

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. August 14, 2023 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, August 14, 2023 and following is the record of attendance.

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

ABSENT: Andy Castro Romeo Robles

STAFF PRESENT: Ricardo Rodriguez, Asst. City Attorney
 Dr. David D. Friedlein, Asst. City Manager
 Kimberly Mendoza, Director of Development Services
 Joe Garza, Asst. Director of Development Services
 Laura Fonseca, Planner I
 Mike Navarro, Asst. Fire Marshal
 Alyn Cervantes, Plans Examiner
 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 6:07 p.m. Roll call established a quorum.

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

ITEM B. PUBLIC TESTIMONY

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

ITEM C. APPROVAL OF MINUTES

1) MINUTES FOR JULY 24, 2023

Chairman, Danny Wylie, introduced the item.

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

ITEM D. PUBLIC HEARING:

- 1) JUAN M. BENITEZ, REPRESENTING THOMAS JAKL, 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 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 1.33 ACRES, MORE OR LESS, OUT OF LOT 73, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 5701 NORTH SUGAR ROAD. COZ#230711**

Laura Fonseca, Planner I, introduced the item and stated Juan M. Benitez, representing Thomas Jakl, owner, were requesting a change of zone From Agricultural and/or Open Space District (A-O) to Single-Family Residential District (R-1) to develop and construct a single-family residence. She went over the property's legal description and physical address and stated the property was located on the west side of North Sugar Road, approximately 1,150 feet south of West Owassa Road and the property fronts North Sugar Road, a 70-foot -wide minor collector which runs north and south 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, briefly stated the property and the properties to the north and south were zoned Agricultural and/or Open Space District (A-O) upon annexation on April 10, 1984 and the property to the west was rezoned from Single-Family Residential District (R-1) to Single-Family Residential Estate District (R1-E) on November 21, 2022. Ms. Fonseca further reported the property to the east was rezoned from Planned Urban Development District (PUD) to Mobile Home District (R-MH) on December 13, 1988, and there have been no other zoning requests within the general vicinity of the subject property since that time. She lastly stated the property was generally designated for single family residential and commercial uses in the Land Use Plan.

Laura Fonseca, Planner I, briefly explained Single-Family District was intended to be composed of single-family dwellings together with public, denominational, and private schools, churches, and public essentials to create basic neighborhood units. She stated areas zoned for this use shall have water, wastewater, drainage, and access to paved streets based on single-family usage. She added this was intended for areas that were properly buffered from nonresidential uses and protected from pollution and/or environmental hazards or from high volume of non-single-family traffic. Lastly, she reported thirteen (13) letters were mailed out to the surrounding property owners within a two hundred (200) foot radius on July 28, 2023, and a legal notice was published in the Advance News Journal on July 24, 2023. Staff received no response to the letters or the legal notice.

Laura Fonseca, Planner I, stated staff recommended approval of the request to re-zone from Agricultural and/or Open Space District (A-O) to Single-Family Residential District (R-1) as the property met area requirements, had adequate ingress and egress and would be compatible with surrounding properties. If approved, the owner must comply with all City Ordinances and City Department requirements.

Chairman, Danny Wylie, asked if applicant had any comments. There being no comments, he 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.

There being no discussion, Jonathan Larraga **moved** to approve the request to rezone from Agricultural and/or Open Space District (A-O) to Single-Family Residential District (R-1). Charlie Ramirez seconded the motion and when put to vote, it carried unanimously.

- 2) JAVIER LOYDE, REPRESENTING XOCHITL PABLOS VELEZ, 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 GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.89-ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 236, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 2600 SOUTH CAGE BOULEVARD. COZ#230713**

Laura Fonseca, Planner I, introduced the item and stated Javier Loyde, representing Xochitl Pablos Velez, owner, were requesting a change of zone from Agricultural and/or Open Space District (A-O to General Business District (C) to develop and construct commercial uses. She went over the property's legal description and physical address and stated the property was located on the southwest corner of West Hall Acres Road and South Cage Boulevard and the property had frontage on South Cage Boulevard and West Hall Acres Road. She briefly stated South Cage Boulevard was a 120–150-foot principal arterial street which runs north and south with a posted speed limit of 40 to 55 miles per hour or less as identified in the City of Pharr's Thoroughfare Plan. She further stated West Hall Acres Road was a major arterial which runs east and west with a posted speed limit of 35 to 45 miles per hour.

