

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. February 28, 2022 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, February 28, 2022 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Charlie Ramirez
 Andy Castro Luis Madrigal
 Romeo Robles Jonathan Larraga

ABSENT: Rafael Munguia

OTHERS PRESENT: See attached list

STAFF PRESENT: Roland Gomez, Interim Director
 Roy Rodriguez, Assistant Director/Building Official
 Eddie Martinez, Planner II
 Anaisa Licerio, Planner II
 Nelly Terrazas, Planner I
 Iris Mata, Administrative Assistant
 Daniel Gonzalez, Assistant City Attorney

ITEM A. CALL TO ORDER

Chairman, Danny Wylie, called the meeting to order at 6:06 p.m. Roll call established a quorum.

Luis Madrigal moved to excuse the absent members. Charlie Ramirez seconded the motion and when put to a vote it carried unanimously.

ITEM B. PUBLIC TESTIMONY

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

Iris Mata, Administrative Assistant, stated there were 20 individuals signed up to speak. Those individuals were listed as Juan Carlos Paez, Maribel Villarreal, Maria M. Ramos, Una Bourbois, Janell Garza, Cynthia Bautista, Sarah Lozano, Juana Arellano, Carmen Arellano, Petra Gutierrez, Lazaro Villarreal, Oscar Lozano, Oscar Lozano Jr., Francisco Rodriguez, Maria Isabel Rodriguez-Saenz, Maria Isabel Rodriguez, San Juanita Alanis, Rosana Flores, Ernesto Bautista and Maria Busby.

Juan Carlos Paez, residing at 2807 S. Gardenia, stated his disappointment in not receiving advance notice regarding the change of zone. He continued to state the change from single family to multi-family will create chaos and an uprise in crime for the neighborhood. Mr. Paez reported shootings, no sidewalks, and inadequate drainage for

the community. He continued to state the iron company on Rancho Blanco Road used the neighborhood streets that are not meant for heavy trucks.

Serio Gutierrez, residing at 2906 S. Flag, stated he was back-to-back from the property. He continued to state the area was not designed for multi-family and even though it sounded like a good idea there were several issues. Mr. Gutierrez reported the area did not have adequate fencing, the property values would depreciate, and an increase in taxes. He encouraged building a single family residence for the property.

Oscar Lozano, residing at 601 W Corpus, stated the neighborhood a close-knit community that was not multi-family, but multi-generational. He reported that a Google search would show an increase in crime from apartments and the neighborhood did not want that. Mr. Lozano stated the apartments would be nice, but after a few years there would be a cycle of tenants and the neighbors would not know them. He stated the needs of the many outweighed the needs of the one and the many said no to the rezoning.

ITEM C. APPROVAL OF MINUTES

1) MINUTES OF FEBRUARY 14, 2022

Chairman, Danny Wylie, introduced the item.

There being no discussion Luis Madrigal moved to approve the minutes of February 14, 2022. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PUBLIC HEARING

1) SPOOR ENGINEERING CONSULTANTS, REPRESENTING CRAIG R. FUNKE, 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 HEAVY COMMERCIAL DISTRICT (H-C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 5.49-ACRES, MORE OR LESS, OUT OF LOT 260, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED WITHIN THE 4500 BLOCK OF SOUTH CAGE BOULEVARD. COZ#220104

Nelly Terrazas, Planner I, introduced the item and stated the property is currently zoned Agricultural and/ or Open Space District (A-O). The property and the properties to the north, east, south, and west were annexed on April 19, 1983, as Agricultural and/ or Open Space District (A-O). The property to the north and the north portion of the properties to the west were rezoned to General Business District (C) on July 17, 2017, and November 1, 2007. The south portion of the properties to the west was rezoned to Heavy Commercial District (H-C) on January 15, 2008. There have been no zoning requests within the general vicinity of the subject property since then. The property is generally designated for commercial and public/semipublic use in the Land Use Plan. She

further reported nine (9) letters were mailed out to the surrounding property owners and a legal notice was published in the Advance News Journal. Staff received one (1) phone call in opposition of the item to the letters or the legal notice.

