

MINUTES
PLANNING & ZONING COMMISSION
City Commissioner's Room
118 S. Cage Blvd. April 23, 2018 - 6:00 p.m.

A meeting of the Planning & Zoning Commission of the City of Pharr was held on Monday, April 23, 2018 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Tom Greuner
 Charlie Ramirez Romeo Robles
 Luis Madrigal Rafael Munguia
 Andy Castro

ABSENT:

OTHERS PRESENT: See attached list

STAFF PRESENT: Roland Gomez, Assistant Director
 Cristina Garcia, Senior Planner
 Eddie Martinez, Planner II
 Della Robles, Planner I
 George Martinez, Building Official
 Felipe Pedraza, Assistant Fire Marshall
 Angie Resio, Secretary

ITEM A. CALL TO ORDER

Chairman, Danny Wylie called the meeting to order at 6:00 p.m. Roll call established a quorum, all members were present.

ITEM B. APPROVAL OF MINUTES

1) MINUTES OF APRIL 9, 2018

Chairman, Danny Wylie introduced the item.

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

ITEM C. PUBLIC COMMENTS

Kenneth C. Fletcher, residing at 504 South Diplomat, stated he believed he was being oppressed because he was not allowed to speak during the public hearing. Dr. Fletcher also stated he hand delivered Crisanto Garcia Jr's public comments form and

was ready to speak in last week's meeting but the form was not received by Development Services. Dr. Fletcher further stated that last week's video was dated April 10th on Vimeo and should be April 9th. He then spoke about the CUP#180209 and how there is dust flying around. Dr. Fletcher referenced a photo he took of two tractor trailers that have been parked in the southwest parking lot of Costco for weeks. He further stated that he would like to address the Fire Department since they were in attendance that it is a violation of national fire code 2012, 503.3 for them to be parked there and because they are parked in the fire lane the noise can be heard from his neighborhood.

ITEM D. PUBLIC HEARING

- 1) 1500 HALL ACRES, LLC HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR CHANGE OF ZONE FROM AGRICULTURAL AND/OR OPEN SPACE DISTRICT (A-O) AND GENERAL BUSINESS DISTRICT (C) TO SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 13.785 ACRE TRACT OF LAND, OUT OF LOTS 5 & 6, BLOCK 8, A.J. MCCOLL SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1500 WEST HALL ACRES ROAD. COZ#180316**

Della Robles, Planner I, introduced the item and stated the subject property was currently zoned Agricultural and/or Open Space District (A-O). The surrounding properties are zoned Agricultural and/or Open Space District (A-O) to the north, Agricultural and/or Open Space District (A-O), High-Density Multi-Family District (R-4) and Residential Townhome District (R-TH) to the west, Agricultural and/or Open Space District (A-O), General Business District (C) and Residential Townhome District (R-TH) to the south and Single-Family Residential District (R-1) and Residential Townhome District (R-TH) to the east.

Della Robles, Planner I, further stated the owner of the property was requesting a change of zone to Single-Family Residential District (R-1) in order to develop the property into a 58 lot single-family residential subdivision.

The Single-Family Residential District is intended to be composed of single-family dwellings together with public, denominational and private schools, churches and public parks essential to create basic neighborhood units.

Della Robles, Planner I, reported one hundred (100) 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. She further stated staff was recommending approval of the request to re-zone and advised the item would be presented at the City Commission meeting of May 7, 2018.

Chairman, Danny Wylie, advised a public hearing was required and asked anyone signed up to speak. There being no one who signed up the public hearing was closed. Mr. Wylie opened the item for discussion and action.

Chairman, Danny Wylie, asked staff if the entrance to the property was a private entrance and if rezoned would it become public.

Della, Planner I, stated it was a private entrance and depending on how they subdivide the property would determine if it would remain private or become a public entrance. She further stated for the time being it was going to become a public entrance.

Chairman, Danny Wylie, asked staff if the entrance as it is right now is it wide enough for Fire Truck and if would be a gated community. Della Robles, Planner I stated those issues would be addressed during the subdivision processes.

Eddie Martinez, Planner II, stated the median and palm trees shown in the photo would be removed and it would not be a gated subdivision.

Romero Robles moved to approve the request for a change of zone from an Agricultural and/or Open Space District (A-O) and General Business District (C) to Single-Family Residential District (R-1). Rafael Munguia seconded the motion and when put to a vote, it carried unanimously.

- 2) **FERNANDO R. MENDOZA, D/B/A TRES HERMANOS DROP YARD, LLC, HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW A TEMPORARY PARKING FACILITY FOR SIX (6) MONTHS IN A LIMITED INDUSTRIAL DISTRICT (L-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOT 3B, RE-SUBDIVISION OF LOT 3 SPAMER BUSINESS PARK, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1800 WEST LAS MILPAS ROAD. CUP#180209**

Della Robles, Planner I, advised item was tabled and requested the item to be untabled.

