

## AGENDA

**PLANNING & ZONING COMMISSION REGULAR MEETING  
TUESDAY, APRIL 19, 2016 - 3:30 PM  
MCALLEN MUNICIPAL BUILDING, 1300 HOUSTON AVENUE  
CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR**

### **CALL TO ORDER -PEPE CABEZA DE VACA**

### **PLEDGE OF ALLEGIANCE - INVOCATION -**

#### **1) MINUTES:**

- a) Minutes for Regular Meeting held on April 5, 2016

#### **2) SITE PLAN:**

- a) Lot 1, Block 7, McAllen Addition; 1601 Business Highway 83 - Granchelli Construction **(SPR2016-0011)**
- b) Revised Site Plan for Lot 3, Renaissance Center; 1008 East Dove Avenue - Cantu Construction **(SPR2014-0036)**
- c) Revised Site Plan for Lot 2, Bentsen Road Plaza Subdivision; 4421 U.S. Expressway 83 – Grax Holdings, LLC. **(SPR2015-0017)** JHE

#### **3) CONSENT:**

- a) RSBR FM 681 Subdivision; 11011 N. Moorefield Road -Sergio H. & Rosario G. Saenz **(Final)(SUB2016-0020)** M & H

#### **4) PUBLIC HEARING (to be conducted at 4:00 p.m.)**

##### **a) SUBDIVISION:**

- 1. Palm Heights Addition, Lots 7A & 9A Subdivision; 105 N. 9th Street - Store Master Funding, LLC. **(Final)(SUB2016-0003)** SEA

##### **b) CONDITIONAL USE PERMITS:**

- 1. Request of Marie-Claude Charles, for a Conditional Use Permit, for life of the use, for an institutional use (school), at the South 35 feet of Lot 5, all of Lot 6 and the North 40 feet of Lot 7, Block 1, Highland Center Subdivision, Hidalgo County, Texas; 2300 North 10th Street. **(CUP2016-0045)**

2. Request of Abdiel Alcalá, for a Conditional Use Permit, for one year, for a home occupation (office) at Lot 2, Block 31, North McAllen Subdivision, Hidalgo County, Texas; 415 North 11th Street. **(CUP2016-0040)**
3. Request of Rosalinda Villarreal, for a Conditional Use Permit, for one year, for a home occupation (daycare) at Lot 88, Brookwood Subdivision, Unit 3, Hidalgo County, Texas; 3901 Bluebird Avenue. **(CUP2016-0034)**
4. Request of Olivia Hernandez, for a Conditional Use Permit, for one year, for a home occupation (daycare) at Lot 14, Shadow Brook Subdivision, Unit 1, Hidalgo County, Texas; 2113 Goldcrest Avenue. **(CUP2016-0046)**
5. Request of Vicky Chmielowski, for a Conditional Use Permit, for one year, for a bar at Lot 6, Mejia #1 Subdivision, Hidalgo County, Texas; 2010 Nolana Avenue. **(CUP2016-0041)**
6. Request of Aaron Banda, for a Conditional Use Permit, for one year, for a bar at Lots 1-4, The District at McAllen Subdivision, Hidalgo County, Texas; 3300 North McColl Road, Suites P and Q. **(CUP2016-0044)**
7. Request of JACR, LLC dba Gamehaus Gastropub, for a Conditional Use Permit, for five years, for a bar, at Lots 13 and 14, Nolana Terrace Subdivision, Hidalgo County, Texas; 2109 Nolana Avenue. **(CUP2016-0042)**

**5) DISCUSSION:**

**6) INFORMATION ONLY:**

- a) City Commission Actions: April 11, 2016

**7) EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071  
(CONSULTATION WITH ATTORNEY)**

**ADJOURNMENT:**

IF ANY ACCOMMODATIONS FOR A DISABILITY ARE REQUIRED, PLEASE NOTIFY THE PLANNING DEPARTMENT (681-1250) 72 HOURS BEFORE THE MEETING DATE. WITH REGARD TO ANY ITEM, THE PLANNING & ZONING COMMISSION MAY TAKE VARIOUS ACTIONS, INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR PARTICULAR ACTION AT A FUTURE DATE.

STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF McAllen

The McAllen Planning and Zoning Commission convened in a Regular Meeting on Tuesday, April 5, 2016, at 3:32 p.m. in the Municipal Building City Commission Room at City Hall, 1300 Houston Avenue, McAllen, Texas.

<b>Present:</b>	<b>Pepe Cabeza de Vaca</b>	<b>Chairperson</b>
	<b>John Millin</b>	<b>Vice- Chairperson</b>
	<b>Mark Wright</b>	<b>Member</b>
	<b>Michael D. Hovar</b>	<b>Member</b>
	<b>Brenton M. Baldree</b>	<b>Member</b>
	<b>Daniel Santos</b>	<b>Member</b>
	<b>Robert Luciano</b>	<b>Member</b>

**Absent:** None

<b>Staff Present:</b>	<b>Julianne Rankin</b>	<b>Director of Planning</b>
	<b>Michelle Leftwich</b>	<b>Assistant City Manager</b>
	<b>Victor Flores</b>	<b>Assistant City Attorney</b>
	<b>Ed Taylor</b>	<b>Senior Planner</b>
	<b>Luis Mora</b>	<b>Senior Planner</b>
	<b>Kim Guajardo</b>	<b>Planner III</b>
	<b>Miguel Martinez</b>	<b>Planner II</b>
	<b>Rodrigo Sanchez</b>	<b>Planner II</b>
	<b>Cristina Garcia</b>	<b>Planner I</b>
	<b>Allan Garces</b>	<b>Planner I</b>
	<b>Patrizia Longoria</b>	<b>Deputy Director of Traffic</b>
	<b>Susana De La Cerda</b>	<b>Secretary</b>
	<b>Nikki Marie Cavazos</b>	<b>Secretary</b>

**PLEDGE OF ALLEGIANCE** Chairperson- Mr. Pepe Cabeza de Vaca

**INVOCATION** Member - Mr. Daniel Santos

**CALL TO ORDER** Chairperson - Mr. Pepe Cabeza de Vaca

**1) MINUTES:**

a) Minutes for Regular Meeting held on March 15, 2016.

The minutes for the regular meeting held on March 15, 2016 were approved as submitted. The motion to approve was made by Mr. John Millin. Mr. Mark Wright seconded the motion which carried unanimously with six members present and voting. Mr. Brent Baldree walked in.

## 2) SITE PLAN:

- a) Nolana Crossing, Lot 2 Subdivision, 2701 Nolana Avenue, BW Nolana, LLC,  
a Texas Liability Company **(SPR2015-0040)**

Mr. Mora stated the property was located on the south side of Nolana Ave approximately 260 ft. east of North 27th ½ St. and was zoned C-3 (general business) District. The adjacent zoning was C-3 to the north, south, and west, and R-1 (single family residential) District to the east.

The property was part of Nolana Crossing Subdivision, which was recorded on June 3, 2015. A note on the plat indicates that a site plan must be approved by the Planning and Zoning Commission prior to issuance of a building permit.

The applicant was proposing to construct a 2,772 sq. ft. building for carwash use. Based on the square footage, 10 parking spaces were required, 28 parking spaces were provided. Two of the proposed parking spaces must be accessible, one of which must be van accessible with an 8 ft. wide aisle. Access to the site will be from Nolana Ave. via a shared access easement between Lots 1 & 2, and a 25 ft. wide curb cut along N. 27th ½ St. Required landscaping for the lot was 5,148 sq. ft. with trees required as follows: 16 – 2 ½” caliper trees, or 8 – 4” caliper trees, or 4 – 6” caliper trees, or 32 palm trees. A minimum 10 ft. wide landscaped strip was required inside the lot line along Nolana Ave. Fifty percent of the landscaping must be visible in front areas, and each parking space must be within 50 ft. of a landscaped area with a tree. A 4 ft. wide sidewalk was required along Nolana Ave., as well as a 6 ft. buffer around dumpsters if they were visible from the street. A 6 ft. buffer was required from adjacent multifamily residential and commercial, or industrial zones/uses. Setbacks were as follows: North – 60’; East – Proposed 103’; South – Proposed 121’; West – 30’. A setback variance was granted by Zoning Board of Adjustment and Appeals to have a 13 ft. setback instead of the required 30 ft. to the west side lot line.

Staff recommended approval of the site plan subject to the conditions noted, the Subdivision and Zoning Ordinance, and paving and building permit requirements.

Being no discussion of the item, Mr. John Millin moved to approve the site plan subject the conditions noted, the Subdivision and Zoning Ordinance, and paving and building permit requirements. Mr. Michael Hovar seconded the motion with seven members present and voting.

## 3) SUBDIVISIONS:

- a) Copperfield Estates Phase 1A Subdivision; 4201 Pecan Boulevard-  
Inmobiliaria Del Valle, LLC. **(Revised Preliminary) (SUB2016-0013)**

Ms. Guajardo stated the property was a three lot, commercial resubdivision located at the southwest corner of N. 42<sup>nd</sup> Street and Pecan Boulevard. The property was zoned C-3, general business with an existing parking lot. Pecan Blvd. (FM 495) had 10 ft. ROW dedication required for 60 ft. from centerline for 120 ft. ROW with paving and curb & gutter to be done by the state. Project engineer, on behalf of the developer had requested a variance to not require the additional ROW along Pecan Blvd. N. 42<sup>nd</sup> Street had 60 ft. of ROW existing with 40 ft. of paving and curb & gutter on both sides. 20 ft. access and utility easement existing. Front setbacks were 140 ft. Rear setbacks were 49 ft. Side setbacks were as per city ordinance, except 20 ft. for the west side of

Lot 3. Corner setbacks on N. 42nd Street were 10 ft. All setbacks were subject to increase for easements or approved site plan. A 5 ft. wide sidewalk required on Pecan Blvd. (FM 495). A 4 ft. wide minimum sidewalk required on N. 42nd Street. Perimeter sidewalks must be built or money escrowed if not built at this time. A 6 ft. opaque buffer was required from adjacent/between multi-family residential and commercial, or industrial zones/uses. An 8 ft. masonry wall was required between single-family residential and commercial, industrial, or multi-family residential zones/uses. Site plan must be approved by the Planning and Zoning Commission prior to building permit issuance to include setbacks, parking, landscaping, access, etc. Areas pertaining to said site plan to be maintained by the owners for the benefit of all the lots. Common Areas for commercial developments provided for common parking, access, setbacks, landscaping, etc. A Trip Generation was submitted and approved by Traffic Operations and TIA was not required. Preliminary replat was approved by the Planning and Zoning Commission on March 1, 2016. Existing plat notes remained the same for the resubdivision on March 1, 2016. Public Hearing without notices was required prior to final, for the resubdivision.

Staff recommended approval of the resubdivision in revised preliminary form subject to the conditions noted, compliance with the 10 ft. ROW dedication along Pecan Boulevard, and utility & drainage approvals.

Mr. Millin inquired whether the variance would take away from parking spaces, would additional landscaping be required. How was the ROW dedication in the neighboring properties?

Ms. Guajardo stated the site plan had not been submitted, staff had met with the project manager and he stated that the site plan would be submitted for staff review. The width of the landscape strip along Pecan Boulevard was measured on the maps and it was a 10 ft. landscape strip existing. The 10 ft. ROW dedication would only affect the landscape strip and not the parking. The additional landscaping would still be required. The property to the east, which was as part of the original Copperfield that was subdivided in 2001, had an existing building with 3- tenant spaces for office use. Copperfield Subdivision was not being replatted and if so then the ROW dedication would be required.

Mr. Wright inquired whether the L-shape on the west side of Lot 3 could be used as a landscaping area.

Ms. Guajardo stated the area was an aisle and had existing asphalt that wrapped around the parking lot to the back of the property.

Chairperson, Pepe Cabeza de Vaca asked if the applicant was present.

Mr. Rene Barrera, project manager, approached the podium and stated the request was to stay consistent with the existing development to the east. Any additional ROW would affect the green area buffer as well as the parking; the architect had already made a plan for retail use and the parking would meet the requirement.

After a brief discussion of the item, Mr. John Millin moved to approve the resubdivision in revised preliminary form with a favorable recommendation on the requested variance. Mr. Daniel Santos seconded the motion with seven members present and voting.

#### **4) PUBLIC HEARING (to be conducted at 4:00 p.m.)**

**a) SUBDIVISION:**

1. Concord Phase 1A Subdivision; 700 East U.S. Expressway 83-Expressway- McColl, LTD. **(Final) (SUB2016-0019)**

Ms. Guajardo stated it was a 2-lot replat located at the southeast corner of South McColl Road and E. U.S. Expressway 83. The property was zoned C3 (general business) District. East U.S. Expressway 83 had a range of 350 - 360 ft. ROW existing with paving and curb & gutter to be done by the state. S. McColl Road had 50 ft. from centerline for 100 ft. ROW existing with 65 ft. of paving and curb & gutter on both sides. Service drive easements were to be reviewed as part of the site plan. Front setbacks on East U.S. Expressway 83 were 75 ft. or greater for approved site plan or easements. Rear and Interior side setbacks were in accordance with the Zoning Ordinance, or greater for approved site plan or easements. Corner setbacks on S. McColl Road were 50 ft. or greater for approved site plan or easements. All setbacks were subject to increase for easements or approved site plan. A 4 ft. wide minimum sidewalk was required on East U.S. Expressway 83 and S. McColl Road. Perimeter sidewalks must be built or money escrowed if not built at this time. A 6 ft. opaque buffer was required from adjacent/between multi-family residential and commercial, or industrial zones/uses. An 8 ft. masonry wall required between single-family residential and commercial, industrial, or multi-family residential zones/uses. A site plan must be approved by the Planning and Zoning Commission prior to building permit issuance. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Per the Traffic Department, the trip generation was waived if no new access points were proposed. Preliminary plat was approved by the Planning and Zoning Commission at their meeting of December 1, 2015. Existing plat notes remained the same for the resubdivision.

Staff recommended approval of the resubdivision in final form subject to the conditions noted, and utility & drainage approvals.

Chairperson, Pepe Cabeza de Vaca, asked if there was anyone present in opposition of the resubdivision being requested and there was no one present to speak in opposition. The applicant was present.

Being no discussion of the item, Mr. John Millin moved to approve the resubdivision subject to the conditions noted, and utility & drainage approvals. Mr. Brent Baldree seconded the motion with seven members present and voting.

**b) CONDITIONAL USE PERMITS:**

1. Request of Rosalia De Leon for a Conditional Use Permit, for one year, for a bar at Lot 1, Las Arboledas Office Park Subdivision; 6400 North 10th Street. **(CUP2016-0030)**

Ms. Garcia stated the property was located on the east side of North 10<sup>th</sup> Street, approximately 170 ft. south of Martin Avenue and it was zoned C-3 (general business) District. The surrounding zoning was C-3 to the south, west and north and C-1 (office building) to the east. Surrounding land uses include single and multi-family residences, commercial businesses and offices. A bar was allowed in a C-3 zone with a conditional use permit and in compliance with requirements.

Currently, there was a multi-tenant building on the property. The same applicant previously submitted a similar request on November 17, 2015. The request was disapproved, but with a favorable recommendation by the Planning and Zoning Commission; however, the applicant did not appeal within the required time frame. Therefore, the item did not go to City Commission for consideration.

The applicant leases one of the suites with approximately 2,500 sq. ft. for her business, Painting with a Twist, which consist of painting sessions for groups of people. The customers currently bring their own non-alcoholic or alcoholic beverages to drink while they paint. The applicant was now proposing to sale alcoholic beverages; therefore, a conditional use permit for a bar was required. The hours of operation would be from 11:30 A.M. to 3:30 P.M. seven days a week.

The Health and Fire Departments have inspected the establishment. A police activity report was not requested since the establishment had not been in operation as a bar during the past year. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- a) The property line of the lot of the above mentioned business, having late hours (after 10:00 p.m.) must be at least 600 ft. from the nearest residence, church, school or publicly-owned property, and must be designed to prevent disruption of the character of adjacent residential area. The multi-tenant building was within 600 ft. of residential zones/uses;
- b) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property had direct access to North 10<sup>th</sup> Street and does not generate traffic to residential areas;
- c) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Currently there was a multi-tenant building on the property. Based on the existing commercial use, 25 parking spaces were required, and for the proposed 2,500 sq. ft. lease area (1,818 sq. ft. of bar (class area) and 682 sq. ft. commercial space) 20 parking spaces were required for a combined total of 45 spaces required. There were 47 parking spaces provided on site as part of the common parking area;
- d) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- e) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- f) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- g) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum occupancy of the establishment was to be set through the building permit process.

Staff recommended disapproval of the request based on noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance. Applicant was present.

Chairperson, Pepe Cabeza de Vaca, asked if there was anyone present in opposition of the conditional use permit being requested and there was no one present to speak in opposition. The applicant was present.

Mr. Cabeza de Vaca, Chairperson, inquired if the application was a renewal.

Ms. Garcia stated the applicant failed to appeal the decision from last year and was now reapplying.

Mr. Millin, board member, inquired if the decision in the previous year was disapproved with a favorable recommendation.

Ms. Garcia stated that was correct.

Mr. Millin, board member, stated the decision had to be a disapproval with favorable recommendation for the reason of the distance requirement, which would be considered as an exemption to the distance requirement and would require an appeal from the applicant to be presented to the City Commission Board for a variance.

After a brief discussion of the item, Mr. Millin moved to disapprove the request of the conditional use permit based on noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance. Mr. Santos seconded the motion with seven members present and voting.

2. Request of Caribe Investments, L.P., for a Conditional Use Permit, for one year, for a bar at Lot 3, Lone Star National Bank Subdivision; 500 Nolana Avenue. **(CUP2016-0033)**

Ms. Garcia stated the property was located on the south side of East Nolana Avenue, 635 ft. west of North McColl Road and was zoned C-3 (general business) District. The adjacent zoning was C-3 District in all directions. Surrounding land uses include retail, offices, multi-family apartments and vacant land. A bar was allowed in a C-3 zone with a conditional use permit.

The initial Conditional Use Permit was approved by The City Commission on May 29, 2007 with a variance to the distance requirement. The permit had been renewed annually and the last permit approved by the City Commission was on March 9, 2015.

The applicant was proposing to continue to operate a bar and grill (Havana Club & Grill) at this location. The hours of operation were from 11:00 A.M. to 2:00 A.M. seven days a week.

A police report was requested for service calls from March 2015 to present (see attached). The Health and Fire Departments have inspected the establishment, which was in compliance with health and safety codes and regulations. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- h) The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly

owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment was within 600 ft. from the nearest residence and residentially zoned property;

- i) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment was located on a major arterial, East Nolana Avenue, and does not generate traffic into residential areas;
- j) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage and use of the building, 119 parking spaces were required and 127 were provided. During inspection, staff observed the west parking spaces needing to be re-striped and a large pothole that needs fixing;
- k) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties. An 8 ft. wall was provided;
- l) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- m) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- n) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The allowable number of persons for the bar had been set at 93 persons.

If the permit was approved with the variance, it should be subject to re-striping the parking space as needed and fixing the pothole.

Staff recommended disapproval of the request based on noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance.

Pepe Cabeza de Vaca, Chairperson, asked if there was anyone present in opposition of the conditional use permit being requested and there was no one present to speak in opposition. The applicant was present.

Being no discussion of the item, Mr. John Millin moved to disapprove the request of the conditional use permit based on noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance and subject to parking lot being re-striped and potholes repaired. Mr. Daniel Santos seconded the motion with six members voting yay and one abstention. Mr. Mark Wright abstained.

3. Request of Jose J. Jaramillo, for a Conditional Use Permit, for one year, for a portable food concession stand at Lot 5 less the west 85

feet, Janice #2 Subdivision; 1901 North 10th Street. **(CUP2016-0028)**  
**(TABLED: 3/15/2016) WITHDRAWN**

Item was withdrawn.

**c) REZONING:**

1. Rezone from R-1 (single family residential) District to C-1 (office building) District: 7.475 acres out of Lot 1, Block 1, Golden Grapefruit Gardens Tract No. 2, Hidalgo County, Texas; 8100 North 23rd Street (rear). **(REZ2016-0005)**

Mr. Sanchez stated the tract was an interior tract located 300 feet east of 23<sup>rd</sup> Street and 180 feet north of Auburn Avenue. The tract had a width of 312 feet and a length of 1,045 feet for a tract size of 7.475 acres. The applicant was requesting C-1 (office building) District in order to construct an assisted living facility. A feasibility plan had been submitted to the Planning Department. Adjacent zoning was R-1 (single family residential) District to the north, east, and south, and C-3L (light industrial) District to the west. The tract comprises one parcel containing a single-family residence and Karle Farms. Adjacent land uses were single-family residences, farmland, and Dollar General.

The Foresight McAllen Comprehensive Plan designates the future land use as Auto Urban Residential.

The development trend for interior tracts not fronting along 23<sup>rd</sup> Street was single family residential. The property was initially zoned A-O (agricultural-open space) District upon annexation in 1991. A city initiated rezoning request as part of the City of McAllen A-O rezoning project to R-1 (single family residential) District was approved on November 23, 2015. As part of the same city initiated project the front portion of the property consisting of 2.143 acres was rezoned from A-O District to C-3L District. The tract to the north was initially zoned R-1 (single family residential) upon annexation in 1995. Three rezoning requests to R-1 (single family residential) District on adjacent tracts were approved between 1992 and 1998 and single-family residences were constructed. A rezoning request for C-3 (general business) District for the adjacent tract to the south was approved in 1997 and a Dollar General store was constructed. A tract to the northwest was rezoned to R-3A (multifamily residential apartment) in 2004 and the property was currently vacant land. North 23<sup>rd</sup> Street was designated as a principal arterial with 120 feet of right-of-way and currently provides four travel lanes, a left turn lane, sidewalks and no shoulders.

The requested zoning does not conform to the Auto Urban Residential land use designation for the property as indicated on the Foresight McAllen Comprehensive Plan. The proposed depth of the requested zoning was not in character with the surrounding area as the adjacent uses were primarily single-family residences. An 8 ft. masonry wall was required between an R-1 District or a single-family use and a commercial district.

Staff recommended disapproval of the rezoning request and alternatively to encourage the applicant to submit a conditional use permit for a planned unit development to restrict the use to an assisted living facility.

Chairperson, Pepe Cabeza de Vaca, asked if there was anyone present in opposition of the

rezoning being requested and there was someone present to speak in opposition. The applicant was present.

Mr. John Millin inquired staff's recommendation of disapproval and instead submit a Conditional Use Permit for a planned unit development and if the assisted living could be done in R-1 single-family zone. If staff's concern was not the use but permanency of the zone change and if there was any indication of neighbors not being amendable to the rezoning being changed.

Mr. Sanchez stated the depth for commercial was the main reason for staff's recommendation. The neighbors might be more amendable to the zoning not being changed. Zoning cannot be conditioned to the feasibility plan that was submitted; the owner can sell the property and can say they have C-1 zoning which would open more possibilities. Staff had received a couple of calls and did indicate concerns with the rezoning.

Mr. Martha Garza appeared in opposition to the rezoning and stated that the proposed assisted living facility would be facing the back of her property. Health concerns were the main issue. She stated she was speaking on behalf of other neighbors who could not come to the meeting.

Mr. Mark Wright inquired if the planned unit development would elevate the zone.

Mr. Sanchez stated with the planned unit development the zoning would not change but the conditional use permit would have a site plan submitted and would be approved by the Planning & Zoning Commission and the use would be restricted to what is shown on the site plan.

Mr. Jim Dominguez, the applicant, stated the development would not be a nursing home but a nice place to house 120 people including trails, landscaping, and trees for elderly people to enjoy their remaining years. He would do whatever possible which included the Conditional Use Permit to be able to do the project.

After a lengthy discussion, Mr. Mark Wright **moved** to disapprove the rezoning request and encouraged the applicant to submit a conditional use permit for a planned unit development to restrict the use to an assisted living facility. Mr. John Millin seconded the motion with seven members present and voting.

2. Rezone from C-3 (general business) District to R-3A (multifamily residential apartments) District: Lot 4, Block 57, McAllen Addition, Hidalgo County, Texas; 710 South 17th Street. **(REZ2016-0006)**

Mr. Garces stated the property was located along the west side of South 17<sup>th</sup> Street, 100 feet south of Galveston Avenue. The lot had 50 feet of frontage along South 17<sup>th</sup> Street and a depth of 140 feet for a tract size of 7,000 square feet. The applicant was requesting R-3A (multifamily residential apartments) District in order to construct apartments. A feasibility plan had not been submitted to the Planning Department. Adjacent zoning was C-3 (general business) District in all directions and R-2 (duplex-fourplex residential) District to the south. The tract comprises one lot that was currently vacant land. Adjacent land uses were single-family residences, duplexes, Iglesia Cristiana Mexicana, Instruction and Guidance Center, Nick's Muffler Shop, and Truly Nolen Pest Control.

The Foresight McAllen Comprehensive Plan designates the future land use as Urban Center.

The development trend for the surrounding area was commercial. The property was zoned C-3 (general business) District during comprehensive zoning in 1979. There have been no rezoning requests on the subject property since that time. Two rezoning requests to R-3A (multifamily residential apartments) District were approved in the surrounding area in 2000 and 2001 and apartments were constructed. The requested zoning does not conform to the Urban Center use designation for the property as indicated on the Foresight McAllen Comprehensive Plan. The subject property was located in the Entertainment and Cultural Overlay District (ECOD). The rezoning request supports housing opportunities within the Central Business District and promotes the preservation of neighborhood areas in the downtown area. Previous requests for R-3A District within the Central Business District had been approved. South 17<sup>th</sup> Street was a collector street with 65 feet of right-of-way and was constructed with two travel lanes, two parking lanes, curb and gutter, sidewalk and streetlights.

Staff recommended approval of the rezoning request.

Chairperson, Pepe Cabeza de Vaca, asked if there was anyone present in opposition of the rezoning being requested and there was no one present to speak in opposition. The applicant was not present.

Being no discussion of the item, Mr. John Millin **moved** to approve the rezoning request. Mr. Daniel Santos seconded the motion with seven members present and voting.

3. Rezone from C-3 (general business) District to R-3A (multifamily residential apartments) District: Lot 5, Block 55, McAllen Addition, Hidalgo County, Texas; 604 South 16th Street. **(REZ2016-0007)**

Mr. Garces stated the property was located along the west side of South 16<sup>th</sup> Street, 50 feet south of Fresno Avenue. The lot had 50 feet of frontage along South 16<sup>th</sup> Street and a depth of 140 feet for a tract size of 7,000 square feet. The applicant was requesting R-3A (multifamily residential apartments) District in order to construct apartments. A feasibility plan had not been submitted to the Planning Department. Adjacent zoning was C-3 (general business) District to the north, east, and west and R-3A (multifamily residential apartments) District to the south, and R-2 (duplex-fourplex residential) District to the southeast. The tract comprises one lot containing a single-family residence. Adjacent land uses were single-family residences, apartments, duplexes, Reynoso Notary Public, Yerberia Cultura, Altum Bar, and Affordable Homes of South Texas, and vacant land.

The Foresight McAllen Comprehensive Plan designates the future land use as Urban Residential.

The development trend for properties in the area was multifamily apartments and the proposed zoning was consistent with multifamily residential development trends on adjacent properties. The property was zoned C-3 (general business) District during comprehensive zoning in 1979. There have been no rezoning requests on the subject property since that time. Eight rezoning requests to R-3A (multifamily residential apartments) District were approved in the surrounding area between 1998 and 2013 and apartments were constructed. The requested zoning conforms to the Urban Residential land use designation for the property as indicated on the Foresight McAllen Comprehensive Plan. The subject property was located in the Downtown Retail Overlay District (DROD) that allows mixed uses, commercial on the ground floor and residential on the second and above stories. Adjacent properties have been rezoned to R-3A District and apartments have been

constructed. South 16<sup>th</sup> Street was a collector street with 65 feet of right-of-way and was constructed with 2 travel lanes, 2 parking lanes, curb and gutter, sidewalk and street lights.

Staff recommended approval of the rezoning request.

Chairperson, Pepe Cabeza de Vaca, asked if there was anyone present in opposition of the rezoning being requested and there was no one present to speak in opposition. The applicant was not present.

Being no discussion of the item, Mr. Brent Baldree **moved** to approve the rezoning request. Mr. Robert Luciano seconded the motion with seven members present and voting.

4. Rezone from C-2 (neighborhood commercial) District to C-4 (commercial-industrial) District: 1 acre out of Lot 15, Section 280, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas; 2220 Sprague Road. **(REZ2016-0008)**

Mr. Sanchez stated the tract was located at the northeast corner of North 23<sup>rd</sup> Street and Sprague Road. The tract had approximately 139.51 feet of frontage along Sprague Road and a depth of 208.71 feet for a tract size of .72 acres. The applicant was requesting C-4 (commercial-industrial) District in order to establish a Quick Lube oil change and retail center. A feasibility plan was submitted to the Planning Department. Adjacent zoning was C-4 (commercial-industrial) District to the north, R-1 (single family residential) District to the east, C-3 (general business) District to the south across Sprague Road and the area to the west across North 23<sup>rd</sup> Street was outside city limits. The tract was vacant. Adjacent land uses are single-family residences, Sewer Treatment Plant #3, Reddy Ice, and farmland.

The Foresight McAllen Comprehensive Plan designates the future land use as Suburban Residential.

The development trend for properties located east of 23<sup>rd</sup> Street and north of Sprague Road was commercial-industrial. The property was initially zoned A-O (agricultural-open space) District upon annexation in 1995. The property was rezoned from A-O (agriculture-open space) District to C-2 (neighborhood commercial) District on January 22, 2007 and a proposed subdivision plat by the name of El Rapidito No. 2 was approved in preliminary form by the Planning and Zoning Commission on March 6, 2007. During a city initiated rezoning process, the adjacent property to the north was rezoned to C-4 (commercial-industrial) District in November 2015. The property to the south across Sprague Road was rezoned from R-1 (single family residential) District to C-3 (general business) District in January 2016. The requested zoning was in conformance with the zoning and development trends of the area. North 23<sup>rd</sup> Street was designated as a principal arterial with 120 feet of right-of-way and was currently 80 feet of right-of-way providing 4 travel lanes, a left turn lane and no shoulders. Sprague Road was designated as a major collector with 80 feet of right-of-way and was currently 40 feet of right-of-way with 2 travel lanes and roadside ditches. An 8-foot masonry wall was required between R-1 District or a single-family use and a commercial district.

Staff recommends approval.

Chairperson, Pepe Cabeza de Vaca, asked if there was anyone present in opposition of the rezoning being requested and there was no one present to speak in opposition. The applicant was present.

Mr. John Millin inquired if a Conditional Use Permit would be able to be submitted for a C-2 zone for the proposed use.

Mr. Sanchez stated if the applicant requested a C-3, the applicant would need a Conditional Use Permit to do the proposed use. The reason the applicant went with C-4 zoning was because the property to the north had been recently rezoned to C-4 District and C-4 zoning would not require a Condition Use Permit for the proposed use.

Being no discussion of the item, Mr. John Millin **moved** to approve the rezoning request. Mr. Mark Wright seconded the motion with seven members present and voting.

5. Rezone from R-1 (single family residential) District to C-3 (general business) District: Lot 1, Duarte Subdivision, Hidalgo County, Texas; 4724 Buddy Owens Boulevard. **(REZ2016-0009)**

Mr. Sanchez stated the subject property was located at the northeast corner of Buddy Owens Boulevard and North 48th Street. The tract had 105 feet of frontage along Buddy Owens Boulevard and a depth of 360 feet for a tract size of 0.867 acres. The applicant was requesting C-3 (general business) District for an auto sales business. A feasibility plan had not been submitted to the Planning Department. Adjacent zoning was R-1 (single family residential) District to the north, east and west, to the northwest there was A-O (agriculture-open space) District, and to the south across Buddy Owens Boulevard, there was C-3 (general business) District. The subject property was vacant land. Adjacent land uses were single-family residences and vacant land.

The Foresight McAllen Comprehensive Plan designates the future land use as Auto Urban Residential.

The development trend for this area was single family residential along the north side of Buddy Owens Boulevard however the zoning trend along the south side of Buddy Owens was C-3 District. The property was initially zoned to R-1 (single family residential) District upon annexation in 1999. A city initiated rezoning to R-1 District for adjacent properties along the north side of Buddy Owens Boulevard was approved in 2002 to maintain existing residence and residential taxes. A rezoning request to C-4 (commercial-industrial) District for a property to the west of the subject property was disapproved in August 2004. A rezoning request for R-3C District for a tract west of the subject property was approved in 2006 and was currently vacant land. The requested zoning does not conform to the Auto Urban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan. The zoning trend for properties along Buddy Owens Boulevard was C-3 (general business) District. Development trend along the north side of Buddy Owens Boulevard in this area was primarily single-family residences. Buddy Owens Boulevard was designated a principal arterial with 120 feet of right-of-way and was constructed with 4 travel lanes, a left turn lane, shoulders, and curb and gutter and a speed limit of 45 miles per hour. Forty-eighth (48th) Street was an unopened street with 35 feet of right-of-way. An 8 ft. masonry wall was required where a nonresidential use was adjacent to a single-family use or district. Trees with a caliper of 20 inches or greater in commercial zones were protected and require a permit for removal. An approved site plan was required before any building permits were issued

Staff recommended approval of the rezoning request.

Chairperson, Pepe Cabeza de Vaca, asked if there was anyone present in opposition of the

rezoning being requested and there were two people present to speak in opposition. The applicant was present.

Mr. Gabriel Guzman approached the podium, in opposition to the rezoning request; he stated he had an affidavit of the neighboring area in opposition to the commercialization of the area.

Domingo Torres approached the podium, in opposition to the rezoning request, and questioned the intentions of rezoning the property, as gradual changes over time would affect the character of the neighborhood.

Mr. John Millin stated there is no intention of the city to gradually rezone the area; this was just one application being presented and that was why the meetings were held to hear the citizens' concerns.

Mr. Pepe Cabeza de Vaca stated the petition was the best way for people to voice their concerns who could not be present.

Pablo Zarate, the applicant, approached the podium and stated he would have a small car dealership and wanted to live on the property as well.

Mr. Millin stated that the petition would have to be verified to find out the percentage in opposition. He stated the rezoning requested might be a little intrusive next to residential.

After a lengthy discussion of the item, Mr. John Millin **moved** to disapprove the rezoning request. Mr. Robert Luciano seconded the motion with seven members present and voting.

6. Rezone from R-1 (single family residential) District to R-3T (multifamily residential townhouse) District: 3.956 acres out of Lot 267, John H. Shary Subdivision, Hidalgo County, Texas; 1820 North Taylor Road. **(REZ2016-0010)**

Mr. Sanchez stated the subject property was located along the east side of North Taylor Road, approximately 80 feet south of Sycamore Avenue. The tract had 130 feet of frontage along North Taylor Road and North 48<sup>th</sup> Street, and a depth of 1,290 feet for a tract size of 3.956 acres. The applicant was requesting R-3T (multifamily residential townhouse) District in order to construct a townhouse subdivision. A feasibility plan had been submitted to the Planning Department showing 37 townhouses fronting an internal street between North Taylor Road and North 48<sup>th</sup> Street. Adjacent zoning was R-1 (single family residential) District to the north, A-O (agriculture-open space) District to the south, and the City of Mission to the west. The subject property comprises one parcel containing a single-family residence and vacant land. Adjacent land uses were single-family residences, and the Hidalgo County Irrigation District #1 Main Canal.

The Foresight McAllen Comprehensive Plan designates the future land use as Auto Urban Residential.

The development trend for this area of Taylor Road was single family residential. The property was rezoned to R-1 (single family residential) District from A-O (agriculture-open space) District in 2003 to construct a house. A rezoning request to R-3T (multifamily residential townhouse) District that was recommended for disapproval by the Planning and Zoning Commission on December 1, 2015 due to neighborhood opposition and privacy consideration for two story townhouses was withdrawn.

on February 18, 2016. Three rezoning requests for R-1 District on adjacent properties were approved from 2002 to 2004 and single-family developments were constructed. A rezoning request for R-3T District for a tract south of the subject property was approved in 2008 and was currently vacant land.

The requested zoning does not conform to the Auto Urban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan. Development trend along this section of North Taylor Road was primarily single-family residences. The feasibility plan shows 37 townhouses that was double the density of the adjacent single-family development. The townhouses development was not in character with adjacent single-family residences. Townhouse development will likely generate multifamily traffic onto single-family streets in adjacent subdivisions. An eight feet masonry wall was required where a multifamily use had a side or rear area property line in common with any single-family use. Taylor Road was designated a major collector with 80 feet of right-of-way and was currently 60 feet of right-of-way providing a rural street with two travel lanes, no shoulders, and roadside ditches. Sycamore Avenue and 50<sup>th</sup> Street were single-family residential streets with 50 feet of right-of-way and 32 feet of pavement. Forty-eighth (48<sup>th</sup>) Street was a collector street with 60 feet of right-of-way and 40 feet of pavement. Minimum right-of-way for townhouse development was 60 feet. The applicant modified the feasibility plan to provide a street separating the single-family residence from the proposed townhouses. The centerline of the proposed street was approximately 42 feet from the centerline of Sycamore Avenue to the east and does not comply with the minimum 125-foot street jog requirement (Sec. 134-105). The centerline of the proposed street was approximately 9 feet from the centerline of East 25<sup>th</sup> Street in Mission and does not comply with the street jog requirements. Zoning cannot be conditioned to the feasibility plan showing the street.

Staff recommended disapproval of the rezoning request and alternatively encourage the applicant to submit a conditional use permit for a Planned Unit Development.

Chairperson, Pepe Cabeza de Vaca, asked if there was anyone present in opposition of the rezoning being requested and there was one person present to speak in opposition. The applicant was present. Mr. John Millin left.

Mr. Louis Lee, spoke in opposition to the rezoning request, wanted to voice his concerns for the proposed townhouses regarding increased traffic, and safety issues for children. He stated he had bought his property with the expectations of the area being single family residential. His other concern was how many times he would have to come to oppose the rezoning case since the item was first presented in December 2015, withdrawn, and then reapplied again.

The board wanted to verify with staff on how many times an application could be submitted for the same location.

Mr. Victor Flores, assistant city attorney, approached the podium and stated the applicant could submit the same application and in this instance, the application was withdrawn and resubmitted. Mr. Rod Sanchez stated the application was withdrawn before being heard at City Commission because of concern of the public opposition voiced at the Planning & Zoning Meeting. The applicant had decided to resubmit after communication with most of the people in opposition and resolved most neighbors' concerns. To reapply, there was a six-month requirement made by ordinance after the decision of City Commission.

Mr. Mario Salinas, project engineer, stated the property was proposed as a gated private subdivision and the main access would be Taylor Road, the emergency exist would be 49<sup>th</sup> Street, with no intention to use 50<sup>th</sup> Street as access. The owner withdrew the item because he decided to meet with the neighboring area residents to discuss the proposed development. The proposed street for this subdivision was planned to be adjacent to the fence to serve as a buffer. If the rezoning was not approved, the owner was aware to apply for a Conditional Use permit for a Planned Unit Development.

Erasmus Salinas, Jr., stated before seeing the plans for the new development, the biggest concern was the increase in traffic. Having met the engineer and property owner and going over the proposal and knowing the entrance would not be Sycamore Avenue, along with the 8 ft. masonry wall with sidewalk, street, to have the entrance and exit on Taylor Road. He stated twenty signatures of the neighboring area had been received in favor of the rezoning request, as long as the new proposed changes` would be done.

After a lengthy discussion, Mr. Michael Hovar **moved** to disapprove the rezoning request based on staff's recommendation. Mr. Daniel Santos seconded the motion with six members present and voting.

**6) DISCUSSION: NONE**

a) Training Workshop Date: April 19, 2016, 3:00 p.m.

**7) INFORMATION ONLY:** The actions of the city commission meeting of March 28, 2016 were included in the packet in memo form.