Laura Fonseca, Planner I, briefly stated the property was zoned Agricultural and/or Open Space District (A-O) upon annexation on May 4, 1976. She reported the property to the west was zoned Agricultural and/or Open Space District (A-O) upon annexation on June 7, 1983 and the property to the south was rezoned from Single-Family Residential District (R-1) to General Business District (C) on July 1, 1980. Ms. Fonseca further reported the property to the north was zoned General Business District (C) on November 18, 2019 and there have been no other zoning requests within the general vicinity of the subject property since that time. She lastly stated the property was generally designated for commercial and single residential uses in the Land Use Plan.

Laura Fonseca, Planner I, briefly explained General Business District (C) was established to provide adequate space and site diversification for most types of commercial development in the City of Pharr. She further stated larger shopping centers and most existing commercial strips along major arterials would be included in the district. The noise, traffic, litter, late-night hours, and possible blighting influences required adequate buffering from residential areas, and the traffic from such uses should not pass-through residential areas, except on arterials or major collectors. She reported eleven (11) letters were mailed out to the surrounding property owners within a two hundred (200) foot radius on July 28, 2023, and a legal notice was published in the Advance News Journal on July 24, 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 from Agricultural and/or Open Space District (A-O) to General Business District (C) as the property met area requirements, had adequate ingress and egress and would be compatible with surrounding properties. If approved, the owner must comply with all City Ordinances and City Department requirements.

Chairman, Danny Wylie, asked if applicant had any comments. There being no comments, he 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.

There being no discussion, Rafael Munguia **moved** to approve the request to rezone from Agricultural and/or Open Space District (A-O) to General Business District (C). Jonathan Larraga seconded the motion and when put to vote, it carried unanimously.

- 3) STEVE SPOOR, REPRESENTING JJAB LIMITED FAMILY PARTNERSHIP, 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 GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 1.02 ACRES, MORE OR LESS, OUT OF LOTS 14 AND 15, L.R. BELL SUBDIVISION "E", PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1313 EAST ALAN AVENUE. COZ#230712**

Laura Fonseca, Planner I, introduced the item and stated Steve Spoor, representing JJAB Limited Family Partnership, LLC, owner, were requesting a change of zone from Single-Family Residential District (R-1) to General Business District (C) to develop and construct commercial uses. She went over the property's legal description and physical address and stated the property was located on the northwest corner of East Alan Avenue and North Veterans Boulevard and stated East Alan Avenue was a 50-60-foot-wide local street which runs east and west with a posted speed limit of 20 to 30 miles per hour as identified in the City of Pharr's Thoroughfare Plan. She further stated North Veterans Boulevard was a 100-foot-wide minor arterial street which runs north and south with a posted speed limit of 30-45 miles per hour.

Laura Fonseca, Planner I, briefly stated the property and the properties to the west and south were zoned Single-Family Residential District (R-1) upon annexation on October 19, 1982, the property to the north was rezoned Agricultural and/or Open Space District (A-O) to General Business District (C) on January 20, 2020, and the property to the east was outside the Pharr city limits. Ms. Fonseca further 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 uses in the Land Use Plan.

Laura Fonseca, Planner I, briefly explained General Business District (C) was established to provide adequate space and site diversification for most types of commercial development in the City of Pharr. She further stated larger shopping centers and most existing commercial strips along major arterials would be included in the district. The noise, traffic, litter, late-night hours, and possible blighting influences required adequate buffering from residential areas, and the traffic from such uses should not pass-through residential areas, except on arterials or major collectors. She reported fourteen (14) letters were mailed out to the surrounding property owners within a two hundred (200) foot radius on July 28, 2023, and a legal notice was published in the Advance News Journal on July 24, 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 from Single-Family Residential District (R-1) to General Business District (C) as the property met area requirements, had adequate ingress and egress and would be compatible with our Future Land Use Plan. If approved, the owner must comply with all City Ordinances and City Department requirements.