Romeo Robles, moved to untable the request for Conditional Use Permit to allow a parking facility in a Limited Industrial District (L-I). Charlie Ramirez, seconded the motion and when put to a vote, it carried unanimously.

Della Robles, Planner I, advised applicant had withdrawn the request and no action is required.

- 3) **JOEL CANTU HAS FILED WITH THE PLANNING AND ZONING COMMISSION A REQUEST FOR A LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW AN OVERSIZED STORAGE UNIT (12' X 12', 10 FEET IN HEIGHT) IN A SINGLE-FAMILY RESIDENTIAL DISTRICT (SMALL LOTS) (R-1A). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOTS 7 & 8, BLOCK 155, FIR SUBDIVISION, PHARR,**

**HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS
IS 916 EAST CORTEZ AVENUE. CUP#180320**

Della Robles, Planner I, introduced the item and stated the property was currently zoned Single-Family Residential District (Small Lots) (R-1A). The surrounding area is zoned Single-Family Residential District (Small Lots) (R-1A) to the north, south, east and west. She further reported sixty eight (68) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. She stated staff received one (1) call in for information only.

Della Robles, Planner I, further stated staff recommended approval of the request for a Life-of-the-Use Conditional Use Permit to allow an Oversized Storage Unit (12' x 12', 10 feet in height) in a Single-Family Residential District (Small Lots) (R-1A) subject to conditions and advised the item will be presented to the City Commission meeting of May 7, 2018 for final approval.

Chairman, Danny Wylie, advised a public hearing was required and asked anyone signed up to speak. There being no one who signed up the public hearing was closed. Mr. Wylie opened the item for discussion and action.

Andy Castro asked staff if code enforcement had gone to inspect the location because in the photo provided the area looks like a fire hazard and was very cluttered.

Della Robles, Planner I, stated Code Compliance had done an inspection and contacted the owner in September and there is a case open regarding the grass and the Fire Department required them to have a fire extinguisher installed prior to approval.

Roland Gomez, Assistant Director stated this case originally started with the code compliance going to the location and noticed the storage unit being built without a permit. Mr. Gomez stated they have since been to court and the judge has ruled them to come in and apply for a building permit, but a building permit cannot be issued without the conditional use permit and once that is approved they will apply for a building permit and finish the construction of the storage unit

Chairman, Danny Wylie, asked staff if there is a set back of a 3.9 feet and if that was in compliance.

Roland Gomez, Assistant Director, stated the set back on a (R-1A) is three feet. He further stated it currently is 3 ½ feet on the west side and a five foot set back in the rear which is in compliance for the zone.

Luis Madrigal, moved to approve the request for Conditional Use Permit to allow Life-of-the-Use Conditional Use Permit to allow an Oversized Storage Unit (12' x 12', 10 feet in height) in a Single-Family Residential District (Small Lots) (R-1A). Charlie Ramirez, seconded the motion and when put to a vote, it carried by majority vote of six (6) ayes and one (1) nay. Tom Greuner voted against the motion.

- 4) **LAS PUPUSAS DEL ITACATE, LLC.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 GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF 0.054 ACRES OUT OF LOT 1A TIM DEVELOPMENT SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 807 SOUTH JACKSON ROAD, SUITE 6. CUP#180320**

Della Robles, Planner I, introduced the item and stated the property was currently zoned General Business District (C). The surrounding area is zoned General Business District (C). The surrounding area is zoned General Business District (C) to the north, south and east. The area is generally designated for commercial use in the Future Land Use Plan. She further reported twelve (12) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. She Stated staff received no response to the letters or the legal notice.

Della Robles, Planner I, further stated staff recommended approval of the request for Conditional Use 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 and advised the item will be presented to the City Commission meeting of May 7, 2018 for final approval.

Chairman, Danny Wylie, advised a public hearing was required and asked anyone signed up to speak. There being no one who signed up the public hearing was closed. Mr. Wylie opened the item for discussion and action.

There being no further discussion Luis Madrigal moved to approve the request for Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). Charlie Ramirez seconded the motion and when put to a vote, it carried unanimously.

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

None.

ITEM H. PLAT APPROVAL

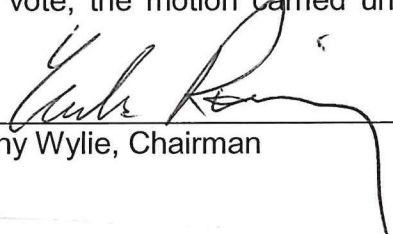
None.

ITEM F. ANNOUNCEMENTS/OTHER BUSINESS

None.

ITEM I. ADJOURNMENT

There being no further business, Rafael Munguia moved to adjourn. Romeo Robles second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:19 p.m.



Danny Wylie, Chairman

ATTEST:



Tom Greuner, Secretary

APPROVED: 5-14-18

Pharr
Development Services

MEETING: P&Z MEETING

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