**8) EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071(CONSULTATION WITH ATTORNEY)**

**ADJOURNMENT**

There being no further business to come before the Planning & Zoning Commission, Mr. Brent Baldree adjourned the meeting at 5:23 p.m., Mr. Daniel Santos seconded the motion which carried unanimously with six members present and voting.

\_\_\_\_\_  
Chairperson, Pepe Cabeza de Vaca

ATTEST: \_\_\_\_\_  
Susana De La Cerda, Secretary

## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

**DATE:** April 15, 2016

**SUBJECT: SITE PLAN APPROVAL FOR LOT 1, BLOCK 7, MCALLEN ADDITION  
SUBDIVISION; 1601 U.S. BUSINESS HWY 83.**

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**GOAL:**

The goal of a site plan is to 1) promote a vibrant economy of commercial businesses, 2) ensure compliance with city requirements, 3) assists in the orderly and harmonious development of the city, and 4) enhancement of the general welfare.

**BRIEF DESCRIPTION:**

The property is located on the south side of Business Highway 83 between S. 16<sup>th</sup> & S. 17<sup>th</sup> Street. The property is zoned C-3 (general commercial) District. The surrounding zoning is C-3 (general commercial) District to the east, south, and west, and C-4 (commercial industrial) District to the north.

The applicant is proposing to improve the existing parking lot with 20 additional parking spaces. Access to the site is proposed to be from an existing 24 ft. wide curb cut along South 17<sup>th</sup> Street. The two existing curb cuts along Business Highway 83 will be closed off. Existing landscaping and trees will remain onsite. A 6 ft. buffer is required around dumpsters if visible from the street. The parking lot will have private controlled access through S. 17<sup>th</sup> Street. The location of the electric gate allows for one car stacked inside the property. The vehicles entering the parking lot will use the shoulder for additional stacking. No structures are permitted to be built over easements.

**RECOMMENDATION:**

Staff recommends approval of the site plan.



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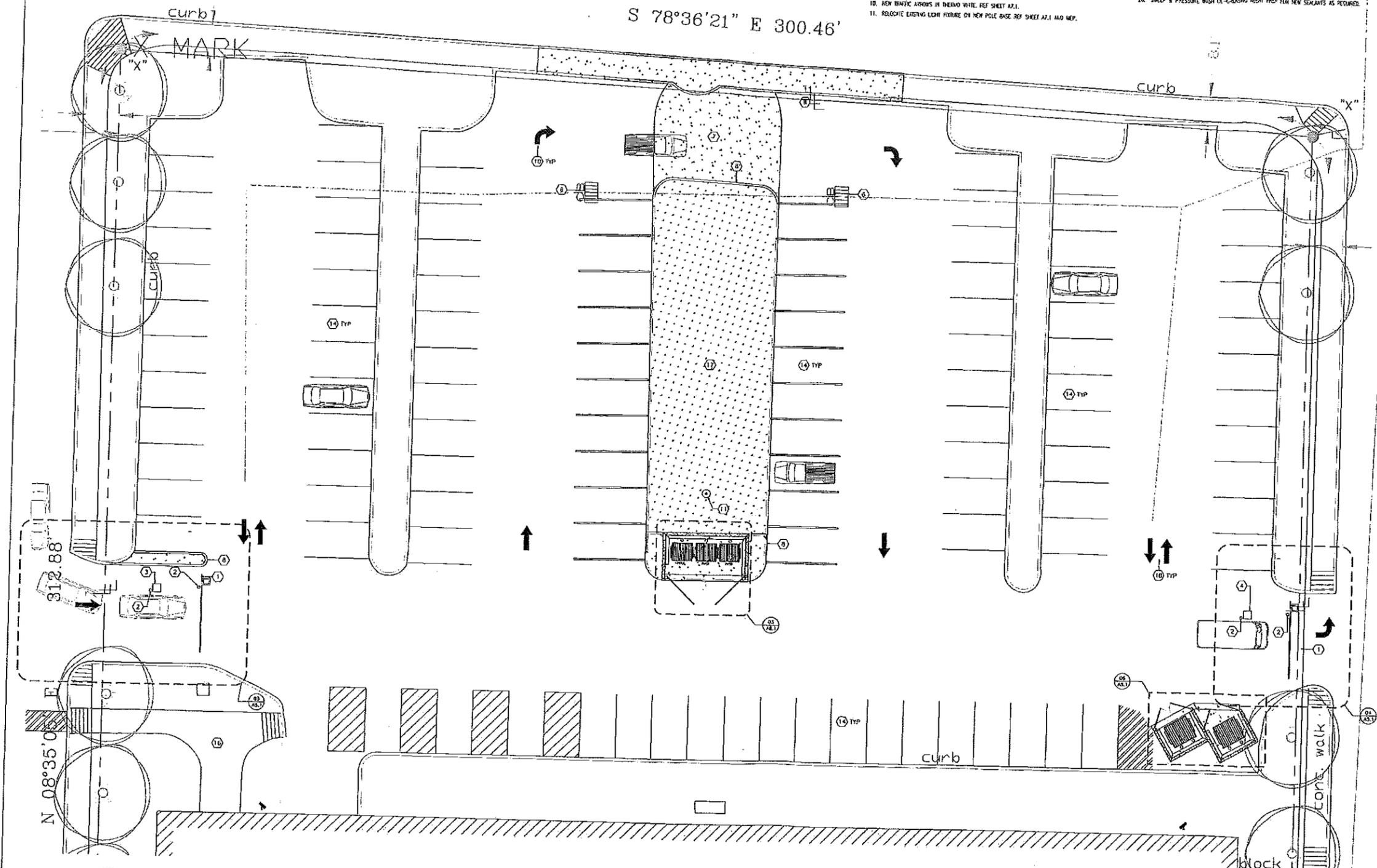
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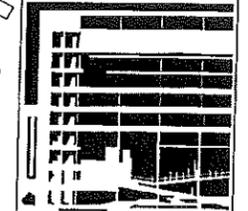
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- NOTES
1. NEW PARKING GATE, FINISH MEASUREMENT 1750 OR EQUAL, REF SHEET A7.1
  2. NEW STAINLESS STEEL BOLLARD, REF. A7.1
  3. NEW ENTRANCE CONTROL TERMINAL, FINISH MEASUREMENT 200 OR EQUAL, REF SHEET A7.1
  4. NEW EXIT CONTROL TERMINAL, FINISH MEASUREMENT 1000 OR EQUAL, REF SHEET A7.1
  5. REMOVE CURB AND SLAB AS REQUIRED PER NEW PARKING REF CIVIL SCOPE.
  6. REMOVE EXISTING MANHOLES, INSTALL NEW CURB BARRIS AND SURROUNDING FLAT WORK, REF CIVIL.
  7. NEW CONCRETE DRIVE, REF CIVIL, REMOVE LANDSCAPE, CAP IRRIGATION LINES AS REQUIRED.
  8. NEW CONCRETE SIDEWALKS AND CURB REF CIVIL SCOPE.
  9. NEW DUMPSTER ENCLOSURE REF SHEET A7.1
  10. NEW TRAFFIC ARROWS IN TRAFFIC WHITE, REF SHEET A7.1.
  11. RELOCATE EXISTING LIGHT FIXTURE ON NEW POLE BASE REF SHEET A7.1 AND MEP.
  12. NEW PEDESTRIAN CROSSING STRIPES, REFLECTIVE WHITE.
  13. NEW HC RAMP, REF CIVIL SCOPE.
  14. RE STRIPED PARKING AREAS, TYPICAL, BOTH SIDES.
  15. NEW AUTOMATIC PAY STATION, REF SHEET A7.1
  16. NEW CONCRETE SIDEWALK TO BE ADA ACCESSIBLE, REF CIVIL SCOPE.
  17. REMOVE IRRIGATION LINES AS REQUIRED PER NEW SCOPE OF WORK.
  18. NEW HC SIGNS.
  19. PAINT ALL NEW AND EXISTING CONCRETE CURBS, TYPICAL.
  20. SWEEP & PRESSURE WASH CE-GRADING AREA PREP PER NEW SIGNANTS AS REQUIRED.



01 SITE PLAN  
1/8" = 1'



FRANK P. KEY & ASSOCIATES  
1100 E JASMINE AVE. SUITE 104  
MCKINNEY, TX 75001  
TEL. 956-654-1110, FAX 956-884-1113  
www.frankpkey@aol.com

DATE	REVISION NO & DESCRIPTION	BY
10-21-13	ISSUED FOR 65% REVIEW	VP
08-15-13	ISSUED FOR 65% REVIEW	VP
09-11-14	ISSUED FOR PRECISE	VP
01-08-15	RE-ISSUED FOR PRECISE	VP
03-19-15	ISSUED FOR BUILDING PERMITS	VP

DESIGNED BY: ES, VP  
PROJECT BY: VP, EPM

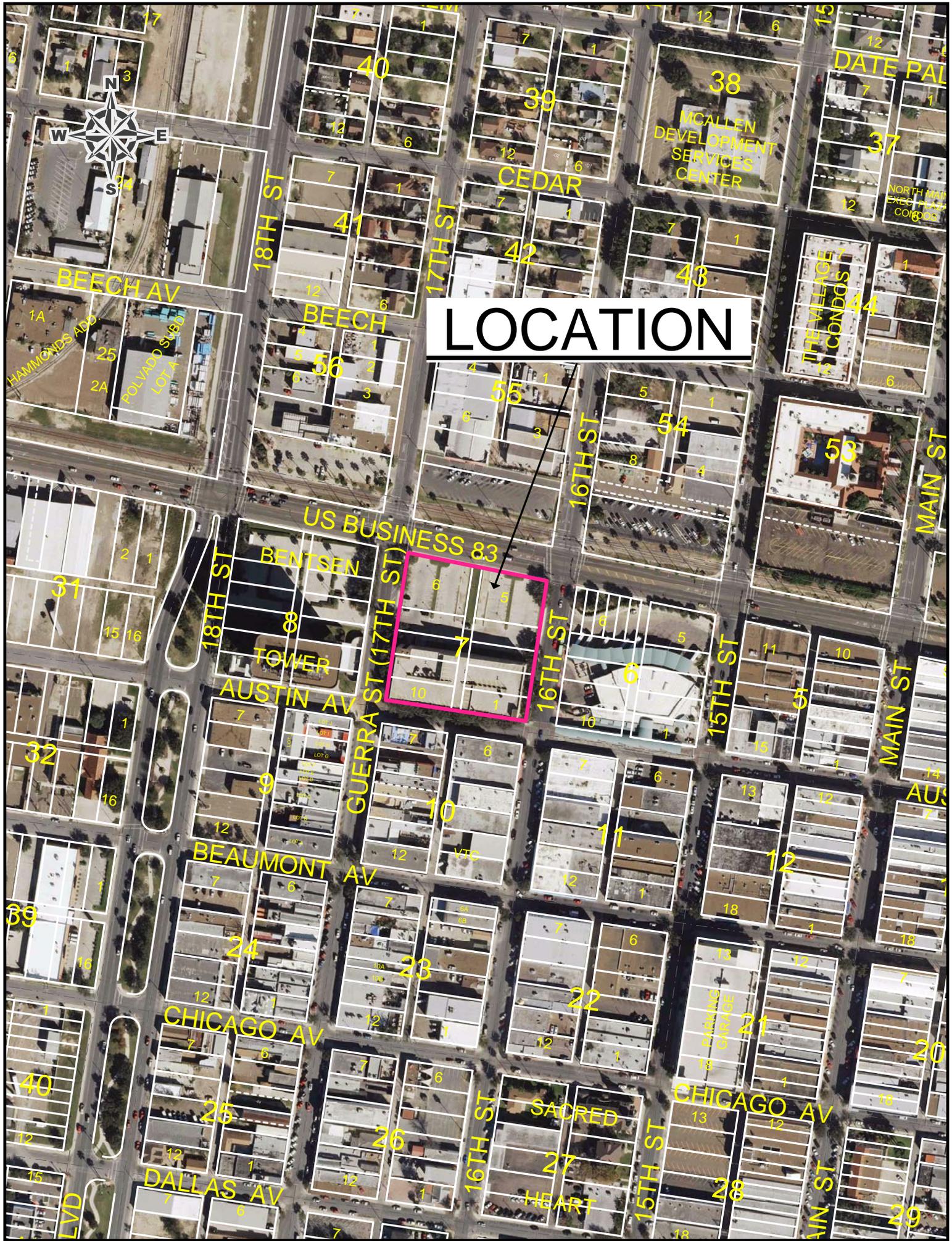
THE USE OF THESE DRAWINGS IS RESTRICTED TO THE ORIGINAL PURPOSE FOR WHICH THEY WERE PREPARED. REPRODUCTION WITHOUT WRITTEN PERMISSION OF THE OWNER IS PROHIBITED. PPK

Vizta Properties  
SITE IMPROVEMENTS  
U.S. Federal Courthouse  
McAllen, Texas

EAST SITE PLAN

DATE: 7-17  
SCALE: AS SHOWN  
SHEET: A4.1  
OF: 8

RECEIVED  
APR 12 2016  
BY: *Collan*



# LOCATION

US BUSINESS 83



THE VILLAGE AT CONDOS

38  
MCALLEN DEVELOPMENT SERVICES CENTER

PARKING GARAGE

MAIN ST

MAIN ST

AUS

AIN ST

DATE PAL

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NORTH HAVEN EXECUTIVE CONDOS

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STATE

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	4	10
	3	14
	2	18
	1	22
1610	1606	1602

16th

Austin

## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

**DATE:** April 14, 2016

**SUBJECT: REVISED SITE PLAN APPROVAL FOR LOT 3, RENAISSANCE CENTER SUBDIVISION; 1008 E. DOVE AVENUE.**

---

**GOAL:**

The goal of a site plan is to 1) promote a vibrant economy of commercial businesses, 2) ensure compliance with city requirements, 3) assists in the orderly and harmonious development of the city, and 4) enhancement of the general welfare.

**BRIEF DESCRIPTION:**

The property is located on the south side of E. Dove Ave., approximately 790 ft. east of N. McColl Rd. The property is zoned R-3A (multi-family apartment) District. The adjacent zoning to the north is C-3 (general commercial) District, R-3C (condominium) District to the east, & R-4 (mobile home) District to the south, and C-3L (light commercial) District to the west.

The property is part of Renaissance Center Subdivision which was recorded on November 10, 2014. The applicant is proposing to construct more than 5 apartment units on the same lot, therefore, a site plan must be approved by the Planning and Zoning Commission prior to issuance of a building permit. The original site plan was approved by the Board on February 3, 2015.

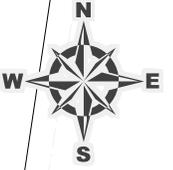
The applicant is in the process of constructing 72 apartment units on the property. The original site plan consisted of 40 - 1 bedroom units (60 parking spaces) & 32 - 2- bedrooms (64 parking spaces) 124 parking spaces were required; 165 parking spaces were provided. The proposed change is to construct 50 - 1 bedroom units (75 parking spaces) and 24 - 2 - bedroom units (48 parking spaces). The parking required is now 123 spaces; 165 spaces are provided. Six of the provided parking spaces must be accessible, one of which must be van accessible with an 8 ft. aisle. Access to the site is proposed to be from a common interior access drive, which connects to E. Dove Avenue. Required landscaping for the lot is 18,241 sq. ft. with trees required as follows: 36 - 2 ½" caliper trees, or 18 - 4" caliper trees, or 9 - 6" caliper trees, or 72 palm trees. A minimum 10 ft. wide landscape strip is required inside the property line along E. Zinnia Avenue. Fifty percent of the landscaping must be visible in front areas, and each parking space must be within 50 ft. of a landscaped area with a tree. A 4 ft. wide sidewalk is required along E. Zinnia Avenue and the common access drives, as well as a 6 ft. buffer around dumpsters if visible from the street and from adjacent multi-family residential, commercial and industrial zones/uses. Arrangement and locations of dumpsters to be finalized with public works. No structures are permitted over easements. Setback requirements are as follows: Front/E. Zinnia Ave: 63', North: 63', East: 108', and West: 56' as shown on site plan.

**OPTIONS:**

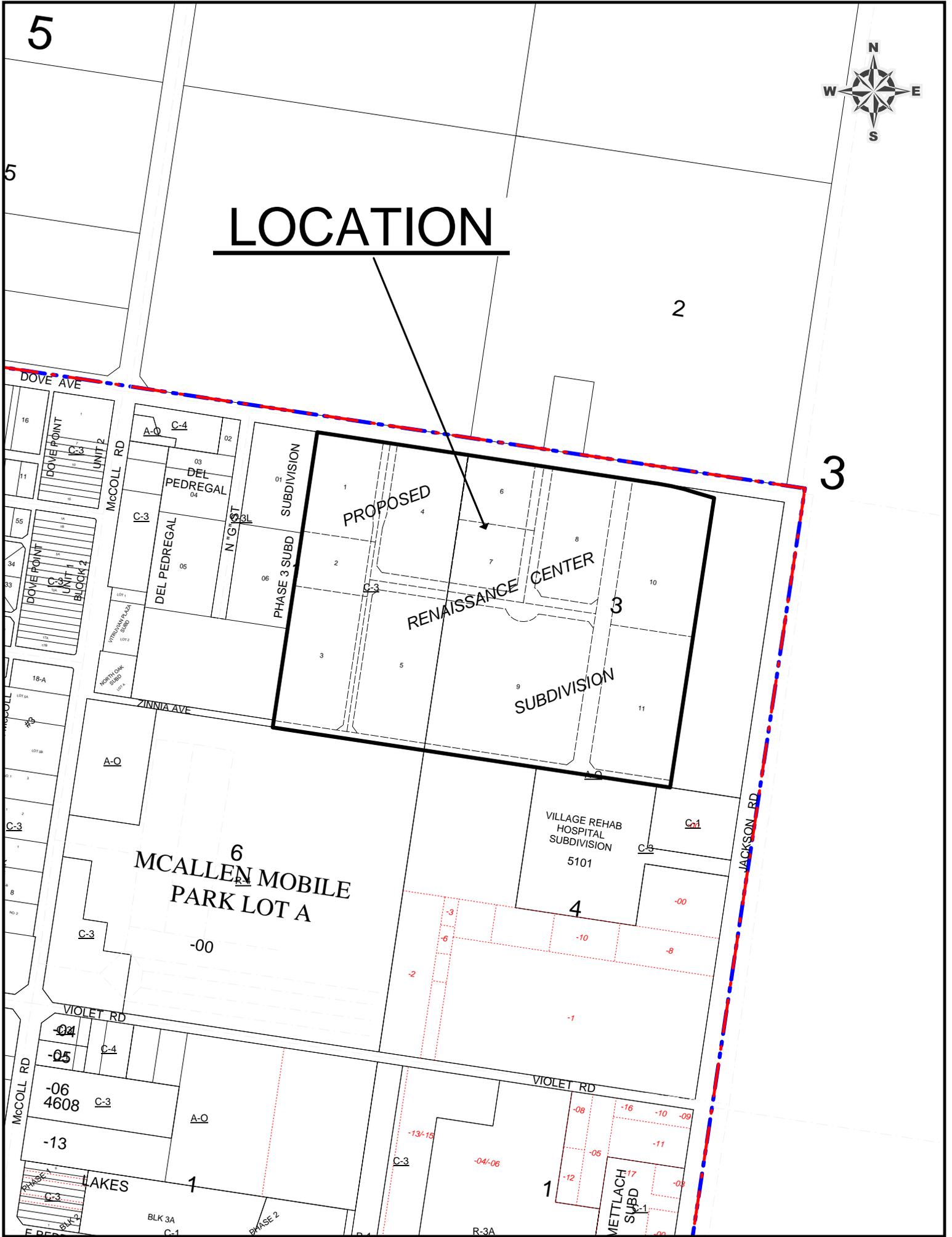
1. Approve the site plan with conditions as noted.
2. Table the item for additional information.
3. Disapprove the site plan.

**RECOMMENDATION:**

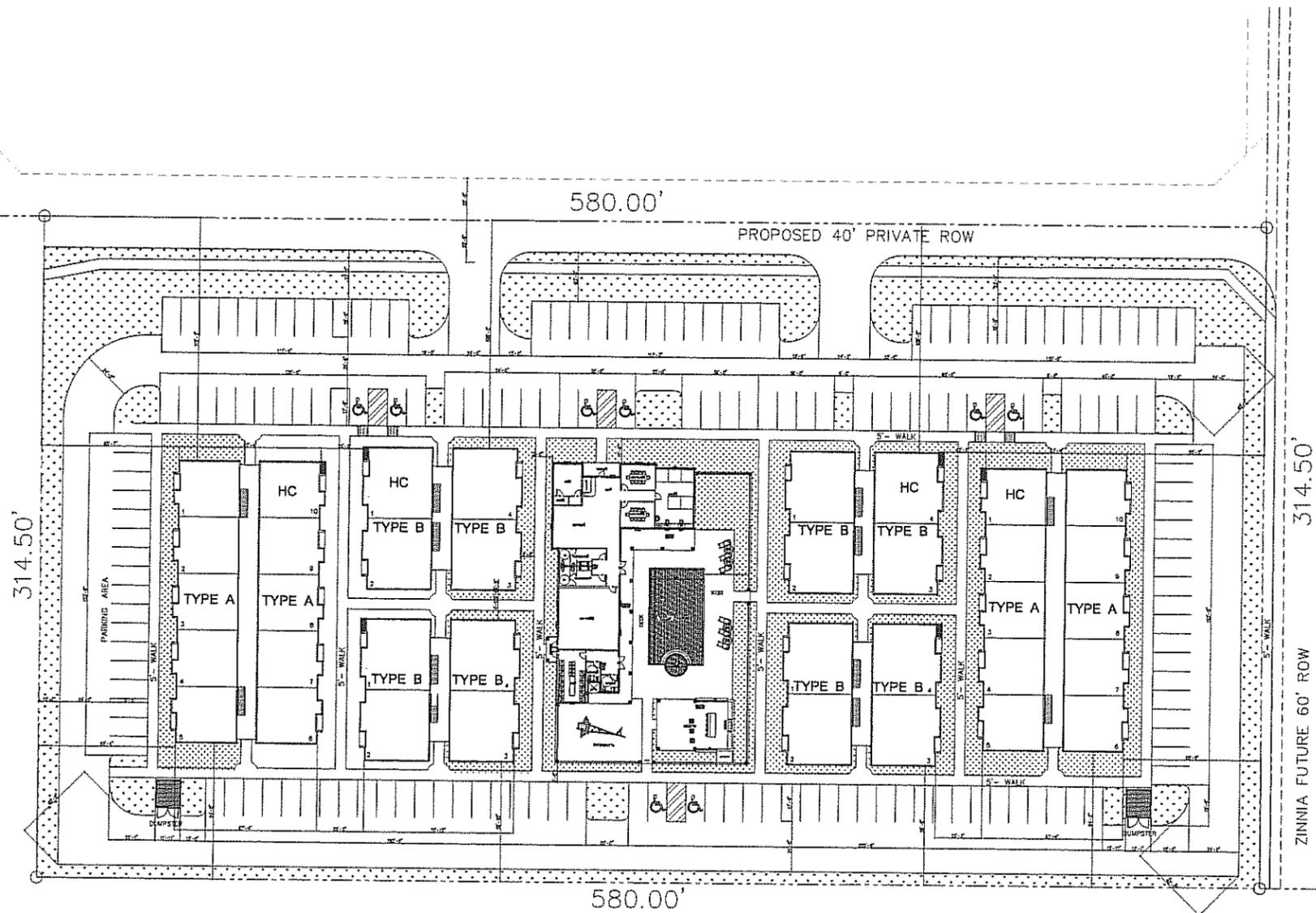
Staff recommends approval of the site plan subject to the conditions noted, paving and building permit requirements, the subdivision and zoning ordinances.



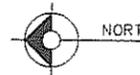
# LOCATION



APPROVED PREVIOUS SITE PLAN



SITE PLAN



Renaissance Apartments  
MCALEN, HIDALGO COUNTY, TEXAS

RENAISSANCE APARTMENT COMPLEX  
OCCUPANCY TYPE: R-2  
CONSTRUCTION TYPE: V GROUP B

**BUILDING A**  
ALLOWABLE BUILDING AREA PER STORY : 22,946 SQUARE FEET  
PROPOSED BUILDING AREA PER STORY : 9,418 SQUARE FEET  
ALLOWABLE BUILDING HEIGHT : 40'-0"  
PROPOSED BUILDING HEIGHT: 34'-1"  
EXITS AND EGRESS ARE APPROPRIATELY SIZED AND WITH IN REQUIRED DISTANCE.  
FIRE WALLS: 1 HOUR RATED WALL SEPARATION BETWEEN UNITS.  
CORRIDORS 1/2 HOUR REQUIRED FIRE RATING.  
PROPOSED CORRIDORS ARE 1 HOUR RATED. EACH BUILDING WILL HAVE A FIRE SPRINKLER SYSTEM AND A FIRE ALARM SYSTEM.

**BUILDING B**  
ALLOWABLE BUILDING AREA PER STORY : 21,000 SQUARE FEET  
PROPOSED BUILDING AREA PER STORY : 4,844 SQUARE FEET  
ALLOWABLE BUILDING HEIGHT : 40'-0"  
PROPOSED BUILDING HEIGHT: 34'-4"  
EXITS AND EGRESS ARE APPROPRIATELY SIZED AND WITH IN REQUIRED DISTANCE.  
FIRE WALLS: 1 HOUR RATED WALL SEPARATION BETWEEN UNITS.  
CORRIDORS 1/2 HOUR REQUIRED FIRE RATING.  
PROPOSED CORRIDORS ARE 1 HOUR RATED. EACH BUILDING WILL HAVE A FIRE SPRINKLER SYSTEM AND A FIRE ALARM SYSTEM.

COMMON AREA TO BE CONSTRUCTED SEPARATELY

TOTAL NO. UNITS = 72

NET RENTABLE AREA = 60,168 S.F.

NET LAND AREA = 2.747 ACRES

NET SIDEWALK AREA = 16,678 S.F.

NET PAVING AREA = 53,156 S.F.

NO. UNITS PER ACRE = 26.2

NO. HC UNITS = 8

NO. PARKING SPACES REQUIRED = 124 SPACES

NO. PARKING SPACES PROVIDED = 163 SPACES

LANDSCAPING = 26,174 SQ.FT.

AREA: 2.89 AC.  
MIN. FLOOR ELEVATION = 18" + T.C.  
DETENTION REQUIRED = 0.566 AC-FT  
DETENTION PROVIDED = 0.950 AC-FT

PROJECT SUMMARY

UNIT	TYPE	AREA	NO. UNITS	TOTAL AREA	PERCENT
A	1BRM1B	799 S.F.	40	31,960 S.F.	
B	2BRM2B	1,078 S.F.	32	34,496 S.F.	
TOTALS			72	66,456 S.F.	100.0%
COMMON AREA				2,728 SQ.FT.	
TOTAL PATIO				1,846 SQ.FT.	



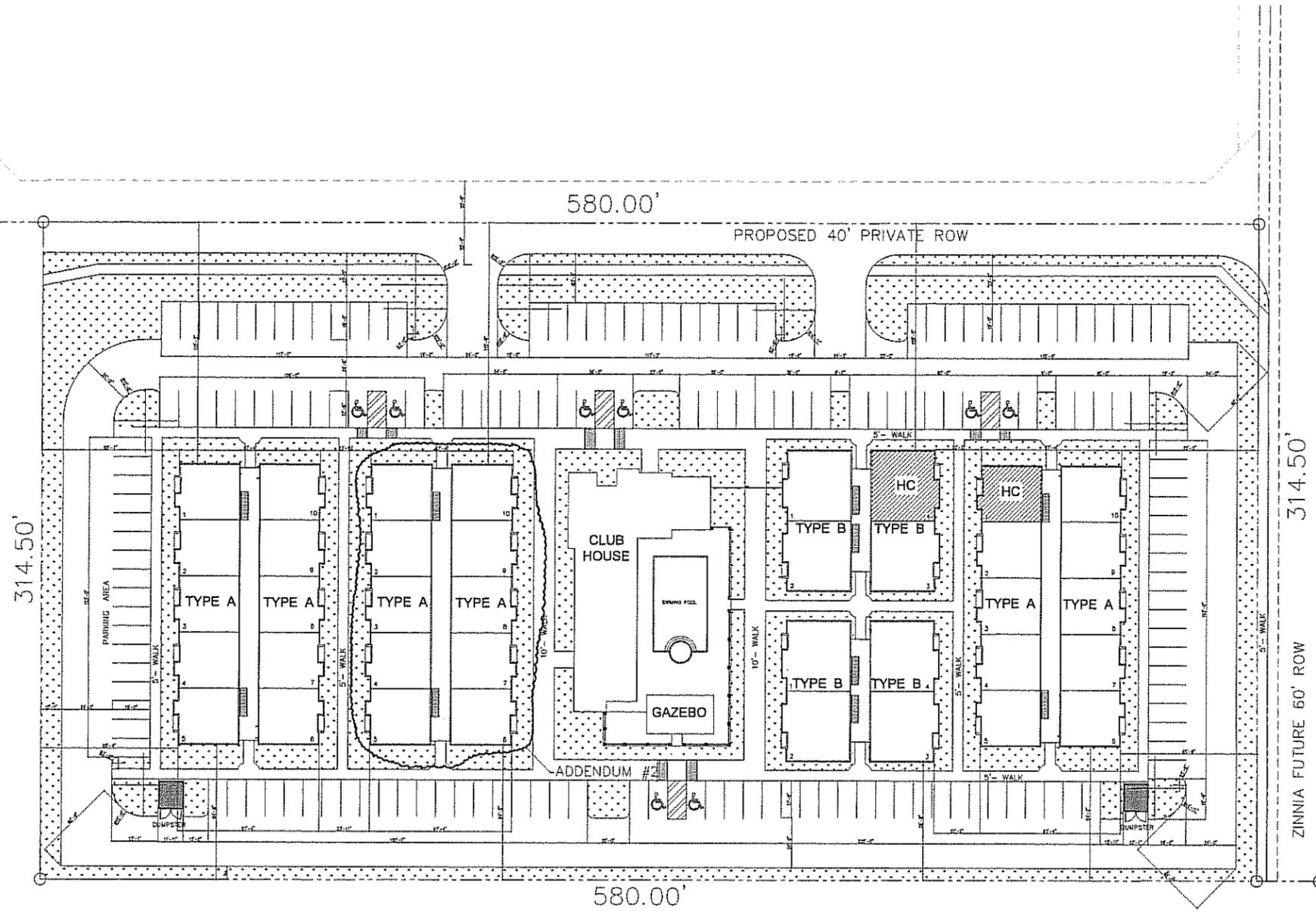
REVISIONS BY

TITLE: SITE PLAN

PROJECT: RENAISSANCE APARTMENTS COMPLEX  
ONE & TWO BEDROOM  
McAllen, Texas Hidalgo County

DRAWN BY: J.RODAS  
CHECKED BY: M.G.  
DATE: 3-3-15  
SCALE: 3/32" = 1'-0"  
DWG. NO.: 14-049  
SHEET  
2 OF 13

# NEW PROPOSED SITE PLAN



SITE PLAN

 NORTH

 Renaissance Apartments  
 McALLEN, HIDALGO COUNTY, TEXAS

RENAISSANCE APARTMENT COMPLEX  
 OCCUPANCY TYPE: R-2  
 CONSTRUCTION TYPE: V GROUP B

**BUILDING A**  
 ALLOWABLE BUILDING AREA PER STORY : 22,946 SQUARE FEET  
 PROPOSED BUILDING AREA PER STORY : 9,418 SQUARE FEET  
 ALLOWABLE BUILDING HEIGHT : 40'-0"  
 PROPOSED BUILDING HEIGHT: 34'-1"  
 EXITS AND EGRESS ARE APPROPRIATELY SIZED AND WITH IN REQUIRED DISTANCE.  
 FIRE WALLS: 1 HOUR RATED WALL SEPARATION BETWEEN UNITS.  
 CORRIDORS 1/2 HOUR REQUIRED FIRE RATING.  
 PROPOSED CORRIDORS ARE 1 HOUR RATED. EACH BUILDING WILL HAVE A FIRE SPRINKLER SYSTEM AND A FIRE ALARM SYSTEM.

**BUILDING B**  
 ALLOWABLE BUILDING AREA PER STORY : 21,000 SQUARE FEET  
 PROPOSED BUILDING AREA PER STORY : 4,844 SQUARE FEET  
 ALLOWABLE BUILDING HEIGHT : 40'-0"  
 PROPOSED BUILDING HEIGHT: 34'-4"  
 EXITS AND EGRESS ARE APPROPRIATELY SIZED AND WITH IN REQUIRED DISTANCE.  
 FIRE WALLS: 1 HOUR RATED WALL SEPARATION BETWEEN UNITS.  
 CORRIDORS 1/2 HOUR REQUIRED FIRE RATING.  
 PROPOSED CORRIDORS ARE 1 HOUR RATED. EACH BUILDING WILL HAVE A FIRE SPRINKLER SYSTEM AND A FIRE ALARM SYSTEM.

COMMON AREA TO BE CONSTRUCTED SEPARATELY ADDENDUM #1

TOTAL NO. UNITS = 72  
 NET RENTABLE AREA = 60,168 S.F.  
 NET LAND AREA = 2.747 ACRES  
 NET SIDEWALK AREA = 16,678 S.F.  
 NET PAVING AREA = 53,156 S.F.  
 NO. UNITS PER ACRE = 26.2  
 NO. HC UNITS = 8  
 NO. PARKING SPACES REQUIRED = 122 SPACES  
 NO. PARKING SPACES PROVIDED = 163 SPACES  
 LANDSCAPING = 26,174 SQ.FT.

AREA: 2.89 AC.  
 MIN. FLOOR ELEVATION = 18" + T.C.  
 DETENTION REQUIRED = 0.566 AC-FT  
 DETENTION PROVIDED = 0.950 AC-FT

**PROJECT SUMMARY**

UNIT	TYPE	AREA	NO. UNITS	TOTAL AREA	PERCENT
A	1BRM1B	799 S.F.	60	47,940 S.F.	
B	2BRM2B	1,078 S.F.	16	17,248 S.F.	
TOTALS			76	65,188 S.F.	100.0%
COMMON AREA		2,728 SQ.FT.			
TOTAL PATIO		1,846 SQ.FT.			

**ADDENDUM NO. 2**  
 TYPE "B" APARTMENTS HAS BEEN CHANGED TO TYPE "A" APARTMENTS ON THE NORTH SIDE OF THE CLUB HOUSE. REFER TO THIS DRAWING (2 OF 13) FOR LOCATION.

**CANTU**  
 CONSTRUCTION COMPANY  
 P.O. Box 2673  
 5221 N. McColi Rd.  
 McAllen, Texas 78504  
 Office: (956) 631-1273  
 Fax: (956) 631-7866

**FIRM**  
 Architectural Consultants  
 Martha L. Hinojosa  
 ARCHITECT  
 LEED AP  
 7425 N. 4th Street  
 McAllen, TX 78504  
 Office: (956) 345-9004

REVISIONS BY

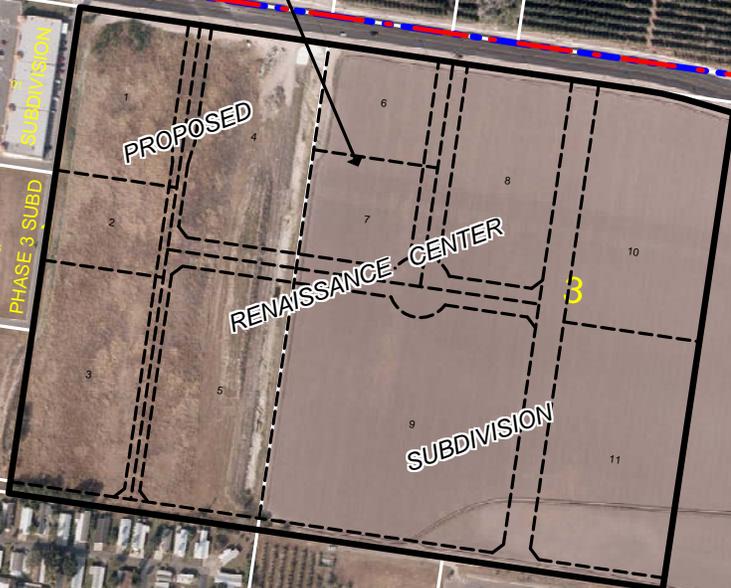
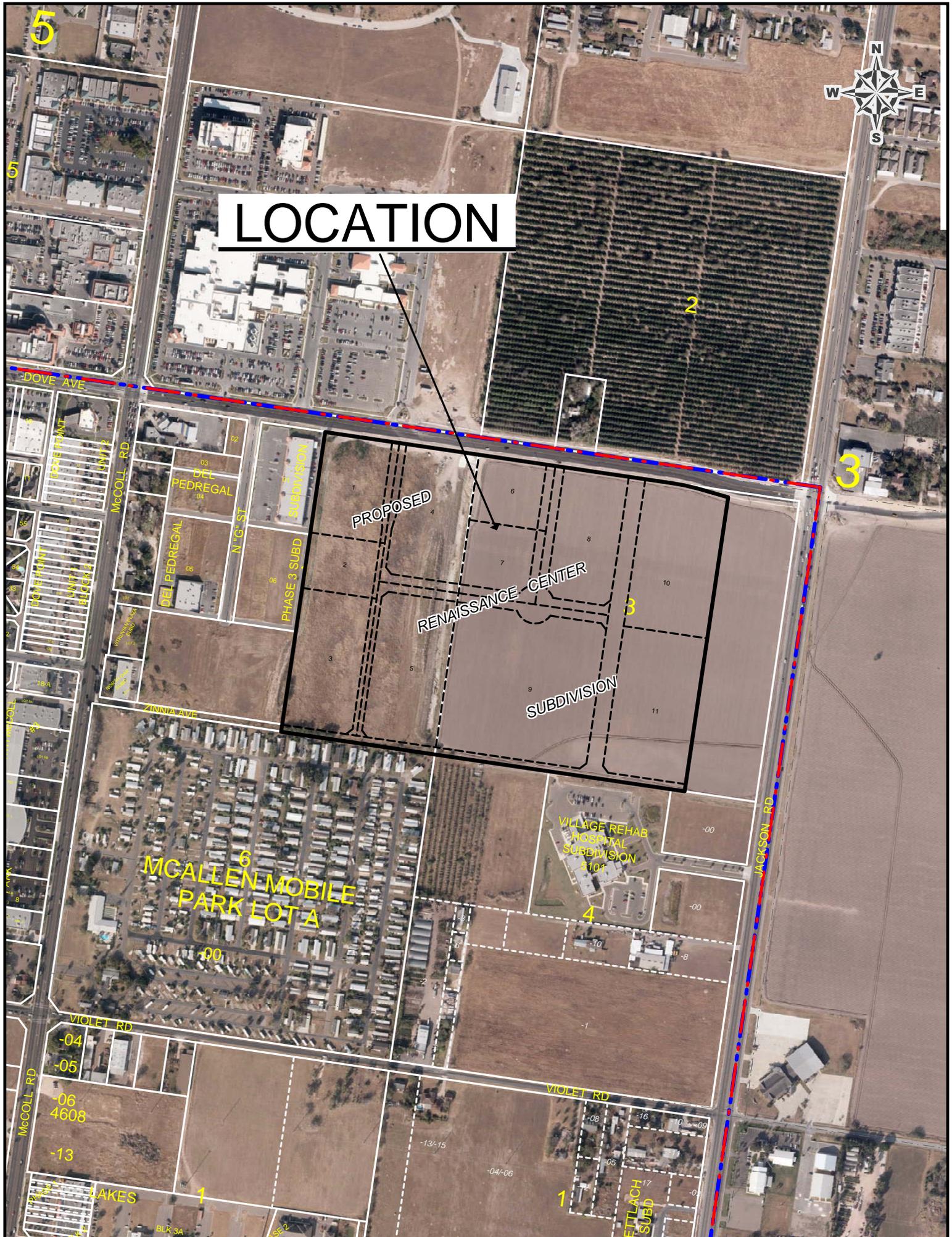
TITLE:  
**SITE PLAN**

PROJECT:  
**RENAISSANCE APARTMENTS COMPLEX  
 ONE & TWO BEDROOM  
 McAllen, Texas Hidalgo County**

DRAWN BY: J.RODAS  
 CHECKED BY: M.G.  
 DATE: 04-05-16  
 SCALE: 3/32" = 1'-0"  
 DWG. NO.: 14-049  
 SHEET  
**2 OF 13**



# LOCATION



6  
MCCALLEN MOBILE  
PARK LOTA

VILLAGE REHAB  
HOSPITAL  
SUBDIVISION  
-10-

DOVE AVE

MCCOLL RD

DEL PEDREGAL  
03  
04

DEL PEDREGAL  
05

PHASE 3 SUBD

N "G" ST

ZINNIA AVE

JACKSON RD

MCCOLL RD

VIOLET RD

-04

-05

-06

4608

-13

WAKES

VIOLET RD

-08

-16

10

-09

05

17

01

ETTLACH  
SUBD

BLK 3A

SP 2

-13/-15

-04/-06

01

# SUBDIVISION PLAT OF RENAISSANCE CENTER SUBDIVISION

A TRACT OF LAND CONTAINING 49.78 ACRES OF LAND, SITUATED IN THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, AND SAID 49.78 ACRE TRACT BEING ALL OF THAT 30.80 ACRE TRACT DEEDED TO THE CITY OF McALLEN, A MUNICIPAL CORPORATION, RECORDED IN DOCUMENT NO. 2537036, H.C.D.R., OUT OF LOT 3, BLOCK 3, A.J. MCCOLL SUBDIVISION, MAP REFERENCE: VOLUME 21, PAGE 598, H.C.D.R., ALL OF THAT 16.79 ACRE TRACT DEEDED TO THE CITY OF McALLEN, A TEXAS MUNICIPAL CORPORATION, RECORDED IN DOCUMENT NO. 2540676, H.C.D.R. AND ALL OF THAT 2.19 ACRE TRACT OF LAND DEEDED TO THE CITY OF McALLEN, A TEXAS MUNICIPAL CORPORATION, RECORDED IN DOCUMENT NO. 1952140, H.C.D.R., SAID 16.79 ACRE TRACT AND 2.19 ACRE TRACT BOTH BEING OUT OF LOT 1, BLOCK 6, STEELE & PERSHING SUBDIVISION, MAP REFERENCE: VOLUME 8, PAGE 115, H.C.D.R.

