (R-MF) on May 16, 2022 and the property to the south was rezoned from Agricultural and/or Open Space District (A-O) to Single-Family Residential District (R-1) on September 8, 2020. She also stated the portion of the property to the east was rezoned from Agricultural and/or Open Space District (A-O) to General Business District (C) on March 20, 2007, and another portion was zoned from Agricultural and/or Open Space District (A-O) to Heavy Commercial District (H-C) on May 19, 1992. She further stated the city limits lie to the north side of the property and there have been no other rezoning requests within the general vicinity of the subject property since that time. She reported the property was generally designated for single-family residential use in the Land Use Plan.

Laura Fonseca, Planner I, further stated the Single-Family District was intended to be composed of single-family dwellings together with public, denominational, and private schools, churches, and public parks essential to create basic neighborhood units. She briefly stated the areas that were zoned for this use shall have water, wastewater, drainage, and access to paved streets based on single-family usage. She also stated It was intended for areas that were properly buffered from nonresidential uses and

protected from pollution and/or environmental hazards or from high volume of non-single-family traffic.

Lastly, Ms. Fonseca reported thirty-eight (38) letters were mailed out to the surrounding property owners on April 21, 2023, and a legal notice was published in the Advance News Journal on April 19, 2023. Staff received no response to the letters or the legal notice.

Laura Fonseca, Planner I, stated staff recommended approval of the request to re-zone from Agricultural and/or Open Space District (A-O) to Single-Family Residential District (R-1) as the property met area requirements and was in line with the future land use plan.

Laura Fonseca, Planner I, further stated the Planning and Zoning Commission voted unanimously to approve the request for a change of zone from Agricultural and/or Open Space District (A-O) to Single-Family Residential District (R-1) at their meeting on Monday, May 8, 2023.

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.

There being no discussion, Jonathan Larraga moved to approve the request to re-zone from Agricultural and/or Open Space District (A-O) to Single-Family Residential District (R-1). Charlie Ramirez seconded the motion and when put to vote, it carried unanimously.

2) IRASEMA ALMAZAN, REPRESENTING CLAUDIA PAHOLA ALMAZAN-SALINAS, OWNER, FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO HEAVY COMMERCIAL DISTRICT (H-C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 0.442 ACRES, MORE OR LESS, OUT OF THE EAST ½ OF LOT 11, AND OF ALL LOTS 12-16, BLOCK 27, PHARR ORIGINAL TOWNSITE SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 11 NORTH BIRCH STREET. COZ#230494

Laura Fonseca, Planner I, introduced the item and stated Irasema Almazan, representing Claudia Pahola Almazan-Salinas, owner, was requesting a Change of Zone from Single-Family Residential District (R-1) to Heavy Commercial District (H-C) to bring the subject property into compliance. She went over the property's legal description and physical address and stated the property was located at the southwest corner of East Clark Avenue and North Birch Street, with a physical address of 11 North Birch Street and stated the property fronts North Birch Street, a 70 ft. minor collector street that runs

north and south with a posted speed limit of 30 miles per hour as identified in the City of Pharr's Thoroughfare Plan.

Laura Fonseca, Planner I, stated the property and the property to the north were zoned Single-Family Residential District (R-1) on June 15, 1982, when the city adopted the current Zoning Ordinance used today. The properties to the west and south were rezoned from Single-Family Residential District (R-1) to Heavy Commercial District (H-C) on May 6, 1986. She further stated the property to the east was zoned Single Family Residential District (R-1A) and there have been no other zoning requests within the vicinity of the subject property since that time and the property was generally designated for single family residential use in the Land Use Plan.

Laura Fonseca, Planner I, further stated the Heavy Commercial District (H-C) was established to provide adequate space and site diversification for commercial establishments which would involve influences that would be objectionable in the other commercial districts or adjacent to residential districts. She briefly stated in the district were commercial uses that involve large volumes of truck traffic, outside operations and storage of materials and equipment, either for sale or as part of the business, excessive noise from heavy service operations, or any other possibly blighting influences. The district was commercial in nature but had some aspects that were similar to industrial uses. She reported the noise, traffic, litter, late-night hours, outside storage of materials and equipment, and other possibly blighting influences require adequate buffering.

