

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. March 27, 2023 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, March 27, 2023 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Guadalupe Cano
 Charlie Ramirez Andy Castro

ABSENT: Luis Madrigal Jonathan Larraga
 Romeo Robles Rafael Munguia

STAFF PRESENT: Kimberly Mendoza, Director of Development Services
 Patricia Rigney, City Attorney
 Anaisa Licerio, Planner II
 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 6:06 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

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

Joanna Villarreal, Secretary, stated there was no one who had signed up to speak.

ITEM C. APPROVAL OF MINUTES

1) APPROVAL OF MINUTES FOR MARCH 13, 2023

Chairman, Danny Wylie, introduced the item.

Andy Castro 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) MELDEN AND HUNT, INC., REPRESENTING 3100 SUGAR SUBDIVISION, LTD., 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 5.458 ACRES, MORE OR LESS, OUT OF LOT 135, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 3106 N. SUGAR ROAD. COZ#230278 (THIS ITEM WILL GO TO CITY COMMISSION)**

Laura Fonseca, Planner I, introduced the item and stated Melden and Hunt, Inc., representing 3100 Sugar Subdivision, Ltd., owner, had 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) in order to develop and bring the subject property into compliance. She stated the subject site was located on the east side of North Sugar Road, approximately 785 feet north of West Sioux Road and the physical address was 3106 North Sugar Road. The property was legally described as being 5.458 acres, more or less, out of Lot 135, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas and the property fronts North Sugar Road, a 70-ft. minor collector 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, further stated the property was currently zoned Agricultural and/or Open Space District (A-O) and the properties to the north, east and south were zoned to Agricultural and/or Open Space District (A-O) on April 19, 1982. Later, the properties to the south and east were zoned to Heavy Commercial District (H-C) on July 6, 1999 and the properties to the west were zoned to Agricultural and/or open Space District (A-O) on November 18, 1986, when they were annexed into the City of Pharr. She further explained a portion of the properties to the west was zoned to Heavy Commercial District (H-C) on December 3, 1996 and the remaining portion to the west was rezoned to General Business District (C) on June 20, 1995. She further stated there have been no other zoning requests within the general vicinity of the subject property since that time and the property was generally designated for industrial use in the Land Use Plan.

Laura Fonseca, Planner I, explained 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 stated commercial uses were included in the district 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 and the noise, traffic, litter, late-night hours, outside storage of materials and equipment, and other possibly blighting influences required adequate buffering. She reported twenty-one (21) letters were mailed out to the surrounding property owners on March 10, 2023, and a legal notice was published in the Advance News Journal on March 8, 2023. Staff received no response to the letters or the legal notice.

Laura Fonseca, Planner I, stated staff recommended approval of the request to rezone to Heavy Commercial District (H-C), as the property met requirements, and had 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 and the item was opened for discussion.

There being no discussion, Charlie Ramirez moved to approve the request for a change of zone from Agricultural and/or Open Space District (A-O) to Heavy Commercial District (H-C). Guadalupe Cano seconded the motion and when put to a vote, it carried unanimously.

2) IRASEMA ALMAZAN, REPRESENTING MARTIN ALMAZAN AND IRASEMA SALINAS, OWNER (S), HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM OFFICE AND PROFESSIONAL DISTRICT (O-P) TO RESIDENTIAL MULTI-FAMILY HIGH-DENSITY DISTRICT (R-MFHD). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOT 45, SING'S SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 2621 SOUTH GARDENIA STREET. COZ#230281

Laura Fonseca, Planner I, introduced the item and stated Irasema Almazan, representing Martin Almazan and Irasema Salinas, owner (s), had filed with the Planning and Zoning Commission a request for a Change of Zone from Office and Professional District (O-P) to Residential Multi-Family High-Density District (R-MFHD) in order to develop and construct apartments. She stated the subject site was located at the southeast corner of West Hall Acres Road and South Gardenia Street and had a physical address of 2621 South Gardenia Street. She further stated the property was legally described as being all of Lot 45, Sing's Subdivision, Pharr, Hidalgo County, Texas and the property fronts South Gardenia 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, further stated the property was zoned Office and Professional District (O-P) and on February 18, 2028 was rezoned from Single-Family

Residential District (R-1) to Office and Professional District (O-P). The properties to the south and east were rezoned from Agricultural and/or Open Space District (A-O) to Single-Family Residential District (R-1) on February 21, 1995, when the city amended the ordinance on March 30, 1982, adopting the current zoning ordinance we use today. She reported a portion of the property to the north was rezoned from Agricultural and/or Open Space District (A-O) to High Density Multi-Family Residential District (R-4) and the remaining portion to the north was rezoned from Agricultural and/or Open Space District (A-O) to Single-Family Residential District (R-1) on October 07, 2003. The property to the west was rezoned from Agricultural and/or Open Space District (A-O) to General Business District (C) on September 19, 2006 and 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, explained the Residential Multi-Family High Density District (R-MFHD) was established to provide adequate space and site diversification for medium to high density areas. She stated this may be a zone for transitional areas developed for single-family usage, but because of the need for rehabilitation, or changes in the character of the neighborhood, are now deemed suitable for some multifamily development. That zone allows medium to high density developments, and should be located where additional requirements for streets, water and fire protection, wastewater, drainage, and adequate open space shall be met. She continued to state that R-MFHD uses should not run traffic over long distances of single-family residential-sized streets or neighborhoods and should be located close to arterials or collectors capable of carrying the additional traffic. Multi-Family developments are not a buffer between single-family and commercial uses and should be properly buffered from nonresidential land uses and traffic, or from pollution and environmental hazards. She reported eighteen (18) letters were mailed out to the surrounding property owners within a two hundred (200) foot radius on March 10, 2023, and a legal notice was published in the Advance News Journal on March 8, 2023. Staff received no response to the letters or the legal notice.