**LEGEND**  
 ○ FND. IRON ROD  
 ● SET 1/2" IRON ROD

**SCALE: 1" = 100'**  
 BASIS OF BEARING AS PER  
 STATE PLANE COORDINATE SYSTEM  
 NAD 83, SOUTH ZONE

LOT AREAS				
LOT #	GROSS SQ. FT.	GROSS ACRES	NET SQ. FT.	NET ACRES
1	133,663	3.07	120,628	2.77
2	73,908	1.70	66,893	1.54
3	182,409	4.19	170,480	3.91
4	197,469	4.53	186,468	4.28
5	219,666	5.04	189,892	4.36
6	89,498	2.06	78,817	1.81
7	100,342	2.30	77,324	1.76
8	182,102	4.18	148,274	3.40
9	414,118	9.51	385,743	8.86
10	217,988	5.01	217,988	5.00
11	218,350	5.01	218,350	5.01

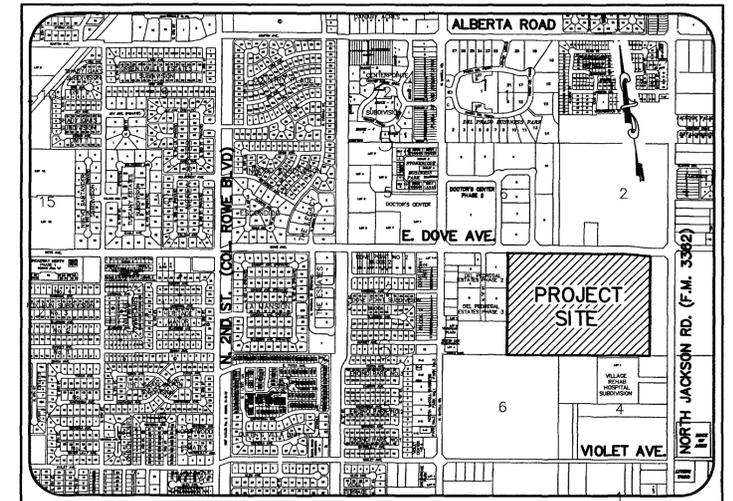


FILE FOR RECORD IN  
 HIDALGO COUNTY  
 ARTURO GUJARDO, JR.  
 HIDALGO COUNTY CLERK

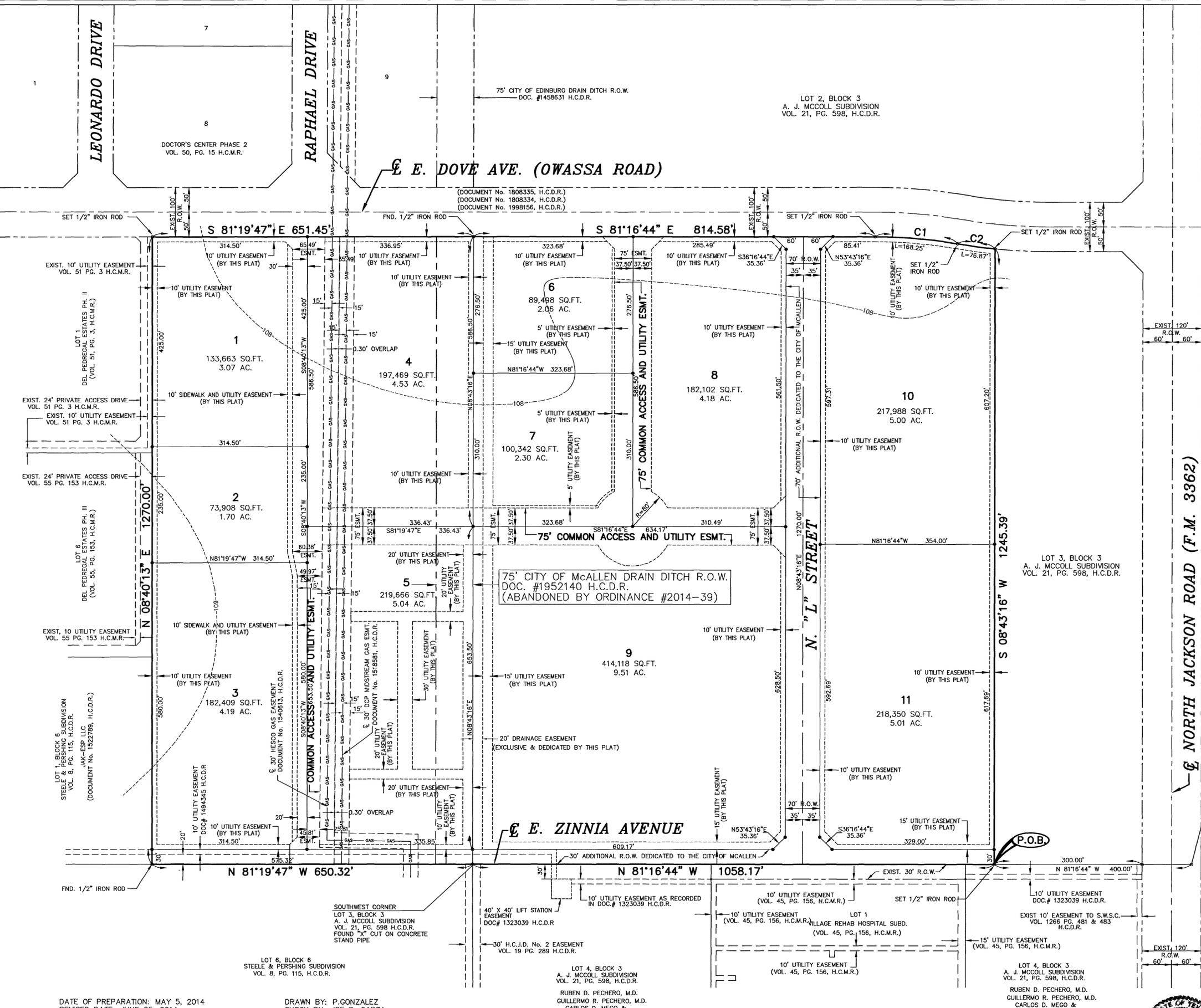
ON: 11/10/2014 AT 10:19 AM/PM  
 INSTRUMENT NUMBER 8502532  
 OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS  
 BY: Alisa Castell DEPUTY

BOUNDARY CURVE DATA					
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
"C1"	09°44'51"	989.00'	84.33'	168.25'	168.05'
"C2"	04°02'39"	1089.00'	38.45'	76.87'	76.85'

P.O.C.  
 SOUTHEAST CORNER  
 LOT 3, BLOCK 3  
 A. J. MCCOLL SUBDIVISION  
 VOL. 21, PG. 598 H.C.D.R.



**LOCATION MAP**  
 N.T.S.



DATE OF PREPARATION: MAY 5, 2014  
 REVISED DATE: JUNE 25, 2014

**JAVIER HINOJOSA ENGINEERING**  
 CONSULTING ENGINEERS  
 416 E. DOVE AVENUE, McALLEN, TEXAS 78504  
 PHONE (956) 668-1588  
 javhin@rgv.rr.com  
 TBPE FIRM No. F-1295



DRAWN BY: P.GONZALEZ  
 CHECK BY: JOE B. GARZA

(LOT DIMENSION PLAN)  
**SHEET NO. 1 OF 3**

**PRINCIPAL CONTACTS:**

NAME	ADDRESS	CITY & ZIP	PHONE # / FAX#
OWNER:	CITY OF McALLEN	1300 HOUSTON AVENUE, McALLEN, TX 78501	681-1001
ENGINEER:	JAVIER HINOJOSA, P.E.	416 E. DOVE AVENUE, McALLEN, TX 78504	668-1588/994-8102
SURVEYOR:	CARLOS VASQUEZ, R.P.L.S.	517 BEAUMONT AVE., McALLEN, TX 78501	618-1551/618-1547



LOT 4, BLOCK 3  
 A. J. MCCOLL SUBDIVISION  
 VOL. 21, PG. 598, H.C.D.R.  
 RUBEN D. PECHERO, M.D.  
 GUILLERMO R. PECHERO, M.D.  
 CARLOS D. MEGO &  
 SUBBARAO YARRA  
 (DOCUMENT NO. 1015353, H.C.D.R.)

LOT 4, BLOCK 3  
 A. J. MCCOLL SUBDIVISION  
 VOL. 21, PG. 598, H.C.D.R.  
 RUBEN D. PECHERO, M.D.  
 GUILLERMO R. PECHERO, M.D.  
 CARLOS D. MEGO &  
 SUBBARAO YARRA  
 (DOCUMENT NO. 1015353, H.C.D.R.)

LOT 6, BLOCK 6  
 STEELE & PERSHING SUBDIVISION  
 VOL. 8, PG. 115, H.C.D.R.

SOUTHWEST CORNER  
 LOT 3, BLOCK 3  
 A. J. MCCOLL SUBDIVISION  
 VOL. 21, PG. 598 H.C.D.R.  
 FOUND "X" CUT ON CONCRETE  
 STAND PIPE

40' X 40' LIFT STATION  
 EASEMENT  
 DOC# 1323039 H.C.D.R.

30' H.C.I.D. No. 2 EASEMENT  
 VOL. 19 PG. 289 H.C.D.R.

LOT 1  
 VILLAGE REHAB HOSPITAL SUBD.  
 (VOL. 45, PG. 156, H.C.M.R.)

EXIST 10' EASEMENT TO S.W.S.C.  
 VOL. 1266 PG. 481 & 483  
 H.C.D.R.

LOT 4, BLOCK 3  
 A. J. MCCOLL SUBDIVISION  
 VOL. 21, PG. 598, H.C.D.R.  
 RUBEN D. PECHERO, M.D.  
 GUILLERMO R. PECHERO, M.D.  
 CARLOS D. MEGO &  
 SUBBARAO YARRA  
 (DOCUMENT NO. 1015353, H.C.D.R.)

## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

**DATE:** April 15, 2016

**SUBJECT: REVISED SITE PLAN APPROVAL FOR LOT 2, BENTSEN ROAD PLAZA SUBDIVISION; 4421 U.S. EXPRESSWAY 83 (SPR2015-0017)**

---

**GOAL:**

The goal of a site plan is to 1) promote a vibrant economy of commercial businesses, 2) ensure compliance with city requirements, 3) assists in the orderly and harmonious development of the city, and 4) enhancement of the general welfare.

**BRIEF DESCRIPTION:**

The vacant property is located on the west side of S. Bentsen Rd., approximately 150 ft. south of Expressway 83 and is zoned C-4 (commercial industrial) District and C-3 (general business) District. The adjacent zoning is C-3 to the east, and west, and R-1 (single-family residential) District to the southeast.

The property is part of Bentsen Road Plaza Subdivision, which was recorded on December 4, 2014. A note on the plat indicates that a site plan must be approved by the Planning and Zoning Commission prior to building permit issuance. The original site plan was approved by the Board on June 16, 2015.

The applicant is proposing to construct a 5 story building for hotel use on the property. The original site plan consisted of 100 rooms (100 parking spaces required), 1,050 sq. ft. for meeting rooms (11 parking spaces required), and 1,657 sq. ft. of commercial areas (9 parking spaces required). The original plan required 120 parking spaces; 120 parking spaces were provided. The applicant has revised the floor plan increasing the number of hotel rooms to 105 rooms vs. the 100 previously approved. The five additional parking spaces have been accommodated to comply with the additional rooms. Five of the proposed parking spaces must be accessible, one of which must be van accessible with an 8 ft. wide aisle. Access to the site is proposed to be from a 55 ft. wide common access drive, which connects with the Expressway 83 frontage road and a 25 ft. common access/utility easement that leads to S. Bentsen Rd. Required landscaping for the lot is 8,938 sq. ft. with trees required as follows: 24 – 2 ½” caliper trees, or 12 – 4” caliper trees, or 6 – 6” caliper trees, or 48 palm trees. A minimum 10 ft. wide landscaped strip is required inside the property line along S. Bentsen Rd. Fifty percent of the landscaping must be visible in front areas, and each parking space must be within 50 ft. of a landscaped area with a tree, as required by ordinance. A 4 ft. wide minimum sidewalk is required on S. Bentsen Rd. as well as an 8 ft. masonry buffer is required between single-family residential and commercial, industrial or multi-family residential zones/uses to the south.

A 6 ft. opaque buffer is required around the dumpster if visible from the street. No structures are

permitted over easements. Setbacks are as follows: 125' proposed to the west, 42' proposed to the south, 42' proposed to the north, and 180' proposed to the east. All setbacks will be in compliance with the plat note requirements and the zoning ordinance.

**RECOMMENDATION:**

Staff recommends approval of the site plan subject to the conditions noted, paving and building permit requirements, and the subdivision and zoning ordinances.

LA VILLA RE

1201

L20850000000010

KENT BIEL  
4220

71

-15 -10  
1112

-00/-05  
1124

-25  
1204

1220

-00  
4400

PROPOSED LOT 1-A

-01  
MATA  
SUBDIVISION

BENTSEN RD

BETHEL MISSIONARY  
LOT 1

# S. 83 EXPRESSWAY

178

BENTSEN ROAD PLAZA  
SUBDIVISION

LOT 3

LOT 1

LOT 2

COMMON AREA  
LOT A

GUZMAN  
SUBD.  
LOT 1

12

13

CITRUS GROVES PLAZA  
SUBDIVISION

19

72

MCALLEN SUBURBAN CITRUS

PROPOSED 83 CT  
PLAZA

LOCATION

COLBATH RD

BENTSEN RD

SUBDIVISION

45TH ST

SAFELA EMERALD FOREST

S 46TH ST

SAVANNAH AVE

VERANDA

SONORA AVE

BDIVISION

WEETWATER AVE

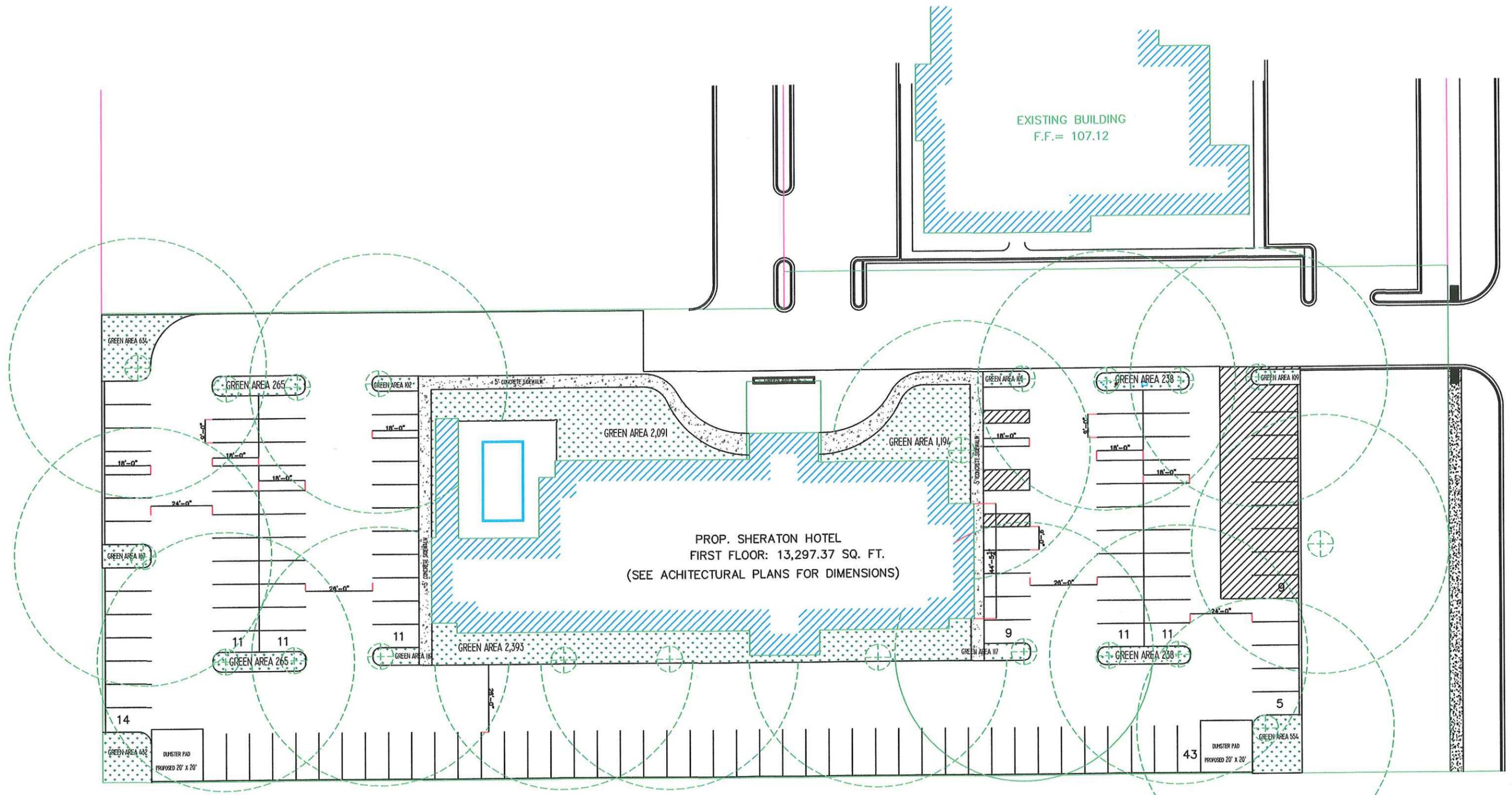
-03  
4211

47

THE PALMS  
TOWER SUBD

45

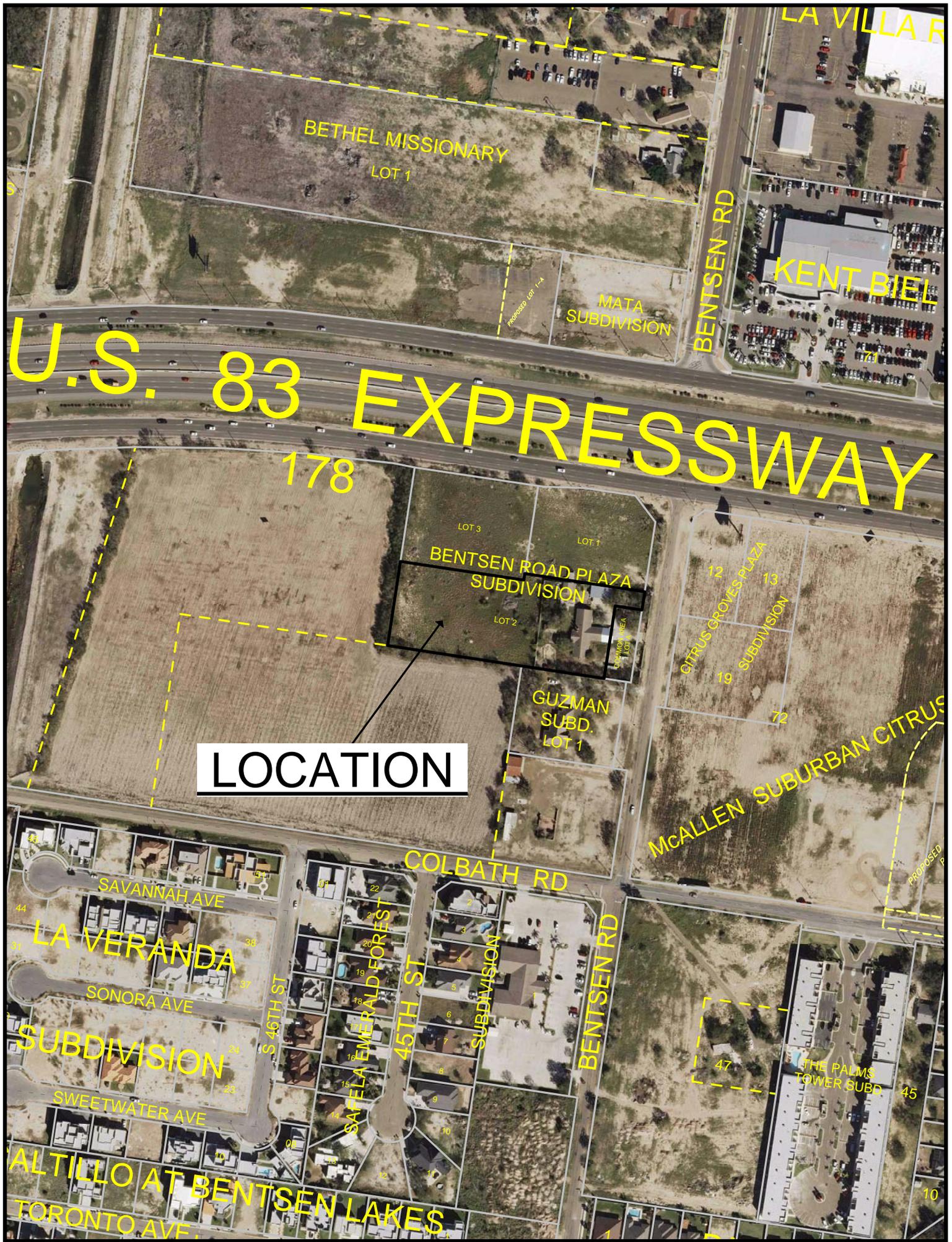
BENTSEN ROAD



PROP. SHERATON HOTEL  
 FIRST FLOOR: 13,297.37 SQ. FT.  
 (SEE ARCHITECTURAL PLANS FOR DIMENSIONS)

**CAUTION!!!**  
 TEXAS GAS SERVICE  
 JUAN DE DIOS  
 (956) 578-7510

TOTAL LOT AREA:	89,375.84 AREA
TOTAL BUILDING AREA:	13,297.37 AREA
TOTAL PARKING SPACES REQUIRED:	126
TOTAL PARKING SPACES PROVIDED:	126
TOTAL LANDSCAPING REQUIRED:	8,938 AREA
TOTAL LANDSCAPING PROVIDED:	9,057 AREA



U.S. 83 EXPRESSWAY

178

**LOCATION**

BETHEL MISSIONARY  
LOT 1

MATA  
SUBDIVISION

BENTSEN RD

KENT BIEL

BENTSEN ROAD PLAZA  
SUBDIVISION

LOT 3

LOT 1

LOT 2

LOT 1

GUZMAN  
SUBD.  
LOT 1

CITRUS GROVES PLAZA  
SUBDIVISION

12

13

19

72

McALLEN SUBURBAN CITRUS

COLBATH RD

SAVANNAH AVE

LA VERANDA  
SUBDIVISION

SONORA AVE

SWEETWATER AVE

ALTILLO AT BENTSEN LAKES  
TORONTO AVE

SAFE EMERALD FOREST  
SUBDIVISION

45TH ST

SUBDIVISION

BENTSEN RD

THE PALMS  
TOWER SUBD

45

10





City of McAllen  
 Planning Department  
**APPLICATION FOR**

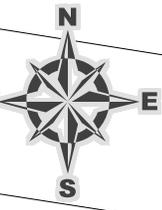
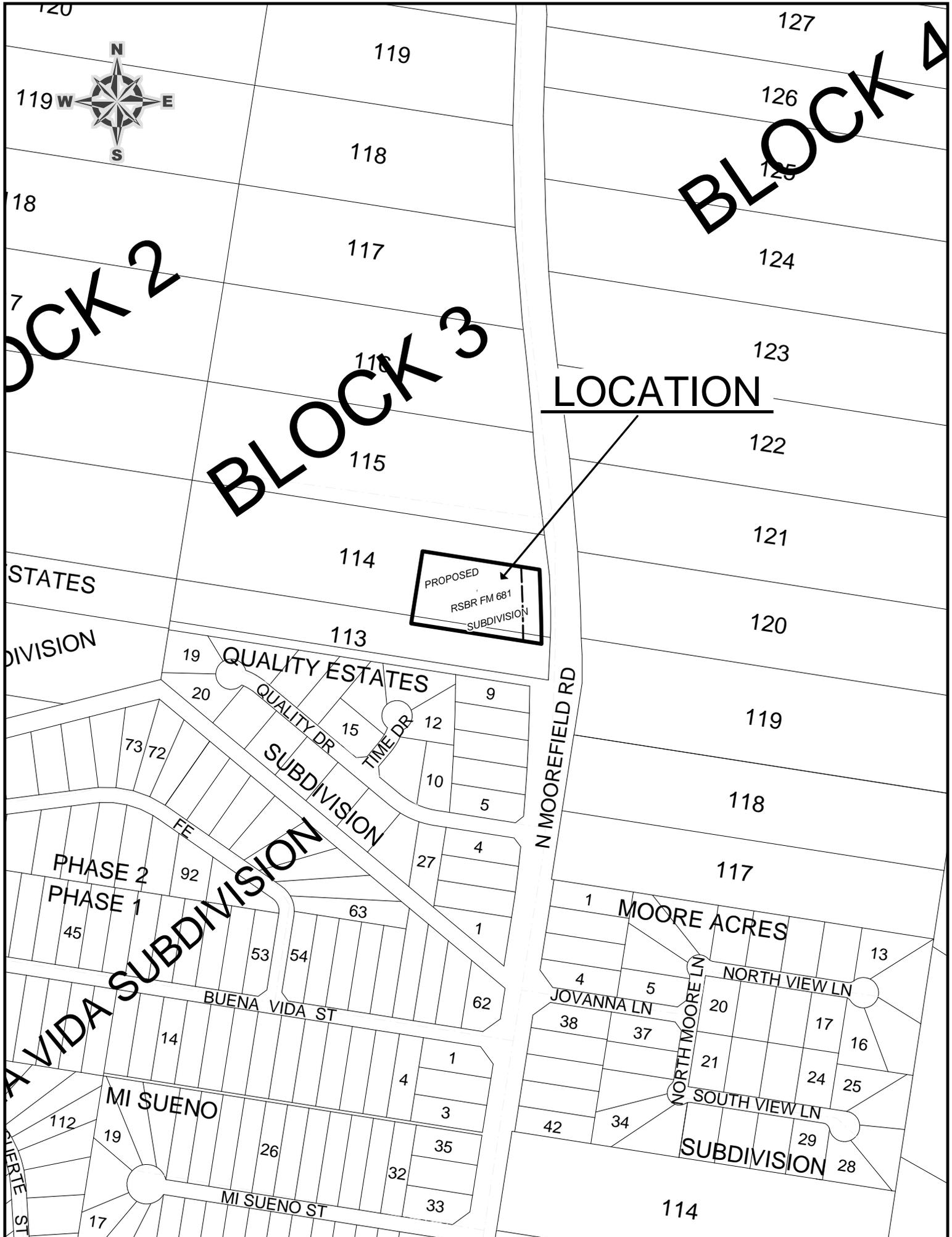
**SUBDIVISION PLAT REVIEW**

1300 Houston Avenue  
 McAllen, TX 78501  
 P. O. Box 220  
 McAllen, TX 78505-0220  
 (956) 681-1250  
 (956) 681-1279 (fax)

<b>Project Description</b>	Subdivision Name <u>RSPR FM 681 Subdivision</u> Location <u>Moorefield Rd (FM 681) Approximately 400' N. of Quality Dr.</u> City Address or Block Number _____ Number of lots <u>1</u> Gross acres <u>2.317</u> Net acres <u>1.935</u> Existing Zoning <u>N/A</u> Proposed <u>Commercial</u> Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____ Existing Land Use <u>vacant</u> Proposed Land Use <u>Commercial</u> Irrigation District # <u>6</u> Residential Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Commercial Replat Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> ETJ Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Agricultural Tax Exemption Yes <input type="checkbox"/> No <input type="checkbox"/> Estimated Rollback tax due _____ Legal Description <u>2.317 Ac out of Lots 113 &amp; 114, La Homa Ranch Citrus Groves #2 (Vol. 8, Pg 9, HZMR)</u>
<b>Owner</b>	Name <u>Sergio H. &amp; Rosario G. Saenz</u> Phone _____ Address <u>2016 Peña St.</u> City <u>MISSION</u> State <u>TX</u> Zip <u>78572</u> E-mail _____
<b>Developer</b>	Name <u>Overland Properties</u> Phone <u>(417) 256-8150</u> Address <u>1598 Imperial Center, Ste. 2009</u> City <u>West Plains</u> State <u>MI</u> Zip <u>65775</u> Contact Person <u>Rodney Parrott</u> E-mail <u>rodney@overlandeng.com</u>
<b>Engineer</b>	Name <u>Melden &amp; Hunt, Inc.</u> Phone <u>(956) 381-0981</u> Address <u>115 W. McIntyre St.</u> City <u>Edinburg</u> State <u>TX</u> Zip <u>78541</u> Contact Person <u>Kelley Heller-Vela, P.E.</u> E-mail <u>kelley@meldenandhunt.com</u>
<b>Surveyor</b>	Name <u>Melden &amp; Hunt, Inc.</u> Phone <u>(956) 381-0981</u> Address <u>115 W. McIntyre St.</u> City <u>Edinburg</u> State <u>TX</u> Zip <u>78541</u> E-mail <u>fkurth@meldenandhunt.com</u>

**RECEIVED**  
 JAN 28 2016

BY: (M) C3:57pm  
RF # 350349  
Sub 2016-0007



BLOCK 2

BLOCK 3

BLOCK 4

LOCATION

PROPOSED  
RSBR FM 681  
SUBDIVISION

STATES  
DIVISION

BUENA VIDA SUBDIVISION

QUALITY ESTATES

N MOOREFIELD RD

MOORE ACRES

MI SUENO

NORTH MOORE LN

NORTH VIEW LN

SOUTH VIEW LN

SUBDIVISION

ALBERTE ST

BUENA VIDA ST

JOVANNA LN

MI SUENO ST

114

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119W  
18  
7  
119  
118  
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116  
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114  
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21  
34  
42

# SUBDIVISION PLAT OF RSBR FM 681 SUBDIVISION

BEING A RESUBDIVISION OF  
2.272 ACRES OUT OF  
LOTS 113 & 114, BLOCK 3,  
LA HOMA RANCH CITRUS GROVES UNIT No.2  
VOLUME 8, PAGE 9 H.C.M.R.  
HIDALGO COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF HIDALGO

OWNER'S DEDICATION, CERTIFICATION, AND ATTESTATION

WE, SERGIO H. SAENZ, ROSARIO G. SAENZ AS OWNERS OF THE 2.272 ACRE TRACT OF LAND ENCOMPASSED WITHIN THE PROPOSED RSBR FM 681 SUBDIVISION, HEREBY SUBDIVIDE THE LAND AS DEPICTED IN THIS SUBDIVISION PLAT AND DEDICATE TO PUBLIC USE THE PARK, AND EASEMENTS SHOWN HEREIN.

SERGIO H. SAENZ 2016 PENA ST. MISSION, TX 78572	DATE	ROSARIO G. SAENZ 2016 PENA ST. MISSION, TX 78572	DATE
---	------	--	------

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, ON THIS DAY PERSONALLY APPEARED SERGIO H. SAENZ, PROVED TO ME THROUGH HIS TEXAS DEPARTMENT OF PUBLIC SAFETY DRIVERS LICENSE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, WHO, BEING BY ME FIRST DULY SWORN, DECLARED THAT THE STATEMENTS THEREIN ARE TRUE AND CORRECT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREBY EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC, STATE OF TEXAS  
MY COMMISSION EXPIRES:

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, ON THIS DAY PERSONALLY APPEARED ROSARIO G. SAENZ, PROVED TO ME THROUGH HER TEXAS DEPARTMENT OF PUBLIC SAFETY DRIVERS LICENSE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, WHO, BEING BY ME FIRST DULY SWORN, DECLARED THAT THE STATEMENTS THEREIN ARE TRUE AND CORRECT AND ACKNOWLEDGED THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREBY EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC, STATE OF TEXAS  
MY COMMISSION EXPIRES:

STATE OF TEXAS  
COUNTY OF HIDALGO:

I, THE UNDERSIGNED, KELLEY A. HELLER-VELA, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

MELDEN & HUNT, INC.  
TEXAS REGISTRATION F-1435

KELLEY A. HELLER-VELA, P.E. # 97421  
DATE PREPARED: 01-19-2016  
ENGINEERING JOB NO. 15176.00



STATE OF TEXAS  
COUNTY OF HIDALGO:

I, THE UNDERSIGNED, FRED L. KURTH, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE HEREIN PRESENTED PLAT AND DESCRIPTION OF RSBR FM 681 SUBDIVISION, WERE PREPARED FROM A SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION ON 12-16-15, AND THAT IT IS A TRUE AND ACCURATE REPRESENTATION OF THE SUBDIVISION OF THE LANDS HEREON DESCRIBED.

FRED L. KURTH, R.P.L.S. # 4750  
DATE SURVEYED: 12-16-15  
T= 1004, PAGE 62  
SURVEY JOB NO. 15176.08



THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT, NO. 6 ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION TREES, FENCES AND BUILDINGS) SHALL BE PLACED UPON HIDALGO COUNTY IRRIGATION DISTRICT NO. 6 RIGHT OF WAY OR EASEMENTS. APPROVAL OF THIS PLAT DOES NOT RELEASE ANY RIGHTS THAT THE DISTRICT MAY HAVE WHETHER SHOWN OR NOT.

ATTEST:  
Board of Director

Board of Director



FILED FOR RECORD IN  
HIDALGO COUNTY  
ARTURO GUAJARDO, JR.  
HIDALGO COUNTY CLERK

ON: \_\_\_\_\_ AT \_\_\_\_\_ AM/PM

INSTRUMENT NUMBER \_\_\_\_\_

OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: \_\_\_\_\_ DEPUTY

HIDALGO COUNTY  
CERTIFICATE OF PLAT APPROVAL  
UNDER LOCAL GOVERNMENT CODE § 232.028 (A)

WE THE UNDER SIGNED CERTIFY THAT THIS PLAT OF RSBR FM 681 SUBDIVISION WAS REVIEWED AND APPROVED BY THE HIDALGO COUNTY COMMISSIONERS COURT ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

HIDALGO COUNTY JUDGE

ATTEST:  
HIDALGO COUNTY CLERK

HIDALGO COUNTY  
CERTIFICATE OF PLAT APPROVAL  
HIDALGO COUNTY HEALTH DEPARTMENT

I, THE UNDERSIGNED CERTIFY THAT THIS PLAT OF RSBR FM 681 SUBDIVISION WAS REVIEWED AND APPROVED BY THE HIDALGO COUNTY HEALTH DEPARTMENT ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

ENVIRONMENTAL HEALTH DIVISION MANAGER

CITY OF MCALLEN  
CERTIFICATE OF PLAT APPROVAL  
UNDER LOCAL GOVERNMENT CODE § 212.009(C) AND § 212.0115(B)

WE THE UNDER SIGNED CERTIFY THAT THIS PLAT OF RSBR FM 681 SUBDIVISION WAS REVIEWED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCALLEN ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

MAYOR OF THE CITY MCALLEN

ATTEST:  
SECRETARY OF THE CITY OF MCALLEN

CITY OF MCALLEN  
CERTIFICATE OF PLAT APPROVAL  
UNDER LOCAL GOVERNMENT CODE § 212.009(C) AND § 212.0115(B)

WE THE UNDERSIGNED CERTIFY THAT THIS PLAT OF RSBR FM 681 SUBDIVISION WAS REVIEWED AND APPROVED BY THE PLANNING AND ZONING COMMISSION OF MCALLEN ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

P&Z CHAIRMAN OF THE CITY OF MCALLEN

A TRACT OF LAND CONTAINING 2.272 ACRES [98,923.941 SQUARE FEET] OF LAND SITUATED IN HIDALGO COUNTY, TEXAS, BEING A PART OR PORTION OUT OF LOTS 113 AND 114, BLOCK 3, LA HOMA RANCH CITRUS GROVES UNIT NO. 2, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 8, PAGE 9, HIDALGO COUNTY MAP RECORDS, WHICH SAID 2.272-ACRE TRACT IS A PART OR PORTION OF A CERTAIN TRACT THAT WAS CONVEYED TO SERGIO H. SAENZ AND ROSARIO G. SAENZ, BY VIRTUE OF A WARRANTY DEED RECORDED IN VOLUME 2567, PAGE 84, HIDALGO COUNTY OFFICIAL RECORDS, SAID 2.272 ACRES [98,923.941 SQUARE FEET] ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF QUALITY ESTATES SUBDIVISION, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 52, PAGES 36-38, HIDALGO COUNTY MAP RECORDS;

THENCE, IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT, AND ALONG THE EAST LINE OF SAID LOT 113, WITH A CENTRAL ANGLE OF 001°01'10", A RADIUS OF 5729.86 RADIUS, AN ARC LENGTH OF 101.94 FEET, A TANGENT OF 50.97 FEET, AND A CHORD THAT BEARS N 00° 12' 00" E A DISTANCE OF 101.94 FEET TO A COTTON PICKER SPINDLE SET [NORTHING: 16654644.451, EASTING: 1039013.435] FOR THE SOUTHEAST CORNER AND POINT OF BEGINNING, OF THIS HEREIN DESCRIBED TRACT;

1. THENCE, N 81° 02' 09" W AT A DISTANCE OF 50.67 FEET PASS A NO. 4 REBAR SET ON THE EXISTING WEST RIGHT-OF-WAY LINE OF MOORFIELD ROAD - F.M. 681, AT A DISTANCE OF 61.29 FEET PASS THE FUTURE WEST RIGHT-OF-WAY LINE OF MOORFIELD ROAD - F.M. 681 AS PER THE HIDALGO COUNTY THROUGHFARE PLAN, CONTINUING A TOTAL DISTANCE OF 433.93 FEET TO A NO. 4 REBAR SET (NORTHING: 16654712.002, EASTING: 1038885.200) FOR THE SOUTHWEST CORNER OF THIS TRACT;

2. THENCE, N 08° 57' 51" E AT A DISTANCE OF 70.25 FEET PASS THE NORTH LINE OF SAID LOT 113, AND THE SOUTH LINE OF SAID LOT 114, CONTINUING A TOTAL DISTANCE OF 240.00 FEET TO A NO. 4 REBAR SET FOR THE NORTHWEST CORNER OF THIS TRACT;

3. THENCE, S 81° 02' 09" E AT A DISTANCE OF 327.76 FEET PASS THE FUTURE WEST RIGHT-OF-WAY LINE OF MOORFIELD ROAD - F.M. 681 AS PER THE HIDALGO COUNTY THROUGHFARE PLAN, AT A DISTANCE OF 337.48 FEET PASS A NO. 4 REBAR SET ON THE EXISTING WEST RIGHT-OF-WAY LINE OF MOORFIELD ROAD - F.M. 681, CONTINUING A TOTAL DISTANCE OF 389.07 FEET TO A COTTON PICKER SPINDLE SET FOR THE NORTHEAST CORNER OF THIS TRACT;

4. THENCE, IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT, AND ALONG THE EAST LINES OF SAID LOTS 114 AND 113, WITH A CENTRAL ANGLE OF 002°26'27", A RADIUS OF 5729.86 RADIUS, AN ARC LENGTH OF 244.10 FEET, A TANGENT OF 122.07 FEET, AND A CHORD THAT BEARS S 01° 31' 49" E A DISTANCE OF 244.08 FEET TO THE POINT OF BEGINNING, AND CONTAINING 2.272 ACRES [98,923.941 SQUARE FEET], OF WHICH 0.280 OF ONE ACRE [12,206.917 SQUARE FEET] LIES WITHIN THE EXISTING RIGHT-OF-WAY OF MOORFIELD ROAD - F.M. 681, LEAVING AN EXISTING NET OF 1.991 ACRES [96,717.025 SQUARE FEET] OF LAND, MORE OR LESS.