Laura Fonseca, Planner I, reported eighteen (18) letters were mailed out to the surrounding property owners on April 21, 2023, and a legal notice was published in the Advance News Journal on April 19, 2023. Staff received one (1) response to the letters for information and no response to the legal notice.

Laura Fonseca, Planner I, stated staff recommended approval of the request to re-zone from Single-Family Residential District (R-1) to Heavy Commercial District (H-C) as the property's met area requirements, have adequate ingress and egress and will be compatible with surrounding properties.

Laura Fonseca, Planner I, further stated the Planning and Zoning Commission voted unanimously to approve the request for a change of zone from Single-Family Residential District (R-1) to Heavy Commercial District (H-C).

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.

There being no discussion, Jonathan Larraga **moved** to approve the request to re-zone from Single-Family Residential District (R-1) to Heavy Commercial District (H-C). Charlie Ramirez seconded the motion and when put to vote, it carried unanimously.

3) RAUL ALEJANDRO ZARATE, REPRESENTING PEÑA REAL ESTATE INVESTMENTS, LLC., HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM OFFICE AND PROFESSIONAL DISTRICT (O-P) TO GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 0.779 ACRES, MORE OR LESS, OUT OF LOT 147, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 301 EAST FERGUSON AVENUE. COZ#230493

Laura Fonseca, Planner I, introduced the item and stated Raul Alejandro Zarate, representing Peña Real Estate Investments, LLC., was requesting a Change of Zone from Office and Professional District (O-P) to General Business District (C) in order to develop and construct an event center. She went over the property's legal description and physical address and stated the property was located on the northeast corner of East Ferguson Avenue and North Cypress Street, with a physical address of 301 East Ferguson Avenue and stated the property fronts East Ferguson Avenue, a 120 ft – 150 ft. principal arterial street that runs east and west with a posted speed limit of 40 - 55 miles per hour as identified in the City of Pharr's Thoroughfare Plan.

Laura Fonseca, Planner I, stated the property was rezoned from Single-Family Residential District (R-1) to Office and Professional District (O-P). The property to the west was rezoned from General Business District (C) to Single-Family Residential District (R-1) on August 17, 1999. She further stated the property to the east and north were rezoned from Agricultural and/or Open Space District (A-O) to General Business District (C) and Single-Family Residential District (R-1) on May 14, 2002 and the property to the south was rezoned from Single-Family Residential District (R-1) to General Business District (C) on July 26, 1983. There have been no other zoning requests within the general vicinity of the subject property since that time. The property was generally designated for single family residential use in the Land Use Plan.

Laura Fonseca, Planner I, further stated the General Business District (C) was established to provide adequate space and site diversification for most types of commercial development in the City of Pharr. She explained larger shopping centers and most existing commercial strips along major arterials would be included in this district. The noise, traffic, litter, late-night hours, and possible blighting influences require adequate buffering from residential areas, and the traffic from such uses should not pass-through residential areas, except on arterials or major collectors.

Lastly, Ms. Fonseca reported nine (9) letters were mailed out to the surrounding property owners on April 21, 2023, and a legal notice was published in the Advance News Journal on April 19, 2023. Staff received one (1) response for information only to the letters and the legal notice.

Laura Fonseca, Planner I, stated staff recommended approval of the request to re-zone from Office and Professional District (O-P) to General Business District (C) as the property met area requirements and had adequate ingress and egress.

Laura Fonseca, Planner I, further stated the Planning and Zoning Commission voted unanimously to approve the request for a change of zone from Office and Professional District (O-P) to General Business District (C).

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.

There being no discussion, Charlie Ramirez **moved** to approve the request to re-zone from Office and Professional District (O-P) to General Business District (C). Rafael Munguia seconded the motion and when put to vote, it carried unanimously.

4) RAUL ALEJANDRO ZARATE, REPRESENTING PEÑA REAL ESTATE INVESTMENTS, LLC., HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 0.206 ACRES, MORE OR LESS, OUT OF LOT 147, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 301 EAST FERGUSON AVENUE. COZ#230492

Laura Fonseca, Planner I, Raul Alejandro Zarate, representing Peña Real Estate Investments, LLC., was requesting a Change of Zone from Single-Family Residential District (R-1) to General Business District (C) to develop and construct an event center. She went over the property's legal description, physical address, location of property as mentioned above.

