

**MINUTES
PLANNING & ZONING COMMISSION**

*City Commissioner's Room
118 S. Cage Blvd. September 09, 2024 - 4:00 p.m.*

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, September 09, 2024, and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie
Charlie Ramirez
Rafael Munguia
Andy Castro
Ruben Luna
Mercedes Guillen
Romeo Cantu Jr.

MEMBERS ABSENT: Javier Gutierrez
Jonathan Larraga

STAFF PRESENT: Ricardo Rodriguez, City Attorney
Kimberley Mendoza, Director of Development Services
Joe Garza, Asst. Director of Development Services
Eddie Martinez, Planner III
Laura Fonseca, Planner II
Nancy Hernandez, Administrative Assistant

ITEM A. CALL TO ORDER

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

Danny Wylie, Chairman, called the meeting to order at 4:01 p.m. Roll call established a quorum.

Board Member Andy Castro moved to excuse the absent members. Board Member Ruben Luna seconded the motion and when put to a vote it, carried unanimously.

ITEM B. PUBLIC TESTIMONY

There were no comments from the public.

ITEM C. APPROVAL OF MINUTES

1) MINUTES FOR AUGUST 12, 2024 - REGULAR MEETING

Pursuant to Section 551.074, the Board may convene in a closed, non-public meeting to discuss any matters related to **appointment, employment, evaluation, reassignment, duties and discipline or dismissal of a public officer or employee and to hear any complaints or charges against an officer or employee.** The City and its attorney may also discuss such issues with the appropriate staff including members so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.076, the Board may convene in a closed, non-public meeting to discuss any matters on the **deployment, or specific occasions for implementation, of security personnel or devices.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.084, the Board may convene in a closed, non-public meeting to discuss any matters involving an **investigation and may exclude a witness from hearing during the examination of another witness in the investigation.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.087, the Board may convene in a closed, non-public meeting to discuss any matters regarding **economic development issues.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

H. RECONVENE: *into Regular Session, and consider action, if necessary on any items(s) discussed in closed session.*

I. ADJOURNMENT:

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk's Office at 956-402-4100 Ext 1007 or FAX 956-475-3442 or Email cityclerksoffice@pharr-tx.gov for further information. Braille is not available.

I, the undersigned authority, do hereby certify that the above notice of said Regular Meeting of the Planning and Zoning Commission of the City of Pharr was posted on the bulletin board at City Hall and on the City's web page at www.pharr-tx.gov. This Notice was posted on the 19th day of September 2024 at 10:00 a.m. and will remain posted continuously for at least 72 hours preceding the scheduled time of said Meeting, in compliance with Chapter 551 of the Government Code, Vernon's Texas Codes, Annotated (Open Meetings Act).



WITNESS MY HAND AND SEAL, this 19th day of September 2024


IMELDA PEREZ, TRMC
CITY CLERK

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed from the bulletin board of City Hall on the ____ day of _____, 20__ by,

Name: _____

Title: _____

Danny Wylie, Chairman, introduced the item.

Board Member Ruben Luna moved to approve. Board Member Andy Castro seconded the motion and when put to a vote, it carried unanimously.

ITEM D. PUBLIC HEARING:

- 1) JOSE R. MENDEZ d/b/a CARNICERIA MENDEZ, LLC., 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 LOT 1 DE ALBA SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 902 SOUTH CAGE BOULEVARD. CUP#240818**

Joe Garza, Assistant Director, introduced the item and stated applicant requested a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). He went over the property's legal description and physical address and stated the properties to the north were zoned General Business District (C). Office and Professional District (O-P) to the east, Townhouse Residential District (R-TH) to the south and Residential Multi-Family District (R-MF) to the west. He further stated the area was generally designated for commercial use in the Land Use Plan.

Joe Garza, Assistant Director briefly stated all inspections had been conducted from all respective departments for the recommendation of approval of the Conditional Use Permit and reported Nineteen (19) surrounding property owners within a three hundred (300) foot radius were notified of the request by letter on Friday, August 23, 2024, and a legal notice was published in The Advance News Journal on Wednesday, August 21, 2024. He stated staff received no response to the letters or legal notice.

Joe Garza, Assistant Director further stated staff recommended approval of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C) subject to the applicant and site shall comply with all City Ordinances and City Department requirements.

Joe Garza, Assistant Director reported there was no representation in the audience.

There being no further discussion, Board Member Andy Castro moved to approve. Board Member Mercedes Guillen seconded the motion and when put to vote, it carried unanimously.

- 2) MIGUEL A. VARGAS, REPRESENTING ANTONIA A. VARGAS OWNER, FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A**

SPECIAL USE PERMIT TO ALLOW THE OUTSIDE STORAGE OF MATERIALS AND/OR EQUIPMENT IN A GENERAL BUSINESS (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.95 ACRE TRACT OF LAND BEING A NORTHERLY PORTION OF BLOCK "A" ORIGINAL TOWNSITE OF PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 500-600 WEST STATE STREET. SUP#240801

Joe Garza, Assistant Director, introduced the item and stated applicant requested a Conditional Use Permit to allow the outside storage of materials and/or equipment in a General Business District (C). He went over the property's legal description and physical address and stated the properties to the north were zoned Single-Family Residential Small Lot (R1-A), Single-Family Residential District (R-1) and Business District (C-2) to the east, General Business District (C) to the south and Single-Family Residential-Small Lot (R1-A) to the west. He further stated the area was generally designated for commercial use in the Land Use Plan.