GENERAL PLAT NOTES & RESTRICTIONS:  
HIDALGO COUNTY GENERAL SUBDIVISION PLAT NOTES

1. FLOOD ZONE STATEMENT:

FLOOD ZONE DESIGNATION: AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN, COMMUNITY-PANEL NUMBER: 4803334 0300 D MAP REVISED: JUNE 6, 2000

ZONE "X" (UNSHADED) COMMUNITY-PANEL NUMBER: 4803334 0300 D MAP REVISED: JUNE 6, 2000 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS FOR HIDALGO COUNTY, TEXAS AND THE LOCAL FLOOD PLAN ADMINISTRATOR HAVE IDENTIFIED NO OTHER AREAS AS SHOWN ON THIS PLAT ARE WITHIN THE PROPOSED SUBDIVISION TO BE WITHIN THE 100-YEAR FLOOD PLAIN.

2. SETBACKS:

60.00 FEET MOORFIELD ROAD [FM 681]  
REAR: 15.00 FEET OR EASEMENT WHICHEVER IS GREATER  
SIDE: 15.00 FEET OR EASEMENT WHICHEVER IS GREATER

3. GENERAL NOTE FOR COMMERCIAL LOTS:

THIS SUBDIVISION SHALL BE FOR COMMERCIAL USE ONLY. THERE SHALL BE NO OTHER USE OTHER THAN COMMERCIAL. THIS MUST BE STIPULATED ON ALL DEEDS AND CONTRACT FOR DEEDS. A BUFFER FENCE IS REQUIRED TO BE INSTALLED BY DEVELOPER ALONG ALL ABUTTING RESIDENTIAL LOTS AND ALONG TO DENY ACCESS ONTO LOT. APPLICATIONS FOR CONSTRUCTION APPROVED BY THE PLANNING DEPARTMENT, HEALTH DEPARTMENT OFFICE OF ENVIRONMENTAL AND COMPLIANCE AND FIRE MARSHALL ARE REQUIRED PRIOR TO OCCUPYING THE LOT.

4. MINIMUM FINISHED FLOOR ELEVATION SHALL BE 18" ABOVE THE CENTER LINE OF STREET OR 18" ABOVE NATURAL GROUND, WHICHEVER IS GREATER. ELEVATION CERTIFICATE MAY BE REQUIRED FOR LOTS LOCATED OUTSIDE A DESIGNATED FLOOD ZONE AT THE TIME OF APPLICATION FOR CONSTRUCTION TO VERIFY FIRE AND POST CONSTRUCTION FINISHED FLOOR ELEVATIONS. AN ELEVATION CERTIFICATE SHALL BE REQUIRED FOR ALL LOTS WITHIN A DESIGNATED FLOOD ZONE AT THE TIME FOR A DEVELOPMENT PERMIT APPLICATION.

5. THE FOLLOWING BENCHMARKS ARE IDENTIFIED ON THE FACE OF THE PLAT AND ON THE ATTACHED ENGINEERING PLANS.

-->B.M. NO. 1--ELEV. 85.00 N.G.V.D. 29 DESCRIPTIONS: A MHI MONUMENT SET IN A 2'X2' CONCRETE SLAB SET AT THE SOUTHEAST CORNER OF LOT 1, N. 16654633.925 E. 1038953.374.  
-->B.M. NO. 2--ELEV. 83.50 N.G.V.D. 29 DESCRIPTIONS: MHI MONUMENT SET IN CONCRETE AT THE NORTHEAST CORNER OF LOT 1 OF THIS SUBDIVISION, N. 16654897.997 E. 1038946.374

6. IN ACCORDANCE WITH THE HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 AND HIDALGO COUNTY REQUIREMENTS, THIS DEVELOPMENT WILL BE REQUIRED TO DETAIN A TOTAL OF 3,838 CUBIC-FEET (0.090 ACRE-FEET) OF STORM WATER RUNOFF. DRAINAGE RETENTION IN ACCORDANCE WITH THE LOCAL REQUIREMENTS WILL BE ACCOMPLISHED AS FOLLOWS: (SEE SHEET NO. 2 FOR STORM SEWER IMPROVEMENTS.) THE DEVELOPER SHALL BE RESPONSIBLE TO DETAIN AND ACCOMMODATE MORE THAN THE DETAINED VOLUME SHOWN ABOVE IF IT'S DETERMINES AT THE DEVELOPMENT PERMIT STATE ABOVE DUE TO THE IMPERVIOUS AREA BEING GREATER THAT PLAT ENGINEER CONSIDERED FOR HIS CALCULATIONS OF THIS SUBDIVISION.

7. ALL LOTS SHALL HAVE A POST DEVELOPMENT FINISH GRADE FROM THE REAR OF THE LOT TO THE CURB AND/OR ROADSIDE DITCH AT A 0.5% SLOPE TO ACCOMPLISH POSITIVE DRAINAGE. THIS IS IN ACCORDANCE WITH HIDALGO COUNTY APPENDIX 5: COUNTY CONSTRUCTION.

9. NO STRUCTURE SHALL BE PERMITTED OVER ANY EASEMENT. EASEMENTS SHALL BE KEPT CLEAR OF BUILDINGS, SHEDS, SHRUBS TREES, AND OTHER PLANTINGS (EXCEPT LOW, LESS THAN 18 INCHES MATURE HEIGHT, GROUND COVER, GRASS, OR FLOWERS) AND OTHER OBSTRUCTIONS THAT WOULD INTERFERE WITH THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.

10. EACH PURCHASE CONTRACT MADE BETWEEN A SUBDIVIDER AND PURCHASER OF THIS SUBDIVISION SHALL CONTAIN A STATEMENT DESCRIBING HOW AND WHEN WATER, SEPTIC, ELECTRICITY, AND GAS SERVICES WILL BE MADE AVAILABLE TO THE SUBDIVISION.

11. ALL PUBLIC UTILITIES EASEMENTS DEDICATED BY THIS PLAT SHALL BE A MINIMUM WIDTH OF 15.00 FEET AS PER THE HIDALGO COUNTY MODEL SUBDIVISION RULES. BY SIGNING THIS PLAT, DEVELOPER AND ENGINEER CERTIFY THAT ALL OTHER EASEMENTS SHOWN COMPLY WITH THE SIZE REQUIRED BY EACH UTILITY PROVIDER OCCUPYING AN EASEMENT.

12. AN OFF-STREET PARKING LOT SITE PLAN & DRAINAGE PLAN APPROVED BY THE HIDALGO COUNTY PLANNING DEPARTMENT AND THE OFFICE OF ENVIRONMENTAL COMPLIANCE SHALL BE REQUIRED FOR COMMERCIAL USE AT THE TIME OF APPLICATION FOR CONSTRUCTION PRIOR TO THE ISSUANCE OF A BUILDING AND/OR DEVELOPMENT PERMIT. NO WATER OR LIGHT CLEARANCES SHALL BE ISSUED UNTIL THE SITE PLAN, DRAINAGE PLAN AND OSSF PLAN ARE APPROVED AND PROPOSED IMPROVEMENTS ARE CONSTRUCTED IN ACCORDANCE WITH COUNTY AND STATE STANDARDS.

13. ON-SITE SEWAGE FACILITIES (OSSF) NOTE: THIS SUBDIVISION SHALL USE ON-SITE SEWAGE FACILITIES IN ACCORDANCE WITH TCEQ AND HIDALGO COUNTY REGULATIONS FOR SEWAGE DISPOSAL. THE SUBDIVIDER IS RESPONSIBLE FOR PROVIDING AN OSSF ON ALL LOTS.

- OSSF SYSTEM IS BEING DESIGNED FOR COMMERCIAL SEWERAGE ONLY.
- THIS PLAT COMPLIES WITH THE MINIMUM 21,780 SQUARE FEET LOT AREA WITH POTABLE WATER SUPPLY.
- OSSF SYSTEM SHALL REQUIRE INSPECTION AND APPROVAL BY HIDALGO COUNTY AUTHORIZED DEPARTMENT
- SOIL ANALYSIS HAVE BEEN SUBMITTED TO THE AUTHORIZED HIDALGO COUNTY DEPARTMENT AND EXCERPTS MAY BE ALSO SEEN ON THE UTILITY LAYOUT FOR THIS SUBDIVISION AS SUBMITTED TO THE HIDALGO COUNTY PLANNING DEPARTMENT. THE ENGINEER HAS DETERMINED THAT THE SOIL IS SUITABLE FOR A STANDARD SEPTIC TANK AND ABSORPTIVE DRAIN FIELD SYSTEM.
- APPROVED "OSSF" PERMIT APPLICATION IS REQUIRED INCLUDING INDIVIDUAL LOT PLANNING MATERIALS PRIOR TO OCCUPYING A LOT.

14. THERE ARE NO VISIBLE WATER WELLS WITHIN 150 FEET FROM THE BOUNDARIES ON THIS SUBDIVISION

15. SERGIO H. SAENZ AND ROSARIO G. SAENZ, THE OWNER & SUBDIVIDERS OF RSBR FM 681 SUBDIVISION, RETAINS A BLANKET EASEMENT UPON EACH LOT FOR THE PURPOSE OF INSTALLING AN APPROVED OSSF ON THE LOT AS DESCRIBED ON SHEET NO.2 OF THIS PLAT.

16. TxDOT DRIVEWAY/ENTRANCE PERMIT IS REQUIRED FOR LOT 1 PRIOR TO THE CONSTRUCTION OF A DRIVEWAY/ENTRANCE ON TO FM 681 (MOORFIELD ROAD). TxDOT ACCESS PERMIT IS REQUIRED PRIOR TO THE COUNTY ISSUING A DEVELOPMENT APPLICATION PERMIT.

17. 5' SIDEWALK SHALL BE CONSTRUCTED ALONG MOORFIELD ROAD (F.M. 681) AT BUILDING PERMIT STAGE.

18. IN THE EVENT THE REMAINDER OF LOT 113, BLOCK 3, LA HOMA RANCH CITRUS GROVES SUBDIVISION UNIT NO.2 DEVELOPS IN THE FUTURE AS COMMERCIAL, THEN IT SHALL BE A CONDITION OF SUCH DEVELOPMENT TO CONSTRUCT THE ALLEY IN THE DEDICATED R.O.W. AT THAT TIME.

19. A 6' OPAQUE BUFFER WILL BE REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL, OR INDUSTRIAL ZONES/USES.

20. AN 8' MASONRY WALL WILL BE REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTI-FAMILY RESIDENTIAL ZONES/USES.

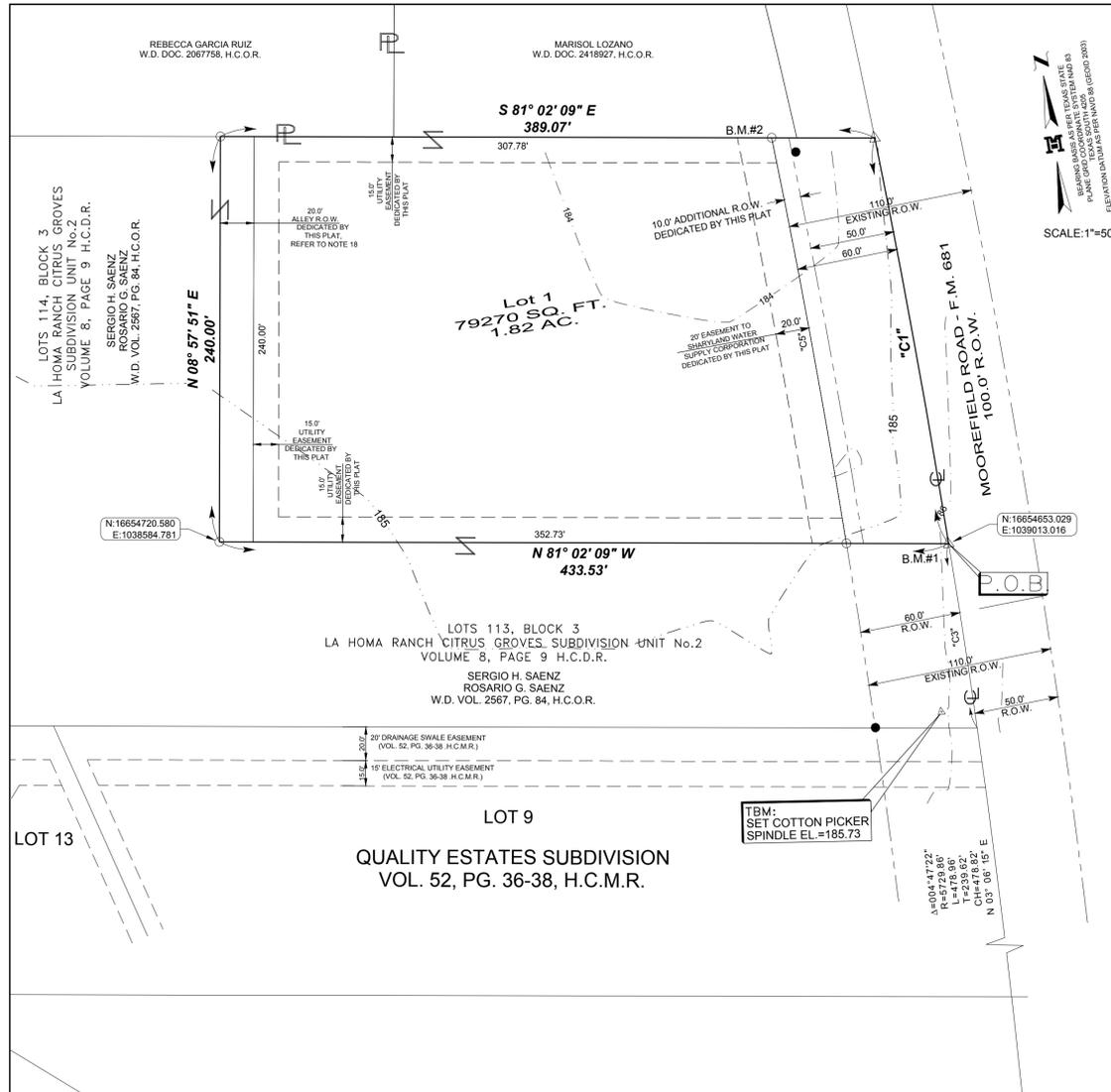
HIDALGO COUNTY  
CERTIFICATE OF PLAT APPROVAL  
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE 49.211 (c). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND HIS ENGINEER TO MAKE THEIR DETERMINATIONS.

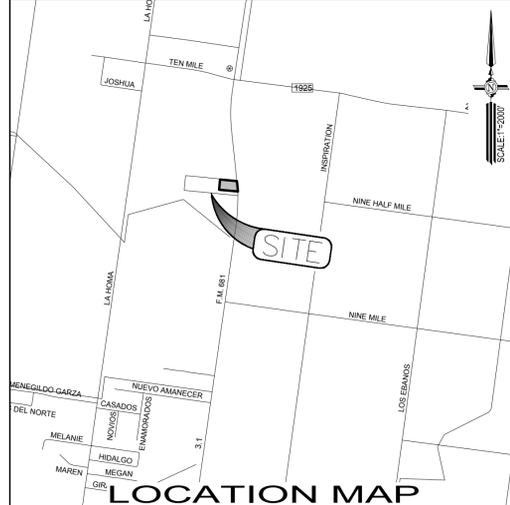
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

RAUL E. SESIN P. E., C. F. M.  
GENERAL MANAGER

FOR IRRIGATION PURPOSES ONLY: \_\_\_\_\_ DATE: \_\_\_\_\_  
DRAWN BY: A.S. \_\_\_\_\_ DATE: 4-8-2016  
SURVEYED, CHECKED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
FINAL CHECK: \_\_\_\_\_ DATE: \_\_\_\_\_



LOCATION MAP SCALE 1" = 2000'



INDEX TO SHEET OF RSBR F.M. 681 SUBDIVISION

SHEET 1: HEADING, INDEX, LOCATION MAP AND ETJ, PRINCIPAL CONTACTS, MAP, LOT, STREETS, AND EASEMENT LAYOUT, DESCRIPTION (METES AND BOUNDS), SURVEYOR'S CERTIFICATION, PLAT NOTES AND RESTRICTIONS, OWNERS DEDICATION, CERTIFICATION, ATTESTATION, ENGINEERING CERTIFICATION, CITY, APPROVAL CERTIFICATE, COUNTY CLERK'S RECORDING CERTIFICATE, IRRIGATION DISTRICT, H.C.D. No. 1, HIDALGO COUNTY HEALTH DEPARTMENT CERTIFICATE.

SHEET 2: MAP OF TOPOGRAPHY AND DRAINAGE, DRAINAGE SWALES, DRAINAGE REPORT INCLUDING DESCRIPTION OF DRAINAGE AND DRAINAGE SWALES, ENGINEERING CERTIFICATION, CONSTRUCTION DETAILS.

LOCATION OF SUBDIVISION WITH RESPECT TO THE EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY:

RSBR FM 681 SUBDIVISION IS LOCATED IN THE NORTH PART OF HIDALGO COUNTY ON THE WEST SIDE OF FM 681 APPROX. HALF A MILE NORTH OF MILE 9 ROAD. THE ONLY NEARBY MUNICIPALITY IS THE CITY OF MCALLEN. ACCORDING TO THE OFFICIAL MAP IN THE OFFICE OF THE SECRETARY OF THE CITY OF MCALLEN (POPULATION 136,839) RSBR FM 681 SUBDIVISION LIES APPROXIMATELY 3 MILES FROM THE CITY LIMITS (AND IS WITHIN THE 5 MILE EXTRATERRITORIAL JURISDICTION (E.T.) UNDER LOCAL GOVERNMENT CODE § 212.001 AND 42.021. THIS SUBDIVISION FALLS WITHIN PRECINCT 3J.

MELDEN & HUNT, INC.  
TEXAS REGIST. F-1435

**MELDEN & HUNT, INC.**  
CONSULTANTS • ENGINEERS • SURVEYORS

115 W. MCINTYRE EDINBURG, TX 78541	OFF: (956) 381-0981 FAX: (956) 381-1839
227 N. F.M. 3167 RIO GRANDE CITY, TX 78582	OFF: (956) 487-8256 FAX: (956) 488-8591
E-MAIL: www.meldenandhunt.com	ESTABLISHED 1947

PRINCIPAL CONTACTS	NAME	ADDRESS	CITY & ZIP	PHONE	FAX
OWNER:	SERGIO H. SAENZ	2016 PENA ST.	MISSION, TX 78572	(956) 330-2671	
ENGINEER:	ROSARIO G. SAENZ	115 W. MCINTYRE	EDINBURG, TX 78541	(956) 381-0981	(956) 381-1839
SURVEYOR:	FRED L. KURTH	115 W. MCINTYRE	EDINBURG, TX 78541	(956) 381-0981	(956) 381-1839

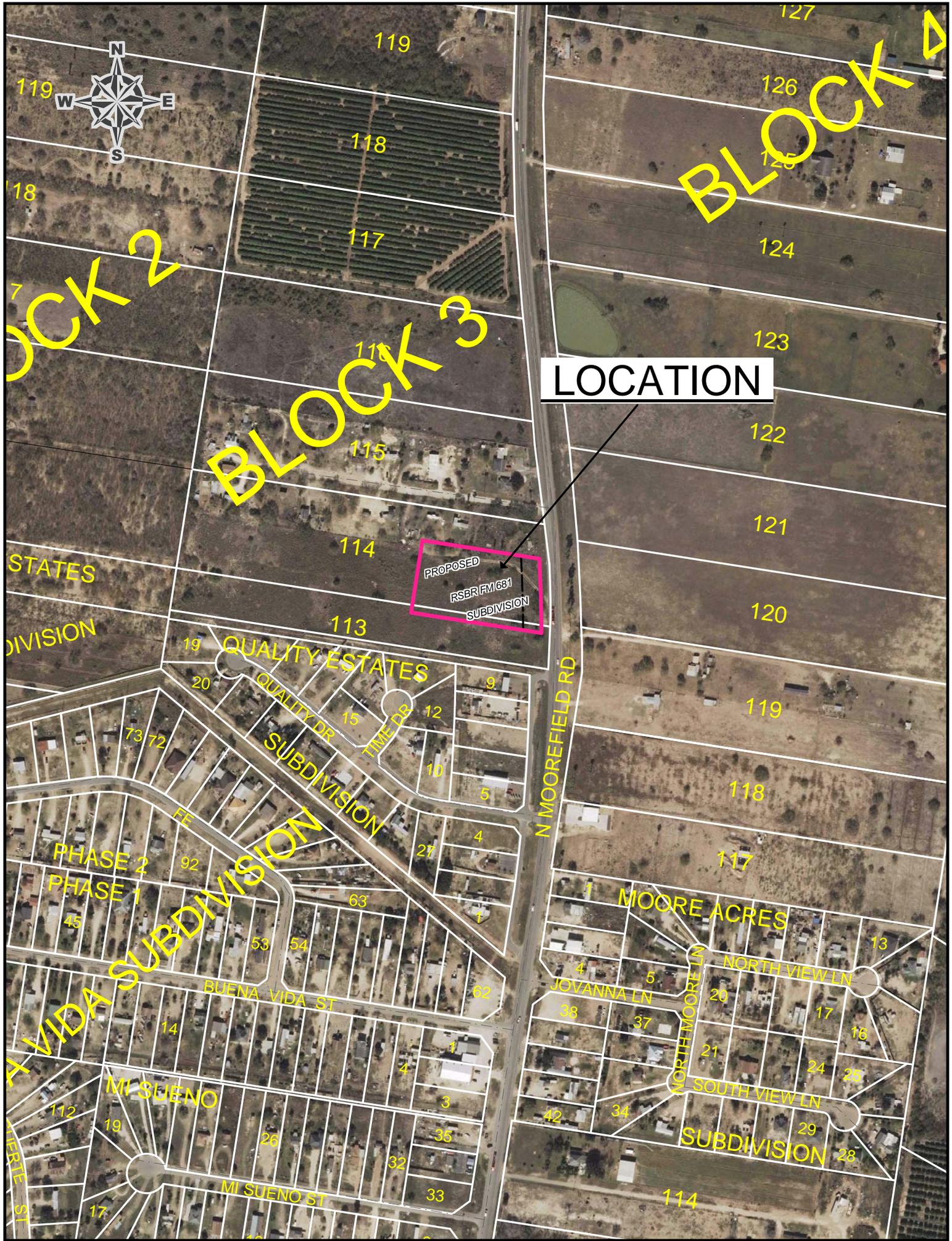


**City of McAllen**  
SUBDIVISION PLAT REVIEW

Reviewed On: 4/15/2016

<b>SUBDIVISION NAME: RSBR FM 681 SUBDIVISION</b>	
<b>REQUIREMENTS</b>	
<b>STREETS AND RIGHT-OF-WAYS</b>	
Moorefield Road: 10 ft. ROW dedication required for 60 ft. from centerline for 120 ft. ROW Paving: by the state Curb & gutter: by the state	Compliance
* 800 ft. Block Length:	Compliance
* 600 ft. Maximum Cul-de-Sac:	NA
<b>ALLEYS</b>	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial properties **Project engineer, on behalf of the developer requested a variance to the alley ROW requirement. The City Commission disapproved the variance at their meeting of March 28, 2016 and voted to: 1) require the alley dedication and escrow; and 2) placing a plat note indicating that if an alley is required when adjacent properties are developed, then the alley within the boundary of this subdivision will be constructed at such time. ***Owner must escrow monies for the alley prior to plat recording.	Applied
<b>SETBACKS</b>	
* Front: Moorefield Road (FM 681) - 60 ft. or greater for easements	Applied
* Rear: 15 ft. for the easement	Applied
* Sides: 15 ft. for the easements	Applied
* Corner:	NA
* Garage: 18 ft. except where greater setback is required; greater setback applies	NA
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS	Applied
<b>SIDEWALKS</b>	
* 5 ft. wide sidewalk required on Moorefield Road (FM 681) **Verify sidewalk width with the City of McAllen Engineering Department for TxDOT road.	Applied
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
<b>BUFFERS</b>	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, or industrial zones/uses.	Compliance
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses.	Compliance
*Perimeter buffers must be built at time of Subdivision Improvements.	NA
<b>NOTES</b>	
* No curb cut, access, or lot frontage permitted along:	NA

* Site plan must be approved by the Planning and Zoning Commission prior to building permit issuance.	NA
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* Common Areas, Private Streets must be maintained by the lot owners and not the City of McAllen.	NA
* Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets.	NA
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	NA
<b>LOT REQUIREMENTS</b>	
* Lots fronting public streets:	Compliance
* Minimum lot width and lot area:	Compliance
<b>ZONING/CUP</b>	
* Existing: ETJ Proposed: commercial	Compliance
* Rezoning Needed Before Final Approval	NA
<b>PARKS</b>	
* Land dedication in lieu of fee:	NA
* Park Fee of \$700 per dwelling unit is required to be paid prior to recording	NA
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
<b>TRAFFIC</b>	
* Trip Generation to determine if TIA is required, prior to final plat.	Compliance
* Traffic Impact Analysis (TIA) required prior to final plat.	NA
<b>COMMENTS</b>	
Comments: *Preliminary plat approved by the Planning and Zoning Commission on February 16, 2016.	Applied
<b>RECOMMENDATION</b>	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN FINAL FORM.	Applied



LOCATION

PROPOSED  
RSBRFM681  
SUBDIVISION

BLOCK 2

BLOCK 3

BLOCK 4

STATES  
DIVISION

BUENA VIDA SUBDIVISION

MI SUENO

N MOOREFIELD RD

MOORE ACRES

NORTH VIEW LN  
SOUTH VIEW LN  
SUBDIVISION

QUALITY ESTATES  
SUBDIVISION

PHASE 2  
PHASE 1

MI SUENO ST

JOVANNA LN

NORTH VIEW LN

SOUTH VIEW LN

NORTH MOORE LN

BUENA VIDA ST

HERITE ST



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City of McAllen  
 Planning Department  
**APPLICATION FOR**

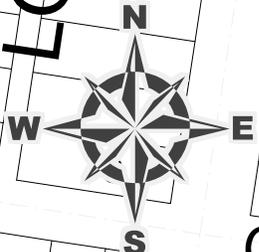
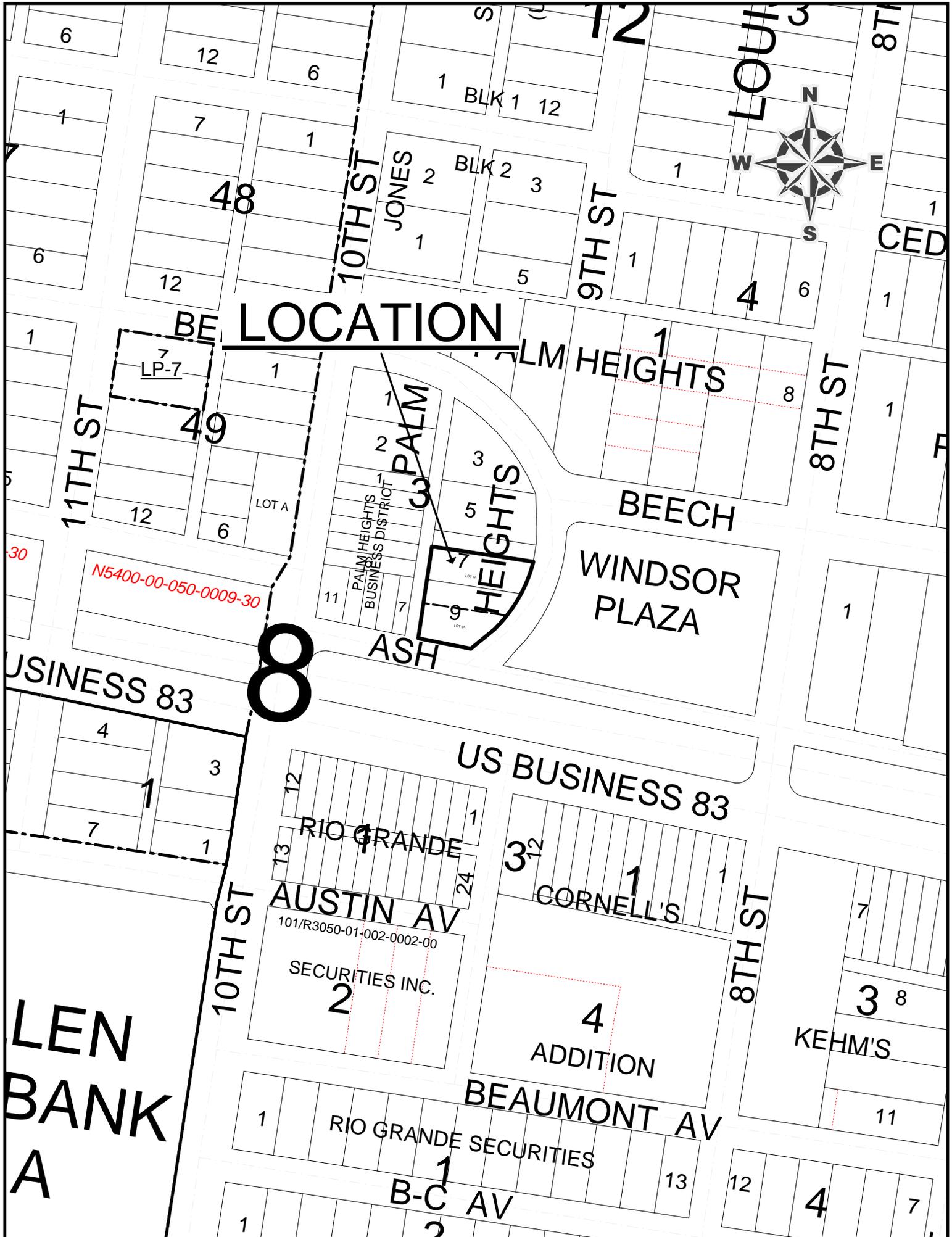
1300 Houston Avenue  
 McAllen, TX 78501  
 P. O. Box 220  
 McAllen, TX 78505-0220  
 (956) 681-1250  
 (956) 681-1279 (fax)

**SUBDIVISION PLAT REVIEW**

<p><b>Project Description</b></p>	<p>Subdivision Name <u>PALM HEIGHTS ADDITION, LOTS 7A &amp; 9A</u>          Location <u>NWC 9TH ST. &amp; ASH AVE.</u>          City Address or Block Number _____          Number of lots <u>2</u> Gross acres <u>0.41</u> Net acres <u>0.41</u>          Existing Zoning <u>C-3</u> Proposed <u>C-3</u> Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____          Existing Land Use <u>C-3/OPEN</u> Proposed Land Use <u>C-3/RETAIL</u> Irrigation District # <u>3</u>  <b>Residential</b> Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>Commercial</b> Replat Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <b>ETJ</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>          Agricultural Tax Exemption Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Estimated Rollback tax due <u>+/- 1500<sup>00</sup></u>          Legal Description <u>THE S. 50' OF LOT 7, AND, THE ENTIRE AREA OF LOT 9, Bk. 3, PALM HEIGHTS ADDITION</u></p>
<p><b>Owner</b></p>	<p>Name <u>STORE MASTER FUNDING, LLC</u> Phone _____          Address <u>8501 E. PRINCESS DR., SUITE 190</u>          City <u>SCOTTSDALE</u> State <u>ARIZONA</u> Zip <u>85255</u>          E-mail _____</p>
<p><b>Developer</b></p>	<p>Name <u>JOSE LUIS GARCIA</u> Phone <u>(956) 212-2663</u>          Address <u>4512 S. 23RD ST.</u>          City <u>MENARD</u> State <u>TX</u> Zip <u>78503</u>          Contact Person _____          E-mail <u>jlg90427@yahoo.com</u></p>
<p><b>Engineer</b></p>	<p>Name <u>DAVID D. SALINAS</u> Phone <u>956 6829081</u>          Address <u>2221 DAFFODIL AVE.</u>          City <u>MENARD</u> State <u>TX</u> Zip <u>78501</u>          Contact Person <u>DAVID</u>          E-mail <u>dsalinas@salinasengineering.com</u></p>
<p><b>Surveyor</b></p>	<p>Name <u>SAME AS ENGINEER</u> Phone _____          Address _____          City _____ State _____ Zip _____          E-mail _____</p>

**RECEIVED**  
 JAN 15 2016

BY: RC3:39am  
 SUB: 2016-0003  
 PC# 341039 025



**LOCATION**

**8**

N5400-00-050-0009-30

101/R3050-01-002-0002-00  
SECURITIES INC.  
**2**

CORNELL'S  
**4**  
ADDITION  
RIO GRANDE SECURITIES

**LEN  
BANK  
A**

**BUSINESS 83**

**US BUSINESS 83**

**AUSTIN AV**

**BEAUMONT AV**

**RIO GRANDE**

**CORNELL'S**

**RIO GRANDE SECURITIES**

**KEHM'S**

**B-C AV**

**11TH ST**

**10TH ST**

**9TH ST**

**8TH ST**

**8TH ST**

**3 PALM**

**HEIGHTS**

**BEECH**

**WINDSOR PLAZA**

**ASH**

**PALM HEIGHTS**

**48**

**49**

**12**

**LOUIS**

**8TH**

**CED**

**R**

**BE**

**JONES**

**BLK 2**

**BLK 1**

**7**

**12**

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**LOT A**

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**7 LP-7**

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Reviewed On: 4/14/2016

<b>SUBDIVISION NAME: PALM HEIGHTS ADDITION, LOTS 7A &amp; 9A</b>	
<b>REQUIREMENTS</b>	
<b>STREETS AND RIGHT-OF-WAYS</b>	
N. 9th Street: 5 ft. ROW dedication proposed for 27.57 ft. - 27.83 ft. from centerline for 50 ft. ROW Paving: 40 ft. Curb & gutter: both sides *Owner must escrow monies for improvements if not built prior to recording. **Variance to the paving improvements was disapproved by the City Commission on February 2, 2016.	Compliance
Ash Avenue: 2.5 ft. ROW dedication required for 25 ft. ROW from centerline for 50 ft. ROW Paving: existing conditions remain Curb & gutter: existing conditions remain *Variance to the paving improvements along Ash Avenue granted by the City Commission on February 2, 2016.	Compliance
* 800 ft. Block Length:	Compliance
* 600 ft. Maximum Cul-de-Sac:	NA
<b>ALLEYS</b>	
ROW: 20 ft. existing Paving:16 ft. *Alley/service drive easement required for commercial properties	Compliance
<b>SETBACKS</b>	
* Front: N. 9th Street - 25 ft. or in line with existing structures, whichever is greater	Applied
* Rear: in accordance with the Zoning Ordinance, or greater for easements	Applied
* Interior Sides: in accordance with the Zoning Ordinance, or greater for easements	Applied
* Corner: Ash Avenue - 25 ft. or greater for easements	Compliance
* Garage: 18 ft. except where greater setback is required; greater setback applies.	NA
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS	Applied
<b>SIDEWALKS</b>	
* 4 ft. wide minimum sidewalk required on N. 9th Street and Ash Avenue. **Project engineer, on behalf of the developer is requesting a variance to the sidewalk requirement for Proposed Lot 9A along N. 9th Street and Ash Avenue. Variance disapproved by the City Commission on March 28, 2016; owner must escrow monies for improvements prior to plat recording.	Applied
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
<b>BUFFERS</b>	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, or industrial zones/uses.	Compliance
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses.	Compliance

*Perimeter buffers must be built at time of Subdivision Improvements.	NA
<b>NOTES</b>	
* No curb cut, access, or lot frontage permitted along:	NA
* Site plan must be approved by the Planning and Zoning Commission prior to building permit issuance.	NA
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* Common Areas, Private Streets must be maintained by the lot owners and not the City of McAllen.	NA
* Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets.	NA
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	NA
<b>LOT REQUIREMENTS</b>	
* Lots fronting public streets:	Compliance
* Minimum lot width and lot area:	Compliance
<b>ZONING/CUP</b>	
* Existing: C-3 Proposed: C-3	Compliance
* Rezoning Needed Before Final Approval	NA
<b>PARKS</b>	
* Land dedication in lieu of fee:	NA
* Park Fee of \$700 per dwelling unit is required to be paid prior to recording.	NA
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
<b>TRAFFIC</b>	
* Trip Generation to determine if TIA is required, prior to final plat.	Compliance
* Traffic Impact Analysis (TIA) required prior to final plat.	Compliance
<b>COMMENTS</b>	
Comments: *Preliminary plat approved by the Planning and Zoning Commission on February 2, 2016. **Revised Preliminary plat approved by the Planning and Zoning Commission on March 1, 2016. ***Existing plat notes remain the same. ****Conditional Use Permit for automotive service or repair approved for life of the use by the City Commission on March 28, 2016.	Applied
<b>RECOMMENDATION</b>	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE RESUBDIVISION IN FINAL FORM.	Applied



## **Memo**

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

**DATE:** April 14, 2016

**SUBJECT: REQUEST OF MARIE-CLAUDE CHARLES, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE (SCHOOL) AT THE SOUTH 35 FEET OF LOT 5, ALL OF LOT 6, AND THE NORHT 40 FEET OF LOT 7, HIDALGO SUBDIVISION; 2300 NORTH 10<sup>TH</sup> STREET.**

---

### **GOAL:**

A Conditional Use Permit is to allow the compatible and orderly development, within the city, of uses which may be suitable only in certain locations in a zoning district if developed in a 1) specific way or, 2) only for a limited period of time, 3) is required for all conditional uses as set forth in the conditional use paragraph of each district, and 4) at no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit.

