AGENDA

PLANNING & ZONING COMMISSION REGULAR MEETING
TUESDAY, APRIL 5, 2016 - 3:30 PM
MCALLEN MUNICIPAL BUILDING, 1300 HOUSTON AVENUE
CITY COMMISSION CHAMBERS, 3RD FLOOR

CALL TO ORDER -PEPE CABEZA DE VACA

Google Earth Placemarks

1) MINUTES:

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

2) SITE PLAN:

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

3) SUBDIVISIONS:

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

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)**

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)**

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)**

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 **(CUP2016-0028) (TABLED: 3/15/2016) WITHDRAWN**

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)**

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)**

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)**

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)**

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)**

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)**

5) DISCUSSION:

a) Training Workshop Date

6) INFORMATION ONLY:

a) The actions of the City Commission meeting of March 28, 2016 are included in the packet.

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, March 15, 2016, at 3:30 p.m. in the Municipal Building City Commission Room at City Hall, 1300 Houston Avenue, McAllen, Texas.

Present:	**Pepe Cabeza de Vaca**	**Chairperson**
	Mark Wright	**Member**
	Michael D. Hovar	**Member**
	Brenton M. Baldree	**Member**
	Robert Luciano	**Member**
Absent:	**John Millin**	**Vice- Chairperson**
	Daniel Santos	**Member**
Staff Present:	**Michelle Leftwich**	**Assistant City Manager**
	Victor Flores	**Assistant City Attorney**
	Ed Taylor	**Senior Planner**
	Luis Mora	**Senior Planner**
	Kim Guajardo	**Planner III**
	Miguel Martinez	**Planner II**
	Rodrigo Sanchez	**Planner II**
	Cristina Garcia	**Planner I**
	Allan Garces	**Planner I**
	Patrizia Longoria	**Deputy Director of Traffic**
	Susana De La Cerda	**Secretary**
	Nikki Marie Cavazos	**Secretary**

PLEDGE OF ALLEGIANCE Chairperson- Mr. Pepe Cabeza de Vaca

INVOCATION Member - Mr. Mark Wright

CALL TO ORDER Chairperson - Mr. Pepe Cabeza de Vaca

1) MINUTES:

a) Minutes for Regular Meeting held on March 1, 2016.

The minutes for the regular meeting held on March 1, 2016 were approved as submitted. The motion to approve was made by Mr. Robert Luciano. Mr. Brent Baldree seconded the motion which carried unanimously with four members present and voting.

2) SITE PLANS:

a) Nolana Centre Phase II, Lot 4A Subdivision, 529 East Nolana Avenue – Mayan Capital Marketing, LLC, a Texas Limited Liability Company **(SPR2016-0002)** FSS

Mr. Martinez stated the property was located on the north side of E. Nolana Avenue, approximately 480 ft. west of N. McColl Road. The property was zoned C-3 (general business) District. The adjacent zoning was R-3A (multi-family residential) District to the north, and C-3 to the east, south and west. The property was part of Nolana Centre Phase 2 Subdivision, which was recorded October 27, 2000. A note on the plat indicated 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 5,751 sq. ft. building for restaurant use on the property. Based on the use and square footage of the building, 71 parking spaces were required; 71 parking spaces were provided. Three of the provided parking spaces must be accessible one of which must be van accessible with an 8 ft. wide aisle. Access to the site was proposed to be from one shared 25 ft. wide curb cut on E. Nolana Avenue. A shared access drive/easement agreement was required between Lots 3A & 4A Nolana Town Center Phase II and had not been provided to the city. The recorded access agreement must be provided prior to building permit issuance. Required landscaping for the lot was 4,726 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 property line along E. Nolana 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, as required by ordinance. A 4 ft. wide sidewalk was required along E. Nolana Avenue, as well as a 6 ft. buffer from adjacent multi-family residential and commercial or industrial zones/uses and around the dumpster area if visible from the street. An 8 ft. masonry wall was required between single-family residential and commercial, industrial, or multi-family residential zones/uses. No structures were permitted over easements. All building setbacks would be in compliance with the plat note requirements and zoning ordinance.

Staff recommended approval of the site plan subject to submittal of a recorded shared access drive/easement agreement between lots 3A & 4A Nolana Town Centre Ph. II prior to building permit issuance, the conditions noted, paving and building permit requirements, and the subdivision and zoning ordinances.