Nelly Terrazas, Planner I, further stated staff recommended approval of the request to re-zone from Agricultural and/ or Open Space District (A-O) to Heavy Commercial District (H-C) as the property meets area requirements, has adequate ingress and egress. If approved, the owner must comply with all City Ordinances and City Department requirements.

Chairman, Danny Wylie, asked for applicant comments.

Steve Spoor, Engineer, stated he agreed with the department recommendations.

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 items for discussion.

Chairman, Danny Wylie, questioned if the property with the trailer was included in the request to re-zone.

Roland Gomez, Interim Director of Development Services, confirmed the property to the South was not included in the rezoning request.

There being no further discussion Luis Madrigal moved to approve the request to re-zone from Agricultural and/ or Open Space District (A-O) to Heavy Commercial District (H-C). Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

- 2) **HUGO DE LA GARZA, REPRESENTING 33 CONSTRUCTION AND ENERGY LLC., OWNER, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM SINGLE FAMILY RESIDENTIAL DISTRICT (R-1) TO RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT (R-MFHD). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOTS 13 AND 14, SING'S SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 3001 SOUTH GARDENIA STREET. COZ#220106**

Nelly Terrazas, Planner I, introduced the item and stated the property is currently zoned Single Family Residential District (R-1). The properties to the north and west are zoned Agricultural and /or Open Space District (A-O). The property and the properties to the north, east, south, and west are currently zoned Single Family Residential District (R-1) and were annexed on November 1, 1994. There have been no other zoning requests within the general vicinity of the subject property since that time. The property is generally designated for Single Family Residential use in the Land Use Plan. She further reported twelve (12) letters were mailed out to the surrounding property owners and a legal notice was published in the Advance News Journal. Staff received twenty-four (24) responses

to the letters or the legal notice. Three (3) were located within the affected area, and twenty-one were not in the affected area and all were opposed of the item.

Nelly Terrazas, Planner I, further stated staff recommended denial of the request to re-zone from Single Family Residential District (R-1) to Residential Multi-Family High Density District (R-MFHD) as the property meets area requirements, has adequate ingress and egress. If approved, the owner must comply with all City Ordinances and City Department requirements.

Chairman, Danny Wylie, asked for applicant comments.

Omar Cano, Engineer, stated a predevelopment meeting was conducted with the Development Services staff and the applicant agreed to the staff requirements. He continued to state a storm line would be run for drainage. Mr. Cano stated the number of apartments still had not been confirmed, but those items would be presented to staff and they would follow the minimum requirements.

Hugo De La Garza, applicant, residing at 26 Salamanca Street, stated he lived close to the property and the construction would be slow. Mr. De La Garza stated he planned on one to two apartments that would look nice. He continued in Spanish.

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 items for discussion.

Maribel Villarreal, on behalf of Maria Villarreal, residing at 3100 S. Flag, stated the applicant mentioned a lot of people living on the property. She stated the number of tenants was a concern as crime rate would rise, there would be drug use, and issues with illegal immigrants. Ms. Villarreal stated there would be an increase in traffic and there are currently issues with the traffic parking on the side of the road from the steel mill. She continued to state there are drainage issues that have been brought to the City's attention, but has not been addressed.

Heracio Gonzalez, residing 3010 S. Flag, stated due to the elevation and without proper sewer, gutter, and curb the water would flow into the neighbor's properties. He continued to state there is an ongoing issue with flooding on Hall Acres even with sewers in place. Mr. Gonzalez stated the property taxes would go up and the property value would decrease since no one wants to live next to a multi-family property.

Sergio Gutierrez, on behalf of Una Gutierrez, residing at 2906 S. Flag, stated once Javalina Road opens there will be an increase in traffic. He continued to state there would be two exits to the property and both would increase the traffic. Mr. Gutierrez stated the change would increase taxes and bring down property value. He suggested the property be sold as a one-acre property as the area is not suitable for apartments.

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

Luis Madrigal suggested the item be discussed in Executive Session.

