

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

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

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

ABSENT: Romeo Robles Luis Madrigal

OTHERS PRESENT: See attached list

STAFF PRESENT: Roy Rodriguez, Assistant Director/Building Official
 Patricia Rigney, City Attorney
 Eddie Martinez, Planner II
 Anaisa Licerio, Planner II
 Nelly Terrazas, Planner I
 Iris Mata, Administrative Assistant

ITEM A. CALL TO ORDER

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

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

Iris Mata, Administrative Assistant, stated were 2 individuals signed up to speak.

Gloria Vela, residing at 1005 Sundance Lane, San Juan, Texas, stated she was speaking for her parents who currently reside at 226 E. Jones Ave. She stated on December 2020, COZ#201149 was on the agenda requesting to rezone to construct a 4-plex with room to expand. Ms. Vela continued to state that at the time of the meeting, there was paperwork from Melanie Cano and Della Robles requesting denial; however, at the meeting the item was approved. She stated at the current meeting the paperwork from Rogelio Rodriguez and Anaisa Licerio requested denial. Ms. Vela expressed her disappointment that not all residents were aware of the request to rezone. Ms. Vela urged the Planning and Zoning Commission to listen to the concerns of the surrounding property owners as the rezoning is not compatible with the surrounding properties, it is

not located on a major thoroughfare. She continued to state that the change of zone would increase traffic flow and decrease home value. Ms. Vela stated the change would not be in line with the Future Land Use Plan, it was not compatible with the adjacent zones, and would be detrimental to the character of the neighborhood.

Sara Lopez, currently residing on Nolana, but stated she was building a home at 225 East Jones. She stated the reason for the move was that the neighborhood was quieter, and the new property was larger. She continued to state her home value would decrease and would have new neighbors due to the twelve (12) to twenty-four (24) month leases in apartments. She asked the applicant to reconsider constructing two (2) rental homes versus eight (8) apartments.

ITEM C. APPROVAL OF MINUTES

1) MINUTES OF FEBRUARY 28, 2022

Chairman, Danny Wylie, introduced the item.

There being no discussion Charlie Ramirez moved to approve the minutes of February 28, 2022. Guadalupe Cano seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PUBLIC HEARING

1) FULCRUM CONSULTING SERVICES, REPRESENTING ZEPPELIN TEXAS 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) TO HEAVY INDUSTRIAL DISTRICT (H-I). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 38.773-ACRES, MORE OR LESS, OUT OF LOTS 382 & 385, KELLY – PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED WITHIN THE 800 BLOCK OF EAST HI-LINE ROAD. COZ#220207

Anaisa Licerio, Planner II, introduced the item and stated the property and the properties to the north, east and west are currently zoned Agricultural and/ or Open Space District (A-O). The properties to the south were rezoned to Limited Industrial District (L-I) on November 15, 2005. There have been no other zoning requests within the general vicinity of the subject property since that time. The property is generally designated for industrial 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 no response to the letters or the legal notice.

Anaisa Licerio, Planner II, further stated staff recommended approval of the request to re-zone from Agricultural and/or Open Space District (A-O) to Heavy Industrial District (H-I) 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, 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.

Rafael Munguia asked if a buffer would be required.

Anaisa Licerio, Planner II, stated a buffer would not be required as the surrounding properties were zoned Agricultural and/or Open Space District (A-O).

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

- 2) **FULCRUM CONSULTING SERVICES, REPRESENTING DELTA PROPERTIES LLP. 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 INDUSTRIAL DISTRICT (H-I). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 38.632-ACRES, MORE OR LESS, OUT OF LOTS 382 & 385, KELLY – PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED WITHIN THE 800 BLOCK OF EAST HI-LINE ROAD. COZ#220208**

Anaisa Licerio, Planner II, introduced the item and stated the property and the properties to the north, east and west are currently zoned Agricultural and/or Open Space District (A-O). The properties to the south were rezoned from Agricultural and/or Open Space (A-O) to Limited Industrial District (L-I) on November 15, 2005. There have been no zoning requests within the general vicinity of the subject property since then. The property is generally designated for industrial use in the Land Use Plan. She further reported seven (7) letters were mailed out to the surrounding property owners and a legal notice was published in the Advance News Journal. Staff received no response to the letters or the legal notice.

Anaisa Licerio, Planner II, further stated staff recommended approval of the request to re-zone from Agricultural and/or Open Space District (A-O) to Heavy Industrial District (H-I) 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, 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.