Being no discussion of the item, Mr. Brent Baldree **moved** to approve the site plan subject to submittal of a recorded shared access drive/easement agreement between lots 3A & 4A Nolana Town Centre Ph. II prior to building permit issuance, the conditions noted, paving and building permit requirements, and the subdivision and zoning ordinances. Mr. Robert Luciano seconded the motion with three members voting yay and one abstention. Mr. Mark Wright abstained.

Mr. Hovar walked in at 3:40 pm.

3) SUBDIVISIONS:

a) Villanueva Estates at Trinity Oaks Subdivision; 10520 North 31st Street - Martin Villanueva Construction, LLC. **(Revised Preliminary) (SUB2015-0060)** BIG

Ms. Guajardo stated the property consisted of 27 lots zoned and proposed for R-1 (single family residential) District. The property was located on the south side of Brazos Avenue at N. 31st Street. N. 33rd Street (west boundary) had 35 ft. ROW dedication required for 70 ft. ROW with 44 ft. of paving and curb & gutter on both sides. Owner must escrow monies for improvements if not built prior to plat recording. Project engineer was to correct street name from N. 33rd Lane to N. 33rd Street. Brazos Avenue had 35 ft. ROW dedication required for 70 ft. ROW with 44 ft. of paving and Curb & gutter on both sides. Owner must escrow money for improvements if not built prior to plat recording. Interior Streets had 50 ft. ROW required with 32 ft. of paving and Curb & gutter on both sides. Temporary turnarounds were needed at the south end of the N/S interior streets. Front setbacks were 25 ft. or greater for easements. Rear setbacks were in accordance with the Zoning Ordinance, or greater for easements (Lots 1-13) and double fronting lots shall be 25 ft. (Lots 14-27). Interior Side setbacks were in accordance with the Zoning Ordinance, or greater for easements. Corner setbacks were 10 ft. or greater for easements. Garage setbacks were 18 ft. except where greater setbacks were required; greater setback applied. All setbacks were subject to increase for easements. A 4 ft. wide minimum sidewalk was required on N. 33rd Street, Brazos Avenue, and on both sides of all interior streets. 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 and along N. 33rd Street and Brazos Avenue. An 8 ft. masonry wall was required between single family residential and commercial, industrial, or multi-family residential zones/uses. Perimeter buffers must be built at time of Subdivision Improvements. A note on the plat stated no curb cut, access, or lot frontage be permitted along N. 33rd Street and Brazos Avenue. Project engineer was to verify minimum lot width and lot area requirements and revise accordingly. All lots shall comply with the minimum 50 ft. of frontage and corner lots shall be 4 ft. wider than the minimum requirement. A Park Fee of $18,900, which was based on $700 x 27 lots, was required to be paid prior to recording. A Trip Generation was needed to determine if TIA was required, prior to final plat. Preliminary plat was approved by the Planning and Zoning Commission on September 16, 2015. Temporary turnarounds were needed at the south end of N. 31st Street & N. 32nd Lane. Project engineer was to submit master plan for review and approval.

Staff recommended approval of the subdivision in revised preliminary form subject to the conditions noted, and utility & drainage approvals.

Mr. Pepe Cabeza De Vaca inquired whether the turn- around was in place and whether the plat was proposed as public or private.

Ms. Guajardo stated the turn-around was proposed to be constructed outside the plat boundaries. There would be an easement dedication on the plat and the plat was proposed as public.

After a brief discussion, Mr. Mark Wright **moved** to approve the subdivision in revised preliminary form subject to the conditions noted, and utility & drainage approvals. Mr. Brent Baldree seconded the motion with five members present and voting.

b) Saldivar Subdivision; 16805 & 16809 North Eubanks Road - Aida Saldivar Lujan, Nicolas Saldivar, and Flor Pulido Saldivar **(Preliminary) (SUB2016-0015)** UIG

Ms. Guajardo stated the property consisted of 5 lots, and was located in the ETJ. The property was located on the west side of N. Eubanks Road, south of Mile 11 North Road. There were two homes existing on the property. N. Eubanks Road had 20 ft. ROW dedication required for 40 ft. from centerline for an 80 ft. ROW with 52 ft. - 65 ft. of paving and curb & gutter on both sides. Owner must escrow monies for improvements if not built prior to plat recording. Front setbacks on N. Eubanks Road were 40 ft. or greater for easements. 15 ft. rear yard setbacks were proposed; to be determined prior to final based on easements as may be required. Side setbacks were to be determined prior to final based on easements as may be required. Garage setbacks were 18 ft. except where greater setback was required; greater setback applied. All setbacks were subject to increase for easements. A 4 ft. wide minimum sidewalk was required on N. Eubanks Road. Perimeter sidewalks must be built or money escrowed if not built at this time. A 6 ft. opaque buffer 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. Minimum 100 ft. lot frontage was required for septic tank use, which required a variance from the Public Utility Board. Park Fee was not applicable in the ETJ. A Trip Generation was needed to determine if TIA was required, prior to final plat. Plat must comply with the City's Access Management Policy. Staff recommended that the plat be redesigned to provide for an interior street to comply with street requirements.