Chairman, Danny Wylie, asked about the picture provided in the packet.

Nelly Terrazas, Planner I, stated the picture was a sketch of the proposed apartments.

Charlie Ramirez confirmed the property was currently zoned single-family for the size of the lot.

Nelly Terrazas, Planner I, confirmed the single-family zoning for the size of the lot.

Charlie Ramirez recalled a property approved for a business shop several years ago. He continued to state his brother owned a property in the area and looked into placing apartments, but it not allowed due to a deed restriction.

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 6:30 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 6:49 p.m., Chairman Wylie stated the commission would be resuming the open meeting.

- 3) **HUGO DE LA GARZA, REPRESENTING 33 CONSTRUCTION AND ENERGY LLC., OWNER, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM SINGLE FAMILY RESIDENTIAL DISTRICT (R-1) TO RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT (R-MFHD). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOTS 13 AND 14, SING'S SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 3001 SOUTH GARDENIA STREET. COZ#220106**

There being no further discussion Luis Madrigal moved to deny the request to re-zone from Single Family Residential District (R-1) to Residential Multi-Family High Density District (R-MFHD). Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

ITEM E. PLAT APPROVAL

- 1) M2 ENGINEERING, PLLC., REPRESENTING IRENE URIBE MANRIQUE, PRESIDENT OF STAR TRAIL HOLDINGS, LLC, IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED STAR TRAIL SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 3.879 ACRE TRACT OF LAND COMPRISING OF ALL LOT 1, FERNANDEZ SUBDIVISION AND A 2.00 ACRE TRACT OUT OF LOT 113, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1100 BLOCK OF EAST ELDORA ROAD. SUB#190304**

Eddie Martinez, Planner II, introduced the item. He stated the property is located within the City of Pharr Extraterritorial Jurisdiction (ETJ). The adjacent zones are Single Family Residential District (R-1) to the south and the surrounding properties are within the Extraterritorial Jurisdiction (ETJ) to the north, east and west. The property is designated for single family residential use in the Land Use Plan. He added no variances were being requested and staff recommended final plat approval of the proposed Star Trail Subdivision subject to the listed conditions and recommended that owner voluntarily annex into the City of Pharr limits.

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 final plat approval of the proposed Star Trail Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 2) R. GUTIERREZ ENGINEERING CORP., REPRESENTING, ISMELDA MONTANEZ IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED MONTANEZ SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.32 OF AN ACRE OF LAND OUT OF LOT 325, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 300 BLOCK OF WEST DICKER RD. SUB#211140**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned General Business District (C). The adjacent zones are Agricultural Open Space District (A-O) to the north and west, Single Family Residential District (R-1) to the east and south. The property is designated for commercial and single family residential use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed Montanez Subdivision subject to the listed 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 Montanez Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 3) **SOUTH TEXAS INFRASTRUCTURE GROUP, REPRESENTING, RHEA MORA, PRESIDENT FOR BROWNSTONE CONSULTANTS, LLC., IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED BSTONE PARK SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 1.52 ACRES OUT OF LOT 168, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1500 BLOCK OF NORTH SUGAR RD. SUB#211247**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned General Business District (C). The adjacent zones are Heavy Commercial District (H-C) and Single Family Residential District (R-1) to the north and General Business District (C) to the east, south and west. The property is designated for industrial use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed Bstone Park Subdivision subject to the listed 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 Bstone Park Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

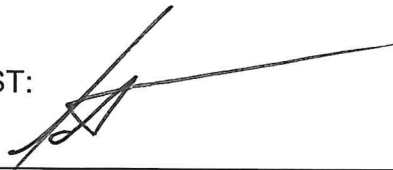
ITEM H. ANNOUNCEMENTS/OTHER BUSINESS:

None.

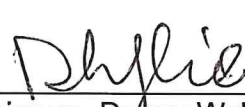
ITEM I. ADJOURNMENT

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 6:57 p.m.

ATTEST:



Andy Castro, Secretary



Chairman, Danny Wylie

APPROVED: March 28, 2022