Laura Fonseca, Planner I, stated the property and the property to the north were rezoned from General Business District (C) to Single-Family Residential District (R-1) on August 17, 1999. The property to the west was rezoned from Medium Density Multi-Family District (R3) to Heavy Commercial District (H-C) on August 1, 1995. She further stated the property's to the east were rezoned from Single-Family Residential District (R-1) to Office and Professional District (O-P). She further stated there have been no other zoning requests within the general vicinity of the subject property since that time the property was generally designated for single family residential use in the Land Use Plan.

Laura Fonseca, Planner I, further stated the General Business District (C) was established to provide adequate space and site diversification for most types of commercial development in the City of Pharr. She briefly explained larger shopping centers and most existing commercial strips along major arterials would be included in the district. Noise, traffic, litter, late-night hours, and possible blighting influences require

adequate buffering from residential areas, and the traffic from such uses should not pass-through residential areas, except on arterials or major collectors. She further stated sixteen (16) letters were mailed out to the surrounding property owners on April 21, 2023, and a legal notice was published in the Advance News Journal on April 19, 2023. Staff received one (1) response for information only to the letters and the legal notice.

Laura Fonseca, Planner I, stated staff recommended approval of the request to re-zone from Single-Family Residential District (R-1) to General Business District (C) as the property met area requirements and had adequate ingress and egress.

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.

There being no discussion, Jonathan Larraga **moved** to approve the request to re-zone from Single-Family Residential District (R-1) to General Business District (C). Rafael Munguia seconded the motion and when put to vote, it carried unanimously.

5) JUAN ALBERTO AVILA, D/B/A FIVE-O-FIREARMS, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A HOME OCCUPATION FOR SALES OF FIREARMS IN A SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOT 25, LAS PALMAS SOUTH SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 8611 SOUTH LAS PALMAS DRIVE. COZ#230491

Laura Fonseca, Planner I, introduced the item and stated Juan Alberto Avila, d/b/a Five-O-Firearms, was requesting a Conditional Use Permit to allow a home occupation for sales of firearms in a Single-Family Residential District (R-1). She went over the property's legal description and physical address and stated the property was currently zoned Single-Family Residential District (R-1). She further stated the surrounding area was zoned Single-Family Residential District (R-1) to the north, west and east and Agricultural and/or Open Space District (A-O) to the south and the area was generally designated for single-family residential and irrigation use in the Land Use Plan.

Laura Fonseca, Planner I, reported Fire Department, Police Department and Code Compliance Division had conducted there inspections for Conditional Use Permit and were recommending approval. She stated twenty-four (24) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. Staff received one (1) telephone call for information only.

Laura Fonseca, Planner I, stated staff was recommending approval of the Conditional Use Permit to allow a home occupation for sales of firearms in a Single-Family Residential District (R-1).

Board member Rafael Munguia requested item to be discussed in closed session. Guadalupe Cano seconded the motion. 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) EXECUTION SESSION TO DISCUSS THE ITEMS LISTED ON THE PUBLIC PORTION OF THE MEETING AGENDA IN ACCORDANCE WITH THE FOLLOWING BELOW

The time being 6:20 p.m., Chairman Danny 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 6:40 p.m., Chairman, Danny Wylie stated the commission would be resuming the open meeting.

Chairman, Danny Wylie, closed the board discussion.

There being no discussion, Jonathan Larraga moved to deny the request for a Conditional Use Permit to allow a home occupation for sales of firearms in a Single-Family Residential District (R-1). Guadalupe Cano seconded the motion and when put to vote, it carried unanimously.

