

MINUTES
PLANNING & ZONING COMMISSION

City Commissioner's Room
118 S. Cage Blvd. February 12, 2024 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, February 12, 2024 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie
Charlie Ramirez
Ruben Luna
Mercedes Guillen

ABSENT: Jonathan Larraga
Rafael Munguia
Andy Castro
Romeo Robles

STAFF PRESENT: David Friedlein, Assistant City Manager
Ricardo Rodriguez, City Attorney
Kimberly Mendoza, Director of Development Services
Joe Garza, Asst. Director of Development Services
Heriberto Martinez, Planner III
Laura Fonseca, Planner II
Joanna Villarreal, Planner I
Juan Vasquez, Development Assistance Specialist
Nancy Hernandez, Secretary
Julia Rios, Administrative Assistant
Jose Navarro, Assistant Fire Marshal
Lee Roy Cantu, Assistant Fire Marshal
Eloy Silva, Fire Inspector

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 6:00 p.m. Roll call established a quorum.

Charlie Ramirez moved to excuse absent members. Ruben Luna 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.

Nancy Hernandez, Secretary, stated no one had signed up to speak.

ITEM C. APPROVAL OF MINUTES

1) MINUTES FOR JANUARY 22, 2024 and MINUTES FOR FEBRUARY 01, 2024

Chairman, Danny Wylie, introduced the item. Ruben Luna 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) THE CITY OF PHARR, 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 3.4 ACRES, MORE OR LESS, OUT OF LOT 7, BLOCK 4, A.J. MCCOLL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS LOCATED AT 4800 NORTH JACKSON ROAD. COZ#240103**

Laura Fonseca, Planner II, introduced the item and stated The City of Pharr, was requesting a change of zone from Agricultural and/or Open Space District (A-O) to General Business District (C). She went over the property's legal description and physical address and stated the property was located on the East side of North Jackson Road, approximately 0.14 miles West Nolana Loop. She stated North Jackson Road was a 120 ft. – 150 ft. principal arterial that runs north and south with a posted speed limit of 40-50 miles per hour or less, as identified in the City of Pharr's Thoroughfare Plan.

Laura Fonseca, Planner II, stated the property is currently zoned Agricultural and/or Open Space District (A-O) and the property to the North was rezoned from Agricultural and/or Open Space District (A-O) to Residential Multi-Family High Density District (R-MFHD) on May 15, 2023. She further stated the property to the East was zoned Agricultural and/or Open Space District (A-O) on October 13, 1989, upon annexation to the City of Pharr. The property to the south was rezoned from Agricultural and/or Open Space District (A-O) to General Business District (C) on June 7, 2011. The city limits lie to the west side of the property. She reported there have been no other zoning requests

within the vicinity of the subject property since that time. The property was generally designated for commercial use in the Land Use Plan.

Laura Fonseca, Planner II, explained the General Business District (C) was established to provide adequate space and site diversification for most types of commercial development in the City of Pharr. Larger shopping centers and more existing commercial strips along major arterials would be included in the district. The noise, traffic, litter, late-night hours, and possible blighting influence require adequate buffering from residential areas, except on arterials or major collectors.

Laura Fonseca, Planner II, further reported five (5) letters were mailed to the surrounding property owners on February 2, 2024, and a legal notice was published in the Advance News Journal on January 31, 2024. She briefly stated staff received no response to the letters or the legal notice.

Lastly, Laura Fonseca, Planner II, stated that Development Services 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 complies with the land use plan, meets area requirements, has adequate ingress and egress and will be compatible with surrounding properties. If approved, the owner must comply with all City Ordinances and City Department requirements.

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

There being no discussion, Board Member Charlie Ramirez moved to approve. Board Member Ruben Luna seconded the motion and when put to vote, it carried unanimously.

- 2) CROSS DEVELOPMENT CC PHARR, LLC., REPRESENTING HEAVY INVESTMENTS, LTD., 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 2.09 ACRES, MORE OR LESS, OUT OF LOTS 13 AND 14, L.R. BELL DEVELOPMENT "E" SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS LOCATED AT 1400 EAST FERGUSON AVENUE. COZ#240101**

Laura Fonseca, Planner II, introduced the item and stated Cross Development CC Pharr, LLC., was requesting a change of zone from Agricultural and/or Open Space District (A-O) to General Business District (C) in order to develop and construct an automobile repair shop. She went over the property's legal description and physical address and stated the property was located on the South side of east Ferguson Avenue, approximately 0.08 miles West of North Veterans Boulevard, She stated the property fronts East Ferguson Avenue, a 120 ft. – 150 ft. principal arterial that runs east and west with a posted speed limit of 40-50 miles per hour or less, as identified in the City of Pharr's Thoroughfare Plan.

