

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. December 12, 2022 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, December 12, 2022 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Romeo Robles
 Charlie Ramirez Guadalupe Cano

ABSENT: Rafael Munguia Luis Madrigal
 Jonathan Larraga Andy Castro

STAFF PRESENT: Kimberly Mendoza, Director of Development Services
 Eddie Martinez, Planner II
 Anaisa Licerio, Planner II
 Laura Fonseca, Planner I
 Alyn Cervantes, Code Compliance Inspector/Officer
 Joanna Villarreal, Secretary

ITEM A. CALL TO ORDER

1) ROLL CALL AND POSSIBLE ACTION ON THE EXCUSING OF ANY ABSENT MEMBER

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

Charlie Ramirez moved to excuse the absent members. Guadalupe Cano 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 signed up to speak.

Joanna Villarreal, Secretary, stated Rogelio Lizano signed up to speak on behalf of his mother Martha Lizano.

Rogelio Lizcano, residing at 1230 S. Cage Blvd., voiced his concerns with commercial office use due to his elderly mother who is 80 years old. He stated the noise factor during construction in that small area was disturbing and this was a very busy intersection. He further requested to have a barrier.

ITEM C. APPROVAL OF MINUTES

1) APPROVAL OF MINUTES FOR NOVEMBER 28, 2022

Chairman, Danny Wylie, introduced the item.

Guadalupe Cano moved to approve the minutes as submitted. Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PUBLIC HEARING

1) BEN-AVI, LLC., OWNER, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO OFFICE AND PROFESSIONAL DISTRICT (O-P). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOT 12, BLOCK 2, ELLERS RESUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 1234 SOUTH CAGE BOULEVARD. COZ#221165 (THIS ITEM WILL GO TO CITY COMMISSION)

Laura Fonseca, Planner I, introduced the item and stated owner had filed with the Planning & Zoning Commission a request for a Change of Zone from Single-Family Residential District (R-1) to Office and Professional District (O-P) in order to operate an office. She stated the subject site was located on the northwest corner of South Cage Boulevard and West Ridge Road. She further stated the property fronts South Cage Boulevard, a 120'-150' principal arterial street that runs north and south with a posted speed limit of 30 miles per hour as identified in the City of Pharr's Thoroughfare Plan.

Laura Fonseca, Planner I, further stated the property was zoned Single-Family Residential District (R-1) and the subject property and the properties to the north and west were zoned to Single-Family Residential District (R-1) when the properties were annexed to the City of Pharr in April 1982. The property to the east was rezoned from Single-Family Residential District (R-1) to General Business District (C) on January 15, 2002. The property to the south was rezoned from Agricultural and/or Open Space District (A-O) General Business District (C) on October 21, 2003. She further stated there have been no other zoning requests within the general vicinity of the subject property since that time.

Laura Fonseca, Planner I, also stated the property was generally designated for single family residential use in the Land Use Plan. The office and professional District (O-P) was established to create a restrictive district for clean, attractive, low-intensity office or professional uses, and is considered the highest commercial district. She stated the uses allowed in this district should not have a blighting effect on adjacent residential areas and may be located close to all types of residential uses, with appropriate buffers and landscaping. She added the uses with excessive amounts of traffic, noise, or litter, or with late-night hours were not suitable for this district. The areas should not be zoned to this usage unless they are located on or close to arterials or collectors capable of carrying the additional traffic they will generate, and there was increased water, fire protection,

wastewater, and drainage capacity. She stated twelve (12) letters were mailed out to the surrounding property owners November 23, 2022, and a legal notice was published in the Advance News Journal on November 23, 2022. Staff received (1) response in opposition to the letters or the legal notice.

Laura Fonseca, Planner I, further stated staff recommended approval of the request for a change from Single-Family Residential District (R-1) to Office and Professional District (O-P), as the property meets requirements and had adequate ingress and egress. The property was not currently compatible with the future land use plan; however, the zoning would 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 applicant had any comments. At the time, Sonia Chavez, owner, mentioned they were very excited to open a location of Income tax services in the city of Pharr, being that a lot of her customers live in Pharr, and they would like to be closer to them.

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 item for board discussion.

Board member, Charlie Ramirez asked Mr. Lizcano if he had a copy of the proposed site plan. Mr. Lizcano restated his concerns and his recommendations of putting the buffer fence before they start any construction for the safety of his mother.

