

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. November 28, 2022 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, November 28, 2022 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Romeo Robles
 Charlie Ramirez Andy Castro
 Jonathan Larraga Guadalupe Cano

ABSENT: Rafael Munguia Luis Madrigal

STAFF PRESENT: Kimberly Mendoza, Director of Development Services
 Patricia Rigney, City Attorney
 Eddie Martinez, Planner II
 Anaisa Licerio, Planner II
 Laura Fonseca, Planner I
 Iris Mata, CDBG Specialist
 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 6:00 p.m. Roll call established a quorum.

Jonathan Larraga moved to excuse the absent members. Charlie Ramirez seconded the motion and when put to a vote it carried unanimously.

ITEM B. PUBLIC TESTIMONY

None.

ITEM C. APPROVAL OF MINUTES

1) APPROVAL OF MINUTES FOR NOVEMBER 14, 2022

Chairman, Danny Wylie, introduced the item.

Andy Castro moved to approve the minutes as submitted. Jonathan Larraga seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PUBLIC HEARING

- 1) MELDEN & HUNT, INC., REPRESENTING CHILDREN'S HAVEN INTERNATIONAL INC., OWNER, 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 3.366 ACRES MORE OR LESS, OUT OF LOT 1, CHILDREN'S HAVEN MOBILE PARK SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 400 EAST MINNESOTA ROAD. COZ#220964 (THIS ITEM WILL GO TO CITY COMMISSION)**

Laura Fonseca, Planner I, introduced the item and stated owner has filed with the Planning & Zoning Commission a request for a Change of Zone from Agricultural and/or Open Space District (A-O) to Limited Industrial District (L-I) to develop a battery storage facility. She stated the subject site was located on the south side of East Minnesota Road, approximately ¼ mile east of IH 69C and had a physical address of 400 East Minnesota Road and the property was legally described as being 3.366 acres more or less, out of Lot 1, Children's Haven Mobile Park.

Laura Fonseca, Planner I, further stated the property was zoned Agricultural and/or Open Space District (A-O) on August 20, 1991, when annexed into the City of Pharr. The properties to the east were zoned to Single-Family Residential District (R-1) on October 1, 2002. The property to the north was rezoned from Agricultural and/or Open Space District (A-O) to Single-Family Residential District (R-1) on November 4, 2003. The properties to the west were zoned to Limited-Industrial District (L-I) on October 21, 1980. Ms. Fonseca added there have been no other zoning requests within the vicinity of the subject property since that time and the property was generally designated for single family residential use in the Land Use Plan. She stated forty-six (46) letters were mailed out to the surrounding property owners within a two hundred (200) foot radius on November 10, 2022, and a legal notice was published in the Advance News Journal on November 9, 2022. Staff received one telephone response in opposition and one (1) mail response in favor to the item.

Laura Fonseca, Planner I, further stated staff recommended approval of the request for a change from Agricultural and/or Open Space District (A-O) to Limited Industrial District (L-I), as the property met area 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.

At this time Chairman, Danny Wylie, opened the public hearing and asked if anyone signed up to speak. At the time, Robert Tamez with Melden & Hunt, representative mentioned the facility would be used as a battery storage facility to provide

energy to the substation next door. Mr. Wylie questioned voltage; Mr. Tamez stated the design had not been completed yet.

Board member, Jonathan Larraga asked if they would be building a wall. Mr. Tamez response was yes, and they would be building a buffer fence, masonry wall 6 to 8 feet high.

Mr. Wylie questioned if this would produce D/C or A/C. Mr. Tamez response was A/C to transmit to the substation itself. Mr. Wylie further questioned how would they get in there. Mr. Tamez stated they were proposing to have a 100-foot frontage along Minnesota Road with 20 foot access to get to the further back of the property. He stated the design has not been completed yet and they were still working on it and resources have not been put into place. He stated batteries would generate 2 to 4 hours of electricity and would be used to provide electricity to residential and commercial neighbors. Mr. Wylie asked if there would be any radiation and the answer was no. Mr. Wylie then asked if there was any possible explosion and the representatives response was there had not been any history of explosion and stated they would be automated batteries with a monthly or quarterly maintenance. Board member Jonathan Larraga, asked what type of batteries would be used. The representative stated batteries would be 4 feet wide by 8 feet long and would be used remotely.

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 discussion.