### **BRIEF DESCRIPTION:**

The property is located on the east side of North 10<sup>th</sup> Street, approximately 290 ft. south of La Vista Avenue. It is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, west, and south, and R-2 (duplex-fourplex) District to the east. Surrounding land uses include commercial businesses, and single and multi-family residence. An institutional use is permitted in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

### **HISTORY:**

The initial conditional use permit was approved for one year by the Planning and Zoning Commission on April 7, 2015. Currently, there is a multi-tenant commercial plaza on the property. Other uses within the building include a daycare and an office for H & R Block. The applicant is requesting the permit for life of use; therefore, it has to come before the Planning and Zoning Commission for consideration.

### **REQUEST/ANALYSIS:**

The applicant is proposing to continue to occupy a lease space for a vocational school for nursing classes. The building was remodeled to accommodate classrooms (4) and offices (4), with a lobby and lab room. If in the future the school expands, an amendment of the conditional use permit would be required.

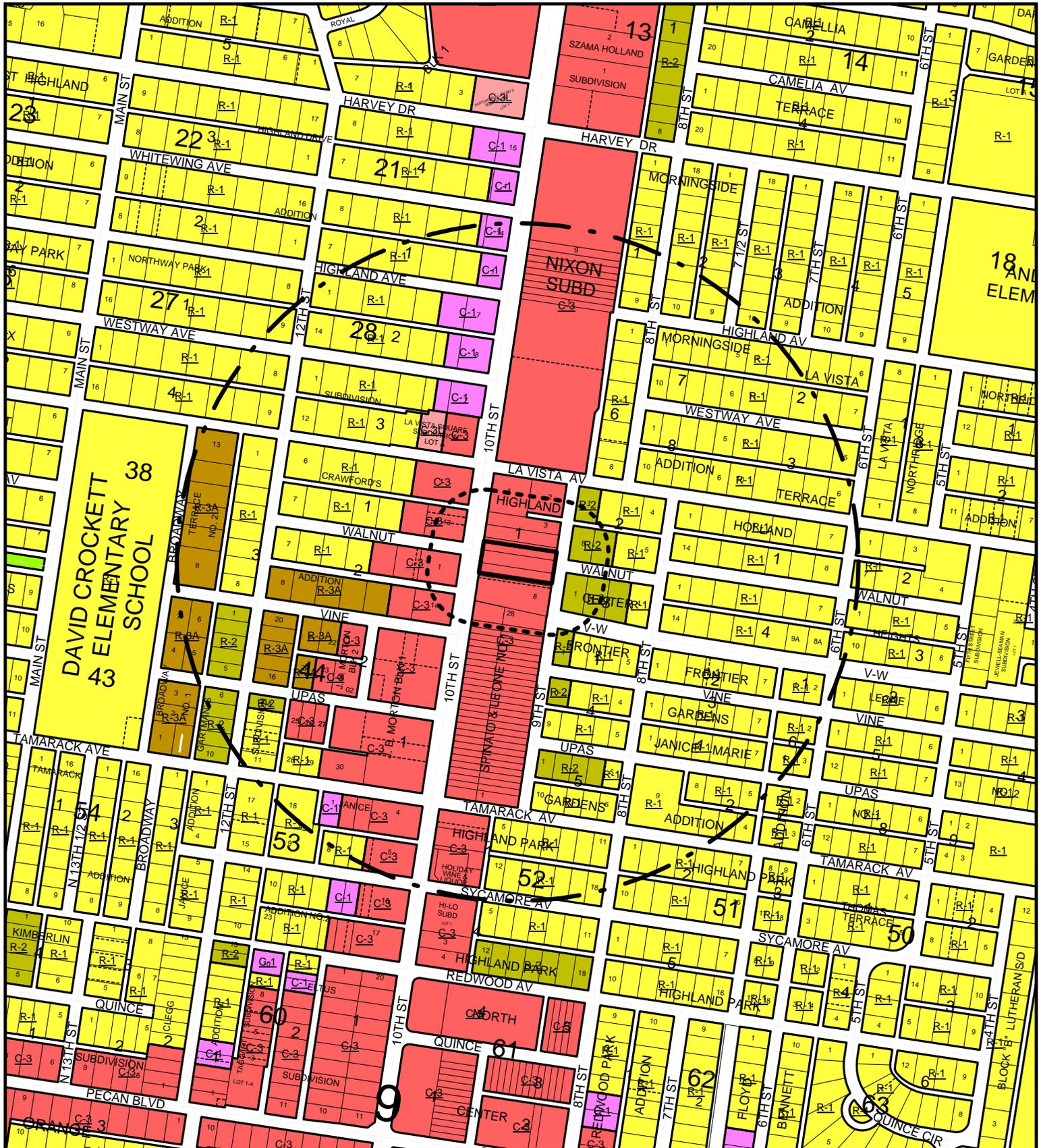
The Fire Department has inspected the lease space which meets the minimum safety codes and regulations. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to other

conditions of the permit. The proposed use must also comply with the zoning ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property fronts North 10<sup>th</sup> Street and it does not generate traffic into residential areas.
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on the number of classrooms and offices, 26 parking spaces are required for the use and 36 parking spaces are provided on site at the front and rear of the building and are part of the common parking;
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits;
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;
- 6) The number of persons within the building shall be restricted to the existing seating capacity for the building; and
- 7) Sides adjacent to commercially and residentially zoned or used properties shall be screened by an 8 ft. masonry wall.

**RECOMMENDATION:**

Staff recommends approval of the request, for life of the use, subject to the Zoning Ordinance, Fire Department requirements.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

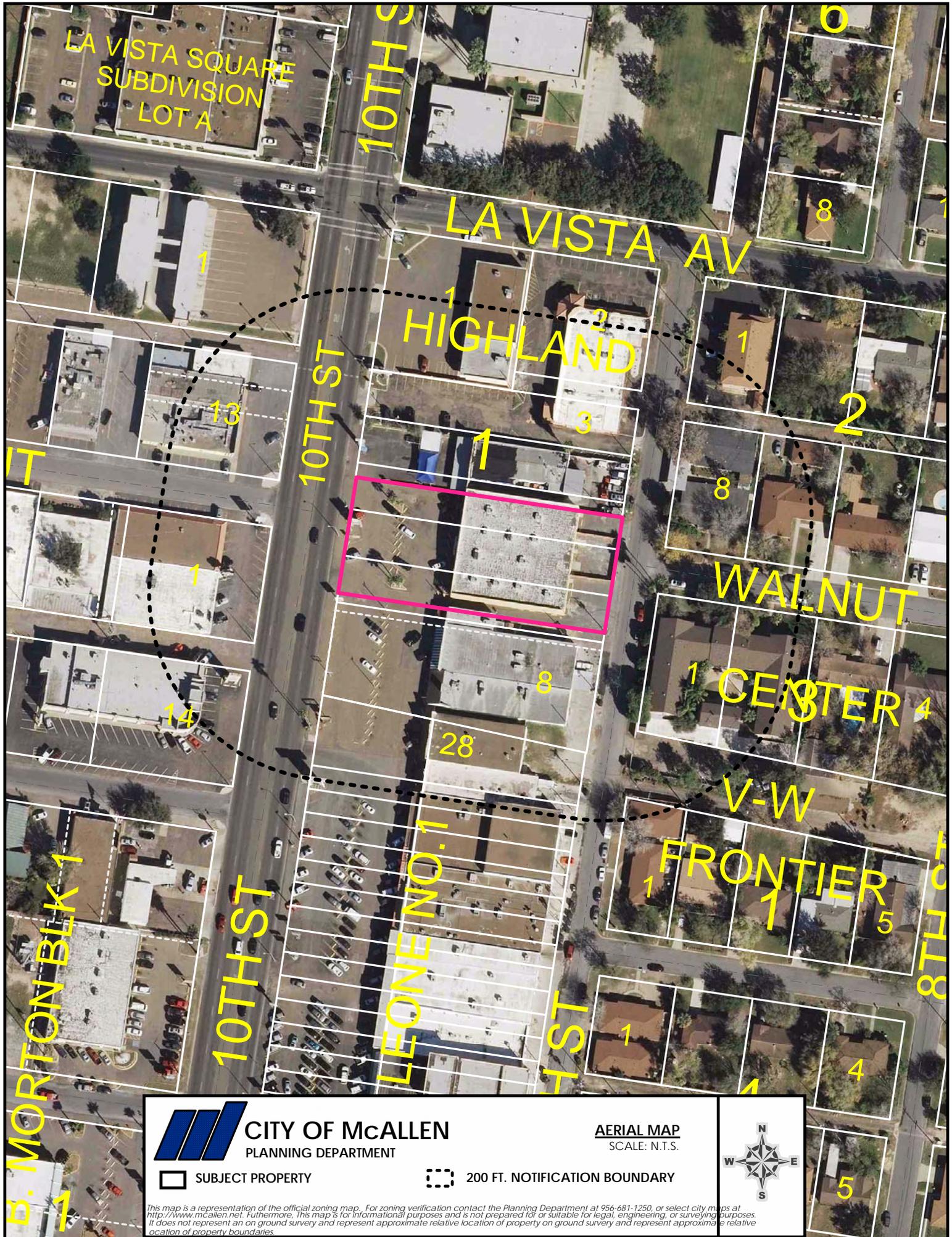
**LEGEND**  
SCALE: 1" = 500'

- SUBJECT PROPERTY
- 200 FT. NOTIFICATION BOUNDARY
- 1/4 MILE RADIUS
- 

**ZONING LEGEND**

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLIX-FOURPLEX)	R-3I (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

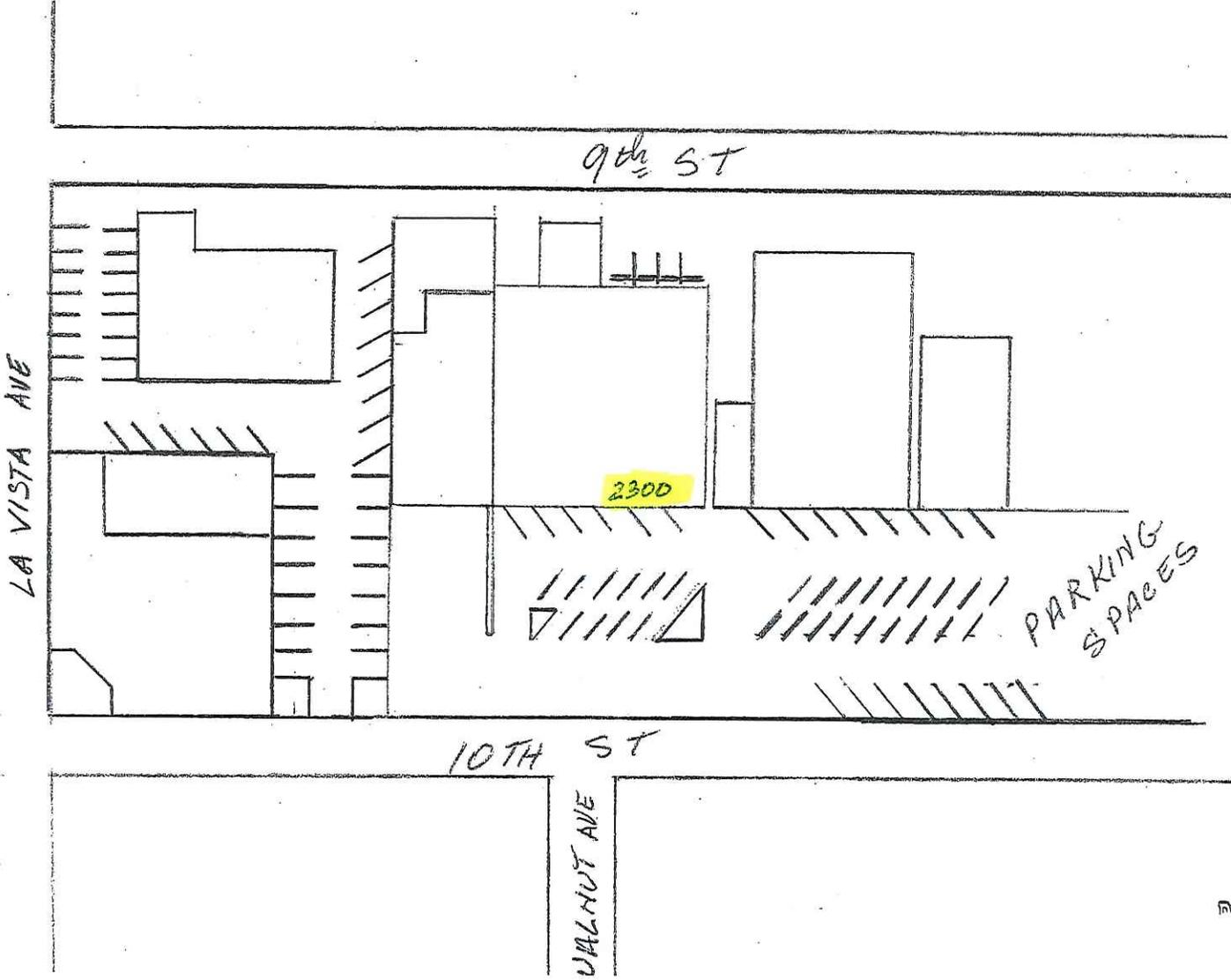
**AERIAL MAP**  
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY

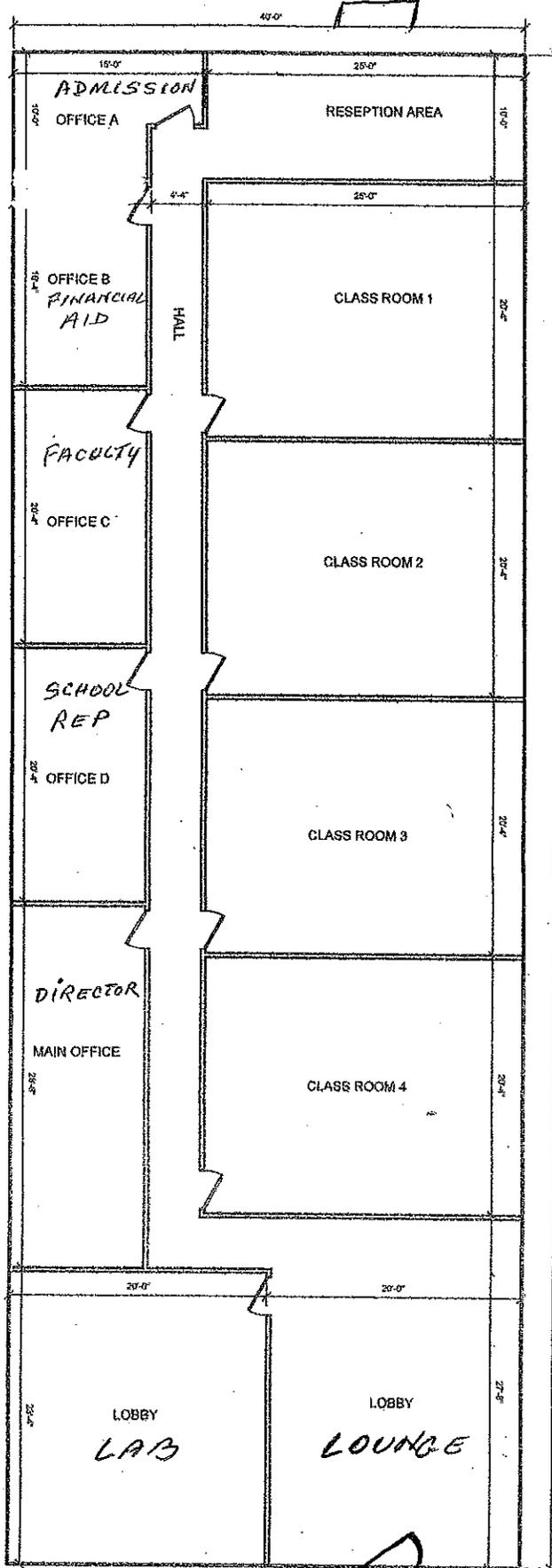


This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property on ground survey and represent approximate relative location of property boundaries.



3 2 2 2 2 2 2 2 2  
FEB 23 2015

10TH ST - entrance



BR X 2  
1 male  
1 female

EMERGENCY  
EFFECTIVE  
EXIT  
FEB 23 2015  
BY: 

- NURSING A  
(ENGL  
- AUXILIAR DE  
(CLASE  
- MEDICATI  
- FIRST AID  
- ACLS  
- CPR  
- AED  
- PALS



# CLAUDY VOCATIONAL INSTITUTE

WWW.CLAUDYVOCATIONAL.EDU

956-994-9600



**NOTICE  
INSTITUTIONAL  
For  
This Property  
CUP2016-0045**  
City of McAllen Planning Dept 681-1336  
www.mcallen.net

## **Memo**

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

**DATE:** April 14, 2016

**SUBJECT: REQUEST OF ABDIEL ALCALA FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A HOME OCCUPATION (OFFICE) AT LOT 2, BLOCK 31, NORTH MCALLEN SUBDIVISION; 415 NORTH 11TH STREET.**

---

**GOAL:**

A Conditional Use Permit is to allow the compatible and orderly development, within the city, of uses which may be suitable only in certain locations in a zoning district if developed in a 1) specific way or, 2) only for a limited period of time, 3) is required for all conditional uses as set forth in the conditional use paragraph of each district, and 4) at no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit.

**BRIEF DESCRIPTION:**

The property is located on the west side of North 11<sup>th</sup> Street, approximately 75 ft. south of Ebony Avenue and is zoned R-3A (apartments) District. The adjacent zoning is R-3A District in all directions and C-2 (neighborhood commercial) District to the southeast. Surrounding land uses include single and multi-family residences and commercial. A home occupation is permitted in an R-3A zone with a Conditional Use Permit and in compliance with requirements.

**REQUEST/ANALYSIS:**

The applicant is proposing to operate an office for an a/c service repair business from the existing residence. The proposed hours of operation will be from 8:00 a.m. to 5:00 p.m. Monday through Friday.

Should the conditional use permit be approved, the applicant would be required to sign the certificate acknowledging and agreeing to the conditions of the permit. The occupation may not be operational until issuance of the certificate. The Fire Department has inspected the building and has met all the minimum standards and applicable ordinances. The business must comply with requirements set forth in Section 138-118(1) of the Zoning Ordinance and other specific requirements as follows:

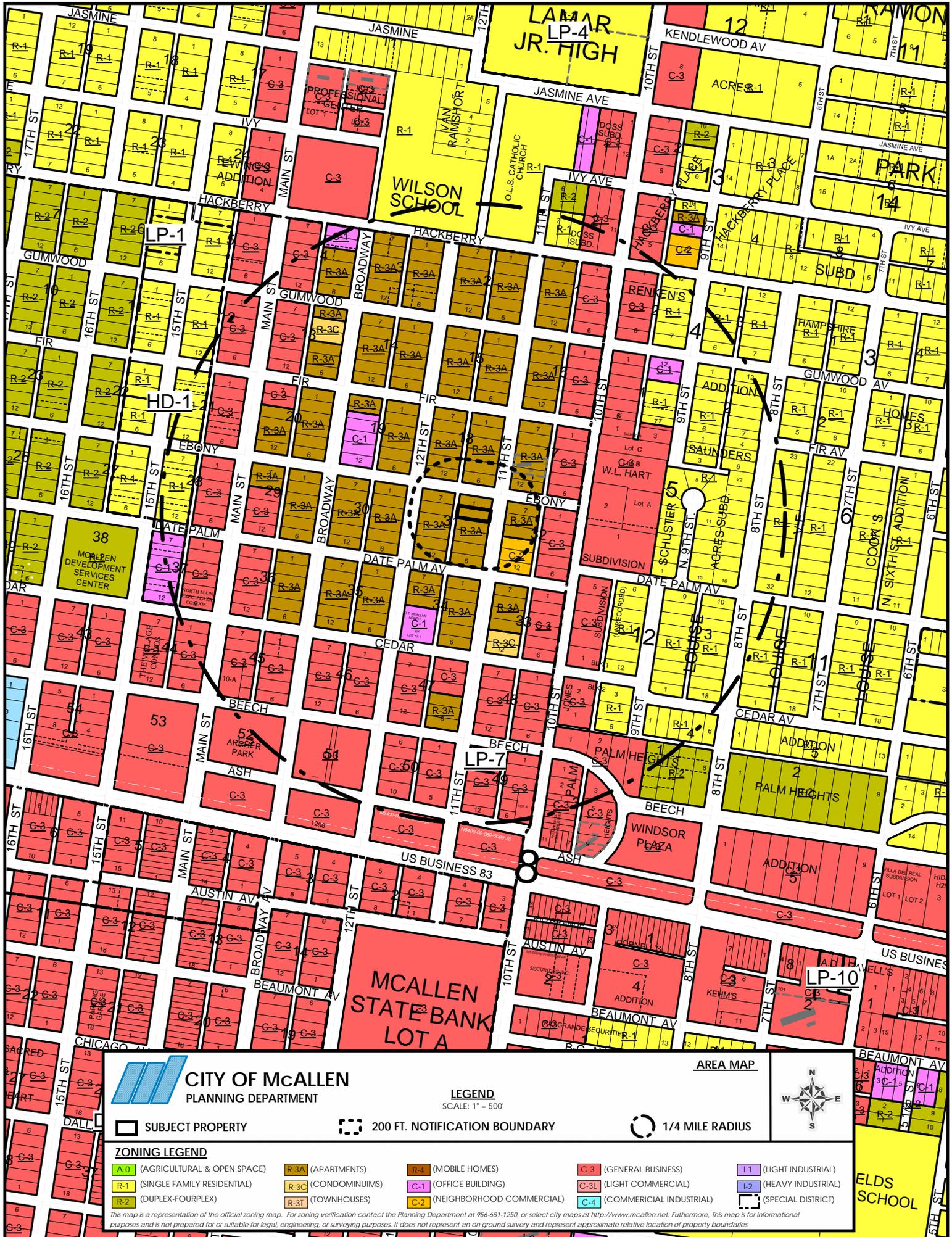
- 1) The home occupation must be clearly secondary to the residential use. The applicant lives at the residence;
- 2) No signs are permitted. No sign is proposed at the residence. The applicant has a minivan that will be used for the business, he has been advised about signage on

the vehicle, only magnetic signs are allowed and removed when parked at the residence;

- 3) There shall be no exterior display or alterations indicating that the building is being used for any purpose other than that of a dwelling;
- 4) There shall be no more than one additional unrelated employee other than immediate members of the family residing on the premises. One additional employees is proposed;
- 5) There shall be no outside storage of materials or products. The applicant proposes no outside storage;
- 6) The permitted use shall not create frequent or heavy traffic, not greater than ten percent (10%) of the average load per hour as determined by the city traffic engineer. The applicant stated that no customers would visit the residence, all work is to take place at customers place of residence and/or business;
- 7) No retail sales (items can be delivered). No retail sales proposed;
- 8) No additions to the residence or accessory building specifically to accommodate the business. The applicant proposes no additions or accessory building to accommodate the business;
- 9) The business must take place in the primary residential structure on the property rather than in a detached garage or separate accessory building. The occupation is proposed to take place in the primary residential structure; and
- 10) The activity must take place at the location of which the permit was issued.

**RECOMMENDATION:**

Staff recommends approval of the request for one year, subject to compliance with Section 138-118(1) of the Zoning Ordinance and Fire Department requirements.



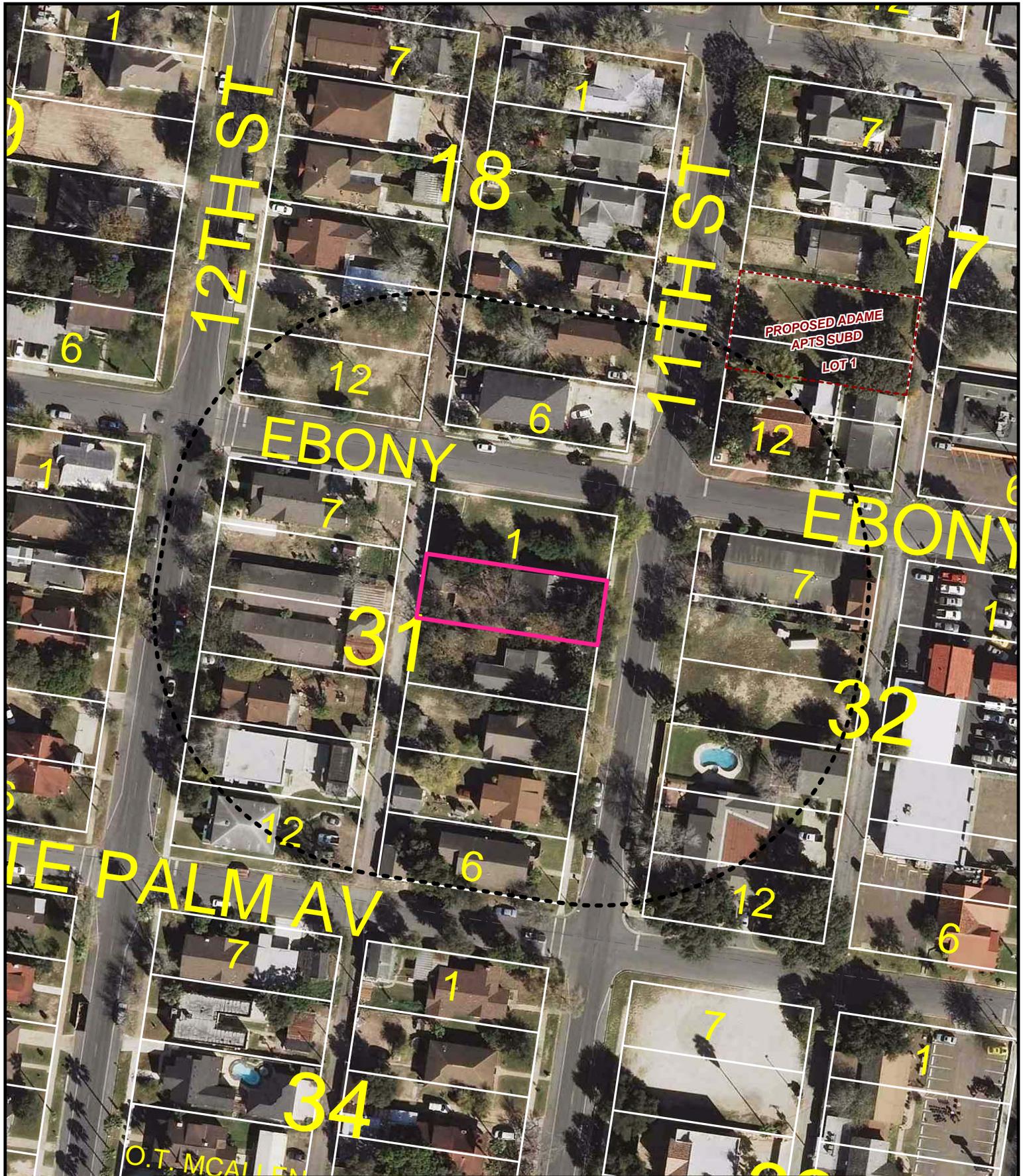
**CITY OF McALLEN**  
PLANNING DEPARTMENT

LEGEND  
SCALE: 1" = 500'

- SUBJECT PROPERTY
- 200 FT. NOTIFICATION BOUNDARY
- 1/4 MILE RADIUS
- 

ZONING LEGEND			
<span style="background-color: #90EE90; border: 1px solid black; padding: 2px;">A-0</span> (AGRICULTURAL & OPEN SPACE)	<span style="background-color: #FFD700; border: 1px solid black; padding: 2px;">R-3A</span> (APARTMENTS)	<span style="background-color: #FF69B4; border: 1px solid black; padding: 2px;">R-4</span> (MOBILE HOMES)	<span style="background-color: #FF6347; border: 1px solid black; padding: 2px;">C-3</span> (GENERAL BUSINESS)
<span style="background-color: #FFDAB9; border: 1px solid black; padding: 2px;">R-1</span> (SINGLE FAMILY RESIDENTIAL)	<span style="background-color: #FFA07A; border: 1px solid black; padding: 2px;">R-3C</span> (CONDOMINIUMS)	<span style="background-color: #FF69B4; border: 1px solid black; padding: 2px;">C-1</span> (OFFICE BUILDING)	<span style="background-color: #FF6347; border: 1px solid black; padding: 2px;">C-3L</span> (LIGHT COMMERCIAL)
<span style="background-color: #FF69B4; border: 1px solid black; padding: 2px;">R-2</span> (DUPEX-FOURPLEX)	<span style="background-color: #FFA07A; border: 1px solid black; padding: 2px;">R-31</span> (TOWNHOUSES)	<span style="background-color: #FF69B4; border: 1px solid black; padding: 2px;">C-2</span> (NEIGHBORHOOD COMMERCIAL)	<span style="background-color: #FF6347; border: 1px solid black; padding: 2px;">C-4</span> (COMMERCIAL INDUSTRIAL)
			<span style="background-color: #FF69B4; border: 1px solid black; padding: 2px;">I-1</span> (LIGHT INDUSTRIAL)
			<span style="background-color: #FF69B4; border: 1px solid black; padding: 2px;">I-2</span> (HEAVY INDUSTRIAL)
			<span style="border: 1px dashed black; padding: 2px;">SD</span> (SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY

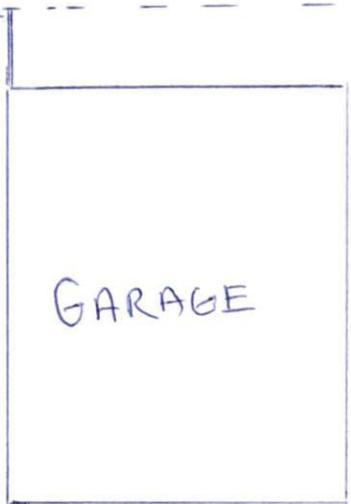


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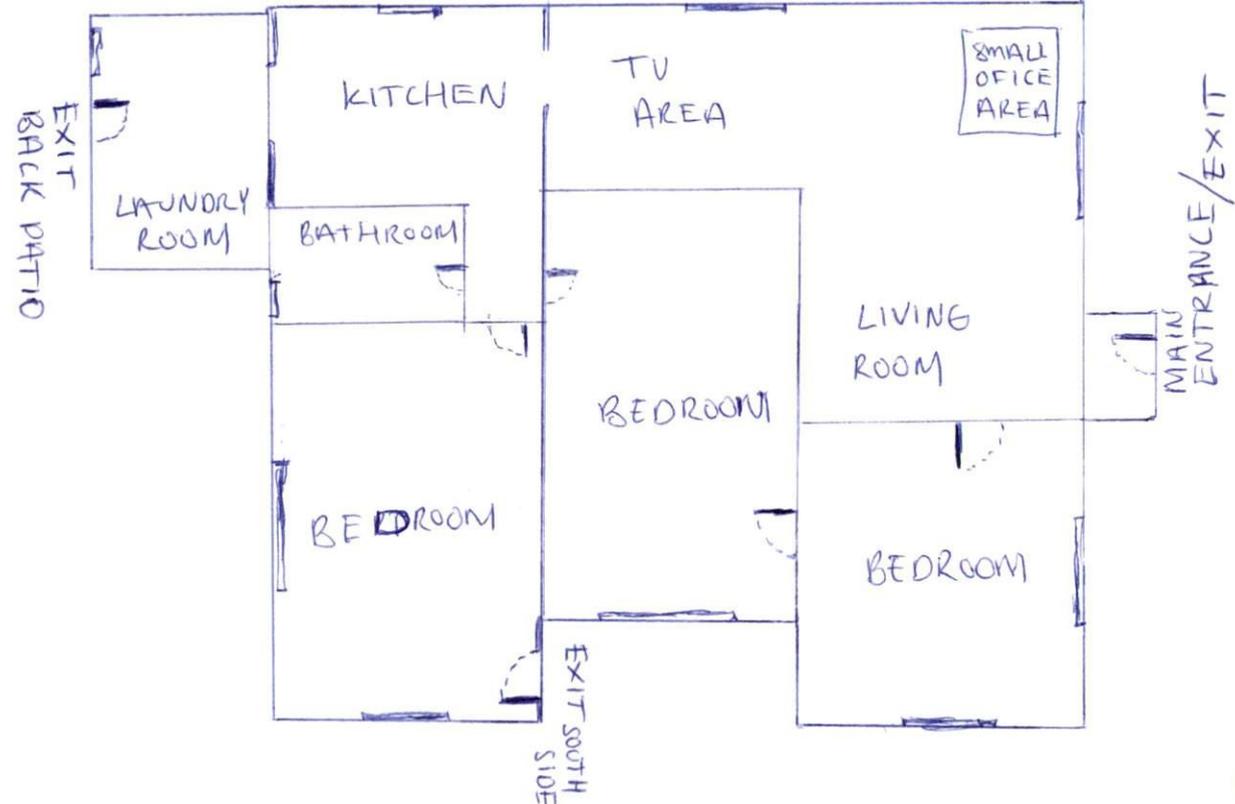
EBONY ST.

EMPTY LOT

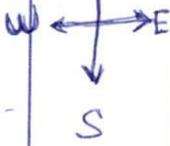
ALLEY



PARKING AREA



11TH STREET



415 NORTH 11TH ST. MCALLEN TX

413 NORTH 11TH ST

REGISTERED

MAR 14 2015

BY: *DeWitt Barn*



NOTICE  
HOME BUSINESS  
For  
This Property  
CUP2016-0040

415

415

## **Memo**

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

**DATE:** April 13, 2016

**SUBJECT: REQUEST OF ROSALINDA VILLARREAL FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A HOME OCCUPATION (DAY CARE) AT LOT 88, BROOKWOOD SUBDIVISION; 3901 BLUEBIRD AVENUE.**

---

**GOAL:**

A Conditional Use Permit is to allow the compatible and orderly development, within the city, of uses which may be suitable only in certain locations in a zoning district if developed in a 1) specific way or, 2) only for a limited period of time, 3) is required for all conditional uses as set forth in the conditional use paragraph of each district, and 4) at no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit.

**BRIEF DESCRIPTION:**

The property is located on the south side of Bluebird Avenue, approximately 230 ft. west of North 38<sup>th</sup> Street. The property dimensions are 60 ft. by 80 ft. and it is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District and the surrounding land uses include single family residences. A day care is allowed in an R-1 zone with a conditional use permit and in compliance with requirements.

**HISTORY:**

The initial conditional use permit was approved for one year by the Planning and Zoning Commission on October 2, 2007. The permit had been renewed annually. The last permit was approved as a renewal on November 18, 2014. There was no renewal in 2015 and due to the time frame it has to come before the Planning and Zoning Commission for consideration.

**REQUEST/ANALYSIS:**

The applicant is proposing to continue to operate a day care facility from the existing residence. The proposed hours of operation are from 7:00 a.m. to 6:00 p.m. Monday through Friday.

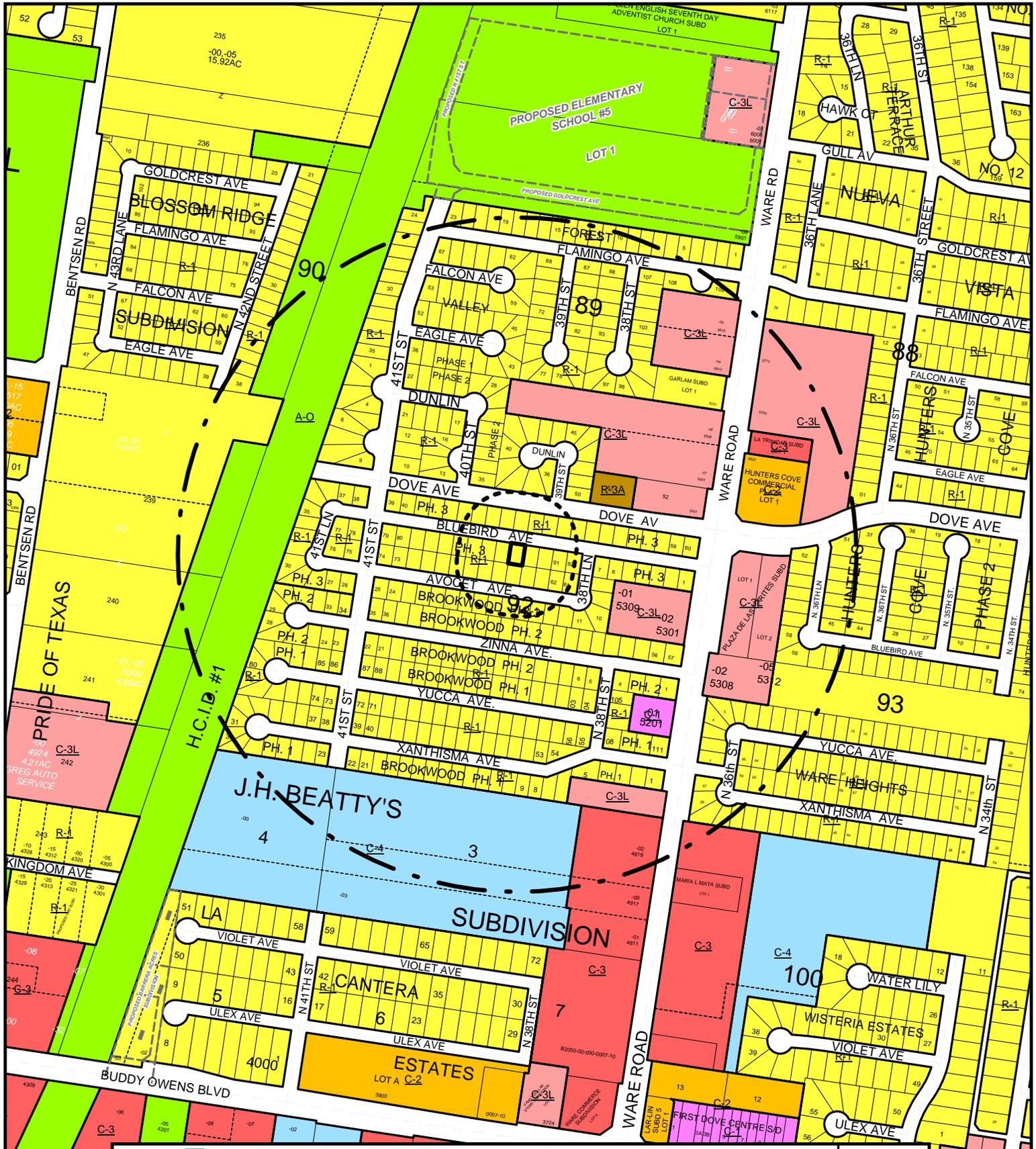
The proposed use shall meet all the minimum standards and applicable ordinances. The Health and Fire Departments have inspected and cleared the residence. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions of the permit. The occupation may not be operational until issuance of the certificate. The establishment must also

comply with requirements set forth in Section 138-118(8) of the Zoning Ordinance and other specific requirements as follows:

- 1) Meet the requirements of the Department of Human Services;
- 2) Provide a fenced in area for outside play of children. A back yard fence is provided;
- 3) Provide paved area adjacent to street for pickup and delivery of children. The home has a single car garage and a paved driveway that can accommodate two vehicles. The driveway will accommodate for the pickup and drop-off if the children;
- 4) Area used for the day care facility should be clearly secondary to the use of the structure. The applicant proposes to use two rooms for the day care area as per the attached floor plan;
- 5) Person who applies for permit must reside at location for which the permit is granted. The applicant lives in the residence;
- 6) There shall be no more than two (2) day care facilities within 600 ft. of each other as measured over the shortest distance of street right-of-way between the facilities. There is no other day care within 600 ft.;
- 7) No more than one day care shall be located on a dead-end street or cul-de-sac. Bluebird Avenue is not a dead-end or cul-de-sac street;
- 8) Day care facilities shall not be located on a half street or a street that is accessed by a half street. Bluebird Avenue is not a half street or a street accessed by a half street;
- 9) Day care facilities that care for more than 12 children shall not be permitted in a residential zoning district. The applicant is proposing to care for up to 7 children;
- 10) No signs are permitted. No signs are proposed;
- 11) No more than one additional employee that does not reside on the premises is permitted. The applicant is proposing one additional employee; and
- 12) The property owner shall sign the application or the applicant shall provide a letter of authorization from the property owner. The property owner has signed the application.