Laura Fonseca, Planner I, stated staff recommended denial of the request to rezone from Office and Professional District (O-P) to Residential Multi-Family High Density District (R-MFHD) as the property was not in line with the future land use plan.

Chairman, Danny Wylie, asked if the applicant had any comments. Irasema Almazan, applicant, asked if her rezoning would not be approved would it change or stay commercial.

Kimberly Mendoza, Director of Development Services, stated existing zoning would remain.

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 deny the request to rezone from Office and Professional District (O-P) to Residential Multi-Family High Density District (R-MFHD). Guadalupe Cano seconded the motion and when put to a vote, it carried unanimously.

3) LAURA B. TISCARENO, OWNER, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM HEAVY COMMERCIAL DISTRICT (H-C) TO TOWNHOUSE RESIDENTIAL DISTRICT (R-TH). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 2.0 ACRES, MORE OR LESS, OUT OF THE NORTH ½ OF LOT 89, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS WITHIN THE 1000 BLOCK OF W. MINNESOTA ROAD. COZ#230280

Laura Fonseca, Planner I, introduced the item and stated Laura B. Tiscareno, owner, had filed with the Planning and Zoning Commission a request for a Change of Zone from Heavy Commercial District (H-C) to Townhouse Residential District (R-TH) in order to develop and construct a single-family residence and townhouses as part of a phased development. She stated the subject site was located on the south side of West Minnesota Road, approximately 650 ft. west of North Sugar Road, with a physical address of 1000 Block of West Minnesota Road. She stated the property was legally described as being 2.0 acres, more or less, out of the North ½ Lot 89, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas and fronts West Minnesota Road, an 80 ft. major 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, further stated the property was zoned Heavy Commercial District (H-C) and the properties to the east and west were annexed on September 19, 1989, and were zoned to Heavy Commercial District (H-C). She further stated the property to the south was zoned to Medium Density Multi-Family Residential District (R-3) on October 19, 2004 and the properties to the north were zoned to Agricultural and/or Open Space District (A-O) upon annexation to the City of Pharr on March 6, 1984. She reported there have been no other zoning requests within the general vicinity of the subject property since that time and the property was generally designated for commercial use in the Land Use Plan.

Laura Fonseca, Planner I, explained the Residential Townhouse District (R-TH) was established to provide adequate space and site diversification for medium-density residential development that was single-family, on separate lots, and typically owner occupied. Townhouse development was a low to medium density use and before zoning to townhouse usage, the increased requirements for street, water and fire protection, wastewater, drainage, and adequate open space must be met. She stated townhouse developments must be properly buffered from nonresidential uses and protected from

high volumes of non-single-family traffic, or from pollution and/or environmental hazards. She reported twenty-nine (29) letters were mailed out to the surrounding property owners within a two hundred (200) foot radius on March 10, 2023, and a legal notice was published in the Advance News Journal on March 8, 2023. Staff received no response to the letters or the legal notice.

Laura Fonseca, Planner I, stated staff recommended denial of the request to rezone from Heavy Commercial District (H-C) to Townhouse Residential District (R-TH) as the property is not in line with the future land use plan.

Chairman, Danny Wylie, asked if the applicant had any comments. Laura Tiscareno stated she had been in a meeting with the Planning Department to inquire as to what she could do on that land and was advised she could rezone. She further stated there were apartment behind her property and in front were residential. She stated the street to one side was not heavy commercial. She hired an engineer for a master plan in order to build her dream home and later she would like to build townhouses. Lastly, she was willing to comply with all city ordinances.

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 item for board discussion.

Board member, Charlie Ramirez stated the area was commercial on the east side it used to be a vehicle storage around 20 years ago and it had been cleared now. He further stated the property to the west was an existing building Victoria Steal.

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

Board member, Charlie Ramirez moved to approve the request. Andy Castro seconded the motion.

Laura Fonseca, Planner I, stated for the record and clarified to board members Charlie Ramirez and Andy Castro for approving the change of zone to townhouses.

Chairman, Danny Wylie, and board member Guadalupe Cano were in opposition.

Mr. Wylie stated there was a tie and the item would be further discussed at the City Commission meeting.

Chairman, Danny Wylie, asked legal if the item could be tabled. Patricia Rigney, City Attorney, stated she would make a call, but no further action at the time.