Staff recommended disapproval of the subdivision based on non-compliance with the minimum 100 ft. lot frontage requirement.

The board inquired about the lots facing N. Eubanks Road, if a street would be leading to the east, and whether it would need to be a street or private road.

Ms. Guajardo clarified the plat was proposed to have lots with 50 feet of frontage, all fronting N. Eubanks Road. However, the 50 feet tapered down to much less to accommodate for the driveways. Per the Subdivision Ordinance the plat did not comply. Since the lots front a collector roadway and there were no alleys for garbage pick-up. The code required a 20 ft. planting strip in addition to a 20 ft. service street within the lots. This would also help comply with the Access Management Policy in reference to the number of driveways and spacing along N. Eubanks Road. Staff had concerns in regards to Access Management, service drive requirement, lot width, safety access with proper layout and development for the city. The board had previously expressed concerns for flag lots. Staff recommended disapproval due to the layout, number of city concerns, ordinance requirement and non- compliance with the minimum 100 ft. lot frontage requirement.

Ms. Guajardo stated a street would need to be provided and in previous cases, developers would have lots fronting a cul-de-sac with 50 feet or less. This would cause issues with parking and number of lots fronting.

Mr. Craig Gonzalez, project engineer stepped to the podium, and stated the proposed subdivision was a family partition with two family members living on the 5-acre lot. The family members wanted to add lots for other family members to live on the property. If the owners did a street with a cul-de-sac like the subdivision to the west, it would cost about $210,000 for streets, curb and drainage improvements, which was cost prohibitive. The owners would not be able to afford such an expense and the engineer got creative to do flag lots. If it would not be approved, the owners would not be

able to subdivide.

Mr. Hovar inquired if it would be an option to provide an easement or a drive for access on the deed, which could be a possibility.

Ms. Guajardo stated the access easement would not be able to be done for residential subdivisions.

Mr. Craig Gonzalez stated after speaking to staff, for an access easement there would be two access easements for the 4 lots to the back and to add another driveway easement.

Mr. Luis Mora stated an access easement in terms of complying with the requirement of a lot facing a street. The City had not approved plats in that fashion. The requirement of the ordinance which was for the lot should be facing a street. An access easement would be acceptable for a commercial development where a common parking area and everything was shared. However, in terms of residential development, it had not met the requirement of the ordinance.

Mr. Hovar inquired if it was prohibited by the ordinance.

Mr. Mora stated an access easement would create a land lock parcel and the only way to get to the property was to go onto someone else's property. As properties were developed those easements become public streets or private streets built to city standards. The city in approving a plat would be looking at a roadway and not an easement to provide access to those particular lots.

Mr. Hovar stated as long as the applicant was aware of the restrictions for the easement to take place it would at least give the landowners to understand exactly what the applicants were getting into.

Mr. Mora stated the access easement would give them access but it wouldn't meet the requirements of the subdivision ordinance for lots facing a street. If so, there would be a need for various variances that the ordinance would require through the process. The decision would be for the board and ultimately City Commission whether to approve a plat with an access easement instead of providing a roadway.

Mr. Hovar inquired whether the plat would need an all- weathered paved street/ drive from Eubanks Road to the back of the property.

Mr. Mora stated if there was a drive coming in assuming the access was the route the applicants went, it would still have to be improved, paved, and meet standards to providing access, utility services into the individual lots. Even if the easement took place and the lots faced that easement it would still need to extend to service the properties which would go back to the cost issue.

Mr. Hovar inquired if an alley could be placed to provide access.

Mr. Mora stated to provide for a street, the standard roadway would have 50 ft. of right of way with 32 ft. of paving, as long as it was less than 600 ft in depth would be standard.

Mr. Hovar inquired if they would have other options to provide access as an alley rather than a public street.

Mr. Mora stated access would still have to meet the standard of a street either public or private.