**RECOMMENDATION:**

Staff recommends approval of the request subject to Section 138-118(8) of the Zoning Ordinance, Health and Fire Department requirements.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: 1" = 500'

**AREA MAP**



**SUBJECT PROPERTY** [Red Box]

**200 FT. NOTIFICATION BOUNDARY** [Dashed Line]

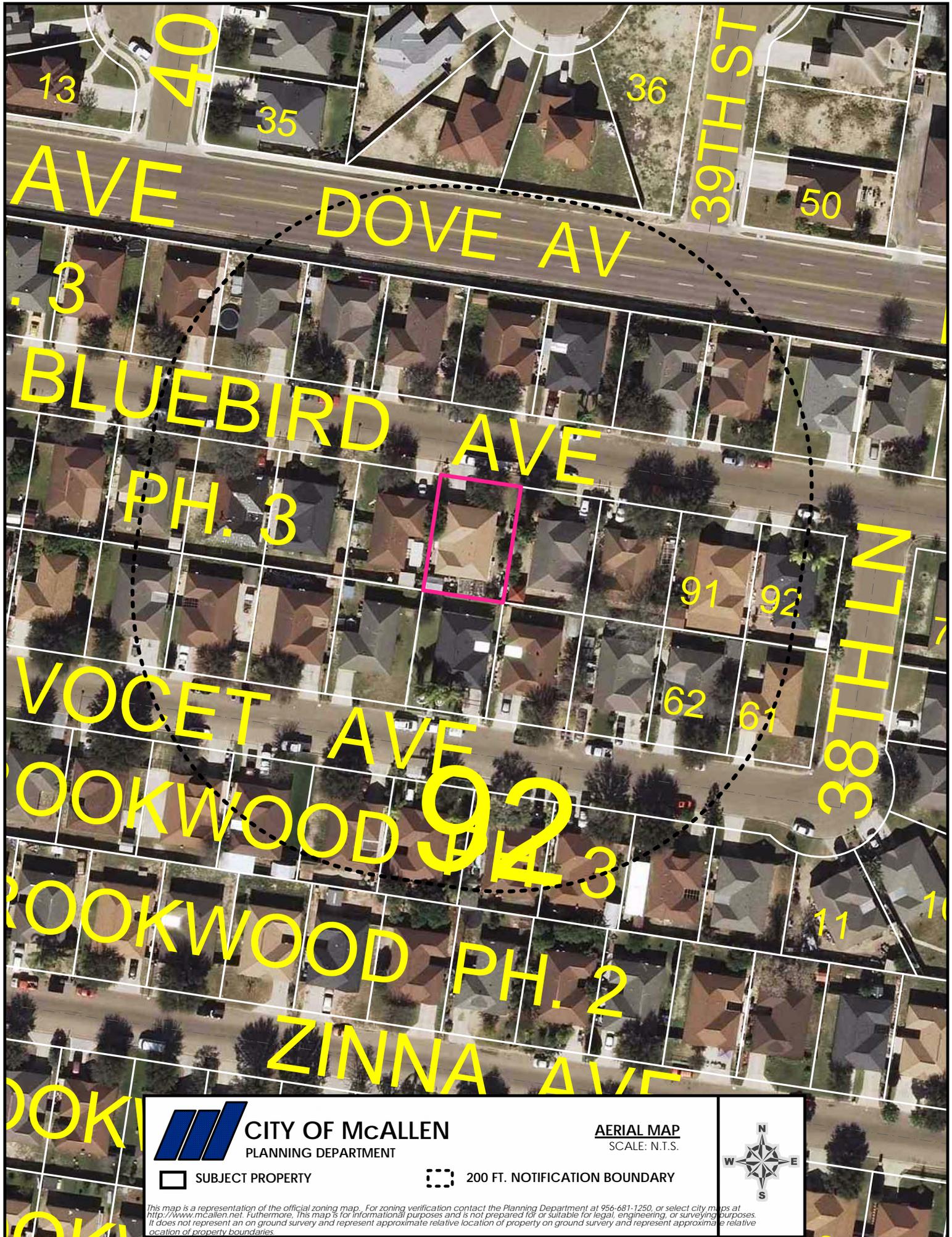
**1/4 MILE RADIUS** [Circle]

<p><b>ZONING LEGEND</b></p> <p><b>A-0</b> (AGRICULTURAL &amp; OPEN SPACE)</p> <p><b>R-1</b> (SINGLE FAMILY RESIDENTIAL)</p> <p><b>R-2</b> (DUPLIX-FOURPLEX)</p>	<p><b>R-3A</b> (APARTMENTS)</p> <p><b>R-3C</b> (CONDOMINIUMS)</p> <p><b>R-31</b> (TOWNHOUSES)</p>	<p><b>R-4</b> (MOBILE HOMES)</p> <p><b>C-1</b> (OFFICE BUILDING)</p> <p><b>C-2</b> (NEIGHBORHOOD COMMERCIAL)</p>	<p><b>C-3</b> (GENERAL BUSINESS)</p> <p><b>C-3L</b> (LIGHT COMMERCIAL)</p> <p><b>C-4</b> (COMMERCIAL INDUSTRIAL)</p>	<p><b>I-1</b> (LIGHT INDUSTRIAL)</p> <p><b>I-2</b> (HEAVY INDUSTRIAL)</p> <p><b>SPECIAL DISTRICT</b> (Dashed Box)</p>
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103

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**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.



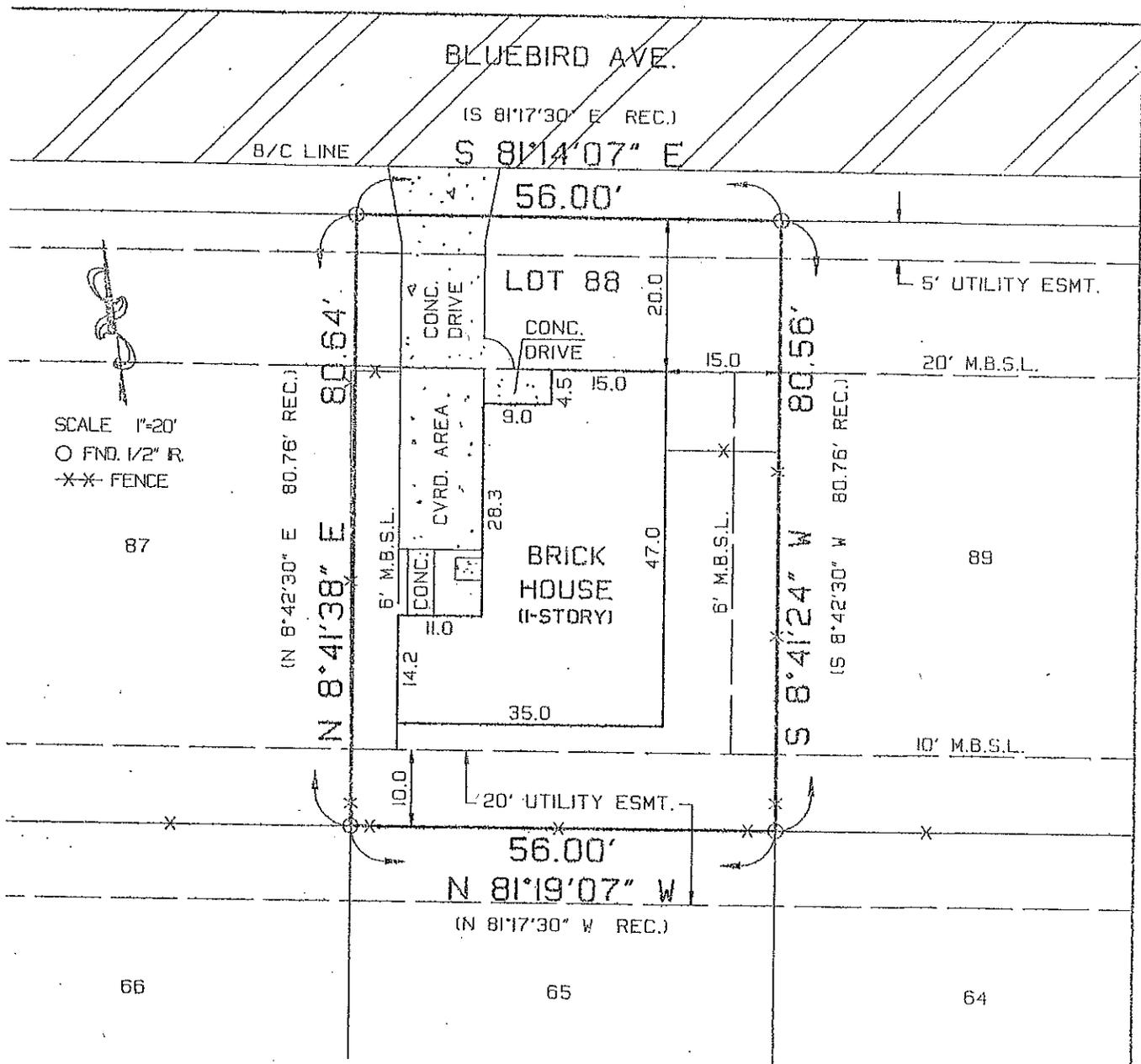
SUBJECT PROPERTY



200 FT. NOTIFICATION BOUNDARY



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PREPARED FOR: ARMANDO VILLARREAL AND ROSALINDA VILLARREAL

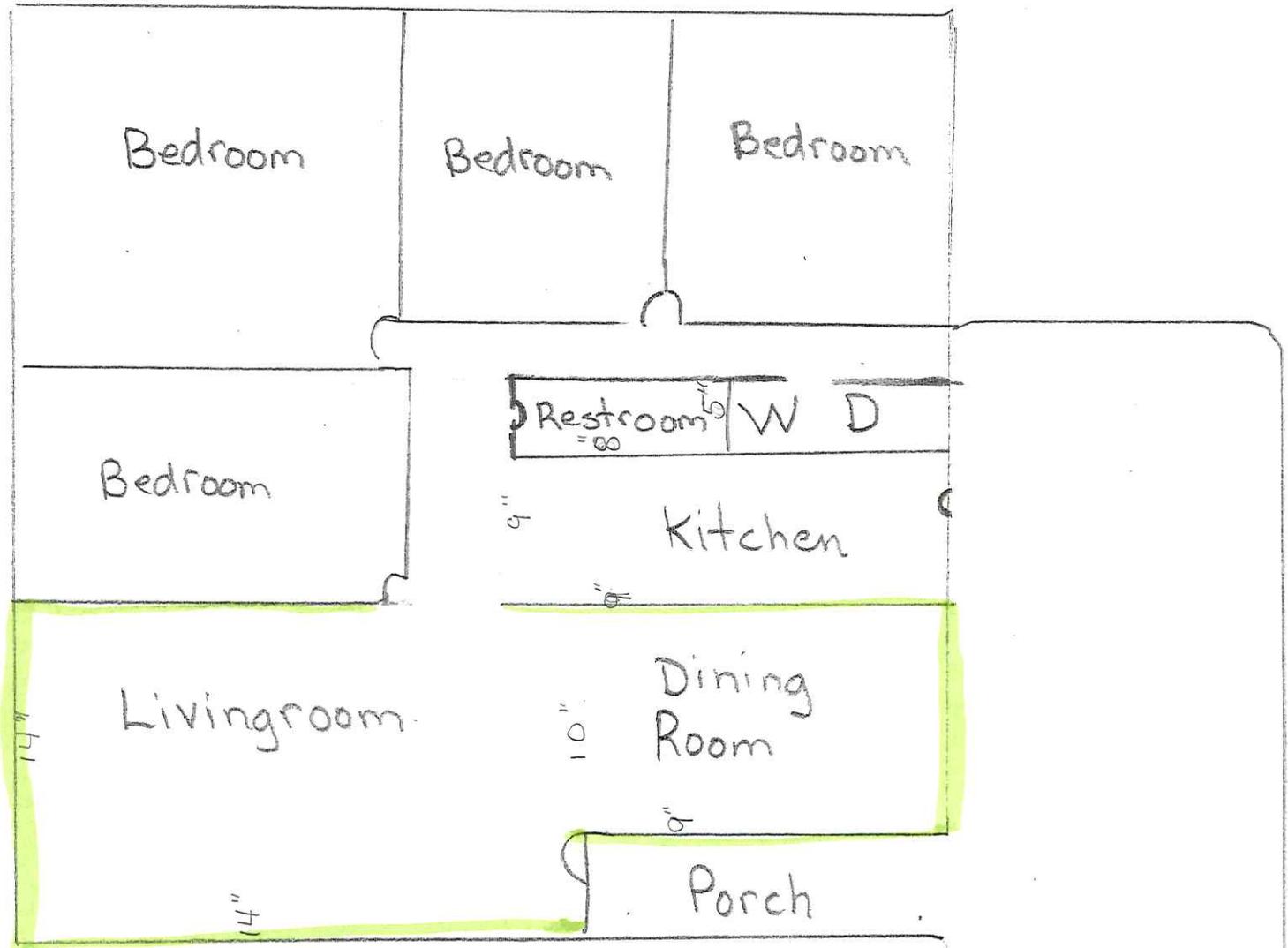
THIS IS TO CERTIFY THAT I HAVE ON THIS DATE MADE A STANDARD LAND SURVEY ON THE GROUND UNDER MY SUPERVISION OF PROPERTY WHICH IS LOCATED AT 3901 BLUEBIRD AVE., IN HIDALGO COUNTY, TEXAS, DESCRIBED AS FOLLOWS: ALL OF LOT 88, BROOKWOOD SUBDIVISION, UNIT III, HIDALGO COUNTY, TEXAS, ACCORDING TO MAP THEREOF RECORDED IN VOLUME 34, PAGE 67, MAP RECORDS OF HIDALGO COUNTY, TEXAS.

NOTES:  
 BASIS OF BEARING: (S 81°17'30" E) A 1/2" IRON ROD FOUND AT THE NORTHWEST CORNER OF LOT 88 & A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF LOT 92, BROOKWOOD SUBDIVISION, UNIT III  
 RIGHT OF WAY EASEMENT TO HIDALGO COUNTY VOL. 890 PG. 237, DEED RECORDS  
 CONVEYANCE OF WATER RIGHTS TO THE CITY OF MCALLEN CLERK'S FILE NO. 758140  
 AGREEMENT BETWEEN C.P.&L. & AODBE MOLDINGS, INC. CLERK'S FILE NO. 762334  
 EASEMENTS, RIGHTS, RULES, & REGULATIONS IN FAVOR OF HIDALGO COUNTY WATER DISTRICT NO. 1.  
 TITLE COMMITMENT PROVIDED BY SIERRA TITLE GF# 01093063

BY GRAPHICAL PLOTTING THIS PROPERTY FALLS IN FLOOD ZONE "C" AS PER FEMA MAP: AREAS OF MINIMAL FLOODING. COMMUNITY PANEL NO. 480343 0005 C MAP REVISED: NOVEMBER 2, 1982

*Armando Villarreal*  
*Rosalinda Villarreal*

3901 Bluebird Ave.





**NOTICE  
DAY CARE  
For  
This Property  
CUP2016-0034**

City of McAllen Planning Dept 681-1250  
www.mcallen.net

CHEVROLET

SUPER MAN

391-9AD

TEXAS  
GLX-0902

PONTIAC



## **Memo**

**TO:** Planning and Zoning Commission  
**FROM:** Planning Staff  
**DATE:** April 13, 2016  
**SUBJECT: REQUEST OF OLIVIA HERNANDEZ FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A HOME OCCUPATION (DAYCARE) AT LOT 14, SHADOW BROOK SUBDIVISION, UNIT 1; 2113 GOLDCREST AVENUE.**

---

**GOAL:**

A Conditional Use Permit is to allow the compatible and orderly development, within the city, of uses which may be suitable only in certain locations in a zoning district if developed in a 1) specific way or, 2) only for a limited period of time, 3) is required for all conditional uses as set forth in the conditional use paragraph of each district, and 4) at no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit.

**BRIEF DESCRIPTION:**

The property is located on the south side of Goldcrest Avenue, approximately 176 ft. west of North 21<sup>th</sup> Street and is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District to the west, north, and east and C-3 (general business) District to the south. The surrounding land uses include single family residences, commercial businesses, a broadcast tower and vacant land. A day care is allowed in an R-1 zone with a Conditional Use Permit and in compliance with requirements.

**REQUEST/ANALYSIS:**

The applicant is proposing to operate a day care facility from the existing residence. The proposed hours of operation are from 6:30 a.m. to 6:00 p.m. Monday thru Friday. The proposed use shall meet all the minimum standards and applicable ordinances. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions of the permit. The occupation may not be operational until issuance of the certificate.

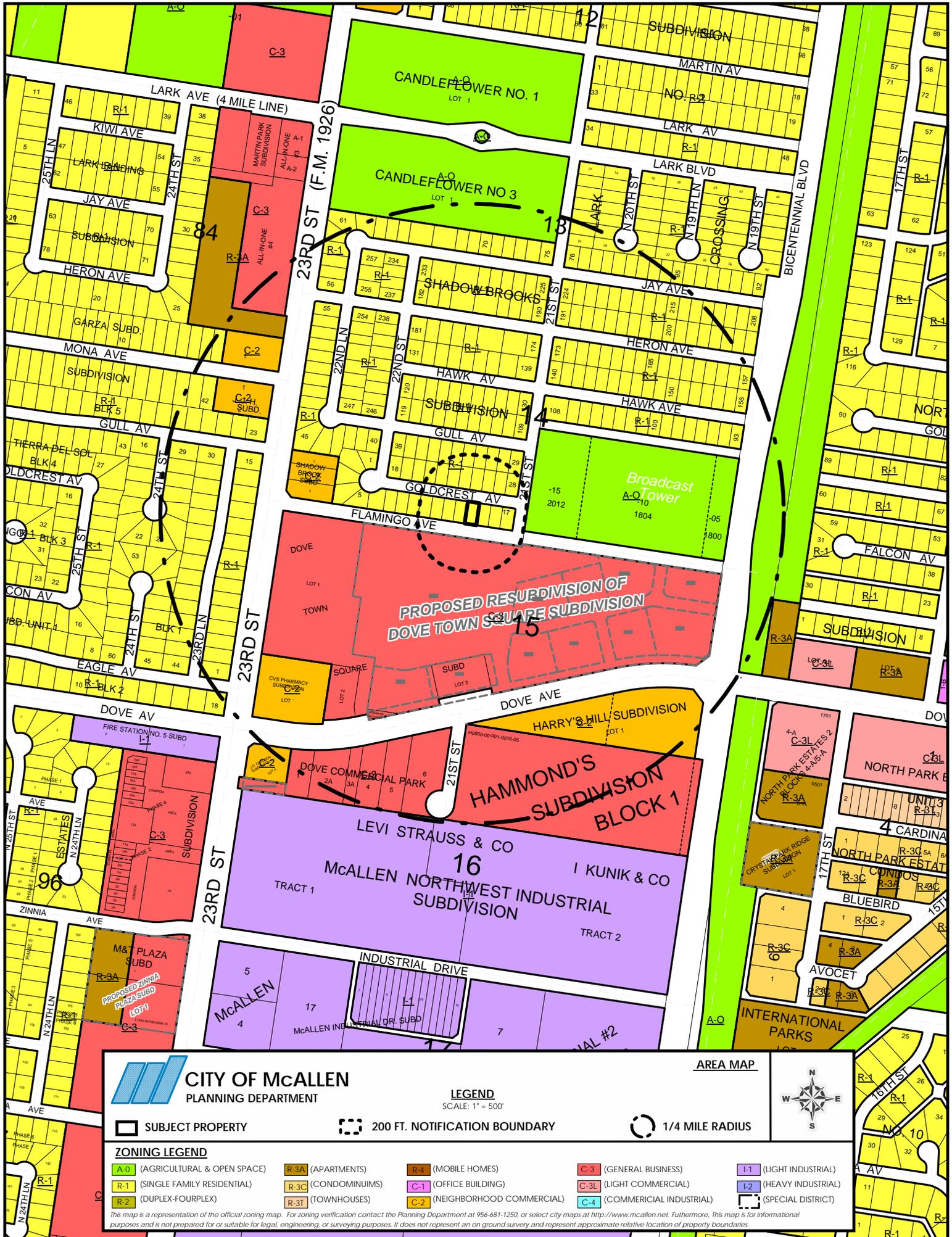
Staff has received signatures of opposition from the surrounding neighbors indicating concerns with traffic and wanting to keep the residential area from disruptions resulting from a business. The percentage of those opposing totals 35.9% opposed.

The Health and Fire Departments have inspected and clear the residence to ensure compliance with health and safety codes and regulations. The business must comply with requirements set forth in Section 138-118(8) of the Zoning Ordinance and other specific requirements as follows:

- 1) Meet the requirements of the Department of Human Services;
- 2) Provide a fenced in area for outside play of children. A fenced area is provided on site;
- 3) Provide paved area adjacent to street for pickup and delivery of children. The site plan shows a two-car paved driveway located in the front yard, there is no area for the pickup and drop-off of the children;
- 4) Area used for the day care facility should be clearly secondary to the use of the structure; The applicant proposes to use the living room for the day care area as per the attached floor plan;
- 5) Person who applies for permit must reside at location for which the permit is granted. The applicant lives in the residence;
- 6) There shall be no more than two (2) day care facilities within 600 ft. of each other as measured over the shortest distance of street right-of-way between the facilities. There is no other day care within 600 ft.;
- 7) No more than one day care shall be located on a dead-end street or cul-de-sac; Goldcrest Avenue is not a dead-end street or cul-de-sac;
- 8) Day care facilities shall not be located on a half street or a street that is accessed by a half street; Goldcrest Avenue is not a half street or a street accessed by a half street;
- 9) Day care facilities that care for more than 12 children shall not be permitted in a residential zoning district. The applicant is proposing to care for up to 12 children;
- 10) No signs are permitted; No signs are proposed;
- 11) No more than one additional employee that does not reside on the premises is permitted. The applicant is not proposing additional employees; and
- 12) The property owner shall sign the application or the applicant shall provide a letter of authorization from the property owner. The applicant is the owner.

**RECOMMENDATION:**

Staff recommends disapproval of the request based on noncompliance with requirement #3 (no pickup and drop-off) of Section 138-118(8) of the Zoning Ordinance.

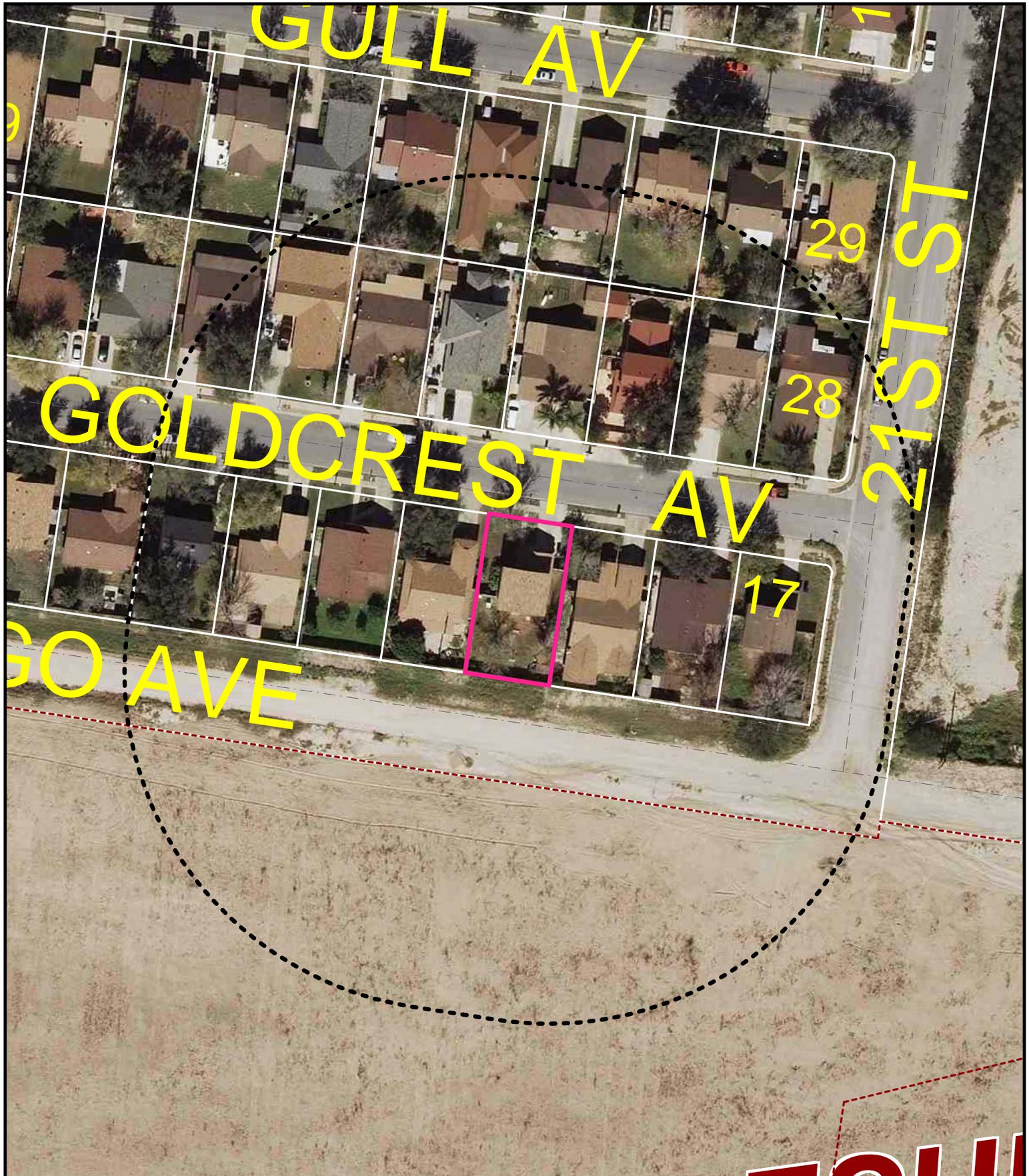


**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: 1" = 500'

SUBJECT PROPERTY	200 FT. NOTIFICATION BOUNDARY	1/4 MILE RADIUS
<b>ZONING LEGEND</b>		
A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)
R-2 (DUPLIX-FOURPLEX)	R-31 (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)
		C-3 (GENERAL BUSINESS)
		C-3L (LIGHT COMMERCIAL)
		C-4 (COMMERCIAL INDUSTRIAL)
		I-1 (LIGHT INDUSTRIAL)
		I-2 (HEAVY INDUSTRIAL)
		(SPECIAL DISTRICT)

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 **CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY

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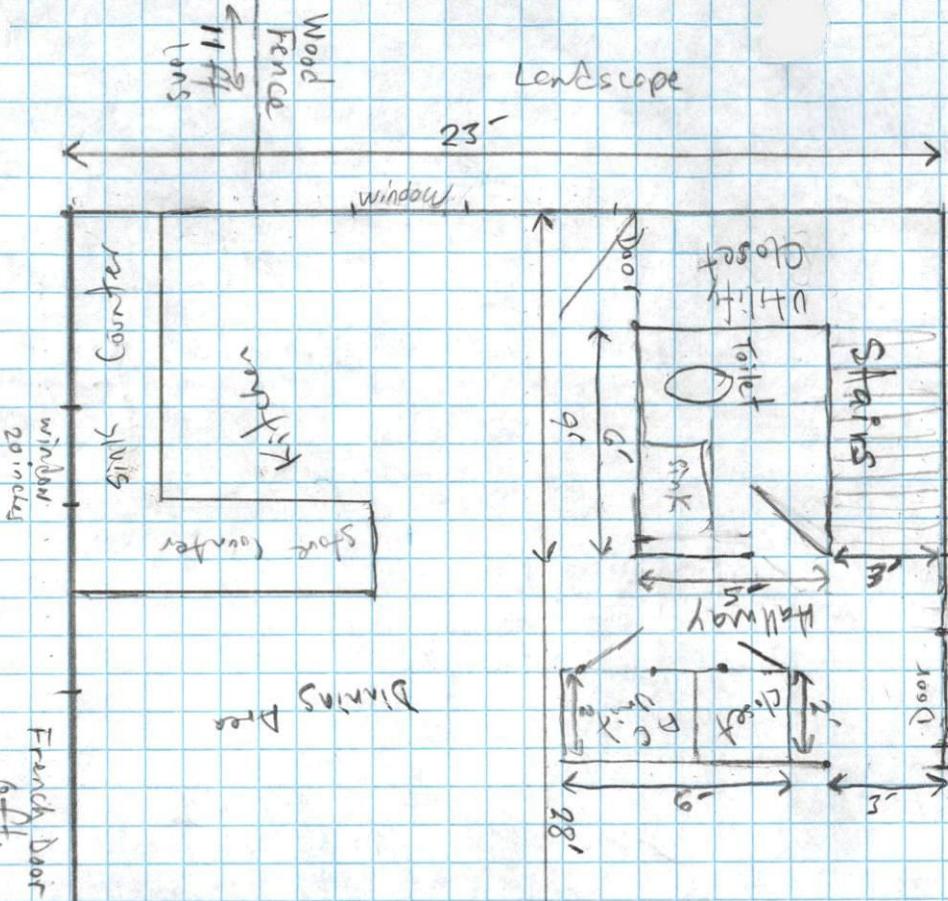
LOT 1

RECEIVED
   
 MAR 16 2016
   
 BY: [Signature]

Wood Fence 45' 6" long

Rear Wood Fence 50 ft long 6 ft high

Landscape



Landscape

Landscape

Side walk

Side walk

Landscape

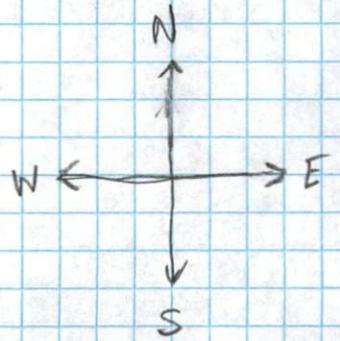
Driveway 27' x 15'

Landscape

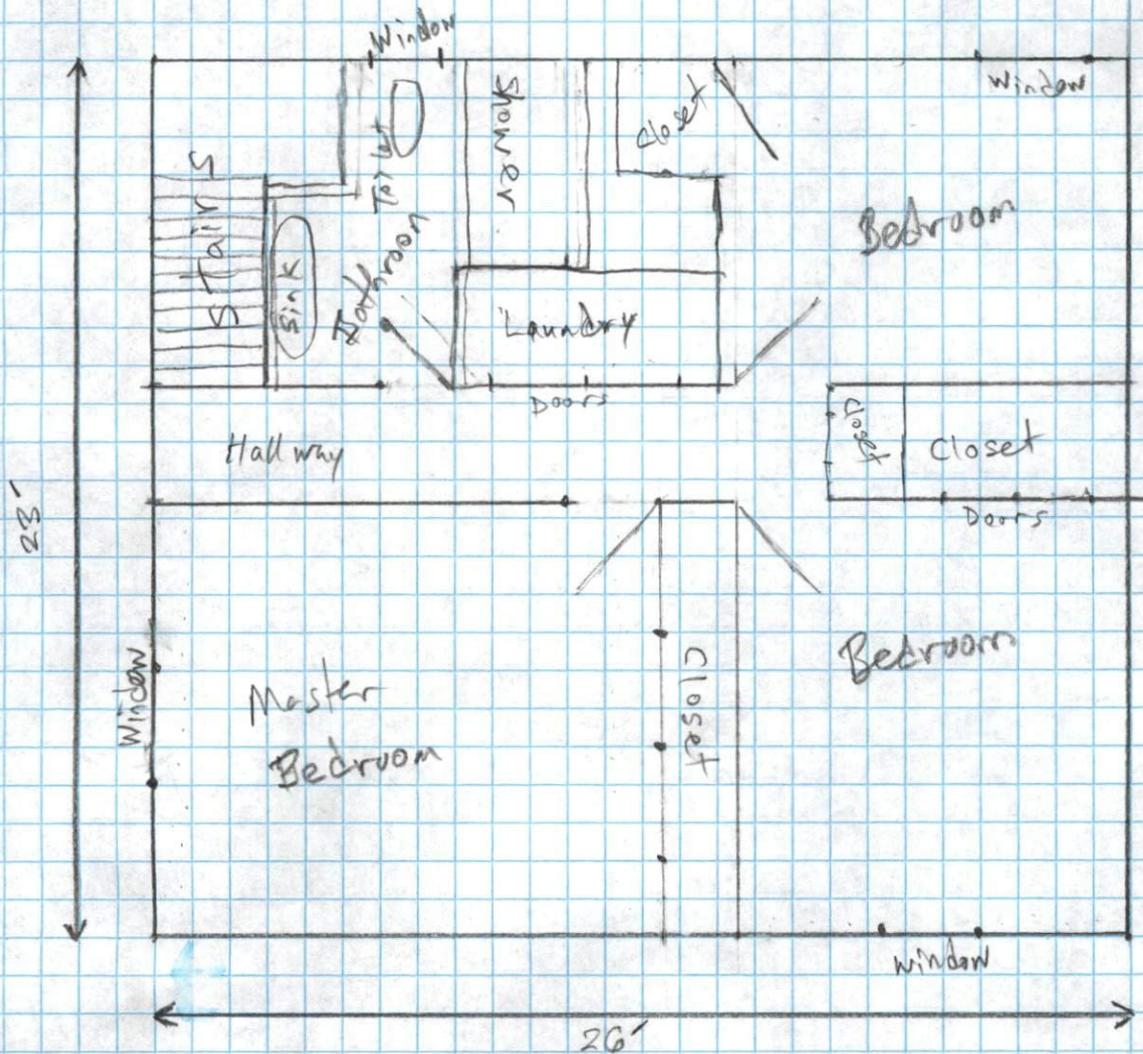
Wood Fence 26' 6" long

Wood Fence 11'

RECEIVED  
MAR 16 2016  
BY: [Signature]



# 2nd Floor





JAMES E. DARLING, Mayor  
HILDA SALINAS, Mayor Pro-Tem and Commissioner District 3  
AIDA RAMIREZ, Mayor Pro-Tem and Commissioner District 4  
RICHARD F. CORTEZ, Commissioner District 1  
TREY PEBLEY, Commissioner District 2  
JOHN J. INGRAM, Commissioner District 5  
VERONICA VELA WHITACRE, Commissioner District 6

ROEL RODRIGUEZ, P.E., City Manager

CUP2016-0046  
2113 Goldcrest Ave  
Shadow Brook #1 Lot 14

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200 Ft. Radius: 188,219 Sq. Ft.  
Subject Property: 4,729 Sq. Ft.  
Total Area of Opposition: 65,880 Sq. Ft.

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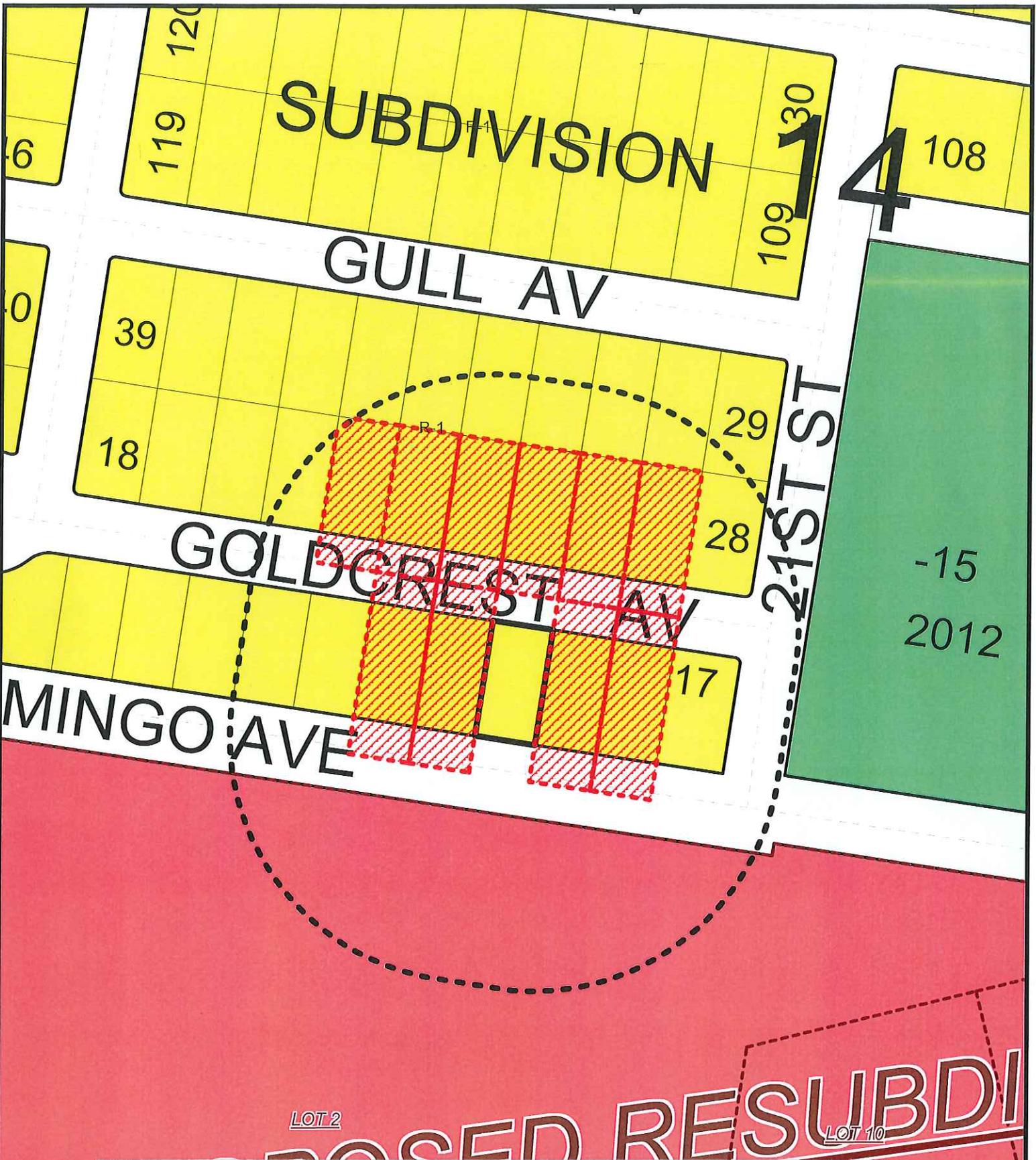
$\frac{200 \text{ Ft Radius} - \text{Subject Property}}{\text{Total Adjusted Area}}$	$\frac{\text{Total Area of Opposition}}{\text{Total Adjusted Area}} = 0.*** \times 100 = \text{Percentage for Opposition}$
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$\frac{188,219 \text{ Sq.Ft.} - 4,729 \text{ Sq.Ft.}}{183,490 \text{ Sq.Ft.}}$	$\frac{65,880 \text{ Sq.Ft.}}{183,490 \text{ Sq.Ft.}} = 0.359 \times 100 = \mathbf{35.9\% \text{ Opposition}}$
--	--

Prepared By: Jose F. Ortega  
Planning Technician III/GIS

Rev. 02/17/2015



 <b>CITY OF McALLEN</b> PLANNING DEPARTMENT		<b>LEGEND</b> SCALE: N.T.S.		
 SUBJECT PROPERTY	 200 FT. NOTIFICATION BOUNDARY			
 OPPOSITION PETITION	 OPPOSITION WITHIN 200 FT.			



NOTICE  
DAY CARE  
For  
This Property  
CUP2016-0046  
City of McAllen Planning Dept 681-1100  
www.mcallea.org

2113

TEXAS  
OSP-8981

## **Memo**

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

**DATE:** April 14, 2016

**SUBJECT: REQUEST OF VICKY CHMIELOWSKI FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOT 6, MEJIA #1 SUBDIVISION; 2010 NOLANA AVENUE.**

---

### **GOAL:**

A Conditional Use Permit is to allow the compatible and orderly development, within the city, of uses which may be suitable only in certain locations in a zoning district if developed in a 1) specific way or, 2) only for a limited period of time, 3) is required for all conditional uses as set forth in the conditional use paragraph of each district, and 4) at no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit.

