

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. May 10, 2021 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, May 10, 2021 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Charlie Ramirez
 Romeo Robles

**MEMBERS PRESENT
VIA VIDEO**

CONFERENCE: Jonathan Larraga

ABSENT: Luis Madrigal Rafael Munguia
 Andy Castro

OTHERS PRESENT: See attached list

STAFF PRESENT: Melanie Cano, Development Services Director
 Roland Gomez, Development Services Assistant Director
 Roy Rodriguez, Assistant Director/Building Official
 Eddie Martinez, Planner II
 Anaisha 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. Romeo Robles seconded the motion and when put to a vote it carried unanimously.

ITEM B. PUBLIC TESTIMONY

Emma Gonzalez, residing at 9010 S. Cage Blvd, stated she is employed with London Fruit, Inc., a produce warehouse next to the proposed Universal Towing Inc. She stated she is opposed to the proposed towing company, as she oversees the Sanitation Department and believes this will cause contamination to their facility. She continued to express how a junk yard will cause oil spills and trash. She states their facility, which has been scoring 100% in their inspections, will become vulnerable to rats and other pests with a holding yard next door to them.

ITEM C. APPROVAL OF MINUTES

1) MINUTES OF APRIL 26, 2021

Chairman, Danny Wylie, introduced the item.

There being no discussion Romeo Robles moved to approve the minutes of April 26, 2021. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PUBLIC HEARING

- 1. UNIVERSAL TOWING, INC. HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE PERMIT FOR OUTSIDE STORAGE IN A PLANNED UNIT DEVELOPMENT DISTRICT (PUD). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOT 24, PHARR LAS MILPAS INDUSTRIAL PARK SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 9003 SOUTH SEGUIN DRIVE. CUP#210422**

Anaisa Licerio, Planner I, introduced the item and stated the property is currently zoned Planned Unit Development District (PUD). The surrounding area is zoned Planned Unit Development District (PUD) to the north, south and west and Agricultural and/or Open Space District (A-O). This area is generally designated for Industrial in the Land Use Plan. She further reported seven (7) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. Staff received two (2) telephone call in opposition of the item.

Anaisa Licerio, 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.

Carolina Herrera, Secretary, stated one person registered to speak, Mr. Jose Cuellar.

Jose Cuellar, residing at 9000 S Cage Blvd., approached the board and presented them with a photo. Mr. Cuellar stated he is against the proposed Universal Towing Inc. He explained how construction has already begun in the property even though the proposed business has yet to be issued any permits. He continued to state that overtime a towing business can become a junk yard. He stated he was the first business owner in the Industrial Park which was designed to create employment opportunities. He stated there are other towing services in the area which are causing their property to lose value. Mr. Cuellar stated he does not believe the Industrial Park was designated for towing companies.

There being no one else in the affected area who signed up, the public hearing was closed. Mr. Wylie opened the items for discussion.

Charlie Ramirez requested the applicant approach the board for a few questions.

Jorge Terrazas, residing at 9003 Seguin, stated he is in compliance with the City and plans on following all City Ordinances.

Charlie Ramirez questioned if the property will be utilized as a towing company and how long will he keep the vehicles will be kept in the holding yard.

Jorge Terrazas confirmed the property will be utilized as a towing company and vehicles will not be stored more than 45 days. Mr. Terrazas continued to state he does not keep many cars in his yard unlike other towing companies, he plans on keeping his property clean. He stated he will be putting up a fence due to debris blowing into his property from Mr. Cuellar's property.

Charlie Ramirez asked if Mr. Terrazas had any current contracts.

Jorge Terrazas denied having any contracts but would be open to the public eventually. He continued to state he assisted the City with the towing of ambulances.

Charlie Ramirez 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 6:41 p.m., Chairman Wylie stated the commission would be resuming the open meeting.

- 1) UNIVERSAL TOWING, INC. HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE PERMIT FOR OUTSIDE STORAGE IN A PLANNED UNIT DEVELOPMENT DISTRICT (PUD). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOT 24, PHARR LAS MILPAS INDUSTRIAL PARK SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 9003 SOUTH SEGUIN DRIVE. CUP#210422**

There being no further discussion Charlie Ramirez moved to approve the request for a Conditional Use Permit for Outside Storage in a Planned Unit Development District (PUD). Romeo Robles seconded the motion and when put to a vote, it carried unanimously.

Melanie Cano, Development Services Director, stated the proposed Conditional Use Permit for outside storage is for Universal Towing Inc, a towing company, not for a salvage yard nor a junk yard. She continued to state if it becomes an issue it will be reported to the Code Compliance Division for inspection.

- 2) TREVINO ENGINEERING 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 58.64 ACRES OUT OF A PORTION OF LOTS 368 AND 369 KELLY PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS AND LOTS 13 AND 14, BLOCK 1, CLOSER SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED BETWEEN THE 1100 AND 1500 BLOCK OF EAST HI-LINE ROAD. COZ#210423**

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

- 3) BOCANEGRA INVESTMENTS LLC. HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT (R-MFHD) TO GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING .257 ACRES OUT OF LOTS 22 & 23, BLOCK 1, EULA YOUNG SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED BETWEEN THE 700-720 BLOCK OF WEST PARK AVENUE. COZ#210424**

Anaisa Licerio, Planner I, introduced the item and stated the property is currently zoned Residential Multi-Family High Density District (R-MFHD). On March 30, 1982, the property and the properties to the north, south, east and west were zoned General Business District (C) when the City of Pharr adopted the zoning ordinance we use today. Later, on November 20, 2012 the subject property was rezoned to Residential Multi-Family High Density District (R-MFHD). 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 thirteen (13) 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.