Mr. Hovar stated an alley would not meet the standards.

Mr. Mora stated a lot could not face an alley, if wanting to provide a lesser paving width it would be a variance in itself. The roadway coming in from Eubanks Road into the cul-de-sac and the turn-around area were the issues to be looked over with the concerns of the recommendation of the staff.

Mr. Craig Gonzalez stated the property was located north of Monte Cristo and Eubanks and was located in the ETJ. If they were to provide a street, the applicants would not be able to have family members live by them because the lots would not fit, due to the 100 ft. requirement for septic tanks. There was no sanitary sewer provided in the area and water was provided by Sharyland. It would be a while before the property was annexed into the City of McAllen. Mr. Gonzalez asked the board to consider the family members wanting to live together and they would not be able to afford the 32 ft. wide street.

After a lengthy discussion of the item, Mr. Brent Baldree **moved** to disapprove the subdivision based on staff's recommendation subject to non-compliance with the minimum 100 ft. lot frontage requirement. Mr. Mark Wright seconded the motion with five members present and voting.

c) McAllen Youth Baseball Complex Subdivision; 8201 North 29th Street - City of McAllen **(Preliminary) (SUB2016-0016)** COM

Ms. Guajardo stated the property consisted of a one-lot subdivision and was located at the northwest corner of N. 29th Street and Auburn Avenue and was proposed for a youth baseball complex. The Conditional Use Permit was approved by the City Commission on March 23, 2015, for life of the use. N. 29th Street, the project engineer was to label the centerline to determine ROW dedication requirement for 50 ft. from center for 100 ft. ROW with 65 ft. of paving and curb & gutter on both sides. N. 33rd Street had a 30 ft. ROW dedication required for 60 ft. ROW with 40 ft. of paving and curb & gutter on both sides. Owner must escrow monies for improvements if not built prior to plat recording. Auburn Avenue had 10 ft.-20 ft. ROW dedication required for 60 ft. ROW with 40 ft. of paving and curb & gutter on both sides. Front setbacks along N. 29th Street were 50 ft. or greater for approved site plan or easements. Setbacks along Auburn Avenue were 30 ft. or greater for approved site plan or easements. Setbacks along N. 33rd Street were 30 ft. or greater for approved site plan or easements. Other setbacks were in accordance with the Zoning Ordinance, 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 N. 29th Street, N. 33rd Street and Auburn Avenue. 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. A note on the plat would state that a site plan must be approved by the Planning and Zoning Commission prior to building permit issuance. A Trip Generation was needed to determine if TIA was required, prior to final plat and must comply with the City's Access Management Policy.

Staff recommended approval of the subdivision in preliminary form subject to the conditions noted,

and utility & drainage approvals.

The Board inquired about the penetration of 33rd Street to Trenton and the purpose of the turn-around at the end of Auburn Avenue.

Ms. Guajardo stated it would not extend out to Trenton Road and the cul-de-sac on Auburn Avenue existed on the west side and would not punch out onto Trenton Road.

Chairperson, Pepe Cabeza de Vaca inquired how many fields would be proposed.

Ms. Guajardo stated there were three fields from the original master plan initially proposed.

After a brief discussion of the item, Mr. Brent Baldree **moved** to approve the subdivision in preliminary form subject to the conditions noted, and utility & drainage approvals. Mr. Robert Luciano seconded the motion with five members present and voting.

d) Montemayor Apartments Subdivision; 1007 South Bicentennial Boulevard - Normalinda Montemayor **(Preliminary) (SUB2016-0017)** MASE

