

**MINUTES
PLANNING & ZONING COMMISSION
MONDAY, OCTOBER 10, 2022
118 S. CAGE BLVD. 2ND FLOOR**

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, October 10, 2022, and following is the record of attendance.

MEMBERS PRESENT: Romeo Robles
Charlie Ramirez
Andy Castro
Jonathan Larraga
Guadalupe Cano

MEMBERS ABSENT: Danny Wylie
Rafael Munguia
Joel Ordaz
Luis Madrigal

STAFF PRESENT: Patricia Rigney, City Attorney
Kimberly Mendoza, Director
Roy Rodriguez, Asst. Director
Eddie Martinez, Planner II
Anaisa Licerio, Planner II
Laura Fonseca, Planner I
Melissa Ramirez, Administrative Assistant
Alyn Cervantes, Plans Examiner / Inspector

ITEM A. CALL TO ORDER

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

Charlie Ramirez, called the meeting to order at 6:00 p.m. Roll call established a quorum.

Jonathan Larraga moved to excuse absent members. Guadalupe Cano seconded the motion and when put to a vote it carried unanimously.

ITEM B. PUBLIC TESTIMONY

None.

ITEM C. MINUTES

1) APPROVAL OF MINUTES FOR SEPTEMBER 12, 2022

Charlie Ramirez introduced the item.

Andy Castro moved to approve. Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

2) APPROVAL OF MINUTES FOR SEPTEMBER 26, 2022

Charlie Ramirez introduced the item.

Andy Castro moved to approve. Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PUBLIC HEARING

- 1) ELBOW'S MAC AND CHEESE TEXAS, LLC., 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 0.067 ACRES, MORE OR LESS, OUT OF LOT A, MEDICAL RIDGE SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. CUP#220950**

Anaisa Licerio, Planner II, introduced the item and stated property was currently General Business District (C). The surrounding area was zoned General Business District (C) to the north and south, Residential Multi-Family High Density (R-MFHD) to the east and City Limits lie to the west and this area was generally designated for commercial use in the Land Use Plan. She further reported eighteen (18) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. Staff received no response for information to the letters and the legal notice.

Anaisa Licerio, Planner II, further stated staff recommended approval of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). She stated if approved, the owner must comply with all City Ordinances and City Department requirements.

Charlie Ramirez opened the public hearing and asked if anyone signed up to speak. There being no one in the affected area who signed up, Mr. Ramirez opened the item for discussion. There being no discussion, the public hearing was then closed.

Jonathan Larraga moved to approve the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). Guadalupe Cano seconded the motion and when put to a vote, it carried unanimously.

- 2) RICH HERITAGE CONSTRUCTION INC. 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) IN ORDER TO DEVELOP AND CONSTRUCT A DUPLEX ON SUBJECT PROPERTY. THE PROPERTY IS LEGALLY DESCRIBED AS BEING 0.28 ACRES OUT OF LOT 121, KELLY PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 1506 WEST HERITAGE DRIVE. COZ#220848**

Anaisa Licerio, Planner II, introduced the item and stated the property was currently zoned Agricultural and/or Open Space District (A-O). She stated the subject property and the properties to the north, south, east, and west were zoned to Agricultural and/or Open Space District (A-O) when the properties were annexed to the City of Pharr on November 18, 1986. The property to the east was rezoned to General Business District (C) on February 15, 2000. Later, on November 3, 2014, the property was rezoned to Heavy Industrial District (H-I). The property to the south was rezoned to Medium Density Multi-Family Residential District (R-3) on June 4, 2018. The property to the north was rezoned to Single Family Residential District (R-1) on October 5, 1993. The properties to the west were zoned to Single Family Residential District on April 20, 2004. 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 use in the Land Use Plan. She further reported twenty-two (22) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. Staff received no response for information to the letters or the legal notice.

Anaisa Licerio, Planner II, further stated staff recommended approval of the request to re-zone to Residential Multi-Family High Density (R-MFHD) as the property meets area requirements and has adequate ingress and egress. She stated if approved, the owner must comply with all City Ordinances and City Department requirements.

Charlie Ramirez 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. Charlie Ramirez opened the item for discussion.

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

- 3) TROPICAL SNACKS LLC., D/B/A TROPICAL ISLAND 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 HEAVY COMMERCIAL DISTRICT (H-C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOT B1, NORTHPOINT SUBDIVISION, PHARR,**

**HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED
AT 1911 NORTH VETERANS' BOULEVARD. CUP#220949**

Anaisa Licerio, Planner II, introduced the item and stated the property was currently zoned Heavy Commercial District (H-C). The surrounding area was zoned General Business District (C) to the north and south, Residential Multi-Family District (R-MF) to the west, and city limits lie to the east. This area was generally designated for single family use in the Land Use Plan. She reported twenty (20) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. Staff received no response.