Chairman, Danny Wylie, asked staff for the distance between the homes and the buffer. Laura Fonseca, Planner I, stated there was about 5 feet. Charlie Ramirez asked if there was going to be a drive going around the house. Laura Fonseca, Planner I, mentioned there would be a one-way drive and some part of the house will be removed.

Laura Fonseca, Planner I, further stated this was a preliminary draft of site plan and once they apply for the building permit, they would need to comply with City Ordinances and City Departments to be converted to commercial use and meet codes.

Chairman, Danny Wylie, asked if there will be a buffer on the east side. Laura Fonseca, Planner I, responded, yes, a buffer is required abutting all residential uses.

Chairman, Danny Wylie, if they will they be coming out through Ridge or the alley.

Laura Fonseca, Planner I, stated they can't use the alley as the alley was only for emergency and service vehicles and they would come in through Cage Blvd. and out through Ridge Road.

Chairman, Danny Wylie asked if this will be a right turn only. Laura Fonseca, Planner I, stated that would be a recommendation to discuss with Engineering Department.

Chairman, Danny Wylie, also asked what were the hours of operation. Applicant responded the hours would be from 9 a.m. to 5 p.m.

Chairman, Danny Wylie, stated during tax season most places were open late, and applicant responded this will not be the case.

Chairman, Danny Wylie, inquired if the right turn on Cage would be a city sign or owners' responsibility. Kimberly Mendoza, Director, stated the engineering department had seen the proposal, and this was just a preliminary site plan. She further stated the building would have to be brought up to compliance to commercial standards.

Chairman, Danny Wylie asked if we are going to make an effort to put the buffer before construction starts. Kimberly Mendoza, Director, stated at time of building permit that would be required prior to final inspection as per standard.

Chairman, Danny Wylie, stated buffers were usually installed at the end. Kimberly Mendoza, Director, stated that was correct and were required before the Certificate of Occupancy. She further stated they can meet with the applicant but at this time they can't condition a change of zone request.

Board Member, Romeo Robles asked if the owner would agree to that recommendation and if she understood they could make accommodations for the concerns of the neighbor.

Sonia Chavez stated that the garage was wood and there would not be too much of disturbance nor the use of equipment. She also stated the intersection and other emergency vehicles already cause a lot of noise at that location.

Following discussion, Charlie Ramirez moved to approve the request to re-zone from Single-Family Residential District (R-1) to Office and Professional District (O-P). Guadalupe Cano seconded the motion and when put to a vote, it carried unanimously.

ITEM E. PLATS:

- 1) TREVINO ENGINEERING, REPRESENTING ELIAS J. GUTIERREZ, OWNER, IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED CASA GUTIERREZ SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.279 OF AN ACRE TRACT OF LAND CONSISTING OF THE SOUTHERN PORTION OF LOTS 6 AND 7, BLOCK 3, SECONDED AMENDED MAP OF HELMER SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE**

PROPERTY IS LOCATED WITHIN THE 1300 BLOCK OF WEST CHEROKEE AVENUE. SUB#210719

Eddie Martinez, Planner II, introduced the item. He stated the property was currently zoned Single-Family Residential District (R-1) and the adjacent zones were Single-Family Residential District (R-1) to the north, south, east, and west. She further stated the property was designated for multi-family residential use in the Land Use Plan.

At this time Chairman, Danny Wylie, stated a public hearing was not required and opened the item for discussion and action.

There being no discussion, Guadalupe Cano moved to approve the request for final plat approval of the proposed Casa Gutierrez Subdivision. Romeo Robles seconded the motion and when put to vote, it carried unanimously.

ITEM F. ANNOUNCEMENTS/OTHER BUSINESS:

Kimberly Mendoza, Director, informed board about next meeting between holidays and wished the board a Merry Christmas.

ITEM G. CLOSED SESSION:

None

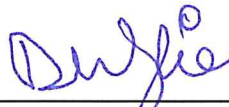
ITEM H. RECONVENE:

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 6:36 p.m.

PLANNING & ZONING COMMISSION



Chairman, Danny Wylie

ATTEST:



Andy Castro, Secretary

APPROVED: December 27, 2022