Ms. Guajardo stated the property was a resubdivision plat and consisted of three lots replatting into one lot. The property was located at the southeast corner of S. Bicentennial Boulevard and Jackson Avenue. The property was zoned and proposed for a duplex-fourplex and in speaking to the engineer a fourplex was to be constructed on the property. S. Bicentennial Blvd, project engineer was to show the centerline and label existing ROW on both sides to determine dedication requirements for 75 ft. from centerline for 150 ft. ROW with minimum 65 ft. of paving and curb & gutter on both sides. Jackson Avenue, project engineer was to label existing ROW on both sides of the centerline to determine dedication requirements for 40 ft. from centerline for an 80 ft. ROW with 52 ft. - 65 ft. paving and curb & gutter on both sides. Project engineer was to clarify lot dimensions and dashed line along the east boundary; easement or ROW? Project engineer was to clarify apparent 10 ft. alley as shown on the survey. Front setbacks for S. Bicentennial Blvd were 40 ft. or in line with existing structures, whichever was greater. Rear setbacks were to be determined based on clarification of the apparent 10 ft. alley. Interior side setbacks were in accordance with the Zoning Ordinance, or greater for easements. Corner setbacks for Jackson Avenue were 10 ft. or greater for easements. Garage setbacks were 18 ft. except where greater setback was required; greater setback applied. All setbacks were subject to increase for easements. A 4 ft. wide minimum sidewalk was required on S. Bicentennial Blvd. and Jackson Avenue. Perimeter sidewalks must be built or money escrowed if not built at this time. A 6 ft. opaque buffer 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 Park Fee of $700 per dwelling unit was required to be paid prior to recording. A Trip Generation was needed to determine if TIA was required, prior to final plat and must comply with the City's Access Management Policy. Existing plat notes remained the same for the resubdivision. Public Hearing without legal notices were required prior to final for the resubdivision. Project engineer was to clarify lot dimensions and dashed line along the east boundary as an easement or ROW.

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

Mr. Hovar inquired if the access analysis would determine if the frontage access would be better served on Jackson Road or Bicentennial Boulevard and whether it would cause an impact on plans for the underpass on this street.

Ms. Patricia Longoria form Traffic Department stated there would not be access or parking on Bicentennial. The driveway would be as far back of the property onto Jackson Avenue.

Mr. Wright inquired if there would be an alleyway on the western limit of the property with a driveway right beside it.

Ms. Longoria stated once the alley issue was confirmed, then the Traffic Department would determine where the driveway would be placed, and there would be access to the alley.

After a brief discussion of the item, Mr. Mark Wright **moved** to approve the resubdivision in preliminary form subject to the conditions noted, and utility & drainage approvals. Mr. Michael Hovar seconded the motion with five members present and voting.

e) Solidaire Subdivision; 6901 North 26th Street - Laura Torres **(Preliminary) (SUB2016-0018)** SAMES

Ms. Guajardo stated the property consisted of a two lot subdivision, located north of Pelican Avenue at future N. 26th Street. The property was zoned and proposed for a condominium development. N. 26th Street had 60 ft. ROW required for high-density residential and collector roadway with 40 ft. of paving and curb & gutter on both sides. A 50 ft. ROW was proposed to match existing to the north and south. Should 50 ft. of ROW be acceptable, then 10 ft. sidewalk and utility easements were needed on both sides of N. 26th Street. Project engineer was coordinating with the City's Engineering Department regarding use of drain ditch for street purposes. An Alley/service drive easement may be required by Public Works Department for city services. Front setbacks were 20 ft. or greater for easements. Rear and side setbacks were in accordance with the Zoning Ordinance, or greater for easements. Garage setbacks were 18 ft. except where greater setback was required; greater setback applied. All setbacks were subject to increase for easements. A 4 ft. wide minimum sidewalk was required on both sides of N. 26th 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. The plat was pending review by the Parkland Dedication Advisory Board and CC. A Trip Generation was needed to determine if TIA was required, prior to final plat. Project engineer was to submit agreement from respective Gas Company for any improvements over the gas easement on Lot 1. Project engineer was to clarify use of Lot 1.

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

Mr. Wright inquired to clarify what would be built on the gas transmission line.

Ms. Guajardo stated it was a gas easement, staff was asking before any site plans or permits may

be issued for Lot 1, the engineer would have to provide an agreement from the respective Gas Company to state what improvements may or may not be allowed over the gas easement.

Mr. Wright stated it looked like 61 ft. from back of curb. After the setbacks and sidewalks, there would not be much to have other than drainage for Lot 2, which would be across the street and would not be feasible to do anything with Lot 1.

Ms. Guajardo stated staff had a preliminary meeting with the engineer who was shown different layouts. The project engineer was looking to put a small house for the manager of the condominium on site and the engineer would have to comply with setbacks for Lot 1 and not building over the gas easement.

Mr. Hovar inquired about the cost of the development for offsite street improvements because there was a section to make it work which was not on their property. Would the city pay for the improvements offsite?

Ms. Gonzalez stated the Subdivision Ordinance had a stipulation in which the city could participate. The only way the city could participate was if the road was over 60 ft. of ROW and 40 ft. of paving with curb and gutter. This subdivision would not meet the requirement, unless the engineer was to submit a request of the item, to be presented to the City Commission.