Chairman, Danny Wylie, asked if applicant had any comments. There being no comments, he 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.

There being no discussion, Jonathan Larraga moved to approve the request to rezone from Single-Family Residential District (R-1) to General Business District (C). Carlie Ramirez seconded the motion and when put to vote, it carried unanimously.

- 4) **PABLO SOTO JR., REPRESENTING PABLO QUINTANILLA SALINAS & CLARIBEL SALINAS, OWNERS, 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 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 0.45 ACRES, MORE OR LESS, OUT OF LOT 144, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 2400 NORTH VETERANS BOULEVARD. COZ#230607**

Laura Fonseca, Planner I, introduced the item and stated Pablo Soto Jr., representing Pablo Quintanilla Salinas and Claribel Salinas, owners, were requesting a change of zone from Agricultural and/or Open Space District (A-O) to Single-Family Residential District (R-1) to construct a single-family home. She went over the property's legal description and physical address and stated the property was located on the west side of North Veterans Boulevard, approximately 1,300 feet north of East Ferguson Avenue. She stated the property fronts North Veterans Boulevard, a 100-foot-wide minor arterial street which runs north and south with a posted speed limit of 30 to 45 miles per hour or less as identified in the City of Pharr's Thoroughfare Plan.

Laura Fonseca, Planner I, briefly stated the property to the west was zoned Agricultural and/or Open Space District (A-O) upon annexation on December 19, 1972. the property to the north was zoned Mobile Home District (R-MH) upon annexation on December 19, 1972, the property to the south was rezoned from Agricultural and/or Open Space District (A-O) to General Business District (C) on October 16, 1990, and the property to the east was outside city limits. She briefly stated there have been no other zoning requests within the general vicinity of the subject property since that time. The property was generally designated for right-of-way use in the Land Use Plan.

Laura Fonseca, Planner I, briefly stated Single-Family District was intended to be composed of single-family dwellings together with public, denominational, and private schools, churches, and public parks essential to create basic neighborhood units and areas that were zoned for that use shall have water, wastewater, drainage, and access to paved streets based on single-family usage. She added this was intended for areas that were properly buffered from nonresidential uses and protected from pollution and/or environmental hazards or from high volume of no-single-family traffic. She further stated twenty (20) letters were mailed out to the surrounding property owners within a two hundred (200) foot radius on July 28, 2023, and a legal notice was published in the Advance News Journal on July 24, 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 from Agricultural and/or Open Space District (A-O) to Single-Family Residential District (R-1) as the property met area requirements, had adequate ingress and egress and would be compatible with surrounding properties. If approved, the owner must comply with all City Ordinances and City Department requirements.

Chairman, Danny Wylie, asked if applicant had any comments. There being no comments, he 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.

There being no discussion, Charlie Ramirez moved to approve the request to rezone from Agricultural and/or Open Space District (A-O) to Single-Family Residential District (R-1). Rafael Munguia seconded the motion and when put to vote, it carried unanimously.

- 5) **SIMON RUIZ, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW A PARKING FACILITY IN A LIMITED INDUSTRIAL DISTRICT (L-I). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 5.0-ACRE TRACT OF LAND OUT OF LOT 326, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 800 WEST DICKER ROAD. SUP#230714**

Laura Fonseca, Planner I, introduced the item and stated Simon Ruiz, was requesting a Special Use Permit to allow a parking facility on an unimproved surface. She went over the property's legal description and physical address and stated the property was currently zoned Limited Industrial District (L-I), the adjacent zoning was Agricultural and/or Open District (A-O) to the west and north, and a portion of the property to the east was zoned Single-Family Residential District (R-1). She stated the area was generally designated for commercial and Public/Semi Public in the Land Use Plan.

Laura Fonseca, Planner I, briefly reported Police Chief was pending inspection and Fire Department and Code Compliance were pending reinspection and Development Services recommended denial of the Special Use Permit. She stated forty-eight (48) letters were mailed out to the surrounding property owners within a three (300) foot radius on July 28, 2023 and a legal notice was published in the Advance News Journal on July 24, 2023. Staff received 2 calls for information to the letters or the legal notice.