Joe Garza, Assistant Director briefly stated all inspections had been conducted from all respective departments for the recommendation of approval of the Conditional Use Permit and reported Fifty-four (54) surrounding property owners within a three hundred (300) foot radius were notified of the request by letter on Wednesday, August 28, 2024, and a legal notice was published in The Advance News Journal on Wednesday, August 28, 2024. He stated staff received one phone for information only.

Joe Garza, Assistant Director further stated staff recommended approval of the Conditional Use Permit to allow the outside storage of materials and/or equipment in a General Business District (C) subject to the applicant and site shall comply with all City Ordinances and City Department requirements.

Joe Garza, Assistant Director reported there was representation in the audience. At this time, Board Member Charlie Ramirez asked what kind of material would be stored and Mr. Garza stated it would be fiber optic material.

3) ITEM E. CLOSED SESSION:

At this time, Danny Wylie, Chairman, stated they would deviate from the agenda and go into closed session. There was no objection.

The time being 4:09 p.m., Danny Wylie, Chairman, 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.

4) ITEM F. RECONVENE:

The time being 4:23 p.m., Danny Wylie, Chairman, stated the commission would be resuming the open meeting.

Board Member Charlie Ramirez informed the owner to install a plastic mesh within 30 days to cover the north side of the property, he stated if there were any complaints when they came back to the next meeting, they would have to surround all the property.

There being no further discussion, Board Member Charlie Ramirez moved to approve with conditions. Board Member Andy Castro seconded the motion and when put to vote, it carried unanimously.

5) EDUARDO BARRERA, OWNER, FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM GENERAL BUSINESS DISTRICT (C) TO HEAVY COMMERCIAL DISTRICT (H-C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 2.85 ACRES, MORE OR LESS, OUT OF LOT 252, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 3310 SOUTH CAGE BOULEVARD. COZ#240722

Laura Fonseca, Planner II, introduced the item and stated the applicant was requesting a change of zone from General Business District (C) to Heavy Commercial District (H-C) to develop and construct a heavy machinery sales store and garage warehouse for maintenance of the machinery. Ms. Fonseca went over the property's legal description and physical address and stated the property fronts South Cage Boulevard, a 120 ft.- 150 ft. principal arterial street, which runs north and south with a posted speed limit of 40-55 or less as identified in the City of Pharr's Thoroughfare plan.

Laura Fonseca, Planner II, further stated the property was zoned Agricultural and/or Open Space District (A-O) to General Business District (C) on July 17, 2023. The property to the north was rezoned Agricultural and/or Open Space District (A-O) to General Business District (C) on November 06, 2023. The property to the south was rezoned from Agricultural and/or Open space District (A-O) to General Business District (C) on May 20, 2003. The property to the east was rezoned Agricultural and/or open space District (A-O) to Heavy Commercial District (H-C) on June 12, 2023. The property to the west is zoned Agricultural and/or Open Space District (A-O) upon annexation on May 4, 1976. She 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 commercial and single-family residential uses in the Land Use Plan.

Laura Fonseca, Planner II, explained the Heavy Commercial District (H-C) was established to provide adequate space and site diversification for commercial establishments which would involve influences that would be objectionable in the other commercial districts or adjacent to residential districts. Included in this district are commercial uses that involve large volumes of truck traffic, outside operations and storage of materials and equipment, either for sale or as part of the business, excessive noise from heavy service operations, or any other possibly blighting influences. The

district is commercial in nature but has some aspects that are similar to industrial uses. The noise, traffic, litter, late-night hours, outside storage of materials and equipment, and other possibly blighting influences require adequate buffering.

Laura Fonseca, Planner II, further reported six (6) letters were mailed to the surrounding property owners within a two hundred (200) foot radius on Wednesday, August 28, 2024, and a legal notice was published in the Advance News Journal on Wednesday, August 28, 2024. She stated staff received no response to the letters or the legal notice.

Lastly, Laura Fonseca, Planner II, stated staff recommended **disapproval** of the request to re-zone from General Business District (C) to Heavy commercial District (H-C) as the property is not in compliance with the future land Use and may have detrimental impact to the area. The proposed development is not compatible with the surrounding land uses in the area. She further stated if approved, the owner must comply with all City Ordinances and City Department requirements.

Laura Fonseca, Planner II, stated there was no representation.

