

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. June 12, 2023 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, June 12, 2023 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Guadalupe Cano
 Charlie Ramirez Mercedes Guillen
 Rafael Munguia

ABSENT: Jonathan Larraga Romeo Robles
 Luis Madrigal Andy Castro

STAFF PRESENT: Kimberly Mendoza, Director of Development Services
 Ricardo Rodriguez, Asst. City Attorney
 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.

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

ITEM B. PUBLIC TESTIMONY

Joanna Villarreal, Secretary, stated there was one individual signed up to speak, Ms. Rebecca Canchola residing at 1105 Walnut Avenue in McAllen, protested against VFW and stated she had three properties in Pharr on Kennedy Street zoned as multifamily where good families reside with children. Additionally she stated an engineer built a tall fence due to vandalism. Lastly, Ms. Canchola stated it would not be right to have a cantina next to thirty or more apartments.

ITEM C. APPROVAL OF MINUTES

1) MINUTES FOR MAY 22, 2023

Chairman, Danny Wylie, introduced the item.

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

ITEM D. PUBLIC HEARING:

- 1) TODD WOMACK, REPRESENTING LASCO DEVELOPMENT CORPORATION, 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 HEAVY COMMERCIAL DISTRICT (H-C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 5.9 ACRES, MORE OR LESS, OUT OF LOT 253, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 100 EAST JAVELINA DRIVE. COZ#230501**

Laura Fonseca, Planner I, introduced the item and stated Todd Womack, representing Lasco Development Corporation, had filed with Planning and Zoning Commission a request for a Change of Zone from Agricultural and/or Open Space District (A-O) to Heavy Commercial District (H-C) to develop a convenience store. She went over the property's legal description and physical address and stated the property was located on the southeast corner of South Cage Boulevard and East Javelina Drive and had the physical address of 100 East Javelina Drive. She also stated the property fronts East Javelina Drive, a 70 ft. minor 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.

Laura Fonseca, Planner I, stated the property and properties to the north, south, east, and west were zoned Agricultural and/or Open Space District (A-O) upon annexation on June 7, 1983. She further stated a portion of the east was rezoned from Agricultural and/or Open Space District (A-O) to Two-Family residential District (R2) on April 20, 2010 and a portion of the west was rezoned from Agricultural and/or Open Space District (A-O) to General Business District (C) on May 20, 2003. Mrs. Fonseca reported there was no other zoning requests within the general vicinity of the subject property since that time. She reported the property was generally designated for commercial 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 which included 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 briefly stated, the noise, traffic, litter, late-night hours, outside storage of materials and equipment, and other possibly lighting influences require adequate buffering. She stated twelve (12) letters were mailed out to the surrounding property owners within a two hundred (200) foot radius on May 26, 2023 and a legal notice was published in the Advance News Journal on May 24, 2023. Staff received one response for information to the letters or the legal notice.

Laura Fonseca, Planner I, stated staff recommended approval of the request to rezone from Agricultural and/or Open Space District (A-O) to Heavy Commercial District (H-C) as the property met area requirements and had adequate ingress and egress and will be compatible with surrounding properties. If approved, the owner must comply with all City Ordinances and City Department requirements.

Laura Fonseca, Planner I, stated there was representation.

Chairman, Danny Wylie, asked if applicant had any comments at the time.

Todd Womack, Project Engineer, thanked all Veterans for their service and briefly stated on their property they would like to develop a stripes convenience store. He stated Development Services staff was very helpful and professional. He further stated he had contacted TXDOT and took care of a few issues. He introduced George Willett, Project Manager, and stated he had done several stripes convenience stores for his company.

Laura Fonseca, Planner I, stated there was representation on behalf of seller.

Bobby Evans, owner, would like to inform he was in favor.

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, Chairman, Danny Wylie, closed the board discussion and opened the floor for a motion.

There being no further discussion, Guadalupe Cano moved to approve the request to rezone from Agricultural and/or Open Space District (A-O) to Heavy Commercial District (H-C). Rafael Munguia seconded the motion and when put to vote, it carried unanimously.

Chairman, Danny Wylie, questioned if the presentation was going to be under the 90 second time and rule.

**2) JOSE ROMO, REPRESENTING JAMES NIKKI ROWE VFW POST 2369,
HAS FILED WITH THE PLANNING AND ZONING COMMISSION A**

REQUEST FOR A CONDITIONAL USE 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 25, BEAMSLEY SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1405 WEST KENNEDY STREET. CUP#230502

Laura Fonseca, Planner I, introduced the item and stated Jose Romo, representing James Nikki Rowe VFW Post 2369, had filed with the Planning and Zoning Commission a request for a Conditional Use Permit to allow the sale of alcoholic beverages for on premise consumption in a General Business District (C). She went over the property's legal description and physical address and stated the property was currently zoned General Business District (C). The surrounding area was zoned General Business District (C) to the south and the properties to the north and east were zoned Residential Multi-Family High Density (R-MFHD). She further stated the property to the west was zoned Single Family Residential District (R-1) and the area was generally designated for commercial in the Land Use Plan.