After a brief discussion, Mr. Mark Wright **moved** to approve the subdivision in preliminary form subject to the conditions noted, and utility & drainage approvals. Mr. Brent Baldree seconded the motion with five members present and voting.

4) PUBLIC HEARING (to be conducted at 4:11 p.m.)

a) CONDITIONAL USE PERMITS:

1. Request of Milton L. Gonzalez on behalf of Covenant Academy for a Conditional Use Permit, for life of use, for an institutional use (school) at Lot 12A, Kingwood Estates Phase 4 Subdivision; 5281 North 23rd Street. **(CUP2016-0022)**

Ms. Garcia stated the property was located on the west side of North 23rd Street, approximately 380 ft. south of Dove Avenue and was zoned C-3 (general business) District. The adjacent zoning was C-3 District to the north, east, and south, and R-1 (single family residential) District to the west. Surrounding land uses include single and multi-family residential, McAllen's Fire Station No. 5, and commercial businesses. An institutional use was permitted in a C-3 zone with a conditional use permit and in compliance with requirements.

The initial conditional use permit was approved for one year by the Planning and Zoning Commission on July 7, 2015. The applicant was requesting for the life of use; therefore, it had to come before the Planning and Zoning Commission for consideration.

Currently, there was a multi-tenant building on the property. The applicant proposes to continue to utilize a lease space from the building for classrooms for high school students. The lease space

was an expansion to their main location which was located at 4201 North Ware Road. Their main location had a conditional use permit for life of the use that was approved by the City Commission on April 2008. Based on the number of one classroom and one office, seven parking spaces were required and 293 were provided on site as part of the common parking area for the development. If there was more room to expand within the lease area such as classrooms, etc. an amendment of the conditional use permit would be required.

An institutional use was permitted in a C-3 zone with a conditional use permit. The Fire Department had inspected the building and had met all the minimum standards and applicable ordinances. The proposed use must 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 had direct access to North 23rd Street and through Zinnia Avenue;

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 one classroom and one office, seven parking spaces were required and 293 were provided on site as part of the common parking area for the development;

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 capacity for the building; and

7) Sides adjacent to commercially and residentially zoned or used properties shall be screened by a 6 ft. opaque fence.

Staff recommended approval of the request, for life of use, subject to compliance with the Zoning Ordinances and Fire Department requirements.

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 not present.

Being no discussion of the item, Mr. Michael Hovar **moved** to approve the request, for life of the use, subject to compliance with the Zoning Ordinances and Fire Department requirements. Mr. Mark Wright seconded the motion which carried with five members present and voting.

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; 1000 North McColl Road. **(CUP2016-0024)**

Ms. Garcia stated the property was located on the east side of North McColl Road, approximately 410 ft. north of East Hackberry Avenue, and was zoned R-3A (apartments) District. The adjacent zoning was R-3A District to the west and C-3 (general business) District to the north, east, and west. An institutional use was permitted in an R-3A zone with a conditional use permit and in compliance with requirements.

The initial conditional use permit was approved, for one year, on June 6, 2015 by the Planning and Zoning Commission. The last permit was approved for one year by the Planning and Zoning Commission on March 17, 2015 in order to allow the applicant time to monitor the parking situation and to make sure there was sufficient parking on site, not on E. Jasmine Avenue. The applicant was requesting life of use; therefore, it had to come before the Planning and Zoning for consideration.

The applicant was proposing to continue to utilize 13,893 sq. ft. building for an immigrant youth facility. Based on the vehicles parking on site and on E. Jasmine Avenue, the applicant was required to construct an additional parking area to accommodate an additional 10 parking spaces. Based on 27 bedrooms with a multi-purpose room, 6 offices, 3 classrooms, 33 parking spaces were required; a total of 42 parking spaces were now provided on site.

The Fire Department had inspected the building, which complies with 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 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 McColl Road and 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 vehicle observations that park on site and on the side of Jasmine Avenue, the applicant had constructed 10 additional parking spaces in order to avoid vehicles parked along Jasmine Avenue. Based on 27 bedrooms with a multi-purpose room, 6 offices, 3 classrooms, 33 parking spaces were required; a total of 42 parking spaces were now provided on site;

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 a 6 ft. opaque fence.

Staff recommended approval of the request, for life of the use, subject to compliance with the conditions noted, Zoning Ordinance and Fire Department requirements.

Chairperson, Pepe Cabeza de Vaca, asked if there was anyone present in opposition of the conditional use permit being requested and there was some one present to speak in opposition. The applicant was present.

