

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. March 08, 2021 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, March 08, 2021 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Charlie Ramirez
 Romeo Robles Rafael Munguia

**MEMBERS PRESENT
VIA VIDEO
CONFERENCE:** Jonathan Larraga

ABSENT: Andy Castro Luis Madrigal

OTHERS PRESENT: See attached list

STAFF PRESENT: Melanie Cano, Development Services Director
 Roland Gomez, Development Services Assistant Director
 Eddie Martinez, Planner II
 Della Robles, Planner I
 Alvaro De Leon, Plan Examiner
 Iris Mata, Administrative Assistant
 Carolina Herrera, Secretary
 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. Rafael Munguia seconded the motion and when put to a vote it carried unanimously.

ITEM B. PUBLIC TESTIMONY

Blake Box, residing at 500 E. Pecan, McAllen, Texas, representing property owners/sellers to the north of the 8200 - 8400 block of South Veterans Boulevard stated he supported the change of zone. Mr. Box continued to state he receives calls for Industrial Land Use property around the proposed area. He expressed that his clients and the City of Pharr would benefit from the change of zone.

ITEM C. APPROVAL OF MINUTES

1) MINUTES OF FEBRUARY 22, 2021

Chairman, Danny Wylie, introduced the item.

There being no discussion Romeo Robles moved to approve the minutes of February 22, 2021. Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PUBLIC HEARING

- 1) 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**

Della Robles, Planner I, introduced the item and stated the item would continue to be tabled.

- 2) 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**

Della Robles, Planner I, introduced the item and stated the item would continue to be tabled.

- 3) 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**

Della Robles, Planner I, introduced the item and stated the item would continue to be tabled.

- 4) **JELAH TOW SERVICES, L.L.C. HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE OUTSIDE STORAGE OF MATERIALS AND/OR EQUIPMENT IN A PLANNED UNIT DEVELOPMENT DISTRICT (PUD). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOTS 10 & 17, PHARR/LAS MILPAS INDUSTRIAL PARK SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 109 WEST ZAVALA DRIVE. CUP#210109**

Della Robles, Planner I, introduced the item and stated the property is currently zoned Planning Unit Development District (PUD). The surrounding area is zoned Planning Unit Development District (PUD) to the north, south, east and west. The area is generally designated for industrial use in the Land Use Plan. She further reported six (6) 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 to the letters or the legal notice.

Della Robles, Planner I, further stated staff recommended approval of the request for a Conditional Use Permit to allow the outside storage of materials and/or equipment in a Planning Unit Development District (PUD). 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 asked for a definition on (PUD) Planning Unit Development District.

Della Robles, Planner I, stated that in a Planning Unit Development District the landowner or developer decides what the property or combination of properties would be zoned.

Melanie Cano, Development Services Director, further explained that the Planned Unit Development District would be planned for during development. She continues to state the property could be a variety of zones similar to Pharr Industrial Park.

There being no further discussion Rafael Munguia moved to approve the request for a Conditional Use Permit to allow the outside storage of materials and/or equipment in a Planning Unit Development District (PUD). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 5) OSCAR GARZA, REPRESENTING QUEENSTOWN PARK L.L.C., 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 LIMITED INDUSTRIAL DISTRICT (L-I). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 26.375-ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 352, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED WITHIN THE 8200-8400 BLOCK OF SOUTH VETERANS BOULEVARD. COZ#210110

Della Robles, Planner I, introduced the item and stated the property is currently zoned Agricultural and/or Open Space District (A-O). The properties to the north, south and west are zoned Agricultural and/or Open Space District (A-O) and the City of Pharr limits lie to the east. 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 and commercial 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 one (1) response to the letters for information only.

Della Robles, Planner I, further stated staff recommended denial of the request to re-zone from Agricultural and/or Open Space District (A-O) to Limited Industrial District (L-I) as the property is not consistent with the Future Land Use Plan and it is not compatible with adjacent and nearby uses which will have detrimental impact to the neighborhood character and adjacent school. West Las Milpas is not within the overweight corridor and not associated as a truck route within the City of Pharr which aids in accommodating the movement of overweight vehicles to legally transport cargo to distribution centers and industrial complexes. The property does however meet area requirements and has adequate ingress and egress. If approved, the owner must comply with all City Ordinances and City Department requirements.

Chairman, Danny Wylie, asked if the applicant had any comments.