Laura Fonseca, Planner I, briefly reported Police Department, Fire Department and Code Compliance had approved the Conditional Use Permit and Development Services inspection had not been approved. She stated twenty-eight (28) surrounding property owners were notified of the request by letter on March 26, 2023, and a legal notice was published in the Advance News Journal on May 24, 2023. Staff received one response to the letters or the legal notice.

Laura Fonseca, Planner I, stated staff was recommending disapproval of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C) as the establishment was less than 300 feet from the nearest residential zone and was not in compliance with the minimum parking requirements.

Laura Fonseca, Planner I, stated there was representation.

Chairman, Danny Wylie, asked if the applicant had any comments.

Felix Rodriguez, District Commander of the VFW, would like board members to take into consideration their application.

Jose Romo, Commander and owner, asked for time to raise money to relocate to McAllen since Nikki Rowe was originally from McAllen since 1938.

Felix Rodriguez mentioned it was a family orientation business.

Juan Carlos Milian, mentioned they were across from apartments certain arrangements had been made included extended parking lot area. He briefly stated it was not a cantina and they needed revenue.

Chairman, Danny Wylie, questioned time frame for status to raise money.

Jose Romo, Commander and owner stated he would need at least a year.

Juan Carlos Milian stated veterans have 1.5 percent greater that a veteran will hurt himself and would like to have a place for them to go.

Felix Rodriguez, Director for Hidalgo County Veterans services would be providing his job to put money in veterans pockets that they have earned.

Chairman, Danny Wylie, closed the public hearing and open the item for board discussion.

Charlie Ramirez suggested discussing the previous item in Executive Session.

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 6:22 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 6:47 p.m., Chairman Wylie, stated the commission would be resuming the open meeting.

There being no further discussion, Rafael Munguia moved to approve the Conditional Use Permit to allow the sale of alcoholic beverages for on premise consumption in a General Business District (C) subject to meeting the parking requirements within 90 days. Charlie Ramirez seconded the motion and when put to vote, it carried unanimously.

Board Member Rafael Munguia stated they should meet parking requirements withing 90 days.

Chairman, Danny Wylie, briefly stated within a year they would need to renew their Conditional Use Permit.

Rafael Munguia restated Conditional Use Permits would be for one year.

ITEM E. PLATS:

1) SALINAS ENGINEERING, REPRESENTING JOSHUA TAPIA, PRESIDENT FOR STONEHARD CONSTRUCTION, LLC., IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED SHAMROCK ACRES SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.87 ACRE TRACT OF LAND, MORE OR LESS, CONSISTING OF THE SOUTH 309.50 FEET OUT OF AND FORMING A PART OF LOT 9 OF THE UN-RECORDED PLAT OF PALO VERDE SUBDIVISION NO. 3, BEING OUT OF A PORTION OF LOT 332, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 7600 BLOCK OF SOUTH PALO VERDE CIRCLE. SUB#220309

Eddie Martinez, Planner II, introduced the item and stated Salinas Engineering, representing Joshua Tapia, President for Stonehard Construction, LLC., was requesting final plat approval of the proposed Shamrock Acres Subdivision. He went over the property's legal description and stated the property was located within the 7600 Block of South Palo Verde Circle. He further stated the property was currently zoned Single Family Residential District (R-1). The adjacent zones were Single Family Residential District (R-1) to the north, south, east, and west and the property was designated for single family residential use in the Land Use Plan and was zoned for Single residential homes.

Eddie Martinez, Planner II, stated staff recommended final plat approval of the proposed Shamrock Acres Subdivision subject to the following conditions as noted in the packet.

There being no discussion, Charlie Ramirez moved to approve the request for final plat approval of the proposed Shamrock Acres Subdivision. Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

2) SAMES ENGINEERING, REPRESENTING NOEL DE LEON, MANAGING MEMBER FOR PHARR HOUSING AUTHORITY, IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED CAMELIA COURT APARTMENTS I SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 3.31 ACRE TRACT OF LAND OUT OF LOT 1 AND LOT 4, BLOCK OF WEST AUDREY STREET. SUB#230412

Eddie Martinez, Planner II, introduced the item and stated Sames Engineering, representing Noel de Leon, managing member for Pharr Housing Authority, was requesting preliminary plat approval of the proposed Camelia Court Apartments I

Subdivision. He went over the property's legal description and stated the property was located within the 900 Block of West Audrey Street. He further stated the property was currently zoned Residential Multifamily High Density District (R-MFHD) and the adjacent zones were Agricultural Open Space District (A-O) to the north, Single Family Residential District (R-1) to the east, Residential Single Family Small Lot District (R-1A) to the south and Residential Multifamily High Density District (R-MFHD) and Residential Single Family Small Lot District (R-1A) to the west. The property was designated for single family residential use in the Land Use Plan and was zoned and proposed for apartments.

