MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. December 14, 2020 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, December 14, 2020 and following is the record of attendance.

MEMBERS PRESENT:	Danny Wylie Romeo Robles	Charlie Ramirez
MEMBERS PRESENT VIA VIDEO CONFERENCE:	Jonathan Larraga	Luis Madrigal
ABSENT:	Rafael Munguia	Andy Castro
OTHERS PRESENT:	See attached list	
STAFF PRESENT:	Roland Gomez, Development Services Assistant Director Roy Rodriguez, Assistant Director/Building Official Eddie Martinez, Planner II Anaisa Licerio, 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 6:00 p.m. Roll call established a quorum.

Charlie Ramirez moved to **excuse** the absent members. Romeo Robles 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 had registered to speak.

Iris Mata, Administrative Assistant, Gloria Vela had registered to speak.

Gloria Vela, residing at 1005 Sundance Lane, San Juan, TX, stated she had registered to speak as the daughter of Emilio and Janice Vela, residing at 226 East Jones. Ms. Vela stated she was concerned for her parents as she has been living with them since the start of the pandemic. She continued to state she has noticed a high volume of traffic in the neighborhood. Ms. Vela stated that those living in the neighborhood have owned their homes for over thirty (30) years. She requested that the Planning and Zoning Commission deny the request for Change of Zone.

ITEM C. APPROVAL OF MINUTES

1) MINUTES OF NOVEMBER 23, 2020

Chairman, Danny Wylie, introduced the item.

There being no discussion Romeo Robles moved to **approve** the minutes of November 23, 2020. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PUBLIC HEARING

1) MARIA DELEON HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM GENERAL BUSINESS DISTRICT (C) TO SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOTS 15 AND 16, BLOCK 5, PHARR ORIGINAL TOWNSITE SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED 118 EAST BELL AVE. COZ#201146

Anaisa Licerio, Planner I, introduced the item and stated the property is currently zoned General Business District (C). 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. The subject property was later rezoned from Single-Family Residential District (R-1) to General Business District (C) on November 18, 1997. 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-one (21) 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 I, further stated staff recommended approval of the request to re-zone to Single-Family Residential District (R-1) 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.

Javier DeLeon, residing at 118 East Bell, stated he was requesting the change of zone to build a home.

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 Luis Madrigal moved to **approve** the rezoning request from General Business District (C) to Single-Family Residential District (R-1). Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

2) **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, VILLA BAEZ SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 320 EAST JONES AVENUE. COZ#201149**

Anaisa Licerio, Planner I, introduced the item and stated the property is currently zoned General Business District (C). 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. The subject property was later rezoned from Single-Family Residential District (R-1) to General Business District (C) on November 18, 1997. 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) 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 three (3) telephone calls in opposition of the item and signed up to speak at the public hearing.

Anaisa Licerio, Planner I, further stated staff recommended approval of the request to re-zone to Residential Multi-Family District (R-MF) 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.

Gerardo Lopez, applicant and property owner of 320 East Jones, approached the Planning & Zoning Commission and acknowledged the concerns of Ms. Gloria Vela. He stated that the change of zone was for new construction of a 4-plex that would beautify the neighborhood. Mr. Lopez continued to state the families living in the 4-plex would have access to the surrounding schools and he would fence the property.

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

Iris Mata, Administrative Assistant, stated there were four (4) individuals registered to speak.

Aileen Rodriguez, residing at 606 South Cypress, stated she contacted her neighbors and they were all opposed to the change of zone. She stated her lawyer had submitted a legal protest to staff via fax. She continued to state she was against the change in zone due to high traffic, sanitation issues, and other issues. Ms. Rodriguez stated that she felt the applicant was not rehabilitating but inviting issues to the neighborhood to include affecting their property values. She stated the neighborhood is prone to flooding as there was no infrastructure and the proposed use would add to the runoff.

Chairman, Danny Wylie, stated the petition would be filed in the file.

Sergio Vasquez, residing at 325 East Jones, stated children are not able to play on the street because of traffic and the area has flooded the last two (2) years.

Ruben Pequeno, residing at 603 South Cypress, stated he was against the change of zone due to the increase in traffic, additional flooding concerns, higher crime rate, and lower home value for loyal Pharr residents.

Valdemar Garcia Jr., residing at 617 South Birch, registered to have his comments read to the Planning and Zoning Commission.

Anaisa Licerio, Planner I, read Valdemar Garcia's comments. Mr. Garcia wrote he opposed the change of zone as it would cause unreasonable detriment to he and his neighbors. He continued to write the change would jeopardize the safety of the area due to more noise, traffic, crime, parking, fire evacuation issues and unknown tenants.

