

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. April 26, 2021 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, April 26, 2021 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Charlie Ramirez
 Rafael Munguia Andy Castro
 Romeo Robles

**MEMBERS PRESENT
VIA VIDEO**

CONFERENCE: Luis Madrigal

ABSENT: Jonathan Larraga

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
 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

Josefa Mata, residing at 222 W Sam Houston, stated she had lived at this residence with her sister, Maria Elena Mata, property owner, for 50 years. She continued to state she was in opposition of the change of zone. Ms. Mata stated she has seen an increase in rental property, and she believes the City should encourage permanent residence. She continued to state that due to the increase in density there is now traffic and noise issues. She suggested the City should purchase the land and create a community garden.

ITEM C. APPROVAL OF MINUTES

1) MINUTES OF APRIL 12, 2021

Chairman, Danny Wylie, introduced the item.

Chairman, Danny Wylie suggested to amend the minutes and remove Luis Madrigal in attendance due to Mr. Madrigal not being able to participate because of technical difficulties.

There being no further discussion Danny Wylie moved to amend the minutes of April 12, 2021. Charlie Ramirez 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**

Anaisa Licerio, 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**

Anaisa Licerio, 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**

Anaisa Licerio, Planner I, introduced the item and stated the item would continue to be tabled.

- 4) **MELDEN AND HUNT, INC., REPRESENTING F.H. INVESTMENTS, LTD., OWNER, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM GENERAL BUSINESS DISTRICT (C) AND RESIDENTIAL MOBILE HOME DISTRICT (R-MH) TO HEAVY COMMERCIAL DISTRICT (H-C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 3.435 ACRES OUT OF LOT 317, KELLY PHARR TRACT SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED WITHIN THE 6800 BLOCK OF SOUTH CAGE BOULEVARD. COZ#210320**

Anaisa Licerio, Planner I, introduced the item and stated the property is currently zoned General Business District (C) and Residential Mobile Home District (R-MH). The property and the property to the east and south were zoned to Agricultural and/or Open Space District (A-O) when they were annexed by the City of Pharr on November 18, 1986. The properties to the west were zoned to Agricultural and/or Open Space District (A-O) when it was annexed by the City of Pharr on December 16, 1986. Later, the properties to the west were rezoned to General Business District (C) on March 30, 1982 when the city adopted the current zoning ordinance we use today. On September 5, 1989, the property to the north was zoned to Agricultural and/or Open Space District (A-O) and on March 17, 1987, the property and portion of the property to the north and south were rezoned to General Business District (C). The property to the east and portion to the south were rezoned to Residential Mobile Home District (R-MH) on June 17, 1997. Later, the E75' of the W335' of the N180' of Lot 317, a portion of the property to the north was rezoned to General Business District (C). There have been no other zoning requests within the vicinity of the subject property since that time. The property is generally designated for commercial and single-family use in the Land Use Plan. She further reported thirty one (31) letters were mailed out to the surrounding property owners and a legal notice was published in the Advance News Journal. Staff received one (1) call for information only.

Anaisa Licerio, Planner I, further stated staff recommended approval of the request to re-zone from General Business District (C) and Residential Mobile Home District (R-MH) to Heavy Commercial District (H-C) as the property meets 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, 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 questioned the current use of the corner property to the west of the proposed change of zone.

Anaisa Licerio, Planner I, stated the property is Advance Auto Parts.

There being no further discussion Luis Madrigal moved to approve the request to re-zone from General Business District (C) and Residential Mobile Home District (R-MH) to Heavy Commercial District (H-C). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 5) **MELDEN AND HUNT, INC., REPRESENTING MARIA D. ALVAREZ, OWNER, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM NEIGHBORHOOD COMMERCIAL DISTRICT (N-C) TO RESIDENTIAL MULTI-FAMILY DISTRICT (R-MF). THE PROPERTY IS LEGALLY DESCRIBED AS BEING .538 ACRES OUT OF LOTS 1 & 2, BLOCK 1, THE VAN WILLIAMS SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 229 WEST SAM HOUSTON AVENUE. COZ#210321**

Anaisa Licerio, Planner I, introduced the item and stated the property is currently zoned Neighborhood Commercial District (NC). On March 30, 1982, the property, and the property to the north, east, west and south were zoned to Single Family Residential District (R-1) when the city adopted the zoning ordinance we use today. On August 2, 2010, a portion of the property was rezoned to Neighborhood Commercial District (N-C) and later on August 19, 2019, the other portion was rezoned to Neighborhood Commercial District (NC). A portion of the property to the north was rezoned to General Business District (C) on May 15, 2007 and the other portion to the north was rezoned to Residential Multi-Family High Density District (R-MFHD). There have been no other zoning requests within the vicinity of the subject property since that time. The property is generally designated for commercial use in the Land Use Plan. She further reported twenty five (25) 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.

Anaisa Licerio, Planner I, further stated staff recommended approval of the request to re-zone from Neighborhood Commercial District (N-C) 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.

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.

Charlie Ramirez asked staff for the frontage on Sam Houston. Mr. Ramirez continued to ask about the set backs and requested that a representative for the item approach the board. He continued to state that it is difficult to get in and out of the properties on Sam Houston. He asked Melden & Hunt representative, Mario Reyna, if at least fifteen (15) feet set back would be given for the property.