### **BRIEF DESCRIPTION:**

The property is located on the north side of Nolana Avenue, approximately 135 ft. west of Bicentennial Drive and is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. Surrounding land uses include commercial businesses, bars and The McAllen International Museum (IMAS). A bar is allowed in a C-3 zone with a conditional use permit and in compliance with requirements.

### **HISTORY:**

The initial conditional use permit was approved for one year by the Planning and Zoning Commission in November of 2001. The permit expired and the use discontinued operation. Another applicant was approved for this location by the City Commission in February of 2004 with a variance to the 600 ft. distance requirement. The permit was renewed annually by different tenants. A request was approved for six months only by the City Commission on July 28, 2014, to allowed the applicant to fix some potholes and restripe the parking spaces fronting the business, with the condition that the area comply with the city ordinance, including parking, landscaping, and sufficient lighting. The latest permit approval was for one year by the City Commission on April 13, 2015 with a variance to the 600 ft. distance requirement by then the applicant had fixed the potholes and restriped the parking spaces fronting her business.

### **REQUEST/ANALYSIS:**

The applicant is proposing to continue to operate the bar from the existing building. The hours of operation will continue to be from 5:00 p.m. to 3:00 a.m. Sunday through

Saturday. During inspection, staff observed that the parking lot fronting the business again needing repair on potholes.

A police activity report is attached indicating service calls from March 2015 to present. The Health and Fire Departments have inspected the establishment. Should the Conditional Use Permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions of the permit. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of The McAllen International Museum (IMAS) to the east and residentially zoned properties to the east and southeast.
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment has direct access to Nolana Avenue and Bicentennial Drive, and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Currently there is a multi-tenant commercial plaza on the property. The plaza is a mixture of retail, fast food restaurants, and bars. At this time there are two fast food restaurants (Dominos & Billy's BBQ), retail uses (such as a laundry matt & beauty salon), a bar (Elements) and a vacant lease space that had previously been used as a bar. Based on the current uses (except Elements), 34 parking spaces are required, and 125 spaces are provided on site. The proposed bar (Rehab) would require 46 parking spaces. The existing bar (Elements) is required 51 parking spaces; however, they have a parking agreement allowing them shared parking with a property to the east in order to comply with the parking requirements. If the vacant space again becomes occupied for a bar, it would require 46 parking spaces and parking would need to be provided;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from

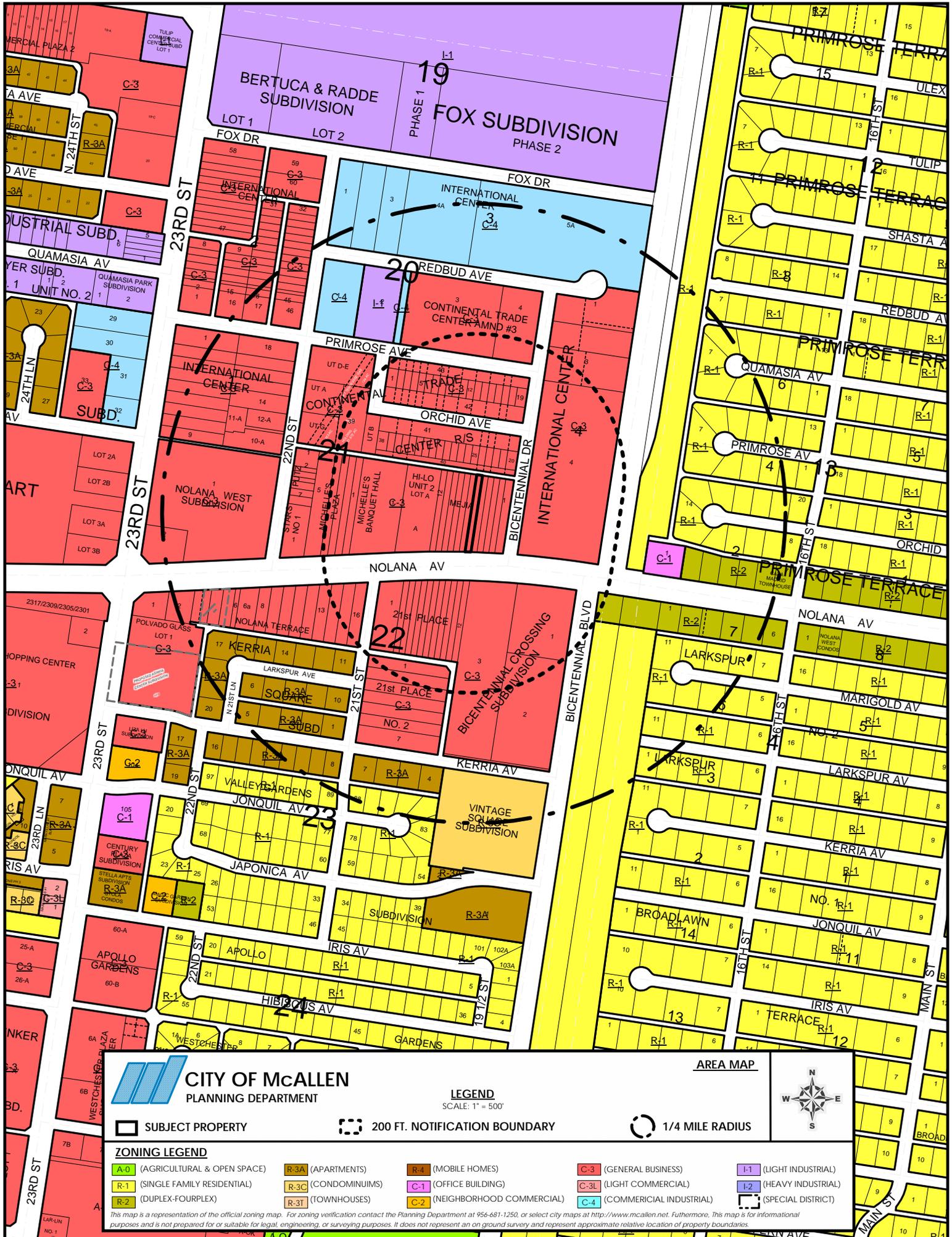
blowing onto adjacent properties; and

- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The allowable number of persons within the building for the use was set at 189 persons.

If approved, the request should be subject to her fixing the potholes again and any conditions previously required such as complying with the city ordinance, including parking, landscaping, and sufficient lighting.

**RECOMMENDATION:**

Staff recommends disapproval of the request, based on noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: 1" = 500'

SUBJECT PROPERTY	200 FT. NOTIFICATION BOUNDARY	1/4 MILE RADIUS	
<b>ZONING LEGEND</b>			
A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)
R-2 (DUPEX-FOURPLEX)	R-3I (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	I-1 (LIGHT INDUSTRIAL)
		C-4 (COMMERCIAL INDUSTRIAL)	I-2 (HEAVY INDUSTRIAL)
			(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

 SUBJECT PROPERTY

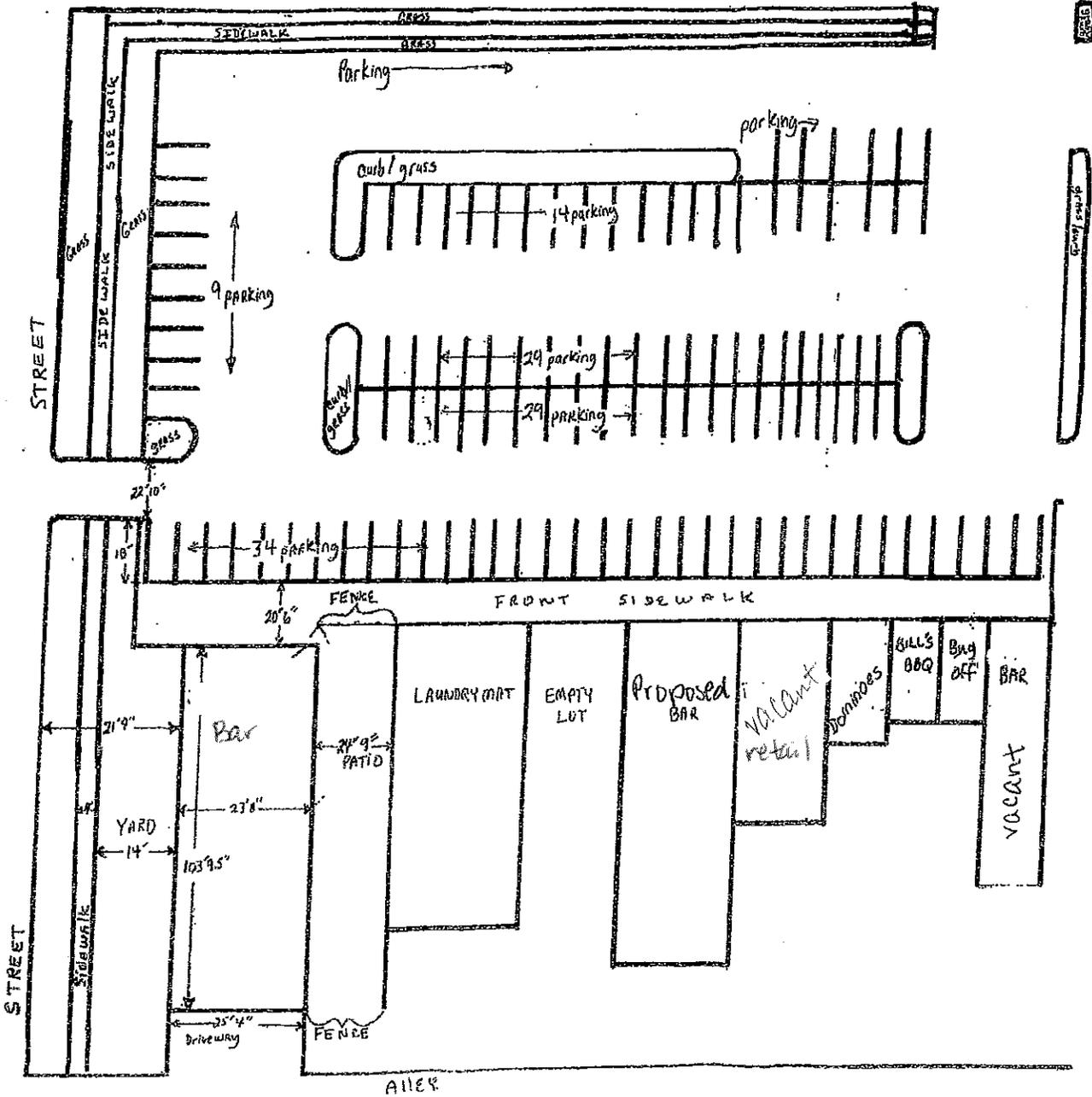
 200 FT. NOTIFICATION BOUNDARY



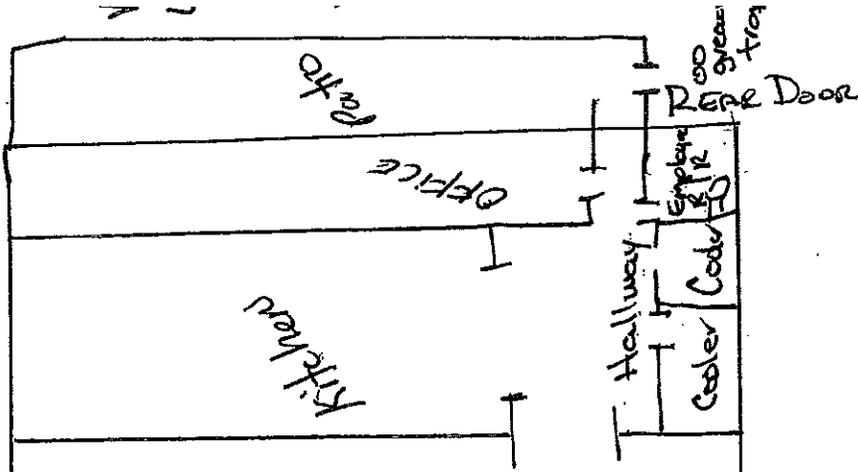
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NOLANA

Site Plan  
North ↓



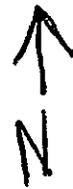
No proposed changes or uses



← 25FT →

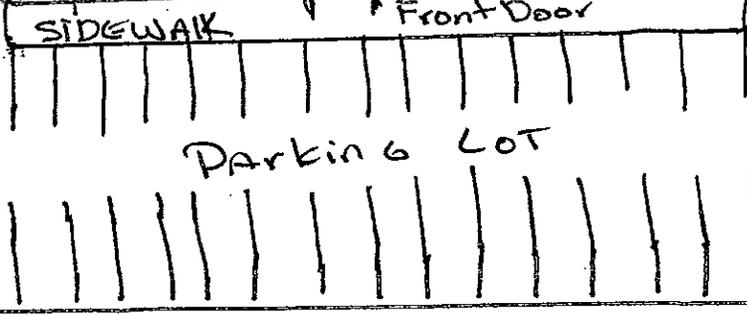
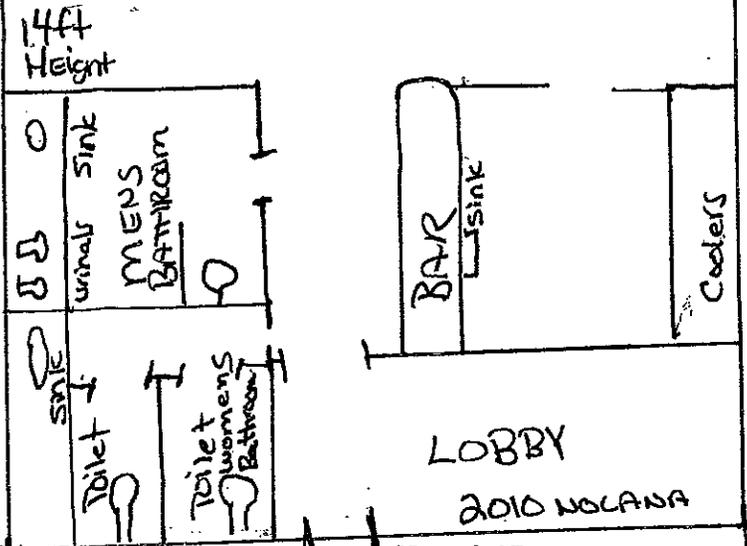
Sitting AREA

↑ 137FT ↓



VACANT BUILDING

VACANT LOT



BICENTENNIAL

NOLANA

RECEIVED

FEB 21 2012

Initials: *[Signature]*



# Incident Analysis Report

## Summary

**Print Date/Time:** 04/12/2016 13:05  
**Login ID:** mcpd12721  
**Incident Type:** All  
**Call Source:** All

**From Date:** 04/01/2015 01:00  
**To Date:** 04/12/2016 01:00

McAllen Police Department  
**ORI Number:** TX1080800  
**Officer ID:** All  
**Location:** 2010 NOLANA AVE, MCALLEN

Incident Date/Time	Incident Number	Incident Type	Location	Caller	Source
04/05/2015 03:26	2015-00024758	Theft	2010 NOLANA AVE	MARIA	Phone
04/11/2015 02:15	2015-00026468	Robbery - Unarmed	2010 NOLANA AVE	RAMON	911
05/10/2015 03:15	2015-00034478	Domestic Disturbance	2010 NOLANA AVE	JOEY	Phone
07/12/2015 01:42	2015-00051273	Domestic Disturbance	2010 NOLANA AVE	MICHAEL	Phone
07/19/2015 01:30	2015-00053178	Domestic Disturbance	2010 NOLANA AVE	john manager	Phone
07/21/2015 14:51	2015-00053761	Disturbance - Non	2010 NOLANA AVE	victim/raul cardea	Phone
09/06/2015 02:48	2015-00066450	Police Services	2010 NOLANA AVE	raul	Phone
10/11/2015 02:19	2015-00075659	Domestic Disturbance	2010 NOLANA AVE	JOHN	Phone
10/25/2015 02:34	2015-00079319	Domestic Disturbance	2010 NOLANA AVE	DION	Phone
11/07/2015 00:58	2015-00082893	Disturbance - Non	2010 NOLANA AVE		911
11/29/2015 03:14	2015-00088645	Police Services	2010 NOLANA AVE	DWIGHT	Phone
01/03/2016 02:33	2016-00000567	Domestic Disturbance	2010 NOLANA AVE	FEMALE/NC	Phone
03/06/2016 01:47	2016-00016914	Assist Other Agency	2010 NOLANA AVE	RODRIGO	Phone

**Total Matches:** 13

REHAB

NOTICE  
BAR  
For  
This Property  
CUP2016-0041

 City of McAllen Planning Dept 681-1250  
[www.mcallen.net](http://www.mcallen.net) 

SPACE  
AVAILABLE  
95  
778 7188

WESTLEY

## **Memo**

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

**DATE:** April 14, 2016

**SUBJECT: REQUEST OF AARON BANDA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOTS 1 - 4, THE DISTRICT AT MCALLEN SUBDIVISION; 3300 NORTH MCCOLL ROAD, SUITES P AND Q.**

---

### **GOAL:**

A Conditional Use Permit is to allow the compatible and orderly development, within the city, of uses which may be suitable only in certain locations in a zoning district if developed in a 1) specific way or, 2) only for a limited period of time, 3) is required for all conditional uses as set forth in the conditional use paragraph of each district, and 4) at no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit.

### **BRIEF DESCRIPTION:**

The property is located on the east side of North McColl Road, approximately 140 ft. north of East Fern Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, south, and west and R-3A (multifamily residential apartment) District to the east. Surrounding land uses include the commercial businesses, offices, restaurants, and multi-family residences and vacant land. A bar is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

### **HISTORY:**

The initial Conditional Use Permit was approved for a nightclub (Club 33) at this location for one year, on appeal to the City Commission, with provisions to keep litter at a minimum on this property and on adjacent properties on June 8, 2009. The last permit was approved for a bar by the City Commission on January 14, 2013. An application for a kid's party place was disapproved with a favorable recommendation by the Planning and Zoning Commission on November 4, 2014; however, the applicant did not appeal.

### **REQUEST/ANALYSIS:**

The prior establishment is no longer operating and has been closed. There is now a new applicant who is proposing to operate a bar from the lease space. The hours of operation will be from 4:00 p.m. to 2:00 a.m. Wednesday thru Saturday. Staff has received a letter from a surrounding neighbor in opposition of the request.

No police activity report was requested since there has not been any establishment open during the year. The Health and Fire Departments have inspected the establishment; however, a final inspection is pending once the building permit is in process. Should the conditional use permit be approved, the applicant would be required to sign the application

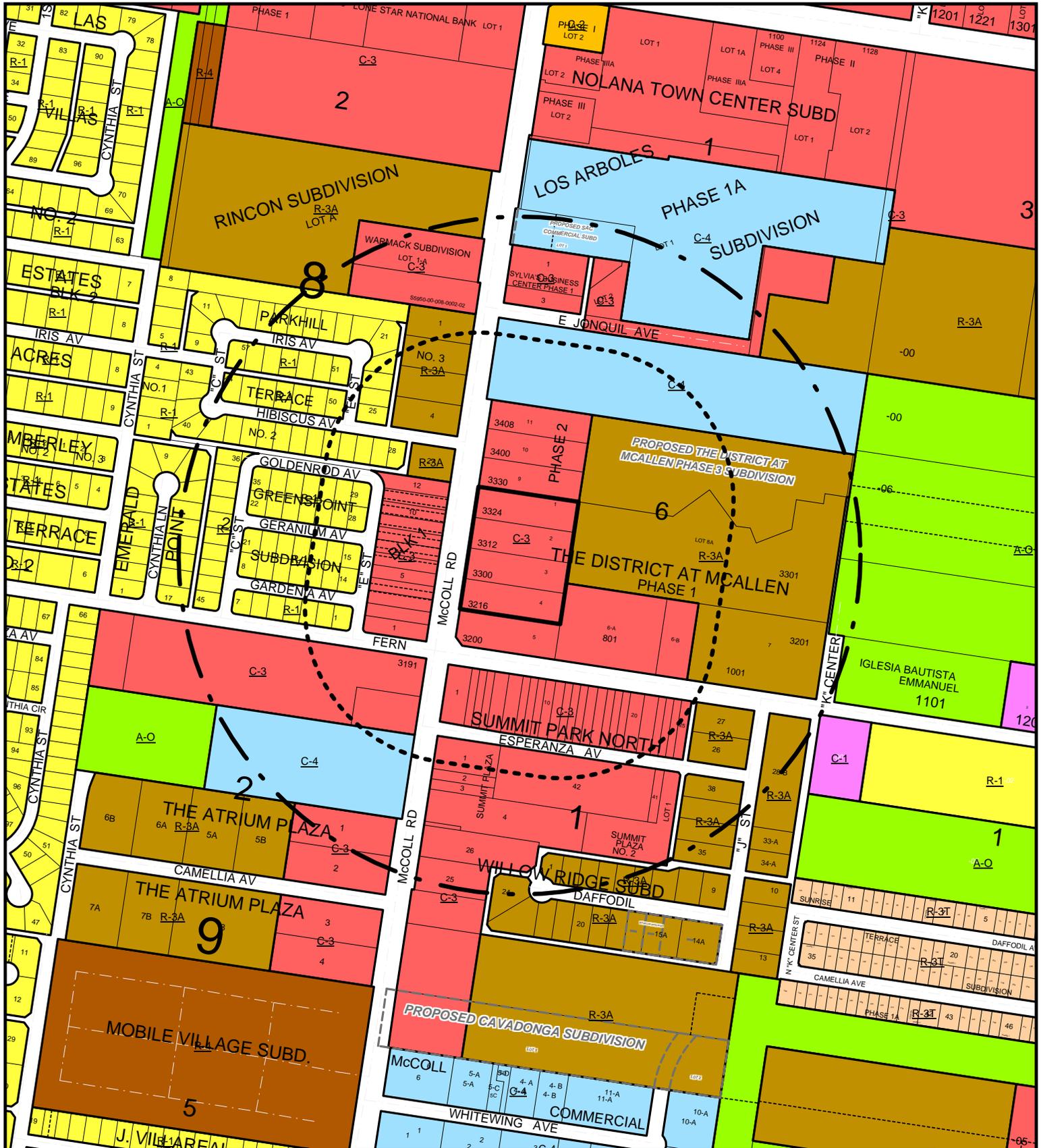
acknowledging and agreeing to the conditions of the permit. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residential zones and uses;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment has access to North McColl Road and E. Fern Avenue, and does not generate traffic onto residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Currently there is a multi-tenant commercial building on the property. The building is currently a mixture of a restaurant (El Rincon), office use, a sports bar, vacant office/retail suites and vacant bar suites. Based on the square footages, vacant office/retail suites (if occupied), and the restaurant (El Rincon), excluding the sport bar and vacant bar suites, to run simultaneously during business hours (8 a.m. to 7 p.m.), 185 parking spaces are required. The proposed bar would require 68 parking spaces; for a total of 253 parking spaces required. A total of 274 parking spaces are provided on the common parking area in the front and rear of the building. For the businesses that are after hours (including El Rincon, the existing sports bar, and vacant bar suites) to run simultaneously, 270 parking spaces are required. If additional parking is required, there is a mutual access agreement, which allows the use of parking and access in and across Lots 1 through 5, 6A, and 6B of The District of McAllen Subdivision and Lot 9, 10, and 11 of The District of McAllen Phase II Subdivision;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties. Should this permit be granted, then the condition of keeping litter at a minimum on this property and on adjacent properties be maintained; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum occupancy of the establishment was determined at the time of building permit for a total of 382 persons, of which 291 are allowed in the first floor and 91 persons in the second floor.

Should the conditional use permit be approved, conditions as previously approved will apply such as keep litter at a minimum on the property and on adjacent properties.

**RECOMMENDATION:**

Staff recommends disapproval of the request based on noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance.



**CITY OF MCGALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: 1" = 500'

**AREA MAP**

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



**ZONING LEGEND**

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLIX-FOURPLEX)	R-31 (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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**CITY OF McALLEN**  
 PLANNING DEPARTMENT

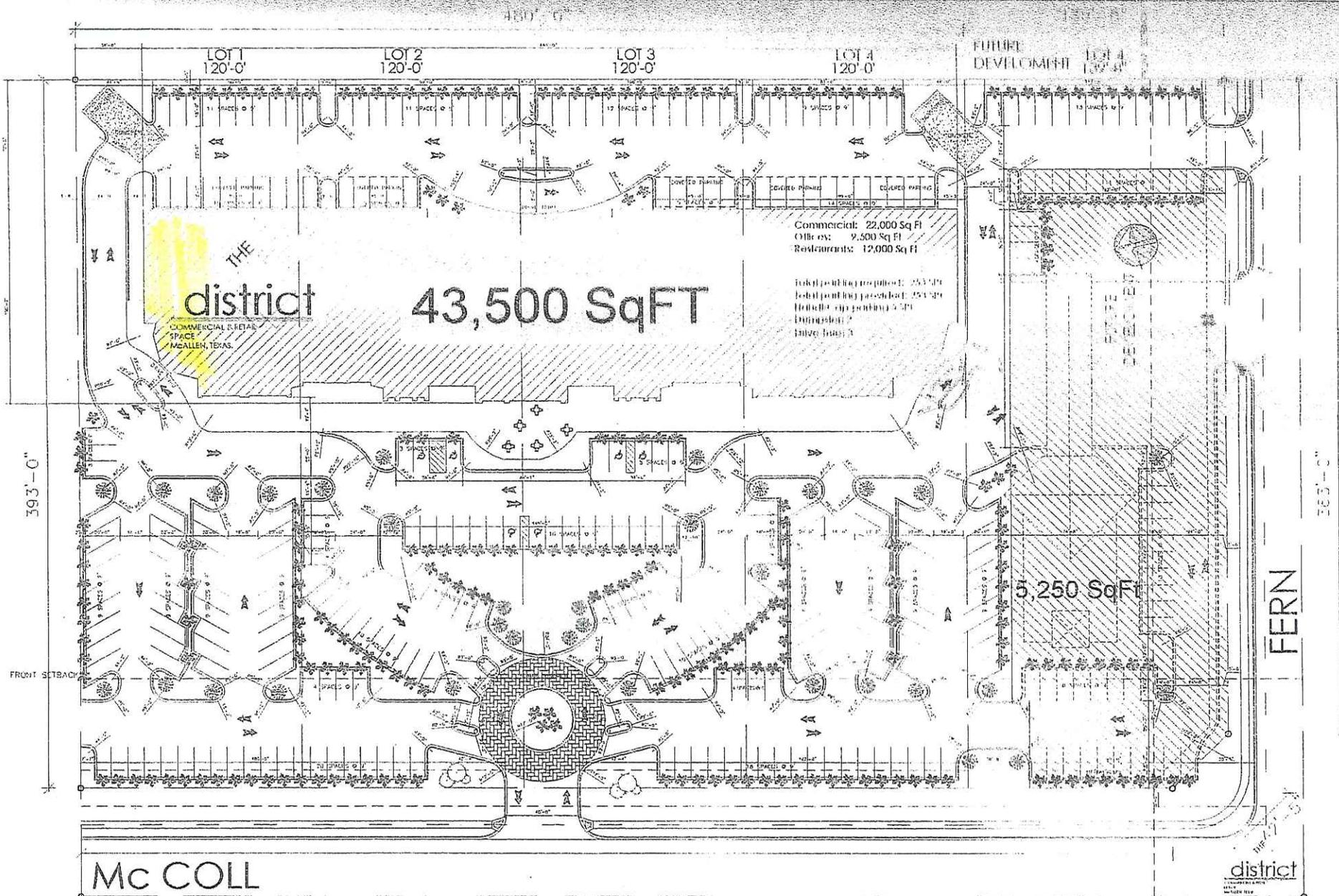
**AERIAL MAP**  
 SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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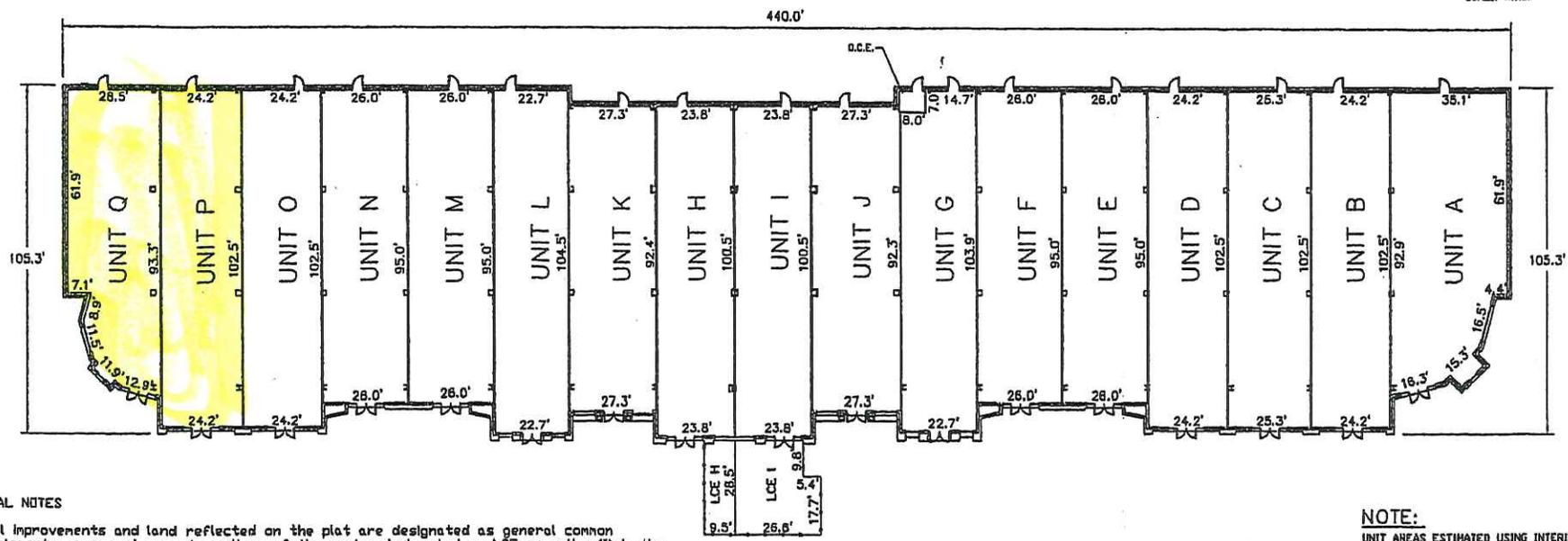
**SITE PLAN**

SCALE: 1" = 1/32"

1

BLU AQUARIUM 9500 SQFT / 100 CAJONES

SCALE: N.T.S.



**GENERAL NOTES**

1. All improvements and land reflected on the plat are designated as general common elements, save and except portions of the regime designated as LCE or units (I) in the Declaration of Condominium Regime for The District at McAllen Condominiums (the "Declaration") or (II) on the plats and plans of the regime.
2. Ownership and use of condominium units is subject to the rights and restrictions contained in the Declaration.
3. Each unit, building limited common element and general common element is subject to special rights reserved by the Declarant as provided provision A.4 of Exhibit 'A' to the Declaration. Pursuant to such provisions, among other things, Declarant has reserved the right to (i) complete or make improvements indicated on the plat and plans, as provided in Provision A.4(i) of Exhibit 'A' to the Declaration; (ii) exercise any development right permitted by the Texas Uniform Condominium Act (the "Act") and the Declaration, including the addition of all or any portion of the Additional Property to the regime described on this plat as "Additional Property Which May Be Added to the Regime" or "Subject to Development Rights", which property may be added as units, general common elements and/or limited common elements, as provided in Section 2.2 of the Declaration and Provision A.4(ii) of Exhibit 'A' to the Declaration; (iii) make the property part of a larger condominium or planned community, as provided in Provision A.4(iii) of Exhibit 'A' to the Declaration; (iv) use units owned or leased by Declarant as models, storage areas, and offices for the marketing, management, maintenance, customer service, construction, and leasing of the property, as provided in Provision A.4(iv) of Exhibit 'A' to the Declaration, and (v) appoint or remove any Declarant-appointed officer or director of the Association during the Declarant-appointed officer or director of the Association during the Declarant control period (as defined in the Declaration) consistent with the Act, as provided in Provision A.4(vii) of Exhibit 'A' to the Declaration. As provided in Provision A.4 (v) of Exhibit 'A' to the Declaration, for purposes of promoting, identifying, and marketing the property, Declarant reserves an easement and right to place or install signs, banners, flags, display lighting, potted plants, exterior decorative items, seasonal decorations, temporary window treatments, and seasonal landscaping on the property including items and locations that are prohibited to other owners. Declarant reserves an easement and right to maintain, relocate, replace, or remove the same from time to time within property. As provided in Provision A.4(vii) of Exhibit 'A' to the Declaration, Declarant has an easement and right of ingress and egress in and through the common elements (as defined in the Declaration) and units owned or leased by Declarant for purposes of constructing, maintaining, managing, and marketing the property, and for discharging Declarant's obligations under the Act and the Declaration.

**NOTE:**  
 UNIT AREAS ESTIMATED USING INTERIOR WALL AND COLUMN ALIGNMENT.  
 G.C.E. - GENERAL COMMON ELEMENT

LEGEND	
LCE I	Assigned to Unit I
LCE J	Assigned to Unit J

**EXHIBIT "B-2"**  
**THE DISTRICT AT McALLEN CONDOMINIUMS**  
**3300 NORTH McCOLL**  
**McALLEN, TX. 78501**

DATE PREPARED: JAN. 2003

Sigler,  
Winston,  
Greenwood,  
& Associates, Inc.

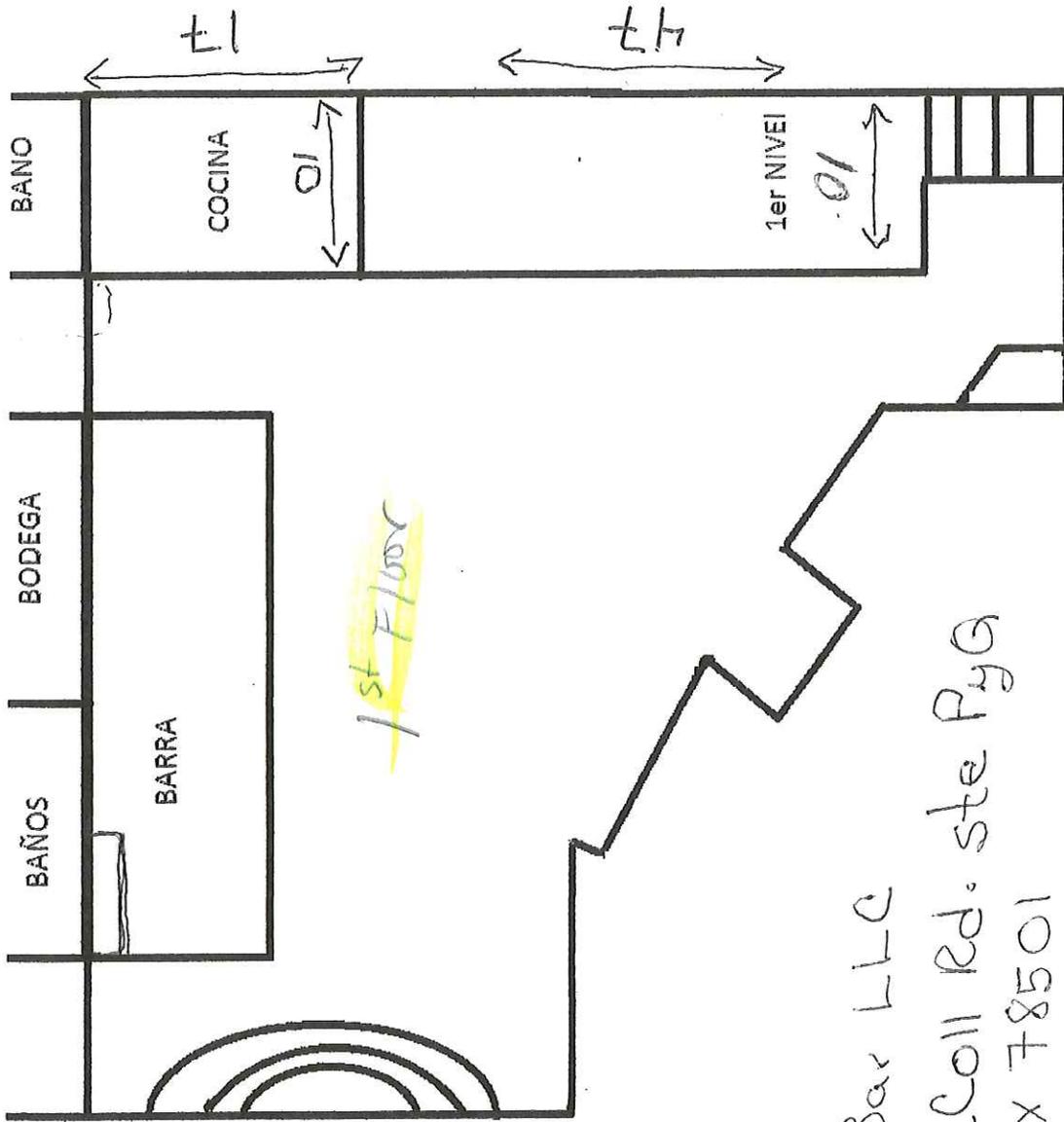


**SWG**  
 CONSULTING ENGINEERS  
 WESLACO-McALLEN  
 TEXAS

SINCE 1946  
 COPYRIGHT 2003

PREPARED BY:  
 SIGLER, WINSTON, GREENWOOD & ASSOCIATES, INC.  
 1604 E. HWY. 83 WESLACO, TX.  
 (936) 938-2104  
 (936) 938-8300  
 EMAIL: SWG@GMAIL.COM

Copyright 2003 Sigler, Winston, Greenwood and Associates, Inc.