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

- 3) **R. GUTIERREZ ENGINEERING CORPORATION, REPRESENTING ISMELDA MONTANEZ 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 0.38-ACRES, MORE OR LESS, OUT OF LOT 325, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 224 WEST DICKER ROAD. COZ#220209**

Anaisa Licerio, Planner II, introduced the item and stated the property was currently zoned Single Family Residential District (R-1). The north property is currently zoned Agricultural and/or Open Space District (A-O). The property to the east was rezoned from Single Family Residential District (R-1) to General Business District (C) on March 1, 2011, and the properties to the South were rezoned from Agricultural and/or Open Space District (A-O) to Single Family Residential District (R-1) on March 17, 1987. The property is generally designated for commercial use in the Land Use Plan. She further reported thirteen (13) letters were mailed out to the surrounding property owners and a legal notice was published in the Advance News Journal. Staff received two (2) responses to the letters or the legal notice for information only.

Anaisa Licerio, Planner II, further 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 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, 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, stated the checklist in the packet stated buffer would be required.

Anaisa Licerio, Planner II, stated a buffer would be required for west side of property as it was abutting a residential zone.

There being no further discussion Andy Castro 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 a vote, it carried unanimously.

- 4) SIEMPRE LA PACHANGA, LLC., D/B/A LA PACHANGA RESTAURANT Y BUFFET HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR 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 0.0351, MORE OR LESS, OUT OF LOT A, MEDICAL RIDGE SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 1401 SOUTH JACKSON ROAD, UNIT 7 AND 8. CUP#220213

Anaisa Licerio, Planner II, introduced the item and stated the property is currently zoned General Business District (C). The surrounding area is zoned General Business District (C) to the north and south, the property to the east is Residential Multi-Family High Density District (R-MFHD), and the west is city limits. This area is generally designated for commercial use in the Land Use Plan. She further reported thirteen (13) 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 the legal notice.

Anaisa Licerio, Planner II, further stated staff recommended approval of the request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C) subject to applicant and site being in compliance with all City Ordinances and City Department requirements.

Ismael Morin, representing Ivan Manuel Marquez, stated Mr. Marquez was providing his daughter the monies to open a restaurant. He continued to state restaurant's main business was food and not alcohol as they were going to be open 10:00 am. to 11:00 p.m. Mr. Morin explained the applicant wanted to help with the City's infrastructure and will hire locally with five (5) employees and later grow to fifteen (15).

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, asked for a menu.

Anaisa Licerio, Planner II, stated a formal menu had not been finalized as it was a new business.

There being no further discussion Rafael Munguia moved to approve the request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

- 5) **RICH HERITAGE CONSTRUCTION INC., 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 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT (R-MFHD). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 7.0-ACRES, MORE OR LESS, OUT OF LOT 152 KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 2211 NORTH SUGAR ROAD. COZ#220214**

Anaisa Licerio, Planner II, introduced the item and stated the property was currently zoned Agricultural and/ or Open Space District (A-O). A portion of the properties to the north was rezoned from Agricultural and/or Open Space District (A-O) to Residential Mobile Home District (R-MH) on December 5, 2000, and the other portion was rezoned from General Business District (C) to Single Family Residential District (R-1) on March 15, 2005. Properties to the east were rezoned from Agricultural and/or Open Space District (A-O) to Residential Multi Family High Density District (R-MFHD) on January 25, 2000, and General Business District (C) on October 6, 1997. A portion of the properties to the south was rezoned from General Business District (C) to Residential Multi Family High Density District (R-MFHD) on February 21, 2022, and another portion was rezoned from Agricultural and/ or Open Space District (A-O) to Residential Multi Family High Density District (R-MFHD) and General Business District (C) on May 17, 2005. There have been no other zoning requests within the vicinity of the subject property since that time. The property is generally designated for industrial use in the Land Use Plan. She further reported sixty-three (63) letters were mailed out to the surrounding property owners and a legal notice was published in the Advance News Journal. Staff received no response to the letters or the legal notice.

Anaisa Licerio, Planner II, further stated staff recommended approval of the request to re-zone from Agricultural and/ or Open Space District (A-O) 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, 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.

Guadalupe Cano and Jonathan Larrage asked if a buffer would be required.

Chairman, Danny Wylie, stated a buffer fence would be required per the enclosed checklist.

