

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. August 23, 2021 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, August 23, 2021 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Rafael Munguia
Romeo Robles

**MEMBERS PRESENT
VIA VIDEO**

CONFERENCE: Luis Madrigal

ABSENT: Jonathan Larraga Charlie Ramirez
Andy Castro

OTHERS PRESENT: See attached list

STAFF PRESENT: Roland Gomez, Development Services Interim Director
Roy Rodriguez, Assistant Director/Building Official
Eddie Martinez, Planner II
Nelly Terrazas, Planner I
Carolina Herrera, Secretary
Daniel Gonzalez, Assistant City Attorney

ITEM A. CALL TO ORDER

Chairman, Danny Wylie, called the meeting to order at 6:11 p.m. Roll call established a quorum.

Luis Madrigal moved to excuse the absent members. Rafael Munguia seconded the motion and when put to a vote it carried unanimously.

ITEM B. PUBLIC TESTIMONY

None.

ITEM C. APPROVAL OF MINUTES

1) MINUTES OF AUGUST 09, 2021

Chairman, Danny Wylie, introduced the item.

Danny Wylie requested correction to item D1 as it was documented as a renewal.

Carolina Herrera, Secretary, stated correction would be made.

There being no further discussion Romeo Robles moved to **approve** the minutes of August 09, 2021 with correction. Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PUBLIC HEARING

- 1) LEM GROUP LLC, D/B/A THE BRIDGE BAR, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A 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). THE PROPERTY IS LEGALLY DESCRIBED AS BEING .099 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOTS 1 & 2, LUVIL LLC ESTATES SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 508 WEST IH-2 SUITES 12 & 13. CUP#210741**

Nelly Terrazas, 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 east, south, north, and west. This area is generally designated for commercial 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 no response to the letters or the legal notice.

Nelly Terrazas, Planner I, further stated staff recommended approval of the 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 asked if the applicant had any comments

Alfredo Ortiz the property owner, introduced himself and stated he had no comments.

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 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). Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

- 2) **RICH HERITAGE CONSTRUCTION INC., OWNER, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM HEAVY INDUSTRIAL DISTRICT (H-I) TO RESIDENTIAL MULTI-FAMILY HIGH DENSITY (R-MFHD). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 2.68-ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 1, POSADAS SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 3515 NORTH SUGAR ROAD. COZ#210742**

Nelly Terrazas, Planner I, introduced the item and stated the property is currently zoned Heavy Industrial District (H-I). The subject property and the properties to the north, south, east and west were zoned to Agricultural and/or Open Space District (A-O) when the properties were annexed to the City of Pharr on November 18, 1986. The property and the property to the east were rezoned to General Business District (C) on February 15, 2000. Later, on November 3, 2014 the subject property and property to the east were rezoned to Heavy Industrial District (H-I). The property to the south was rezoned to Medium Density Multi-Family Residential District (R-3) on June 4, 2018. The property to the north was rezoned to Single Family Residential District (R-1) on October 5, 1993. 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 forty-three (43) 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.

Nelly Terrazas, Planner I, further stated staff recommended approval of the request to re-zone from Heavy Industrial District (H-I) to Residential Multi-Family High Density (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 asked if the applicant had any comments.

Raul Garcia introduced himself as the engineer for the project and stated that this will mirror the project across the street.

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 request to re-zone from Heavy Industrial District (H-I) to Residential Multi-Family High Density (R-MFHD). Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

- 3) **MARGARITA PENA, 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 ALL OF LOT 17, TRI-CITY ACRES SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 1008 WEST MINNESOTA ROAD. COZ#210743**

Nelly Terrazas, Planner I, introduced the item and stated the property is currently zoned Agricultural and/or Open Space District (A-O). The property and the property to the north, east, and west were zoned to Agricultural and/or Open Space District (A-O) when the properties were annexed to the City of Pharr on March 6, 1984. On August 25, 2015, the property to the north was rezoned to Residential Multi Family High Density District (R-MFHD). The properties to the south were annexed on September 19, 1989 and were zoned to Heavy Commercial District (H-C). 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 one (1) telephone call in opposition of the item.