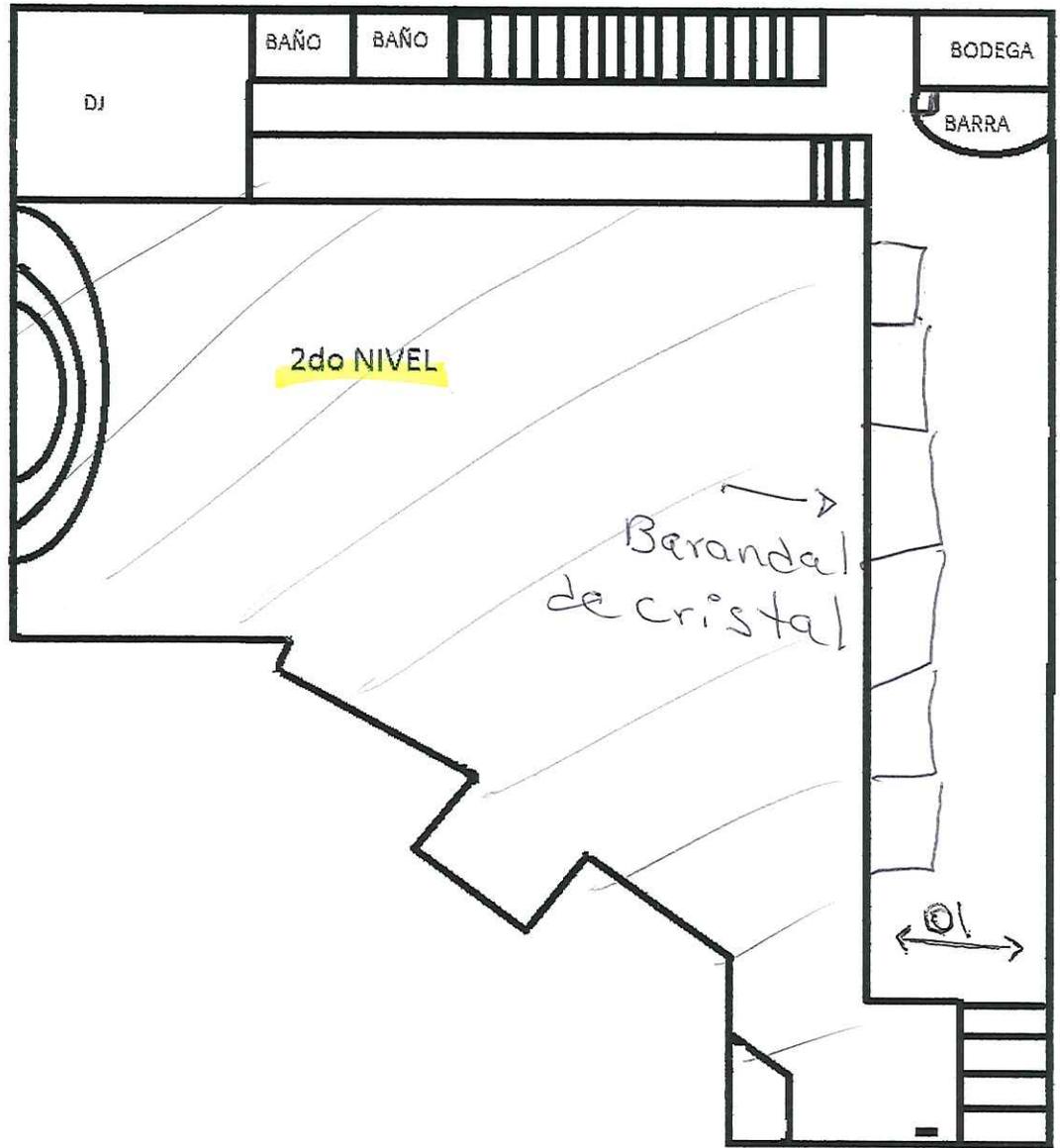


Elixir Bar LLC  
 300 N. McColl Rd. ste P y G  
 Ica Ven tx 78501

Maria Montoya  
 956-207-2517  
 Taron Banda 956-475-6148

RECEIVED  
 APR 01 2016

BY:-----



17'

RECEIVED  
APR 01 2016  
BY: \_\_\_\_\_

Juli Rankin

RECEIVED

MAR 30 2016

BY

ESW

March 28, 2016

Mayor James E. Darling  
City of McAllen  
P.O. Box 220  
McAllen, TX 78505-0220

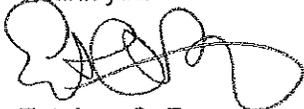
RE: Conditional Use Permit, 3300 N. McColl Road Stes P & Q

Dear Mayor Darling,

I received from the City of McAllen notice that a request for a bar permit was issued for the property at 3300 North McColl Suite P and Q. As the owner of the Executive Business Center at 801 E, Fern, which is directly behind the proposed area, I am strongly opposed to any bar in this area. The reason for my opposition is based on problems that we have experienced in the past. Because of the parking situation in their center and secluded areas behind the building, our parking lot is used as an alternated spot for bar customers. Previously our experience with these customers is beer and whiskey bottles, condoms, broken glass, and other litter in our parking area, damage to vegetation both in the parking area and around the building, damage and thief of personal property, and the smell of urine in certain areas of the property. The police have been summoned to the area on occasions because of fights or criminal activity in the parking lot or for someone attempting to get into the building. The later causes the burglar alarms to go off and forces one or more of my employees to drive to the building. I have spent a great deal of time, money, and effort into making my property into a first class operation and I will not chance it to having a bar located right next door.

Since I will be unable to attend the planning and zoning commission meeting on April 19, 2016, I felt that it was important that you were aware of the issues as well as the history and to understand the position that I am put in. The neighborhood in The District has slowly evolved into a nice section and putting a bar in this area is not only a bad idea, but will be harmful for all of the offices and business in the area. I ask you to please vote against this permit.

Thank you



Esteban O. Brown  
(956) 655-9983  
dreobrown@yahoo.com

110 E. Savannah  
Bldg. B, Ste. 103  
McAllen, TX 78503



*Shorts*

DRESS

NOTICE  
FOR  
THE PROPERTY  
CUP2016-0044

5

## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

**DATE:** April 14, 2016

**SUBJECT: REQUEST OF JACR, LLC DBA GAMEHAUS GASTROPUB, FOR A CONDITIONAL USE PERMIT, FOR FIVE YEARS, FOR A BAR AT LOTS 13 AND 14, NOLANA TERRACE SUBDIVISION; 2109 NOLANA AVENUE.**

**GOAL:**

A Conditional Use Permit is to allow the compatible and orderly development, within the city, of uses which may be suitable only in certain locations in a zoning district if developed in a 1) specific way or, 2) only for a limited period of time, 3) is required for all conditional uses as set forth in the conditional use paragraph of each district, and 4) at no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit.

**BRIEF DESCRIPTION:**

The property is located on the south side of Nolana Avenue, approximately 122 ft. west of North 21<sup>st</sup> Street and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the west, north and east and R-3A (apartments) District to the south. Surrounding land uses include commercial businesses and single and multi-family residential. A bar is allowed in a C-3 zone with a conditional use permit and in compliance with requirements.

**REQUEST/ANALYSIS:**

Currently, there is a 9,860 sq. ft. commercial building on the property that is being utilized as a restaurant and assembly/game area. The applicant is proposing to utilize the building for a bar. The proposed hours of operation are from 4:00 p.m. to 2:00 a.m. Monday through Friday and 11:00 a.m. to 2:00 a.m. Saturday and Sunday. Based on the square footage 116 parking spaces are required and 36 parking spaces are provided on site as per site plan. Parking agreements have been submitted and are being reviewed in order to determine if they comply. During inspection staff observed the parking lot needed some restriping and that there was only one parking space in the rear, for a total of 27 spaces available on site.

The Fire Department has inspected the establishment, which meet the minimum safety codes and regulations. The health department inspection is still pending. A police report was requested since the establishment has been operating as a restaurant and assembly/game area.

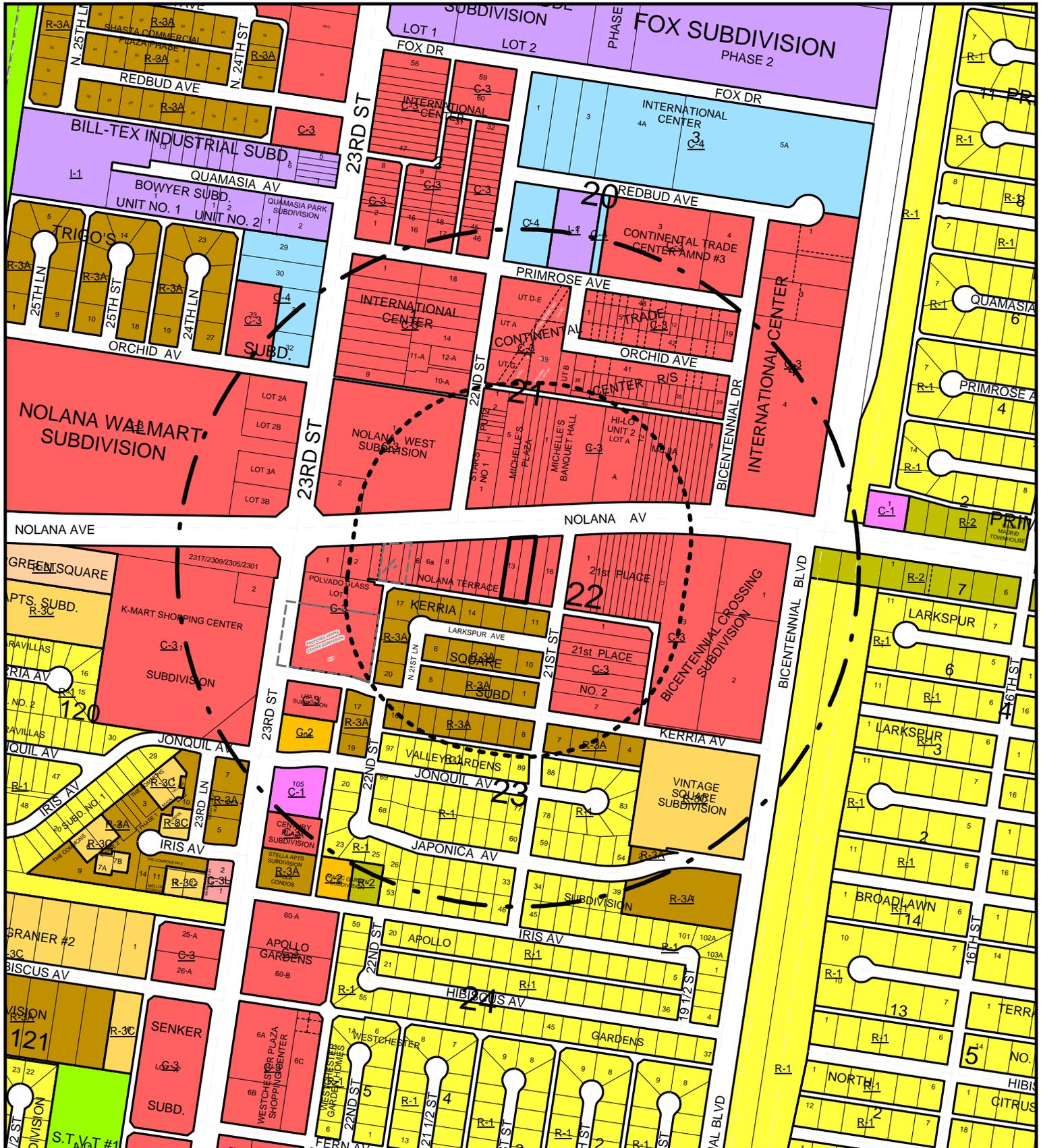
The establishment must also comply with requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residentially zoned properties to the south;
- 2) The property must be as close as possible to a major arterial and shall no generate traffic onto residential sized streets. The property has direct access to Nolana Avenue and may generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage 116 parking spaces are required and 36 parking spaces are provided on site. Parking agreements have been submitted and are being reviewed in order to determine if they comply;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities. There should be sufficient lighting in front of the building;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum occupancy of the establishment will be determined at time of building permit.

If the permit is approved, parking agreements must be approved and comply with the city ordinance with no hours overlapping.

**RECOMMENDATION:**

Staff recommends disapproval of the request based on non-compliance with requirement #1 (distance) and #3 (parking) of Section 138-118 (4) of the Zoning Ordinance.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: 1" = 500'

- SUBJECT PROPERTY
- 200 FT. NOTIFICATION BOUNDARY
- 1/4 MILE RADIUS
- 

ZONING LEGEND			
<span style="background-color: #90EE90; border: 1px solid black; padding: 2px;">A-0</span> (AGRICULTURAL & OPEN SPACE)	<span style="background-color: #FFDAB9; border: 1px solid black; padding: 2px;">R-3A</span> (APARTMENTS)	<span style="background-color: #FFDAB9; border: 1px solid black; padding: 2px;">R-4</span> (MOBILE HOMES)	<span style="background-color: #FFDAB9; border: 1px solid black; padding: 2px;">C-3</span> (GENERAL BUSINESS)
<span style="background-color: #FFDAB9; border: 1px solid black; padding: 2px;">R-1</span> (SINGLE FAMILY RESIDENTIAL)	<span style="background-color: #FFDAB9; border: 1px solid black; padding: 2px;">R-3C</span> (CONDOMINIUMS)	<span style="background-color: #FFDAB9; border: 1px solid black; padding: 2px;">C-1</span> (OFFICE BUILDING)	<span style="background-color: #FFDAB9; border: 1px solid black; padding: 2px;">C-3L</span> (LIGHT COMMERCIAL)
<span style="background-color: #FFDAB9; border: 1px solid black; padding: 2px;">R-2</span> (DUPEX-FOURPLEX)	<span style="background-color: #FFDAB9; border: 1px solid black; padding: 2px;">R-3I</span> (TOWNHOUSES)	<span style="background-color: #FFDAB9; border: 1px solid black; padding: 2px;">C-2</span> (NEIGHBORHOOD COMMERCIAL)	<span style="background-color: #FFDAB9; border: 1px solid black; padding: 2px;">C-4</span> (COMMERCIAL INDUSTRIAL)
			<span style="background-color: #FFDAB9; border: 1px solid black; padding: 2px;">I-1</span> (LIGHT INDUSTRIAL)
			<span style="background-color: #FFDAB9; border: 1px solid black; padding: 2px;">I-2</span> (HEAVY INDUSTRIAL)
			(SPECIAL DISTRICT)

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NOLANA WEST SUBDIVISION

21

NOLANA AV

22

23

OLVADC GLASS LOT 1

POSED KERRIA SUBDIVISION

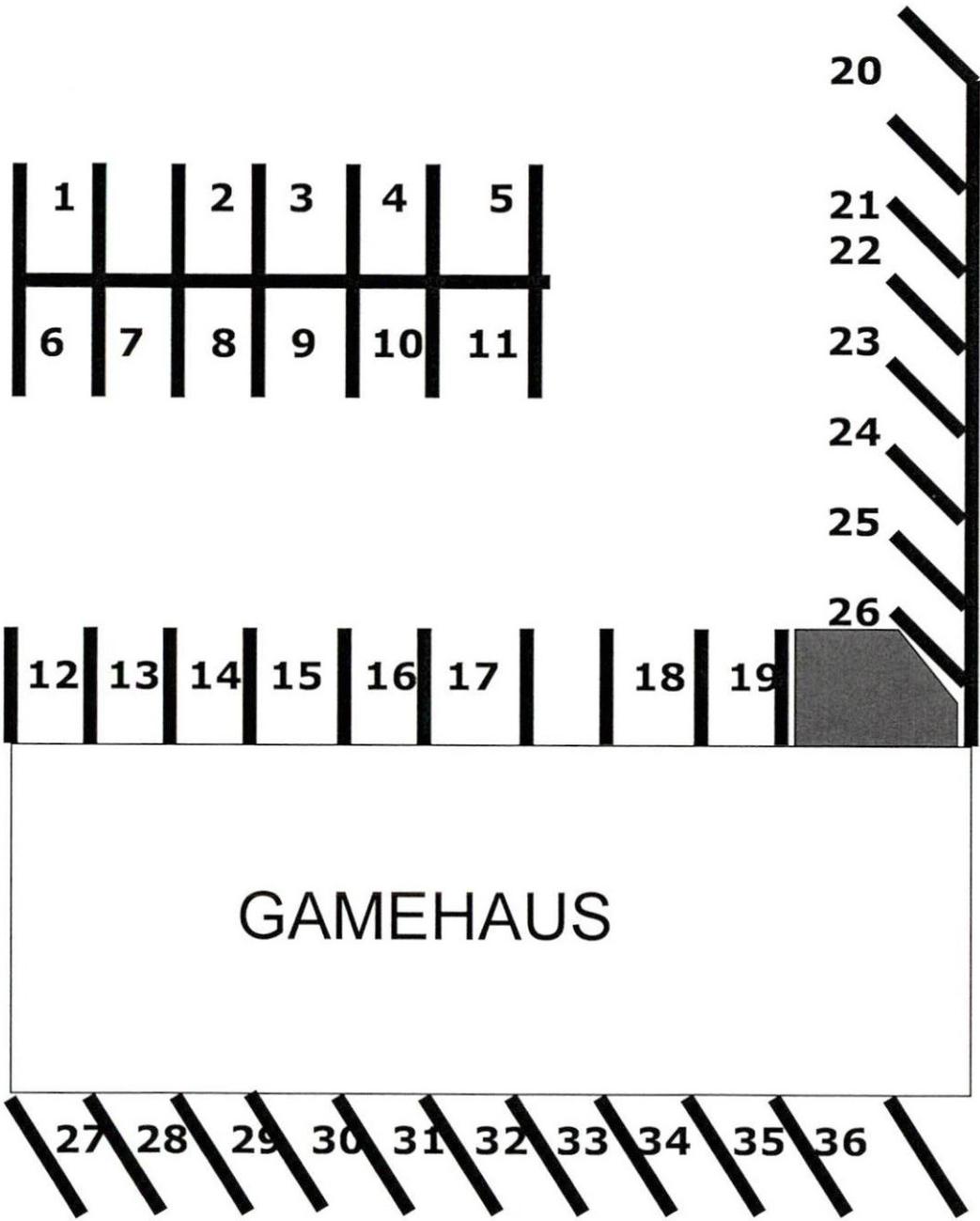
BICENTENNIAL SUBDIVISION

VINTAGE SQUARE SUBDIVISION

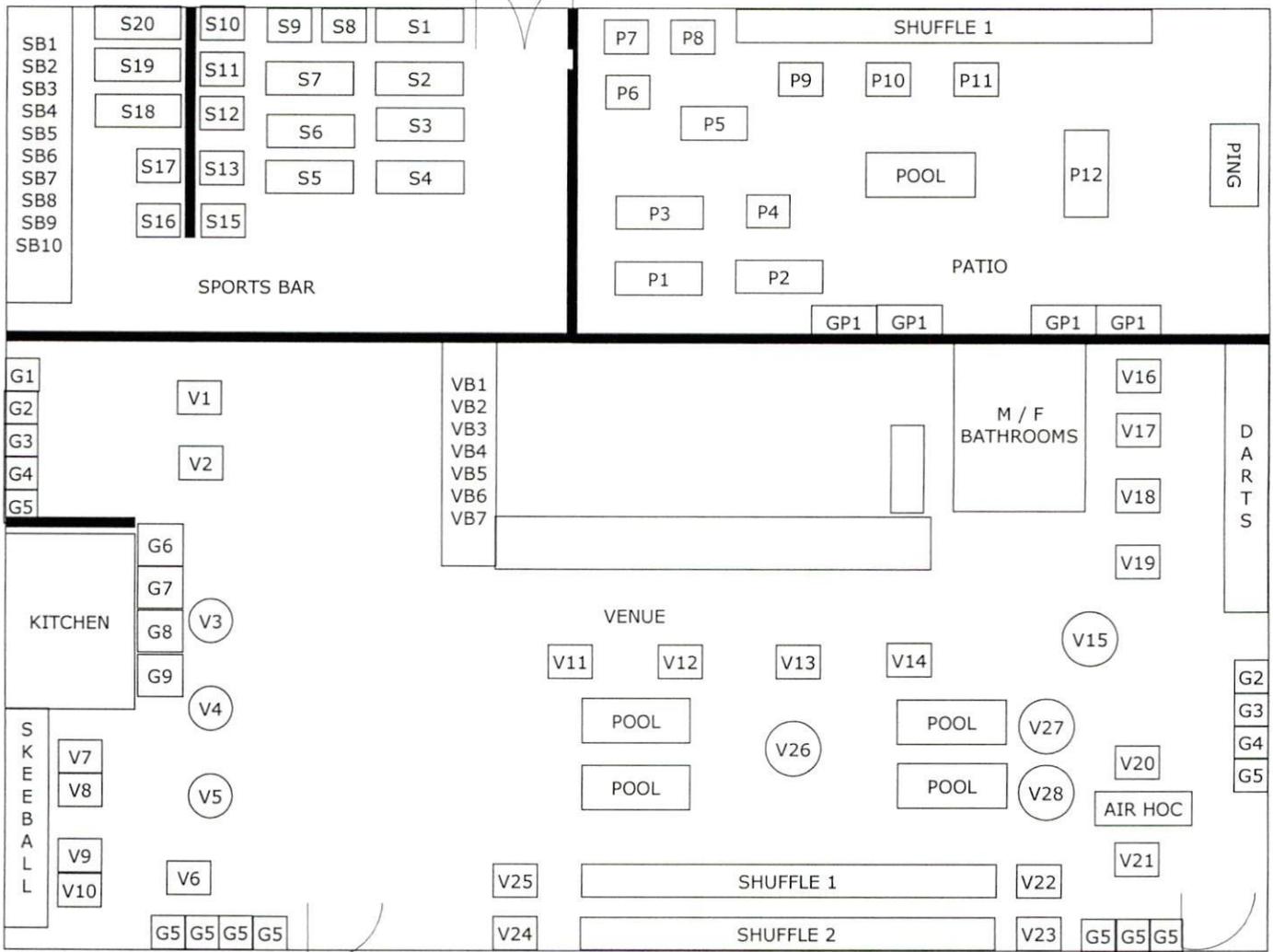


NOLANA AVE

21ST



RECEIVED  
MAR 15 2015  
BY: [Signature]



**RECEIVED**  
 MAR 15 2015  
 BY: *William*

**JACR, LLC dba Gamehaus Gastropub**

Conditional Use Permit Application

2109 W. Nolana Ave, McAllen, TX 78504

**Security Measures:**

Gamehaus employs a security company which handles various aspects of security for the venue and surrounding area. The security company provides fully uniformed personnel for all requested days and hours.

- The security company monitors and handles all activity at main entryway during later hours of operations. This includes checking for proper identification and monitoring venue's age limit policy, maintaining order and providing customer service, and also checking for any drugs or weapons prior to entry.
- The security company has established posts on adjacent parking lots, being the CPA firm's office, EZPawn, National Lube, the karate center, and Bicycle World.
- The security company also maintains an established post on 21<sup>st</sup> street between the residential streets. They monitor traffic, maintain order and politely let patrons know what lots are available for parking. Their task is to maintain the peace and tranquility of the neighborhood and satisfaction of surrounding residents while monitoring any commercial traffic.
- Gamehaus provides a multi-unit walkie-talkie system with earbuds that allows Gamehaus management and the security company to maintain communication throughout operating hours.
- Gamehaus provides a gas powered, rough terrain golf cart that allows the security company to patrol the entire nearby area, being from Bicycle World to the National Lube from East-West and Bicentennial to Kerria from North-South in a timely manner. The security company uses this vehicle to efficiently patrol the residential streets and shared alley while also monitoring the various adjacent lots.
- Gamehaus contracts off-duty peace officers to monitor the interior of the venue during late night operating hours. These peace officers are uniformed and provide peace of mind to our patrons while also monitoring for any illicit or disruptive behavior by any individual.
- Gamehaus utilizes a system called "Veriscan" during later operating hours for all forms of identification. This system provides the proper age to the security officer, informs of any counterfeit IDs, and provides a system to track incoming patrons. Should a specific client be disruptive or considered a person of bad character through their actions, the system allows us to "BAN" them. Upon a future scan, the person will not be given re-entry.

RECEIVED  
MAR 15 2019  
BY: KAC@9:41  
AM

- Gamehaus follows and implements any and all TABC or municipal code requirements for security measures, including proper TABC or Food Handler certification for all employees who serve clients. Some parts of the TABC training deal with security measures.
- Management utilizes smart phone apps to log and record sound decibel readings during late hours on busy nights near the residential areas to ensure residents are not being disturbed or venue is violating any noise ordinance.
- Management maintains a nightly log during busier nights to record, through pictures, the traffic activity on the residential street in order to ensure minimal to no disturbance.
- Gamehaus has a 36 HD camera system, with approximately 4 outside (front and back) and 32 cameras throughout the interior client space, storage, kitchen, office and bar areas.

#### **Lighting Measures:**

Gamehaus provides adequate and sufficient lighting on its premise for security and traffic purposes.

- The building is well lit from the front with under-mounted fluorescent bulbs on the canopy on both the east and west front-side portions of the building.
- There are floodlights on the far northeast and northwest corners of the building that provide lighting into the parking lot of the venue and on the corners of the building.
- There are floodlights on the rear of the building on both the east and west sides that illuminate the rear parking, alley and surrounding area.

#### **Trash & Cleaning Measures:**

- Gamehaus employs a sufficient number of barbacks, kitchen and waitstaff whose daily duties include the maintenance and cleanliness of the venue during operating hours along with responsibility of appropriately taking out the trash.
- A cleaning group enters the venue every single morning to do a full venue clean and they also patrol the exterior of the building, parking lot and adjacent properties for any trash.
- One of the duties of the security company is to pick up any and all trash on adjacent or shared lots, surrounding public streets or the alley way. Upon the last customers leaving the area, the security group splits off and does a review of the area.
- Closing manager does a final check for any trash outside the venue along with some of the shared lots and reports back to owners through pictures at the end of each night.



# J.A. SANCHEZ, P.C.

Certified Public Accountant

4008 N. 22<sup>nd</sup> Street • McAllen, Texas 78504

Tel: (956) 618-1040 • Fax: (956) 618-1041

3-24-16

City of McAllen  
c/o Ms. CRISTINA GARCIA  
VIA FAX # 681-1010

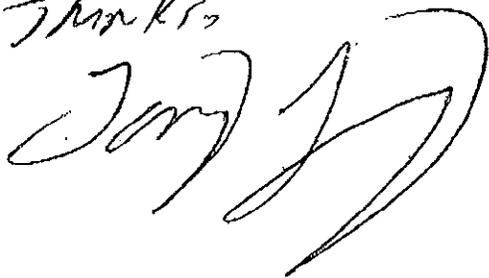
Re: CUP @ 2109 Nolana.

Dear Ms. GARCIA,

Please note that I am against the granting of a CUP @ 2109 Nolana. We are constantly having to pick up beer & liquor bottles both in the parking lot & behind my office @ 4008 N. 22<sup>nd</sup> Street. On occasion cars have been left parked in my parking lot overnight.

I urge the City to deny this CUP.

Thanks,





# Incident Analysis Report

## Summary

Print Date/Time: 04/15/2016 10:03  
 Login ID: mcpd12721  
 Incident Type: All  
 Call Source: All

From Date: 04/01/2015 01:00  
 To Date: 04/15/2016 10:00

McAllen Police Department  
 ORI Number: TX1080800  
 Officer ID: All  
 Location: 2109 NOLANA AVE, MCALLEN

Incident Date/Time	Incident Number	Incident Type	Location	Caller	Source
04/03/2015 11:01	2015-00024241	Criminal Investigation	2109 NOLANA AVE	VIVIANNA SAENZ	Phone
04/12/2015 02:16	2015-00026759	Domestic Disturbance	2109 NOLANA AVE	JUAN VARGAS	911
04/26/2015 02:26	2015-00030579	MINOR ACC	2109 NOLANA AVE	CALLER MALE	Phone
04/26/2015 20:59	2015-00030752	Assault	2109 NOLANA AVE	GUADALUPE	Phone
05/08/2015 02:13	2015-00033822	Domestic Disturbance	2109 NOLANA AVE	GUADALUPE	Phone
05/27/2015 00:27	2015-00039068	Hit and Run	2109 NOLANA AVE	JUAN	Phone
05/28/2015 12:58	2015-00039410	Theft	2109 NOLANA AVE	C/ALISA	Phone
06/26/2015 00:59	2015-00046964	MINOR ACC	2109 NOLANA AVE	sec/roberto villarreal	Phone
06/29/2015 01:12	2015-00047791	MINOR ACC	2109 NOLANA AVE	guadalupe montes	Phone
07/04/2015 02:11	2015-00049059	Traffic Complaint/	2109 NOLANA AVE	CARMEN GARZA	Phone
07/11/2015 22:16	2015-00051222	Domestic Disturbance	2109 NOLANA AVE	FEM CALLER	Phone
08/04/2015 23:57	2015-00057504	MINOR ACC	2109 NOLANA AVE	OFCR MUNOZ	Phone
08/07/2015 01:08	2015-00058032	MINOR ACC	2109 NOLANA AVE	camarillo	Phone
08/23/2015 17:27	2015-00062770	Police Services	2109 NOLANA AVE	sgt trevino	Phone
08/31/2015 01:18	2015-00064838	Domestic Disturbance	2109 NOLANA AVE	C/ROBERTO	Phone
09/04/2015 00:27	2015-00065854	REPO	2109 NOLANA AVE		Phone
09/04/2015 01:08	2015-00065859	Domestic Disturbance	2109 NOLANA AVE	ROBERTO	Phone
09/11/2015 02:03	2015-00067624	Domestic Disturbance	2109 NOLANA AVE	VICTOR GARZA	Phone
09/12/2015 05:25	2015-00067955	Assist Other Agency	2109 NOLANA AVE	richard garza	Phone
09/13/2015 07:28	2015-00068268	Alarm Burglary	2109 NOLANA AVE		Phone
09/22/2015 21:14	2015-00070790	Theft	2109 NOLANA AVE	726	Phone
09/26/2015 00:50	2015-00071661	Domestic Disturbance	2109 NOLANA AVE		911
09/27/2015 01:06	2015-00071938	Traffic Complaint/	2109 NOLANA AVE	C/ART JASSO	Phone
09/27/2015 01:26	2015-00071945	Police Services	2109 NOLANA AVE	ART	Phone
10/03/2015 01:58	2015-00073478	Disturbance - Non	2109 NOLANA AVE	LISA	Phone
10/03/2015 02:28	2015-00073487	Domestic Disturbance	2109 NOLANA AVE	FEM/NC	911
10/18/2015 01:50	2015-00077488	Domestic Disturbance	2109 NOLANA AVE	GONZALEZ	Phone
10/18/2015 02:24	2015-00077506	Police Services	2109 NOLANA AVE	ROBERTO	Phone
10/24/2015 00:29	2015-00078989	Domestic Disturbance	2109 NOLANA AVE		Phone
10/26/2015 02:28	2015-00079594	Hit and Run	2109 NOLANA AVE	BOONE RAINS	Phone
10/31/2015 01:54	2015-00080977	CRIMINAL MISCHIEF	2109 NOLANA AVE	MIGUEL	911
11/01/2015 01:03	2015-00081329	Disturbance - Non	2109 NOLANA AVE	SARAH	911
11/06/2015 21:47	2015-00082850	MINOR ACC	2109 NOLANA AVE	JUAN/SEC	Phone
11/06/2015 22:46	2015-00082863	Assist Other Agency	2109 NOLANA AVE	JUSTIN GARZA	911
11/10/2015 20:03	2015-00083829	Traffic Complaint/	2109 NOLANA AVE	male caller	Phone
11/12/2015 00:47	2015-00084144	Domestic Disturbance	2109 NOLANA AVE	OFCR GEORGE	Phone
11/17/2015 14:45	2015-00085608	CREDIT CARD ABUSE	2109 NOLANA AVE	ENRIQUE	Phone
11/21/2015 05:50	2015-00086575	Alarm Burglary	2109 NOLANA AVE	ANICIA	Phone
11/29/2015 01:38	2015-00088623	Domestic Disturbance	2109 NOLANA AVE	ANTHONY	Phone
12/05/2015 19:53	2015-00090360	Domestic Disturbance	2109 NOLANA AVE		Phone
12/10/2015 05:59	2015-00091421	Alarm Burglary	2109 NOLANA AVE	MONOTRONICS	Phone
12/17/2015 21:55	2015-00093590	Domestic Disturbance	2109 NOLANA AVE	SEC	Phone
12/22/2015 23:03	2015-00094996	Noise Complaint	2109 NOLANA AVE	FAMALE/NC	Phone

12/23/2015 01:02	2015-00095017	Domestic Disturbance	2109 NOLANA AVE	SEC NOE CRUZ	911
12/23/2015 14:44	2015-00095160	Theft	2109 NOLANA AVE	BRANDI AYALA	Phone
12/24/2015 01:09	2015-00095332	Domestic Disturbance	2109 NOLANA AVE	OFCR IBARRA	Phone
12/24/2015 02:33	2015-00095350	Domestic Disturbance	2109 NOLANA AVE	SECURITY	Phone
12/27/2015 20:00	2015-00096423	Assault	2109 NOLANA AVE	NINA GARZA	Phone
12/31/2015 20:40	2015-00097462	Domestic Disturbance	2109 NOLANA AVE	JOE SEC	911
01/03/2016 02:18	2016-00000563	DWI	2109 NOLANA AVE	DANIELA BARAJAS	Phone
01/06/2016 13:04	2016-00001337	Theft	2109 NOLANA AVE	SALVADOR	Phone
01/23/2016 23:30	2016-00005848	Hit and Run	2109 NOLANA AVE	SECURITY	Phone
01/31/2016 02:03	2016-00007721	Traffic Complaint/	2109 NOLANA AVE		Phone
02/19/2016 23:52	2016-00012909	Hit and Run	2109 NOLANA AVE	JUAN RIOS	Phone
02/21/2016 02:33	2016-00013238	Domestic Disturbance	2109 NOLANA AVE	SEC GONZALEZ	Phone
02/27/2016 02:00	2016-00014791	911 Investigation	2109 NOLANA AVE	SAUL OCHOA	Phone
03/05/2016 02:07	2016-00016645	Disorderly Conduct	2109 NOLANA AVE	JUSTA CONT	Phone
03/05/2016 02:10	2016-00016646	Suspicious Person/Vehicle	2109 NOLANA AVE	MAEL/NC	Phone
03/07/2016 13:43	2016-00017268	Assault	2109 NOLANA AVE	LUPE	Phone
03/09/2016 16:33	2016-00017845	Assault	2109 NOLANA AVE	MS CUELLAR	Phone
03/11/2016 02:11	2016-00018193	Theft	2109 NOLANA AVE	OLIVIA	Phone
03/18/2016 00:43	2016-00020073	Ambulance Only	2109 NOLANA AVE	MALE	Phone
03/20/2016 01:35	2016-00020678	DWI	2109 NOLANA AVE	SEC GARZA	Phone
03/21/2016 16:11	2016-00021045	Domestic Disturbance	2109 NOLANA AVE	RAFAEL	Phone
03/26/2016 01:34	2016-00022239	Theft	2109 NOLANA AVE	noe cruz	Phone
03/26/2016 15:35	2016-00022383	Assault	2109 NOLANA AVE	DANIEL LEE	Phone
03/26/2016 22:58	2016-00022491	MINOR ACC	2109 NOLANA AVE	roland	Phone
03/29/2016 16:32	2016-00023169	Assault	2109 NOLANA AVE	DANIEL RAMIREZ	Phone

**Total Matches: 68**



GAMEHAUS

2117

EZPA

NOTICE  
BAR  
For  
This Property  
CUP2016-0042

**Memo**

**TO:** Planning & Zoning Commission  
**FROM:** Julianne R. Rankin, FAICP – Director of Planning  
**DATE:** April 15, 2016  
**SUBJECT: City Commission Actions of April 11, 2016**

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**REZONINGS:**

1. Rezone from R-1 (single family residential) District to R-3A (multifamily residential apartment) District: Lot 1, Rosalinda Subdivision, Hidalgo County, Texas; 2800 North Ware Road.
  - **Planning and Zoning Commission approval**
  - **City Commission disapproved**
  
2. Rezone from R-1 (single family residential) District to R-2 (duplex-fourplex residential) District: Lot 13, Morris Subdivision Unit No. 2, Hidalgo County, Texas; 1900 South 26th Street.
  - **Planning and Zoning Commission disapproval**
  - **City Commission disapproved**
  
3. Rezone from C-2 (neighborhood commercial) District to C-3 (general business) District: West 90 feet of Lot 12 and West 90 feet of the North 56.4 feet of Lot 11, Block 2, Casa Linda Heights Subdivision, Hidalgo County, Texas; 2205 Balboa Avenue.
  - **Planning and Zoning Commission disapproval**
  - **City Commission disapproved**
  
4. Rezone from R-1 (single family residential) District to R-2 (duplex-fourplex residential) District: Lot 2, Rosalinda Subdivision, Hidalgo County, Texas; 3616 Harvey Drive.
  - **Planning and Zoning Commission disapproval**
  - **City Commission withdrawn**

**CONDITIONAL USE PERMITS:**

1. Request of Milton L. Gonzalez on behalf of Covenant Academy, for a Conditional Use Permit, for life of the use, for an institutional use (school), at Lot 12A, Kingwood Estates Phase 4 Subdivision, Hidalgo County, Texas; 5281 North 23rd Street.
  - **Planning and Zoning Commission approval**
  - **City Commission approved**

2. Request of Lutheran Social Services of the South for a conditional use permit for life of the use, for an institutional use (immigrant youth facility) at the 2.72 acres coming out of Lot 6, Block 11, Steele and Pershing Subdivision, Hidalgo County, Texas; 1000 North McColl Road.
  - **Planning and Zoning Commission approval**
  - **City Commission approved**
  
3. Request of Roy M. Mendez, appealing the decision of the Planning & Zoning Commission of the March 1, 2016 meeting, denying a Conditional Use Permit, for one year, for a home occupation (mechanic/automotive repair, at the North 75 feet of the West 80 feet of Lot 16, Southeast ¼ Section 9, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 922 North 4th Street.
  - **Planning and Zoning Commission disapproval**
  - **City Commission approved CUP with variance**
  
4. Request of Dagoberto Quintanilla, appealing the decision of the Planning & Zoning Commission of the March 1, 2016 meeting, denying a Conditional Use Permit, for one year, for a nightclub, at the 0.66 acres out of Lot 16, Block 3, C. E Hammond Subdivision, Hidalgo County, Texas; 2203 South 23rd Street.
  - **Planning and Zoning Commission disapproval**
  - **City Commission approved**
  
5. Request of Jesus H. Saenz, appealing the decision of the Planning & Zoning Commission of the March 15, 2016 meeting, denying a Conditional Use Permit, for one year, for a portable building greater than 10'x12' (office), at Lots 2 and 3, Block 55, McAllen Addition Subdivision, Hidalgo County, Texas; 616 South 16th Street.
  - **Planning and Zoning Commission disapproval**
  - **City Commission disapproved**



## 2016 CALENDAR

### Meetings:

-  City Commission
-  Planning & Zoning Board
-  Public Utility Board
-  Zoning Board of Adjustment
- HPC - Historical Preservation Council

### Deadlines:

- D- Zoning/CUP Application
- N - Public Notification
- \* **Holiday** - Office is closed

### JANUARY 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 HOLIDAY	2
3	4	5	6 D - 2/2 & 2/3	7	8	9
10	11 AD - 2/2 & 2/3	12 City Commission	13 Public Utility Board	14	15	16
17	18	19	20 N - 2/2 & 2/3	21	22	23
24	25	26	27 D - 2/16 & 2/17 HPC	28	29	30
31						

### FEBRUARY 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3 D - 3/1 & 3/2	4	5	6
7	8 A - 3/1 & 3/2	9 Public Utility Board	10 N - 3/1 & 3/2	11	12	13
14	15	16	17 D - 3/15 & 3/16	18	19	20
21	22 A - 3/15 & 3/16	23 Public Utility Board	24 HPC	25	26	27
29	29					

### MARCH 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2 D - 4/5 & 4/6	3	4	5
6	7 A - 4/5 & 4/6	8	9 N - 4/5 & 4/6	10	11	12
13	14	15	16 D - 4/19 & 4/20	17	18	19
20	21 A - 4/19 & 4/20	22	23 HPC	24	25 HOLIDAY	26
27	28	29 Public Utility Board	30	31		

### APRIL 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6 D - 5/3 & 5/4	7	8	9
10	11 A - 5/3 & 5/4	12 Public Utility Board	13 N - 5/3 & 5/4	14	15	16
17	18	19	20 D - 5/17 & 5/18	21	22	23
24	25 A - 5/17 & 5/18	26 Public Utility Board	27 HPC	28	29	30

### MAY 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4 D - 6/1 ZBOA	5	6	7
8	9 A - 6/1 - ZBOA	10 Public Utility Board	11 D - 6/7 - P&Z N - 6/1 - ZBOA	12	13	14
15	16 A - 6/7 - P&Z	17	18 D - 6/15 - ZBOA N - 6/7 - P&Z	19	20	21
22	23 A - 6/15 - ZBOA	24 Public Utility Board	25 HPC	26	27	28
29	30 HOLIDAY	31				

### JUNE 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 D - 7/5 & 7/6	2	3	4
5	6 A - 7/5 & 7/6	7	8 N - 7/5 & 7/6	9	10	11
12	13	14 Public Utility Board	15 D - 7/19 & 7/20	16	17	18
19	20 A - 7/19 & 7/20	21	22 HPC	23	24	25
26	27	28 Public Utility Board	29	30		

Deadlines and Meeting Dates are subject to change at any time. Please contact the Planning Department at (956) 681-1250 if you have any questions.