There being no discussion Jonathan Larraga moved to approve the request to re-zone from Agricultural and/or Open Space District (A-O) to Limited Industrial District (L-I). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

2) KIDS AT PLAY LEARNING CENTER LLC. REPRESENTING THE ROCK OUTREACH OF THE VALLEY, OWNER, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO GENERAL BUSINESS DISTRICT (C). THE IS LEGALLY DESCRIBED AS BEING LOTS 23 THROUGH 26, CHAPA SUBDIVISION NO. 2, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 413 EAST STATE STREET. COZ#220963 (THIS ITEM WILL GO TO CITY COMMISSION)

Laura Fonseca, Planner I, introduced the item and stated owner had filed with the Planning and Zoning Commission a request for a Change of Zone from Single-Family Residential District (R-1) to General Business District (C) to operate a daycare. She stated the subject site was located on the north side of East State Street, approximately

150 feet west of North Dogwood Street and the property was legally described as being Lots 23-26, Chapa Subdivision No. 2, Pharr, Hidalgo County, Texas.

Laura Fonseca, Planner I, further stated the property had frontage on East State Street, a 50'-60' local street that runs east and west with a posted speed limit of 20 to 30 miles per hour or less as identified in the City of Pharr's Thoroughfare Plan and the property was currently zoned Single Family Residential District (R-1). She stated the property and the properties to the north, east and west were zoned to Single Family Residential District (R-1) and the property to the south was zoned to Heavy Commercial District (H-C) on March 30, 1982, when the city adopted the current zoning ordinance.

Laura Fonseca, Planner I, also stated there have been no other zoning requests within the general vicinity of the subject property since that time and the property was generally designated for single family residential use in the Land Use Plan. Ms. Fonseca mentioned 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. She added larger shopping centers and most existing commercial strips along major arterials would be included in this district. The noise, traffic, litter, late-night hours, and possible blighting influences require adequate buffering from residential areas, and the traffic from such uses should not pass-through residential areas, except on arterials or major collectors. She stated fifteen (15) letters were mailed out to the surrounding property owners on November 10, 2022, and legal notice was published in the Advance News Journal on November 9, 2022. Staff received one response to the letter for information.

Laura Fonseca, Planner I, further stated staff recommended approval of the request to re-zone from Single-Family Residential District (R-1) to General Business District (C), as the property meets area requirements and had adequate ingress and egress. She stated 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 in equal treatment of similarity situated properties. 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. Chairman, Danny Wylie, opened the item for discussion.

At the time, Iris Buittron, owner, of Kids at Play Learning Center LLC., stated she would like to have easier daycare pick up and drop off access. Chairman, Danny Wylie, questioned if drop off and pick up was pull in and back out or circle in and out traffic. Laura Fonseca, Planner I, mentioned they would be working with Iris Buittron, to have access to a circle in and out access for easier daycare pick up, since property used to be a church it had enough parking area. Board member, Andy Castro, stated this was a bigger place than what she had and it would be safer to get in and out.

There being no further discussion Guadalupe Cano moved to approve the request approval of the request to re-zone from Single-Family Residential District (R-1) to General Business District (C). Charlie Ramirez seconded the motion and when put to vote, it carried unanimously.

ITEM E. PLATS:

- 1) PEREZ CONSULTING ENGINEERS, REPRESENTING CHARLES D MUELLER, MANAGER FOR LYNN TRACT, L.P., A TEXAS LIMITED PARTNERSHIP, KVS DEVELOPMENT, L.L.C., IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED UHS CENTER ON RIDGE SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 3.71 ACRE TRACT OF LAND OUT OF AND A PORTION OF LOT 203, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 400-500 BLOCK OF WEST RIDGE RD. SUB#220617**

Eddie Martinez, Planner II, introduced the item. He stated the property was currently zoned General Business District (C) and the adjacent zones were General Business District (C) to the east and west, Agricultural Open Space District (A-O) to the north and Single-Family Residential District (R-1) to the south. He further stated the property was designated for commercial use in the Land Use Plan.

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

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 discussion.

There being no discussion Jonathan Larraga moved to approve the request for final plat approval of the proposed UHS Center on Ridge Subdivision. Charlie Ramirez seconded the motion and when put to vote, it carried unanimously.

- 3) SALINAS ENGINEERING ASSOCIATES, REPRESENTING JORGE GONZALEZ, OWNER, IS REQUESTING FINAL PLAT APPROVAL OF THE PROPOSED ARNOLD GROVE SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF THE NORTH 20.0 ACRES OUT OF LOT 103, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 4600 BLOCK OF NORTH SUGAR ROAD. SUB#210825**

Eddie Martinez, Planner II, introduced the item. He stated the property was currently zoned Single Family Residential District (R1-E) and the adjacent zones were

Single Family Residential District (R-1) to the north and Agricultural Open Space District (A-O) to the south, east and west. He further stated the property was designated for commercial use in the Land Use Plan.