Mr. James L. Best, in opposition, stated he was representing the owner of the business park located across the street on East Jasmine Avenue. Mr. Best commented on whether parking on Jasmine Avenue was restricted due to safety reasons.

Chairperson, Mr. Pepe Cabeza de Vaca stated according to staff, the requirement was 33 parking spaces and the property had 42 parking spaces, which were nine more than required by the city ordinance. Most likely, there might have been parking on East Jasmine Avenue due to the construction of the additional parking.

Ms. Garcia stated the applicant was approved for one year previously to monitor the parking situation. Upon inspection, there were no vehicles parking on East Jasmine Avenue and with the additional parking, it would resolve any parking issue.

Chairperson, Pepe Cabeza de Vaca advised the applicant that the area would be monitored for parking compliance. The applicant agreed.

After a brief discussion of the item, Mr. Mark Wright **moved** to approve the request, for life of the use subject to compliance with the conditions noted, Zoning Ordinance and Fire Department requirements. Mr. Michael Hovar seconded the motion, which carried with five members present and voting.

3. Request of Martha A. Sanchez on behalf of Iglesia El Tabernaculo for a Conditional Use Permit, for one year, for an institutional use (church) at Lot 6B, Block 23, McAllen Addition Subdivision; 202 South 16th Street. **(CUP2016-0025)**

Ms. Garcia stated the property was located on the west side of South 16th Street, approximately 50 ft. south of Beaumont Avenue. The property was zoned C-3 (general business) District. The adjacent zoning was C-3 in all directions. Surrounding land uses included general commercial. An institutional use was permitted in a C-3 zone with a conditional use permit.

Currently there was a two story commercial building on the property. The applicant was proposing to occupy the lease space for a church with a seating capacity of 80 persons in the main sanctuary (1st Floor). The 2nd floor would be used as storage. The hours of operation would be Sunday starting at 11:00 a.m., Tuesday at 7:30 p.m. and Friday at 7:30 p.m. Based on the seating capacity of 80 persons, 20 parking spaces were required; 2 parking spaces were provided at the rear of the property. The applicant submitted a parking agreement for an additional 23 parking spaces for a total of 25 parking spaces available for the church. The parking agreement needed to be approved prior the issuance of the certificate.

The Fire and Health Department have conducted their inspections and have met the minimum requirements. Staff did receive a letter of opposition with concerns of the location of the church and being surrounded by retail area. The proposed use must 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 proposed location would have direct access to South 16th Street and the rear alley;

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 seating capacity of 80 persons, 20 parking spaces were required; 2 parking spaces were provided at the rear of the property. The applicant submitted a parking agreement for an additional 23 parking spaces for a total of 25 parking spaces available for the church;

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 those allowed by the Fire Marshal and Building Official at the time of permit issuance; and

7. Sides adjacent to commercially and residentially zoned or used properties shall be screened by a 6 ft. opaque fence.

Staff recommended approval of the request, for one year, subject to Section 138-118 of the Zoning Ordinance, building permit conditions, Fire Department requirements, and approval of the parking agreement.

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.

Being no discussion of the item, Mr. Michael Hovar **moved** to approve the conditional use permit, for one year, subject to Section 138-118 of the Zoning Ordinance, building permit conditions, Fire Department requirements, and approval of the parking agreement. Mr. Brent Baldree seconded the motion, which carried unanimously with five members present and voting.

4. 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)**

The property was located on the northwest corner of North 10th Street and Sycamore Avenue. It was zoned C-3 (general business) District. The adjacent zoning was C-3 District in all directions as well as R-1 (single family residential) District and C-1 (office building) to the west. Surrounding land uses include single family residential, retail, and offices. A portable food concession stand was permitted in a C-3 zone with a conditional use permit.

Currently, there was a commercial embroidery business on the property. The applicant was proposing to place a 7 ft. by 17 ft. (119 sq. ft.) portable food concession stand with a 7 ft. X 10 ft. (70 sq. ft.) seating area on the property for restaurant use (189 sq. ft. total). The hours of operation were from 8:00 a.m. to 12:00 p.m. and 6:00 p.m. to 12:00 a.m. Monday – Sunday.

Should the conditional use permit be approved, the applicant must obtain a building permit to place the portable building on site, and must also comply with parking, landscaping, and setback requirements. Access would be from existing curb cuts on Sycamore Avenue and North 10th Street.