Mario Reyna, Melden & Hunt, approached the board and stated the property would need to be resubdivided and part of the requirements would be an exclusive 15 foot easement around the property exclusively for the City. He stated the sketch would need to be redone and would include the main point of ingress and egress would be on Bluebonnet.

Charlie Ramirez continued to state that Bluebonnet was also narrow and they may be an issue especially when the neighbors park along the street.

Roland Gomez, Development Services Assistant Director, states that on the proposed site plan it does show ingress and egress on Sam Houston, but the City does have an Ordinance that prohibits backing out of streets. He continued to state that the proposed parking lot would be to drive out of the property onto Sam Houston. Mr. Gomez also reminded the board that the change of zone was from Neighborhood Commercial District (N-C) to Residential Multi-Family District (R-MF) and it was more restrictive.

There being no further discussion Charlie Ramirez moved to approve the request to re-zone from Neighborhood Commercial District (N-C) to Residential Multi-Family District (R-MF). Luis Madrigal second the motion and when put to a vote, it carried unanimously.

ITEM E. PLAT APPROVAL

- 1) ROBLES ENGINEERING, LLC., REPRESENTING MARIA RUTH MARTINEZ, OWNER, IS REQUESTING PRELIMINARY AND FINAL PLAT APPROVAL OF THE PROPOSED LOS BUHOS SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.4093 OF ONE ACRE OUT OF BLOCK "B" OF THE ACREAGE ADJACENT TO THE PHARR TOWNSITE AND OUT OF LOT 3, BLOCK "C", KELLY PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 300 BLOCK OF WEST EGLY AVENUE. SUB#210205**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Residential Multi-Family District (R-MF). The adjacent zones are Residential Multi-Family High Density District (R-MFHD) to the north and Residential multi-family District (R-MF) to the east, south and west. The property is designated for multi-family residential use in the Land Use Plan. He added no variances were being requested and staff recommends preliminary and final plat approval of the proposed Los Buhos 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.

Chairman, Danny Wylie questioned the current purpose of the property to the west of the proposed subdivision.

Eddie Martinez, Planner II, stated it was currently owned by the Hidalgo County Irrigation District and the owner was able to purchase a portion of the property to the north. Mr. Martinez continued to state the Hidalgo County Irrigation District would maintain the property.

There being no further discussion Charlie Ramirez moved to approve the request for preliminary and final plat approval of the proposed Los Buhos Subdivision. Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

2) MELDEN & HUNT, INC., REPRESENTING EDANILI S. LACAR, MANAGER FOR CDFP DEVELOPERS, LLC, A TEXAS LIMITED LIABILITY COMPANY IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED MODENA HEIGHTS SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 4.376 ACRES OUT OF LOT 186, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 800 BLOCK OF WEST SAM HOUSTON AVENUE. SUB#200413

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Residential Town house District (R-TH). The adjacent zones are Office Professional District (O-P), Single Family Residential District (R-1) and General Business District (C) to the north, Office Professional District (O-P) to the east and Residential Multi-Family High Density District (R-MFHD) to the south and west. The property is designated for commercial use in the Land Use Plan. He added no variances were being requested and staff recommends preliminary plat approval of the proposed Modena Heights 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 Andy Castro moved to approve the request for preliminary plat approval of the proposed Modena Heights Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 3) MELDEN & HUNT, INC., REPRESENTING GILMA T. RIVAS, OWNER, IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED SUGAR GARDEN VILLAGE SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 9.697 ACRE TRACT OF LAND BEING THE NORTH HALF OF THE SOUTH HALF OF LOT 119, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 3800 BLOCK OF NORTH SUGAR ROAD. SUB#210308

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned Residential multi-family District (R-MF). The adjacent zones are Residential Multi-family High Density District (R-MFHD) to the north and south, Single Family Residential District (R-1) to the east and Agricultural and/or Open Space District (A-O) to the west. The property is designated for single family residential use in the Land Use Plan. He added no variances were being requested and staff recommends preliminary plat approval of the proposed Sugar Garden Village 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.

Chairman, Danny Wylie, questioned the street to the north of the proposed subdivision.

Luis Madrigal stated it is shown in the plans to continue onto the proposed subdivision.

There being no further discussion Rafael Munguia moved to approve the request for preliminary plat approval of the proposed Sugar Garden Village Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM F. ANNOUNCEMENTS/OTHER BUSINESS:

Andy Castro stated there are several businesses on Business Highway 83 that are currently very weedy and questioned whose responsibility it was to maintain.

Roland Gomez, Assistant Director, stated it would be the business owners responsibility if there was a sidewalk, and would report it to Code Enforcement.

ITEM G. CLOSED SESSION

None.

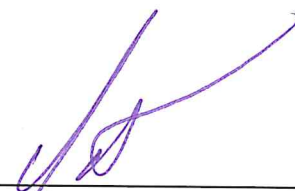
ITEM H. RECONVENE

None.

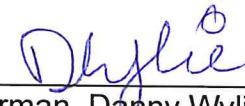
ITEM I. ADJOURNMENT

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 6:29 p.m.

ATTEST:



Andy Castro, Secretary



Chairman, Danny Wylie

APPROVED: May 10, 2021