Laura Fonseca, Planner II, stated the property is currently zoned Agricultural and/or Open Space District (A-O) upon adoption of comprehensive zoning in 1982. The property to the North was zoned General Business District (C) upon adoption of comprehensive zoning in 1982. A portion of the property to the east was rezoned from Agricultural and/or Open Space District (A-O) to General Business District (C) on February 20, 2017. The remaining portion to the east was rezoned from Agricultural and/or Open Space District (A-O) to General Business District (C) on January 20, 2020. The property to the south was zoned Single-Family Residential District (R-1) upon annexation on October 19, 1982. She reported there have been no other zoning requests within the general vicinity of the subject property since that time. The property was generally designated for commercial and residential use in the Land Use Plan. However, is compatible with surrounding zoning.

Laura Fonseca, Planner II, explained the General Business District (C) was established to provide adequate space and site diversification for most types of commercial development in the City of Pharr. Larger shopping centers and more existing commercial strips along major arterials would be included in the district. The noise, traffic, litter, late-night hours, and possible blighting influence require adequate buffering from residential areas, except on arterials or major collectors.

Laura Fonseca, Planner II, further reported sixteen (16) letters were mailed to the surrounding property owners on January 26, 2024, and a legal notice was published in the Advance News Journal on January 24, 2024. She briefly stated staff received two (2) response for information only, to the letter or public notice.

Lastly, Laura Fonseca, Planner II, stated that Development Services 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 and will be compatible with surrounding properties. If approved, the owner must comply with all City Ordinances and City Department requirements.

Chairman, Danny Wylie, asked if applicant had any comments. Applicant had no comments.

Chairman, Danny Wylie, opened the public hearing and asked if anyone signed up to speak. There was no one in the affected area who signed up to speak.

There being no discussion, Board Member Charlie Ramirez **moved** to approve and Board Member Ruben Luna seconded the motion and when put to vote, it carried unanimously.

- 3) DIANA L. BOJORQUEZ DE ROBLES, DBA ROYAL GARDEN, 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 HEAVY COMMERCIAL DISTRICT (H-C). THE PROPERTY IS LEGALLY DESCRIBED AS 0.21 ACRES, MORE OR LESS, OUT OF LOTS 12 AND 13, MACO BUSINESS CENTER SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 213 EAST FERGUSON AVENUE, SUITE C. CUP#240101**

Joanna Villarreal, Planner I, introduced the item and stated Diana L. Bojorquez De Robles, DBA Royal Garden was requesting a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Heavy Commercial District (H-C). Ms. Villarreal went over the property's legal description and physical address and stated the property and properties to the east and west was currently zoned Heavy Commercial District (H-C). The adjacent zoning being General Business District (C) to the south. The property to north was zoned Single-Family Residential-Small Lot District (R-1A). She further stated the area was generally designated for commercial use in the Land Use Plan.

Joanna Villarreal, Planner I, briefly stated Police, Fire, Health, Code and Development Services recommended approval of the Conditional Use Permit. She reported twenty (20) surrounding property owners within a three hundred (300) foot radius were notified of the request by letter on January 26, 2024, and a legal notice was published in the Advance News Journal on January 24, 2024. She stated staff received no response to the letter or legal notice.

Joanna Villarreal, Planner I, further stated Development Service recommended approval of the request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Heavy Commercial District (H-C) and applicant shall comply with all City Ordinances and City Department requirements.

Chairman, Danny Wylie, asked if there were any comments from the applicant. Joanna Villarreal, Planner I, reported there were no comments.

There being no discussion, Board Member Ruben Luna **moved** to approve. Board Member Mercedes Guillen seconded the motion and when put to vote, it carried unanimously.

ITEM E. PLATS: NONE

ITEM F. ANNOUNCEMENTS: NONE

ITEM G. 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 SESSION (NON-PUBLIC) EXECUTIVE SESSION TO DISCUSS THE ITEMS LISTED ON THE PUBLIC PORTION OF THE MEETING AGENDA IN ACCORDANCE WITH THE FOLLOWING BELOW

ITEM H. RECONVENE: NONE

ITEM I. ADJOURNMENT

There being no further business, Ruben Luna moved to adjourn. Charlie Ramirez seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:12 p.m.

PLANNING & ZONING COMMISSION



Chairman, Danny Wylie

ATTEST:



Andy Castro, Secretary

APPROVED: February 26, 2024