Lastly, Laura Fonseca, Planner I, stated staff recommended denial of the Special Use Permit to allow a parking facility in a Limited Industrial District (L-I) based on the request to park vehicles on an unimproved surface. However, if approved, the owner must comply with all City Ordinances and City Department requirements.

Chairman, Danny Wylie, asked if applicant had any comments. Simon Ruiz briefly stated they had improved 1/3 of the mentioned property and asked if he would be given 12 months to complete asphalt to the remaining 2/3 of the property. He stated they would comply with Fire Department and City Code 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.

At this time, Board member Rafael Munguia requested the item be discussed in closed session. There was no objection.

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 SESSION (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 6:23 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 6:40 p.m. Chairman, Danny Wylie stated the commission would be resuming the open meeting.

- 5) **SIMON RUIZ, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW A PARKING FACILITY IN A LIMITED INDUSTRIAL DISTRICT (L-I). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 5.0-ACRE TRACT OF LAND OUT OF LOT 326, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 800 WEST DICKER ROAD. SUP#230714**

Laura Fonseca, Planner I, reintroduced the item.

Rafael Munguia moved to deny the request for a Special Use Permit to allow a parking facility in a Limited Industrial District (L-I). Charlie Ramirez seconded the motion and when put to vote, it carried unanimously.

ITEM E. PLATS:

- 1) **MELDEN & HUNT INC., REPRESENTING JOSE ALBERTO VELA, IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED T.L.C. PHARR SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING 3.317 ACRES OUT OF LOTS 15 AND 17, PHARR CITRUS ORCHARDS CO. SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1300 BLOCK OF WEST SAM HOUSTON AVENUE. SUB#201238**

Joe Garza, Asst. Director, introduced the item and went over the property's legal description. He stated the property was located within the 1300 Block of West Sam Houston Avenue and was currently zoned General Business District (C). He further stated the adjacent zones were General Business District (C) to the north, east and west and

Residential Townhouse District (R-TH) to the south and the property was designated for commercial use in the Land Use Plan and was zoned for retail space.

Joe Garza, Asst. Director, stated staff recommended final plat approval of the proposed T.L.C. Pharr Subdivision subject to the conditions noted in the packet.

There being no discussion, Guadalupe Cano **moved** to approve the request for final plat approval of the proposed T.L.C. Pharr Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 2) M2 ENGINEERING, REPRESENTING ROBERTO GARZA, MANAGING MEMBER FOR GARMAN INVESTMENTS, LP, IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED PALM HILLS SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 9.990 ACRE TRACT OF LAND OUT OF LOT 248, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1400 BLOCK OF WEST JAVELINA DRIVE. SUB#210933**

Joe Garza, Asst. Director, introduced the item and went over the property's legal description. He stated the property was located within the 1400 Block of West Javelina Drive and was currently zoned Residential Multi-Family District (R-MF). He further stated the adjacent zones were Single-Family Residential District (R-1) to the north and City limits to the east, south, and west. He further reported the property was designated for single-family residential use in the Land Use Plan and was zoned for apartments.

Joe Garza, Asst. Director, stated staff recommended final plat approval of the proposed Palm Hills Subdivision subject to the following conditions as noted in the packet.

There being no discussion, Jonathan Larraga **moved** to approve the request for final plat approval of the proposed Palm Hills Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

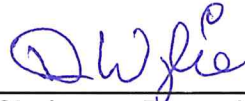
ITEM F. ANNOUNCEMENTS/OTHER BUSINESS:

None

ITEM I. ADJOURNMENT

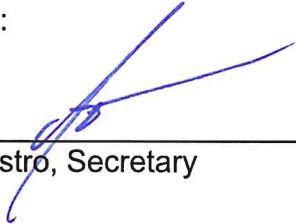
There being no further business, Charlie Ramirez moved to **adjourn**. Guadalupe Cano seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:45 p.m.

PLANNING & ZONING COMMISSION



Chairman, Danny Wylie

ATTEST:



Andy Castro, Secretary

APPROVED: August 28, 2023