Anaisa Licerio, Planner II, further stated staff recommended approval of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Heavy Commercial District (H-C). She stated if approved, the owner must comply with all City Ordinances and City Department requirements.

Charlie Ramirez 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. Charlie Ramirez opened the item for discussion.

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

- 4) RUBEN PACHECO REPRESENTING ENCARLEN, LTD, OWNER, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM GENERAL BUSINESS DISTRICT (C) TO TOWNHOUSE RESIDENTIAL DISTRICT (R-TH) IN ORDER TO DEVELOP A TWO-LOT SUBDIVISION AND CONSTRUCT A TOWNHOUSE ON EACH OF THE LOTS. THE SUBJECT SITE IS LOCATED ON THE WEST SIDE OF SOUTH SALAMANCA STREET, APPROXIMATELY 260 FT. SOUTH OF WEST HALL ACRES ROAD AND HAS A PHYSICAL ADDRESS OF 2500 SOUTH SALAMANCA STEET. THE PROPERTY IS LEGALLY DESCRIBED AS BEING 0.22 ACRES MORE OR LESS, OUT OF LOT 8, BLOCK 9, A.J. MCCOLL SUBDIVISION AND HAS A PHYSICAL ADDRESS OF 2500 SOUTH SALAMANCA STREET. COZ: #220952**

Laura Fonseca, Planner I, introduced the item and stated the property to the south was rezoned to Single Family Residential District (R-1) on July 2, 2002. The property to the east was rezoned to Single Family Residential District (R-1) on June 15, 2004. The city limits lie to the west. The property was generally designated for commercial use in the Land Use Plan. She further reported twenty-five (25) letters were mailed out to the surrounding property owners within a two hundred (200) foot radius owners on September 23, 2022, and a legal notice was published in the Advance News Journal on September 21, 2022. Staff received one (1) response for information to the letters and the legal notice and eight (8) responses in opposition.

Laura Fonseca, Planner I, further stated staff recommended approval of the re-zone from General Business District (C) to Townhouse Residential District (R-TH) as the property meets area requirements, is in line with the future land use plan and has adequate ingress and egress. She stated if approved, the owner must comply with all City Ordinances and City Department requirements.

Charlie Ramirez opened the public hearing and asked if anyone signed up to speak. Staff stated six (6) persons in the affected area had signed up and were opposed for various reasons including traffic, safety, and access. The public hearing was closed. Mr. Ramirez opened the item for discussion.

After some discussion, Guadalupe Cano moved to **approve** the request to re-zone from General Business District (C) to Townhouse Residential District (R-TH). Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

5) I CAVAZOS MANAGEMENT, LLC., D/B/A TROPICAL ISLAND #2, 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 LOT 2B, RE-SUBDIVISION OF LOTS 2 & 3, JACKSON RIDGE COURT SUBDIVISION PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 1801 WEST RIDGE ROAD. CUP#220951

Laura Fonseca, Planner I, introduced the item and stated the property and properties to the north and west were currently zoned General Business District (C). The surrounding area to the east and south was zoned Agricultural and/or Open Space District (A-O). She stated this area was generally designated for commercial use in the Land Use Plan. She further reported nine (9) surrounding property owners were notified of the request by letter on September 23, 2022, and a legal notice was published in the Advance News Journal on September 21, 2022. Staff received no response to the letters or the legal notice.

Laura Fonseca, Planner I, further stated staff recommended approval of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C)). If approved, the owner must comply with all City Ordinances and City Department requirements.

Charlie Ramirez opened the public hearing and asked if anyone signed up to speak. There being no one signed up the public hearing was closed. Mr. Ramirez opened the item for discussion.

There being no discussion, Jonathan Larraga moved to **approve** the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a

General Business District (C). Andy Castro seconded the motion and when put to a vote, it carried unanimously.

ITEM E. ANNOUNCEMENTS/OTHER BUSINESS:

None.

ITEM F. CLOSED SESSION IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOV'T. CODE, THE PLANNING & 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

None.

ITEM G. RECONVENE

None

ITEM H. ADJOURNMENT

There being no further business Romeo Robles moved to adjourn. Jonathan Larraga second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:48 p.m.

PLANNING & ZONING COMMISSION



Charlie Ramirez, Chairman

ATTEST:



Andy Castro, Secretary

APPROVED: November 14, 2022