Anaisa Licerio, Planner I, further stated staff recommended approval of the request to re-zone from Residential Multi-Family High Density District (R-MFHD) to General Business District (C) 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, it is part of a bigger development that consist of the property to the north. 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.

Edmundo Lozano, residing at 1600 Tamarack Ave Apt. 131, McAllen, Tx 78501, representing the current property owners, stated they were working on the subdivision process per Planning recommendations. He continued to state the property will be used as a car lot and would appreciate the board's approval.

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 questioned if they would be conducting vehicle repairs on the property.

Edmundo Lozano confirmed repairs will not be done on site other than motor manicure.

Romeo Robles stated he was concerned for the residential property behind the property.

Edmundo Lozano states there will be a buffer fence and no cars will be placed outside the fence.

There being no further discussion Charlie Ramirez moved to approve the request to re-zone from Residential Multi-Family High Density District (R-MFHD) to General Business District (C). Johnathan Larraga seconded the motion and when put to a vote, it carried unanimously.

- 4) **CALVARY CHRISTIAN MINISTRIES OF SOUTH TEXAS INC. HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A LIFE OF USE CONDITIONAL USE PERMIT FOR A CHURCH IN A GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 3.1542 ACRES OUT OF LOT 1, ADVENTURE PLAZA SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1700 NORTH JACKSON ROAD. CUP#210425**

Anaisa Licerio, Planner I, introduced the item and stated the property is currently zoned a General Business District (C). The surrounding area is zoned General Business District (C) to the south and a portion to the north, Heavy Commercial District (H-C) to the east and a portion to the north and south, and the city limits lie to the west. This area is generally designated for Public/Semi-Public Use in the Land Use Plan.. She further reported twenty-two (22) 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 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). If approved, this item must comply with the listed conditions.

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 Romeo Robles moved to approve the a request for a life of use Conditional Use Permit for a church in a General Business District (C). Charlie Ramirez second the motion and when put to a vote, it carried unanimously.

- 5) **THE PHARR ORATORY OF ST. PHILIP NERI SCHOOL SYSTEM HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A LIFE OF USE CONDITIONAL USE PERMIT FOR A RELIGIOUS EDUCATION/CATHOLIC SCHOOL IN A SINGLE FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 0.361 ACRES OUT OF LOT 1, ST. JUDE CHURCH SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 505 SOUTH IRONWOOD STREET. CUP#210426**

Anaisa Licerio, Planner I, introduced the item and stated The property is currently zoned Single Family Residential District (R-1). The surrounding area is zoned Single Family Residential District (R-1) to the north, east, south and west. This area is generally designated for Public/Semi-Public use in the Land Use Plan. She further reported ten (10) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. Staff received one (1) telephone call for information only.

Anaisa Licerio, Planner I, further stated staff recommended approval of the request for Life-of-the-Use Conditional Use Permit to allow an Institutional Use (Religious Education/Catholic School) in a Single Family Residential District (R-1). If approved, this item must comply with the listed conditions.

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 further discussion Charlie Ramirez moved to **approve** the a request for a Life-of-the-Use Conditional Use Permit to allow an Institutional Use (Religious Education/Catholic School) in a Single Family Residential District (R-1). Romeo Robles seconded the motion and when put to a vote, it carried unanimously.

- 6) VELCH VENTURES LLC., D/B/A ALTAMAR SEAFOOD BAR, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CONDITIONAL USE 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 .092 ACRES, MORE OR LESS, OUT OF LOT 1, SPAMER BUSINESS PARK SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 8001 SOUTH JACKSON ROAD SUITE 1 & 2. CUP#210427**

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 nine (9) 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 letter or legal notice.

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.

There being no discussion Charlie Ramirez moved to **approve** the request for a Conditional Use Permit to allow the sale of alcoholic beverages for on premise consumption in a General Business District (C). Johnathan Larraga seconded the motion and when put to a vote, it carried unanimously.

ITEM G. PLAT APPROVAL

- 1) **RIO DELTA ENGINEERING, REPRESENTING JOSEPH WILLIAM HOLAND, OWNER IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED JACKSON & WARREN SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 10.83 ACRE TRACT OF LAND OUT OF LOT 7, BLOCK 6, A. J. MCCOLL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 900 BLOCK OF NORTH JACKSON ROAD. SUB#210102**

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) and Heavy Commercial District (H-C) to the north, General Business District (C) to the east, Heavy Commercial District (H-C) to the south and City limits to the west. The property is designated for industrial use in the Land Use Plan. He added no variances were being requested and staff recommends preliminary plat approval of the proposed Jackson & Warren 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 Jackson & Warren Subdivision. Romeo Robles seconded the motion and when put to a vote, it carried unanimously.

ITEM H. ANNOUNCEMENTS/OTHER BUSINESS:

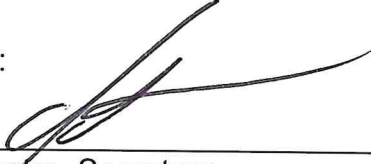
Danny Wylie stated the remote set up was no longer working out due to too many technical difficulties.

Melanie Cano responded she was aware of the issue and will revisit the decision.

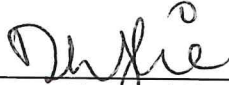
ITEM I. ADJOURNMENT

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 7:01 p.m.

ATTEST:



Andy Castro, Secretary



Chairman, Danny Wylie

APPROVED: May 24, 2021