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

Luis Madrigal asked staff if the property met the area requirements for multi-family such as ingress and egress. He also asked if the frontage dimensions met the requirements for multi family per the previously approved ordinance.

Anaisa Licerio, Planner I, confirmed the property met all the requirements for multi-family use.

Luis Madrigal asked staff if there would be requirements for the applicant for retention and detention.

Roland Gomez, Development Services Director, stated new construction would go through the Building Safety Division and then routed to the Engineering Department for retention and detention requirements.

Charlie Ramirez recommended the item be discussed in 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 6:22 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:

2) 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, VILLA BAEZ SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 320 EAST JONES AVENUE. COZ#201149

The time being 6:51 p.m., Chairman Wylie stated the commission would be resuming the open meeting.

Luis Madrigal asked staff to confirm the zoning of the surround properties.

Anaisa Licerio, Planner I, confirmed Lot 1 was N-C (Neighborhood Commercial), Lot 2 was Residential Multi-Family (R-MF), Lots 7 and 8 was Residential Multi-Family High Density (R-MFHD) and Lots 9 and 10 was Residential Multi-Family (R-MF).

There being no further discussion Luis Madrigal moved to **approve** the rezoning request from Single-Family Residential District (R-1) to Residential Multi-Family District (R-MF). Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

Romeo Robles addressed the public to note that the Planning & Zoning Commission was recommending approval, but it would be up to the City Commission to approve the change of zone. He continued to tell the public that they could take their concerns to the City Commission meeting on December 21, 2020.

3) **CITY OF PHARR 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 LIMITED INDUSTRIAL DISTRICT (L-I). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 7.15 ACRES, MORE OR LESS, OUT OF LOT 378, KELLY PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED BETWEEN THE 802 – 1100 BLOCK OF WEST HI-LINE ROAD.** COZ#201151

Anaisa Licerio, Planner I, introduced the item and stated the item was withdrawn.

4) **LUCINA G. GONZALEZ HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW A CHURCH IN A GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOT 207, VILLA DE LA PRIMAVERA SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 6705 SOUTH JACKSON ROAD. CUP#201148**

Anaisa Licerio, Planner I, 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, Single Family Residential District (R-1) to the east, and the City limits lie to the west. This area is generally designated for commercial in the Land Use Plan. She further reported forty-three (43) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. She staff received no response to the letter or legal notice.

Anaisa Licerio, Planner I, further stated staff recommended approval of the request for Life-of-the-Use Conditional Use Permit to allow a church in a General Business District (C) subject to applicant and site being in compliance 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, closed the public hearing and opened the item for discussion and action.

Charlie Ramirez asked if the applicant was the property owner.

Anaisa Licerio, Planner I, confirmed the applicant was the property owner.

There being no further discussion Jonathan Larraga moved to **approve** the request for Life-of-the-Use Conditional Use Permit to allow a church in a General Business District (C). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

5) **AVE MARIA CHAPEL HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW A CHURCH IN AN OFFICE AND PROFESSIONAL DISTRICT (O-P). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.032 ACRES, MORE OR LESS, OUT OF LOTS 1 AND 2, EMBASSY TERRACE SUBDIVISION PHASE I, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1301 WEST SAM HOUSTON AVENUE. CUP#201152**

Anaisa Licerio, Planner I, introduced the item and stated the item was withdrawn.

6) **956 NIGHT LIFE, LLC, D/B/A EL RODEO BAR & GRILL, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR CONDITIONAL USE PERMIT AND LATE HOURS 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 LOT 187, VALLE DE LA PRIMAVERA SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 6905 SOUTH JACKSON ROAD. CUP#201147**

Anaisa Licerio, Planner I, 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, Single-Family Residential District (R-1) to the east and City of Pharr limits lie to the west. This area is generally designated for commercial use in the Land Use Plan. She further reported thirty-eight (38) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. She staff received no response to the letter or legal notice.

Anaisa Licerio, Planner I, further stated staff recommended approval of the request for a Conditional Use Permit and Late Hours 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.

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 Charlie Ramirez moved to **approve** the request for a Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). Romeo Robles seconded the motion and when put to a vote, it carried unanimously.

7) **INSIGHT PUBLIC SECTOR HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW A NEW TELECOMMUNICATIONS TOWER IN AN AGRICULTURAL AND/OR OPEN SPACE DISTRICT (A-O). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.01 ACRES, MORE OR LESS, OUT OF LOT 327, KELLY PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1000 WEST DICKER ROAD. CUP#201153**

Anaisa Licerio, Planner I, introduced the item and stated the item was withdrawn.