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

There being no discussion, Andy Castro moved to approve the request for final plat approval of the proposed Arnold Grove Subdivision. Jonathan Larraga seconded the motion and when put to vote, it carried unanimously.

- 4) MELDEN AND HUNT, INC., REPRESENTING SHAVI MAHTANI, PRESIDENT OF WEST OAK MANOR, IS REQUESTING PRELIMINARY AND FINAL PLAT APPROVAL OF PROPOSED VACATE AND PLAT OF WEST OAK MANOR (PRIVATE) SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 31.939 ACRES GROSS, TRACT OF LAND, BEING A VACATING OF WEST OAK MANOR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 5400 BLOCK OF NORTH SUGAR ROAD. SUB#220931**

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 Mobile Home District (R-MH) to the north, Townhouse Residential District (R-TH) and Agricultural and/or Open Space District (A-O) to the east, Agricultural and/or Open Space District (A-O) to the south and Residential Multi-Family High Density District (R-MFHD), Residential Multi-Family District (R-MF) and Agricultural and/or Open Space District (A-O) to the west. He further stated the property was designated for multi-family residential and commercial use in the Land Use Plan.

At this time Chairman, Danny Wylie, advised a public hearing was not required and opened the site for discussion and action. Mr. Wylie, asked if the property was going to be private. Eddie Martinez, Planner II, states this would be a gated property and electricity would be Homeowners Association.

There being no discussion Jonathan Larraga moved to approve the request for preliminary and final plat approval of the proposed Vacate and Plat of West oak Manor (Private) Subdivision. Charlie Ramirez seconded the motion and when put to vote, it carried unanimously.

- 5) MELDEN AND HUNT INC., REPRESENTING 3100 SUGAR SUBDIVISION, LTD., A TEXAS LIMITED PARTNERSHIP, IS REQUESTING PRELIMINARY PLAT APPROVAL OF THE PROPOSED D & F SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 5.458 ACRES OF LAND,**

**BEING PART OR PORTION OUT OF LOT 135, KELLY-PHARR
SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE
PROPERTY PHYSICAL ADDRESS IS 3106 NORTH SUGAR
ROAD. SUB#200414**

Eddie Martinez, Planner II, introduced the item and stated the property was currently zoned Agricultural and/or Open Space District (A-O) and the adjacent zones were Heavy Commercial District (H-C) to the north, east, and south and Heavy Commercial District (H-C) and General Business District (C) to the west. He further stated the property was designated for industrial use in the Land Use Plan.

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

There being no discussion. Jonathan Larraga moved to approve the request for preliminary plat approval of the proposed D & F Subdivision. Charlie Ramirez seconded the motion and when put to vote, it carried unanimously.

**6) SPOOR ENGINEERING CONSULTANTS INC., REPRESENTING
ADOLFO LOZANO, AGENT FOR ASL LEASING, LLC, A TEXAS
LIMITED LIABILITY COMPANY, IS REQUESTING PRELIMINARY
PLAT APPROVAL OF THE PROPOSED BEAMSLEY SUBDIVISION
LOTS 51A AND 52B. THE PROPERTY IS LEGALLY DESCRIBED AS
BEING A REPLAT OF LOT 51, PHARR, HIDALGO COUNTY, TEXAS.
THE PROPERTY IS LOCATED WITHIN THE 1100 BLOCK OF WEST
EISENHOWER STREET. SUB#221034**

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

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

There being no discussion, Andy Castro moved to approve the request for preliminary plat approval of the proposed Beamsley Subdivision Lots 51A and 51B. Romeo Robles seconded the motion and when put to vote, it carried unanimously.

ITEM F. ANNOUNCEMENTS/OTHER BUSINESS:

None.

ITEM G. CLOSED SESSION:

None

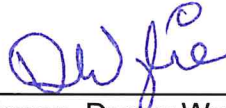
ITEM H. RECONVENE:

None.

ITEM I. ADJOURNMENT

There being no further business Romeo Robles moved to **adjourn**. Jonathan Larraga second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:33 p.m.

PLANNING & ZONING COMMISSION



Chairman, Danny Wylie

ATTEST:



Andy Castro, Secretary

APPROVED: December 12, 2022