Eddie Martinez, Planner II, stated staff recommended preliminary plat approval of the proposed Camelia Court Apartments I Subdivision subject to the following conditions as noted in the packet.

There being no discussion, Rafael Munguia moved to approve the request for preliminary plat approval of the proposed Camelia Court Apartments I Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

3) SAMES ENGINEERING, REPRESENTING NOEL DE LEON, MANAGING MEMBER FOR PHARR HOUSING AUTHORITY, IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED CAMELLIA COURT APARTMENTS II SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 1.37 ACRE TRACT OF LAND OUT OF LOT 2, BLOCK C, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 900 BLOCK OF WEST AUDREY STREET. SUB#230411

Eddie Martinez, Planner II, introduced the item and stated Sames Engineering, representing Noel de Leon, managing member for Pharr Housing Authority, was requesting preliminary plat approval of the proposed Camelia Court Apartments II Subdivision. He went over the property's legally described and stated the property was located within the 900 Block of West Audrey Street. He further stated the property was currently zoned Residential Multifamily High Density District (R-MFHD) and the adjacent zones were Agricultural Open Space District (A-O) to the north, Single Family Residential District (R-1) to the east, Residential Single Family Small Lot District (R-1A) to the south and Residential Multifamily High Density District (R-MFHD) and Residential Single Family Small Lot District (R-1A) to the west. The property was designated for single family residential use in the Land Use Plan and was zoned for apartments.

Eddie Martinez, Planner II, stated staff recommended preliminary plat approval of the proposed Camellia Court Apartments II Subdivision subject to the conditions as noted in the packet.

Board member, Charlie Ramirez, questioned rezoning only for Pharr Housing Authority apartments and not for resale.

Eddie Martinez, Planner II, rephrased the statement it would be for housing authority.

Board member, Charlie Ramirez, questioned if it had ever been subdivided.

Eddie Martinez, Planner II, stated it was previously from Kelly-Pharr.

Chairman, Danny Wylie, closed the board discussion and open the floor for a motion.

There being no discussion, Charlie Ramirez moved to approve the request for preliminary plat approval of the proposed Camellia Court Apartments II Subdivision. Guadalupe Cano seconded the motion and when put to a vote, it carried unanimously.

4) MELDEN & HUNT INC. REPRESENTING GILBERTO ESPINO, OWNER, IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED SAINT BARTS SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A RESUBDIVISION OF 4.811 ACRES AND BEING A PART OF OR PORTION OUT OF LOT 236, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 2800 BLOCK OF SOUTH CAGE BOULEVARD. SUB#221037

Eddie Martinez, Planner II, introduced the item and stated Melden & Hunt Inc., representing Gilberto Espino, owner, was requesting preliminary plat approval of the proposed Saint Barts Subdivision. He went over the property's legally described and stated the property was located within the 2800 Block of South Cage Boulevard. He further stated the property was currently zoned Residential Multi-family District (R-MF) and Residential Townhouse District (R-TH) and the adjacent zones were General Business District (C) to the north, Planned Unit Development District (PUD) to the east, Agricultural Open Space District (A-O) and General Business District (C) to the south and Single-Family Residential District (R-1) to the west. He stated the property was designated for single family residential and commercial use in the Land Use Plan and was zoned for residential townhouses.

Eddie Martinez, Planner II, stated staff recommended preliminary plat approval of the proposed Saint Barts Subdivision subject to the conditions as noted in the packet.

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

5) MELDEN & HUNT INC. REPRESENTING MICHAEL BIRD, MANAGING MEMBER FOR SOUTHWIND GARDENS, LLC., IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED SOUTHWIND GARDENS SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS

BEING A 13.125 ACRES BEING OUT OF LOT 5, BLOCK 7, A.J. MCCOLL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1800 BLOCK OF WEST RIDGE ROAD. SUB#230515

Eddie Martinez, Planner II, introduced the item and stated Michael Bird, managing member for Southwind Gardens, LLC., was requesting preliminary plat approval of the proposed Southwind Gardens Subdivision. He went over the property's legally described and stated the property was located within the 1800 Block of West Ridge Road. He further stated the property was currently zoned General Business District (C) and the adjacent zones were General Business District (C) to the north, south, and west, Agricultural and/or Open Space District (A-O) to the east. He stated the property was designated for commercial use in the Land Use Plan and was zoned for retail.

Eddie Martinez, Planner II, stated staff recommended preliminary plat approval of the proposed Southwind Gardens Subdivision subject to the conditions as noted in the packet.

There being no discussion, Charlie Ramirez moved to approve the request for preliminary plat approval of the proposed Southwind Gardens Subdivision. Guadalupe Cano 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. Rafael Munguia seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 7:01 p.m.

PLANNING & ZONING COMMISSION



Chairman, Danny Wylie

ATTEST:



Andy Castro, Secretary

APPROVED: June 26, 2023

P&Z Meeting Minutes of 06.12.2023