8) **INSIGHT PUBLIC SECTOR HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW A NEW TELECOMMUNICATIONS TOWER IN A SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) AND RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT (R-HDMF). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.01 ACRES, MORE OR LESS, OUT OF 24.05 ACRES, PSJA I.S.D. ELEMENTARY NO. 9 SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 401 EAST THOMAS ROAD. CUP#201154**

Anaisa Licerio, Planner I, introduced the item and stated the item was withdrawn.

9) **INSIGHT PUBLIC SECTOR HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW A NEW TELECOMMUNICATIONS TOWER IN AN AGRICULTURAL AND/OR OPEN SPACE DISTRICT (A-O). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.01 ACRES, MORE OR LESS, OUT OF LOT 1, J. CONNALLY KELLY ELEMENTARY SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 201 EAST LAS MILPAS ROAD. CUP#201155**

Anaisa Licerio, Planner I, introduced the item and stated the item was withdrawn.

ITEM E. PLAT APPROVAL

1) **ATLAS CONSULTANTS, REPRESENTING RAMIRO J. ELIZONDO IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED ELIZONDO ESTATES SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS A RE-PLAT OF THE WEST 120 FEET OF LOTS 1 AND 2, BLOCK 9, HIDALGO PARK ESTATES SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED AT THE 7400 BLOCK OF SOUTH CAGE BOULEVARD. SUB#190308**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned General Business District (C). The adjacent zones are General Business District (C) to the north, south, east and west. The property is designated for commercial use in the Land Use Plan. He added no variances were being requested and staff recommended final plat approval of the proposed Elizondo Estates 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 Charlie Ramirez moved to **approve** the request for final plat approval of the proposed Elizondo Esstates Subdivision. Luis Madrigal seconded the motion and when put to a vote, it carried unanimously.

2) **MELDEN & HUNT INC., REPRESENTING THE CITY OF PHARR, IS REQUESTING PRELIMINARY AND FINAL PLAT APPROVAL OF THE PROPOSED NORTH SIDE COMMUNITY CENTER SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 8.27 ACRES CONSISTING OF 5.00 ACRES OUT OF LOT 98, KELLY-PHARR SUBDIVISION AND 3.27 ACRES OUT OF LOT 1, PLAZA SPORT CENTER PHASE I, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1100 BLOCK OF E. NOLANA LOOP. SUB#201134**

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

3) **R. GUTIERREZ ENGINEERING CORPORATION, REPRESENTING CRUZ REY MATA CANTU AND REYNALDO MATA, OWNERS, ARE REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED REPLAT OF LOT 1, MATA ESTATES SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING 2.61 ACRES OF LAND CONSISTING OF ALL OF LOT 1, MATA ESTATES SUBDIVISION AND 2.24 ACRES OUT OF LOT 222, KELLY PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 400 EAST MOORE ROAD. SUB#200825**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Residential Multi-Family High Density District (R-MFHD) and Agricultural and/or Open Space District (A-O). The adjacent zones are Residential Mobile Home District (R-MH) to the north, Agricultural and/or Open Space District (A-O) to the south and west and Agricultural and/or Open Space District (A-O) and Single-Family Residential District (R-1) to the east. The property is designated for single-family use in the Land Use Plan. He added no variances were being requested and staff recommended preliminary plat approval of the proposed Replat of Lot 1, Mata Estates 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 Charlie Ramirez moved to **approve** the request for preliminary plat approval of the proposed Replat of Lot 1, Mata Estates Subdivision. Luis Madrigal seconded the motion and when put to a vote, it carried unanimously.

4) **BARRERA INFRASTRUCTURE GROUP, INC., REPRESENTING JACINTO ANDRES GARCIA, OWNER, IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED ANDRES GARCIA SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 1.00 ACRE GROSS TRACT OF LAND LYING AND BEING THE EAST PORTION OF LOT 5, BLOCK 11, A.J. MCCOLL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 1200 BLOCK OF WEST GREG DRIVE. SUB#201032**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Single Family Residential District (R-1). The adjacent zones are Single Family Residential District (R-1) to the north, south, 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 preliminary plat approval of the proposed Andrea Garcia 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 Charlie Ramirez moved to **approve** the request for preliminary plat approval of the proposed Andres Garcia Subdivision. Romeo Robles seconded the motion and when put to a vote, it carried unanimously.

ITEM F. ANNOUNCEMENTS/OTHER BUSINESS:

None.

ITEM G. CLOSED SESSION

None.

ITEM H. RECONVENE

None.

ITEM I. 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 7:11 p.m.

Dwylie

Chairman, Danny Wylie

ATTEST:

Andy Castro, Secretary

APPROVED: December 28, 2020