Nelly Terrazas, Planner I, further stated staff recommended approval of the request to re-zone from Agricultural and/or Open Space District (A-O) to General Business District (C) as the property meets area requirements, has adequate ingress and egress. The property is not currently compatible with the future land use plan; however, the zoning will allow 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 asked if the applicant had any comments.

Margarita Pena introduced herself as the property owner and stated the gym will be fully enclosed, classes will be indoor, and coach led. She continued to state she will provide a fence and comply with the City on any requirements.

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

Carolina Herrera, Secretary, stated Juan Carlos Frias signed up.

Juan Carlos Frias, residing at 1006 W Minnesota Rd., stated he and his family have resided at this address for over 30 years. He continued to state they are against the rezoning in question. He believes the construction of a business will only increase the traffic on a two-lane old road that has no streetlights, intersection lights, speed bumps, fire hydrants, or sidewalk. He stated within the last six (6) months two (2) neighbors have had their front fence wiped off due to impaired drivers on the dark road. Mr. Frias continued to state the cross-fit gym will impact the quality of life of himself and the surrounding property owners due to the noise and music from the hours of 5:00 a.m. to 9:00 p.m. Mr. Frias also believes this will set a precedence for property buyers to buy the surrounding properties at an Agricultural or Residential price and rezone to Commercial for a business. He stated the surrounding property owners that have resided there for over 40 years are glad the area has developed but would not like to have businesses between their homes.

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

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 6:27 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 7:09 p.m., Chairman Wylie stated the commission would resume the open meeting.

- 3) MARGARITA PENA, 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 ALL OF LOT 17, TRI-CITY ACRES SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 1008 WEST MINNESOTA ROAD. COZ#210743**

There being no further discussion Romeo Robles moved to approve the request re-zone from Agricultural and/or Open Space District (A-O) to General Business District (C). Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

ITEM G. PLAT APPROVAL

- 1) SPOOR ENGINEERING CONSULTANTS, INC., REPRESENTING JORGE GONZALEZ, PRESIDENT OF DREAM HOMES BY J & J REAL ESTATES CO. A TEXAS CORPORATION, IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED ARNOLD ACRES SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 11.56 ACRE TRACT OF LAND OUT OF THE WEST 12.5 ACRES OF LOT 107, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 600 BLOCK OF WEST NOLANA LOOP (FM 3461). SUB#210412**

Eddie Martinez, Planner II, introduced the item. He stated the property is currently zoned General Business District (C). The adjacent zones are Agricultural and/or Open Space District (A-O) to the north, Heavy Commercial District (H-C) to the east and south and General Business District (C) and Agricultural and/or Open Space District (A-O) to the west. The property is designated for commercial and single-family use in the Land Use Plan. He added no variances were being requested and staff recommends preliminary plat approval of the proposed Arnold Acres 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 Luis Madrigal moved to approve the request for preliminary plat approval of the proposed Arnold Acres Subdivision. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

- 2) R. GUTIERREZ ENGINEERING CORPORATION, REPRESENTING ALFREDO PALACIOS AND DINA PALACIOS, OWNERS, ARE REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED RE-PLAT OF LOT 24, SING'S SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 3.05 ACRE TRACT OF LAND OUT OF LOT 24, SING'S SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 3000 BLOCK OF SOUTH CANNA STREET. SUB#200926**

Eddie Martinez, Planner II, introduced the item and stated it was withdrawn.

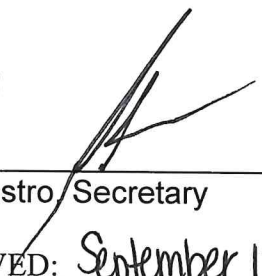
ITEM H. ANNOUNCEMENTS/OTHER BUSINESS:

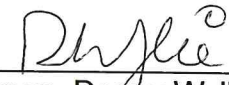
None.

ITEM I. ADJOURNMENT

There being no further business Romeo Robles moved to adjourn. Luis Madrigal second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 7:14 p.m.

ATTEST:



Andy Castro Secretary

Chairman, Danny Wylie

APPROVED: September 13, 2021