ITEM E. PLATS:

1) R. GUTIERREZ ENGINEERING, CORPORATION, REPRESENTING RICHARD GOODMAN, VICE PRESIDENT, REAL ESTATE, CONSTRUCTION AND RETAIL FACILITIES OF LOWE'S OF PHARR SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING 13.01 ACRE TRACT OF LAND CONSISTING OF 3.76 ACRES OUT OF LOT 15, 3.17 ACRES OUT OF LOT 16, 3.45 ACRES OUT OF LOT 17 AND 2.63 ACRES OUT OF LOT 18 PHARR CITRUS ORCHARD CO., SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 700 BLOCK OF SOUTH JACKSON ROAD. SUB#230308

Kimberly Mendoza, Director of Development Services, introduced the item and stated R. Gutierrez Engineering Corporation, representing Richard Goodman, Vice President, Real Estate, Construction and Retail Facilities of Lowe's Home Centers, Inc., A North Carolina Corp., was requesting preliminary plat approval of the proposed Lowe's of Pharr Subdivision. She went over the property's legal description and stated the property was located within the 700 Block of South Jackson, Rd. She further stated the

property was currently zoned General Business District (C) and the adjacent zones were General Business District (C) to the north, east and west, Office Professional District (O-P), Residential Townhouse District (R-TH) and General Business District (C) to the south. The property was designated for commercial use in the Land Use Plan and was zoned for Retail.

Kimberly Mendoza, Director of Development Services, stated staff recommended preliminary plat approval of the proposed Lowe's of Pharr Subdivision subject to the following conditions as noted in the packet.

There being no discussion, Guadalupe Cano **moved** to approve the request for preliminary plat approval of the proposed Lowe's of Pharr Subdivision. Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

2) PABLO SOTO JR., P.E. REPRESENTING ASHLEY ANETTE PEREZ AND HUSBAND, DIEGO ARMANDO TORRES, OWNERS, ARE REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED DIEGO TORRES ESTATES SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.96 ACRE TRACT OF LAND, OUT OF LOT 5, BLOCK 11, A.J. MCCOLL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1400 BLOCK OF WEST GREG DRIVE. SUB#220725

Kimberly Mendoza, Director of Development Services, introduced the item and stated Pablo Soto Jr., P.E., representing Ashley Anette Perez and husband, Diego Armando Torres, Owners, was requesting preliminary plat approval of the proposed Diego Torres Estates Subdivision. She went over the property's legal description and stated the property was located within the 1400 Block of West Greg Drive. She further stated the property was currently zoned Single-Family Residential District (R-1) and the adjacent zones were Single-Family Residential District (R-1) to the north, south, east, and west. The property was designated for single family residential use in the Land Use Plan and was zoned and proposed for single family homes.

Kimberly Mendoza, Director of Development Services, stated staff recommended preliminary plat approval of the proposed Diego Torres Estates Subdivision subject to the following conditions as noted in the packet.

There being no discussion, Jonathan Larraga **moved** to approve the request for preliminary plat approval of the proposed Diego Torres Estates Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

3) HOMERO L. GUTIERREZ, P.E., REPRESENTING MARIO ANAYA, PRESIDENT OF ANGO HOLDINGS, INC., IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED ARIA SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 4.738 ACRE TRACT

**OF LAND OUT OF ALL OF LOT 6, TRI-CITY ACRES SUBDIVISION, PHARR,
HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE
5400 BLOCK OF NORTH SUGAR ROAD. SUB#230305**

Kimberly Mendoza, Director of Development Services, introduced the item and stated Homero L. Gutierrez, P.E., representing Mario Anaya, President of Ango Holdings, Inc., was requesting preliminary plat approval of the proposed Aria Subdivision. She went over the property's legally described and stated the property was located within the 5400 Block of North Sugar Road. She further stated the property was currently zoned Residential Multi-family High Density District (R-MFHD) and the adjacent zones were 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 south, Single Family Residential District (R-1) to the east and Single Family Residential District (R-1) and General Business District (C) to the west. The property was designated for single family residential and commercial use in the Land Use Plan and was zoned for apartments.

Kimberly Mendoza, Director of Development Services, stated staff recommended preliminary plat approval of the proposed Aria Subdivision subject to the following conditions as noted in the packet.

There being no discussion, Jonathan Larraga moved to approve the request for preliminary plat approval of the proposed Aria Subdivision. Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

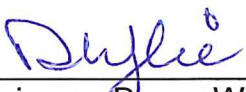
ITEM F. ANNOUNCEMENTS/OTHER BUSINESS:

None

ITEM I. ADJOURNMENT

There being no further business, Charlie Ramirez moved to adjourn. Guadalupe Cano seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:46 p.m.

PLANNING & ZONING COMMISSION



Chairman, Danny Wylie

ATTEST:



Andy Castro, Secretary

APPROVED: May 22, 2023