There being no discussion, Board Member Charlie Ramirez **moved** to disapprove the request for the change of zone. Board Member Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

6) MELDEN & HUNT INC., REPRESENTING GARCIA-REYNA FAMILY LTD., OWNER, FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A CHANGE OF ZONE FROM GENERAL BUSINESS DISTRICT (C) TO RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT (R-MFHD). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 0.74 ACRES, MORE OR LESS, OUT OF LOTS 32 AND 33, L.R. BELL DEVELOPMENT "E" SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 700 BLOCK OF NORTH BOULEVARD. COZ#240824

Laura Fonseca, Planner II, introduced the item and stated the applicant was requesting a change of zone from General Business District (C) to Residential Multi-Family High Density District (R-MFHD). Ms. Fonseca went over the property's legal description and physical address and stated the property fronts North Veterans Boulevard, a 100 ft. minor arterial street, which runs north and south with a posted speed limit of 30-45 miles per hour as identified in the City of Pharr's Thoroughfare plan.

Laura Fonseca, Planner II, further stated the property was rezoned from Single-Family Residential District (R-1) to General Business District (C) on September 5, 2006. The property to the west was rezoned Single-Family Residential District (R-1) to Residential District (R-MFHHD) on September 05, 2006. The property to the north was rezoned from Single-Family Residential District (R-1) to Residential Multi-Family High Density District (R-MFHD) on June 19, 1984. The city limits lie to the east side. She stated 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 use in

the Land Use Plan. However, the request is compatible with the land use patterns in the area.

Laura Fonseca, Planner II, explained the Residential Multi-Family High Density District (R-MFHD) was established to provide adequate space and site diversification for medium to high density areas. This may be a zone for transitional areas developed for single-family usage, but because of the need for rehabilitation, or changes in the character of the neighborhood, are now deemed suitable for some multifamily development. This zone allows medium to high density developments, and should be located where additional requirements for streets, water and fire protection, wastewater, drainage and adequate open space shall be met. R-MFHD uses should not run traffic over long distances of single-family residential-sized streets or neighborhoods and should be located close to arterials or collectors capable of carrying the additional traffic. Multifamily developments are not a buffer between single-family and commercial uses and should be properly buffered from nonresidential land uses and traffic, or from pollution and environmental hazards.

Laura Fonseca, Planner II, further reported three (3) letters were mailed to the surrounding property owners within a two hundred (200) foot radius on Thursday, August 29, 2024, and a legal notice was published in the Advance News Journal on Saturday, August 31, 2024. She stated staff received no response to the letters or the legal notice.

Lastly, Laura Fonseca, Planner II, stated staff recommended approval of the rezoning request from General Business District (C) to Residential Multi-Family High Density District (R-MFHD) as the property meets all requirements and has adequate ingress and egress. The request area is compatible with the residential trends and land use patterns in the area. She further stated if approved, the owner must comply with all City Ordinances and City Department requirements.

Laura Fonseca, Planner II, stated there was no representation.

There being no discussion, Board Member Charlie Ramirez moved to approve the request for the change of zone. Board Member Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

7) ITEM G. PLATS:

- 1) MELDEN & HUNT INC., REPRESENTING JAVIER ALDAPE, MANAGING MEMBER FOR ACRE CONSTRUCTION, LLC., A TEXAS LIMITED LIABILITY COMPANY, REQUESTED PRELIMINARY PLAT APPROVAL OF THE PROPOSED ACRES SOUTH SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING RE-SUBDIVISION OF 2.231 ACRES OUT OF LOT 2, STORAGE DEPOT SOUTH PHARR SUBDIVISION PHARR, HIDALGO COUNTY,**

**TEXAS.THE PROPERTY IS LOCATED WITHIN THE 6100 BLOCK OF SOUTH
CAGE BOULEVARD. SUB#240722**

Eddie Martinez, Planner III, introduced the item and went over the property's legal description. He stated the property was located within the 6100 Block of South Cage Boulevard. The property was currently zoned General Business District (C). He stated the adjacent zones are Agricultural and/or Open Space District (A-O) to the north, east and south, and General Business District (C) to the west. He stated the property was designated for commercial and public/semi-public use in the Land Use Plan.

Eddie Martinez, Planner III, stated staff recommended preliminary plat approval of the proposed Acre South Pharr Subdivision, subject to the conditions noted in the packet.

There being no further discussion, Board Member Charlie Ramirez moved to approve the request for final plat approval of the proposed Acre South Pharr Subdivision. Board Member Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

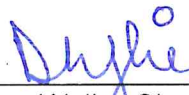
ITEM H. ANNOUNCEMENTS:

None

ITEM I. ADJOURMENT:

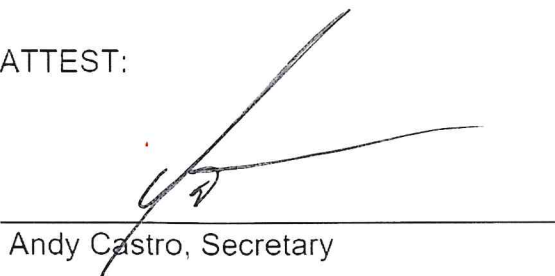
There being no further business, Board Member Andy Castro moved to adjourn. Board Member Charlie Ramirez seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 4:37 p.m.

PLANNING & ZONING COMMISSION



Danny Wylie, Chairman

ATTEST:



Andy Castro, Secretary

APPROVED: _____