There being no further discussion Guadalupe Cano moved to approve the request to re-zone from Agricultural and/ or Open Space District (A-O) to Residential Multi-Family High Density District (R-MFHD). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 6) **GERARDO GUADALUPE GARZA JR. 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 DISTRICT (R-MF). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOT 1, BLOCK Q, VILLA BAEZ SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 320 EAST JONES AVENUE. COZ#201149**

Anaisa Licerio, Planner II, introduced the item and stated the property was currently zoned Single-Family Residential District (R-1). The property and the surrounding properties to the north, south, 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. On July 20, 1993, a portion of the property to the north was rezoned from Single-Family Residential District (R-1) to Residential Multi-Family District (R-MF). 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 twenty (20) letters were mailed out to the surrounding property owners and a legal notice was published in the Advance News Journal. Staff received three (3) telephone calls in opposition of the item and four (4) individuals signed up to speak at the public hearing.

Anaisa Licerio, Planner II, further stated staff recommended denial of the request to re-zone from Single-Family Residential District (R-1) to Residential Multi-Family District (R-MF) as the property is not consistent with the Future Land Use Plan, it is not compatible with adjacent and nearby uses, and may have detrimental impact to the neighborhood character. If approved, the owner must comply with all City Ordinances and City Department requirements.

Gerardo Garza, applicant, was present virtually and stated the included plans were out dated as he intended to construct a duplex. He stated he planned to rent one (1) unit and have his family own the second unit. Mr. Garza explained he was an independent engineer and intended the property to help beautify the neighborhood as he would use high quality materials. He stated the property would be fenced and there was enough ingress and egress for traffic purposes. He stated there were other multifamily properties within the area and his hope was to house families or individuals wanting to live close to schools. Mr. Garza explained, if approved, he planned to meet all requirements, keep the neighborhood character, communicate with neighbors with any issues, and possibly create a neighborhood watch program.

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

Iris Mata, Administrative Assistant, stated there were six (6) individuals signed up to speak.

Ruben Rodriguez, representing his mother, Aileen Rodriguez, residing at 606 South Cypress, stated he had spoken to the applicant and informed him of the area

flooding, high traffic, and crime issues. He continued to state that those currently living in the area for several years and who have worked hard to maintain their property values will see a decrease in their values. Mr. Rodriguez stated the neighborhood has recently been quiet until a few years ago when the City allowed construction of apartments behind their property. Since the construction of the apartments, their vehicle had been stolen six (6) times and homes within the four (4) block radius have been broken into.

Laticia Rojas registered to speak but was not present at the time of the meeting.

Maria Elena Graciano, 403 East Sam Houston, spoke in Spanish.

Ruben Pequeno registered to speak in opposition of the item but was not present at the time of the meeting.

Phillip D. Clark, residing at 302 East Jones, asked the Planning and Zoning Commission to think about gentrification. He stated the applicant sent him and the neighbors letters stating he wanted to build a single family home which is not what was applied for. Mr. Clark stated he believed the request was mute as the applicant stated he wanted to build a single family home. Mr. Clark continued to state he believed the item should be voted as no as it will change the character of the neighborhood. He continued to state children would be running around the neighborhood, barbequing in the front of the property and keeping him up late at night with music.

Valdemar Garcia, residing at 617 South Birch, stated he moved here from California for a better work opportunity. He continued to state he worked several hours at DHR. Mr. Garcia stated placing apartments on the property would make the neighborhood louder and create more traffic. He stated the area is residential and had been residential for several years. Mr. Garcia stated he had lived in a four-plex property previously and he had property stolen and saw several issues. He continued to state he was in opposition of the request.

Rafael Munguia recommended entering into Executive Session.

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 6:38 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 7:05 p.m., Chairman Wylie stated the commission would be resuming the open meeting.

- 7) GERARDO GUADALUPE GARZA JR. 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 DISTRICT (R-MF). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOT 1, BLOCK Q, VILLA BAEZ SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 320 EAST JONES AVENUE. COZ#201149

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

ITEM E. PLAT APPROVAL

None.

ITEM H. ANNOUNCEMENTS/OTHER BUSINESS:

None.

ITEM I. ADJOURNMENT

There being no further business Andy Castro moved to adjourn. Charlie Ramirez second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 7:06 p.m.

ATTEST:



Andy Castro, Secretary



Chairman, Danny Wylie

APPROVED: April 11, 2022