Joaquin Spamer, Project Developer, residing at 11011 S. Cage stated his intention is to build a 100,00 square foot cold storage facility. His client is wanting to relocate from Weslaco to Pharr. Mr. Spamer stated the project will be a 40 million dollar investment that would employ an additional 100 employees.

Oscar Garza, Engineer, stated that this would be a great opportunity for the city of Pharr as it will create jobs. He continued to state that the area will be heading into this type of development as the bridge is expanding and IBTC will be coming in.

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

Iris Mata, Administrative Assistant stated one person registered to speak, Mr. Robert Evans.

Robert Evans residing at 1412 Martin Avenue McAllen, Texas stated he is part of the Kelly Evans family, they own a surrounding property and are in support of the proposed change.

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

Rafael Munguia recommended the item be discussed in Executive Session.

ITEM E. 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 6:13 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 F. RECONVENE:

The time being 6:43 p.m., Chairman Wylie stated the commission would be resuming the open meeting.

- 5) **OSCAR GARZA, REPRESENTING QUEENSTOWN PARK L.L.C., 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 LIMITED INDUSTRIAL DISTRICT (L-I). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 26.375-ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 352, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED WITHIN THE 8200-8400 BLOCK OF SOUTH VETERANS BOULEVARD. COZ#210110**

There being no further discussion Rafael Munguia moved to deny the rezoning request from Agricultural and/or Open Space District (A-O) to Limited Industrial District (L-I). Romeo Robles seconded the motion and when put to a vote, it carried majority.

Rafael Munguia addressed the public and stated the reason for the denial was for safety issues with the nearby school.

- 6) **TGO DAHLIA 21, L.P. AN AFFILIATE OF TEXAS GREY OAKS, L.L.C., REPRESENTING ESE PROPERTIES, LTD, OWNERS, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM OFFICE PROFESSIONAL DISTRICT (O-P) TO RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT (R-MFHD). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 4.77-ACRE TRACT OF LAND, MORE OR LESS, (INCLUDES ACCESS EASEMENT), OUT OF LOT 187, KELLY PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED WITHIN THE 400-600 BLOCK OF WEST SAM HOUSTON AVENUE. COZ#210212**

Della Robles, Planner I, introduced the item and stated the property is currently zoned Office and Professional District (O-P). On March 11, 2008, the property, and a portion of the property to the north was rezoned to Office and Professional District (O-P). The remaining property to the north is was zoned as Agricultural and/or Open Space District (A-O) on March 30, 1982, when the city adopted the current zoning ordinance we use today. The property to the west was rezoned to General Business District (C) [at front] and Residential Multifamily High-Density District (R-MFHD) [at back] on February 15, 2000. The property to the east was zoned as Single Family Residential District (R-1) and the property to the south was zoned as Agricultural and/or Open Space District (A-O) on March 30, 1982, when the city adopted the current zoning ordinance we use today. There have been no other rezoning requests within the general vicinity of the subject property. The property is generally designated for residential use in the Land Use Plan. She further reported fifteen (15) 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.

Della Robles, Planner I, further stated staff recommended approval of the request to re-zone from Office Professional District (O-P) to Residential Multi-Family High Density District (R-MFHD) as the property meets area requirements and has adequate ingress and egress. The property is not currently compatible with the future land use plan; however, the zoning will allow for reasonable use of the property and granting the request results in equal treatment of similarly situated properties. 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 there were any issues with the property being so close to the water plant.

Della Robles, Planner I, stated there would be a buffer fence as a requirement.

There being no further discussion Romeo Robles moved to approve the request to re-zone from Office Professional District (O-P) to Residential Multi-Family High Density

District (R-MFHD). Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

ITEM G. PLAT APPROVAL

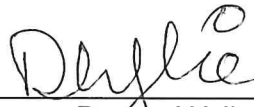
None.

ITEM H. ANNOUNCEMENTS/OTHER BUSINESS:

None.

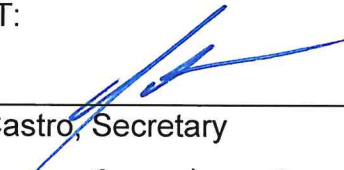
ITEM I. ADJOURNMENT

There being no further business Romeo Robles moved to adjourn. Charlie Ramirez second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:51 p.m.



Chairman, Danny Wylie

ATTEST:



Andy Castro, Secretary

APPROVED: March 22, 2021