ITEM E. PLATS:

- 1) **SALINAS ENGINEERING & ASSOCIATES, REPRESENTING MARIA DEL CARMEN PACHECO, MANAGER FOR ENCARLEN, LTD., A TEXAS LIMITED PARTNERSHIP., IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED VILLA ESPAÑA ESTATES PHASE V SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.22 ACRE TRACT OF LAND, MORE OR LESS, OUT OF AND FORMING A PART OF LOT 8, BLOCK 9, A.J. MCCOLL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 2500 BLOCK OF S. SALAMANCA ST. SUB#230203**

Eddie Martinez, Planner II, introduced the item and stated Salinas Engineering & Associates, representing Maria Del Carmen Pacheco, Manager for Encarlen, LTD., a Texas Limited Partnership., was requesting preliminary plat approval of the proposed Villa España Estates Phase V Subdivision. He stated the property was legally described as being a 0.22-acre tract of land, more or less, out of and forming a part of Lot 8, Block 9, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas, and the property was located within the 2500 Block of South Salamanca Street and was currently zoned Residential Townhouse District (R-TH). He further stated the adjacent zones were Single Family Residential District (R-1) to the east and south and General Business District (C) to the north and west. The property was designated for commercial use in the Land Use Plan which was zoned and proposed for townhouses.

Eddie Martinez, Planner II, stated Development Services recommended preliminary plat approval of the proposed Villa España Estates Phase V Subdivision subject to the following conditions as noted in the packet.

At this time Chairman, Danny Wylie, opened the item for discussion.

There being no discussion, Guadalupe Cano moved to approve the request for preliminary plat approval of the proposed Villa España Estates Phase V Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 2) **MELDEN & HUNT INC., REPRESENTING THOMAS P. WINGATE JR., MANAGER FOR ADELANTE FUNDINGS I, LTD., IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED MI BODEGITA SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 2.297 ACRES OUT OF LOT 151, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 2100 BLOCK OF N. SUGAR RD. SUB#221139**

Eddie Martinez, Planner II, introduced the item and stated Melden & Hunt Inc., representing Thomas P. Wingate Jr., Manager for Adelante Fundings I, LTD., was requesting preliminary plat approval of the proposed Mi Bodegita Subdivision. He stated

the property was legally described as being 2.297 acres out of Lot 151, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas, and it was located within the 2100 Block of N. Sugar Rd. He further stated the property was currently zoned General Business District (C) and the adjacent zones were Residential Mobile Home District (R-MH) to the north, Agricultural Open District (A-O) to the east, Residential Multi-family High-Density District (R-MFHD) to the south and Single-Family Residential District (R-1) to the west. He stated the property was designated for industrial use in the Land Use Plan and was designated for self-storage.

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

Chairman, Danny Wylie, opened the item for discussion.

There being no discussion, Charlie Ramirez **moved** to approve the request for preliminary plat approval of the proposed Mi Bodegita Subdivision. Andy Castro seconded the motion and when put to a vote, it carried unanimously.

3) LUIS J. NAVA, ENGINEER, REPRESENTING ERIC FANTICH, MEMBER OF FANTICH LAND HOLDINGS & DEVELOPMENTS, IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED FANTICH SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 1.879 ACRE TRACT OF LAND OUT OF LOT 152, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1000 BLOCK OF W. FERGUSON AVE. SUB#221139

Eddie Martinez, Planner II, introduced the item and stated the property was legally described as being a 1.879-acre tract of Land out of Lot 152, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas, and was located within the 1000 Block of W. Ferguson Ave. He further stated the property was currently zoned General Business District (C) and Residential Multi-Family High-Density District (R-MFHD) and the adjacent zones were Residential Multi-Family High-Density District (R-MFHD) District (R-MH) to the north, General Business District (C) and Residential Multi-Family High-Density District (R-MFHD) to the east, General Business District (C) to the south and Agricultural Open District (A-O) to the west. The property was designated for commercial use in the Land Use Plan and the area was zoned and proposed for apartments/retail.

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

Chairman, Danny Wylie, opened the item for discussion.

There being no discussion, Charlie Ramirez **moved** to approve the request for preliminary plat approval of the proposed Fantich Subdivision. Andy Castro seconded the motion and when put to a vote, it carried unanimously.

Patricia Rigney, City Attorney, briefly stated as a result of the tied vote, the motion would fail and would be forwarded to City Commission as a recommendation for denial.

ITEM F. ANNOUNCEMENTS/OTHER BUSINESS:

None

ITEM G. CLOSED SESSION:

None

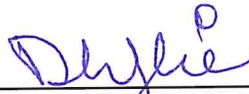
ITEM H. RECONVENE:

None.

ITEM I. ADJOURNMENT

There being no further business, Andy Castro moved to adjourn. Charlie Ramirez seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:35 p.m.

PLANNING & ZONING COMMISSION



Chairman, Danny Wylie

ATTEST:



Andy Castro, Secretary

APPROVED: April 10, 2023