The Fire Department had conducted an inspection; however, once the portable concession stand was on the property it would require a re-inspection for final approval. The Health Department would also conduct inspections to ensure compliance with their requirements at time of final inspection. The establishment must also comply with requirements set forth in Section 138-118(9) of the Zoning Ordinance and other specific requirements as follows:

1) The proposed use shall not be located in a residentially zoned area. The property was zoned C-3 District;

2) The proposed use shall be inspected by the Building Inspector and comply with applicable building codes. A building permit was required to place the portable building on site;

3) The proposed use and adjacent businesses shall comply with the off-street parking and loading ordinance. Based on the 189 total sq. ft. of restaurant use, four parking spaces were required and 10 were proposed on site. Six spaces were for the existing business and four for the portable food concession stand;

4) A portable building or trailer for the proposed use shall be properly anchored to the ground;

5) The proposed use shall comply with the zoning district setback requirements; and

6) Water and sewage disposal facilities must be available and may be required to the proposed use. Restroom facilities would be provided on site from the existing commercial

building.

Staff recommended approval of the request, for one year, subject to compliance with Section 138-118(9) of the Zoning Ordinance, building permit, Health and Fire Department requirements.

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 not present.

The board stated concerns in regards to if the concession stand and whether it was already open, hours of operation, restroom access, lighting, trash pick-up, dumpster location and enclosure.

Ms. Garcia stated upon inspection the portable building was not there yet. In placing the portable food concession stand, the applicant would have to apply for a building permit, as well as landscaping and water connection. The business would be open from 8 am- 12 pm and reopen from 6pm till 12 am. The applicant provided a letter regarding restroom access and the applicant would have access to the keys for customers to use the facility at RGV Embroidery.

After a brief discussion of the item, Mr. Michael Hovar **moved** to table the request of the conditional use permit to allow staff to research the information on the dumpster location, enclosure of dumpster and any other improvements required. Mr. Mark Wright seconded the motion with five members present and voting.

5. Request of Sandra Gomez for a Conditional Use Permit, for one year, for a bar at Lot A, J.G. Ortegon Subdivision; 6328 South 23rd Street. **(CUP2016-0026)**

Ms. Garcia stated the property was located at the northwest corner of South 23rd Street and Military Highway and was zoned C-4 (commercial industrial) District. The adjacent zoning was C-4 District to the north and south and A-O (agricultural and open space) District to the east and west. Surrounding land uses include a convenience store, car sales, the McAllen Produce Terminal Market and vacant land. A bar was allowed in a C-4 zone with a Conditional Use Permit and in compliance with requirements.

The initial conditional use permit was approved for this establishment by the Planning and Zoning Commission in September of 1991 and had been renewed annually to different tenants. The last permit was approved for one year on April 1, 2014. There was no renewal for 2015.

There was a new applicant proposing to operate a bar (Desperado Saloon) from the existing lease space. The hours of operation would be from 5:00 p.m. to 2:00 a.m. Monday through Sunday.

A police activity report was requested for service calls from March of 2015 until present. The Health and Fire Departments have inspected and cleared 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:

a) The property line of those businesses having late hours (after 10:00 p.m.) must be at least 600 feet from the nearest residence, church, school or publicly-owned property or must provide sufficient buffer and sound insulation of the building such that the building was not visible and cannot be heard from the residential areas. This establishment was not within 600 feet of the above mentioned zones or uses;

b) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment had direct access to South 23rd Street and Military Highway;

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. Based on the square footage of the establishment, 29 parking spaces were required for this use and 21 additional spaces were required for the remainder of the building. There were 72 parking spaces provided in the common parking area in the front and rear of the building

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 allowable number of persons within the building was 116 persons.

Staff recommended approval of the request, for one year, subject to compliance with requirements in Section 138-118(4) of the Zoning Ordinance, Health and Fire Department requirements.

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 not present.

Being no discussion of the item, Mr. Brent Baldree **moved** to approve the conditional use permit, subject to compliance with requirements in Section 138-118(4) of the Zoning Ordinance, Health and Fire Department requirements. Mr. Robert Luciano seconded the motion, which carried unanimously with five members present and voting.

6. Request of Jesus Henry Saenz for a Conditional Use Permit, for one year, for a portable building greater than 10' x 12' (office) at Lots 2 and 3, Block 55, McAllen Addition Subdivision, Hidalgo County, Texas; 616 South 16th Street. **(CUP2016-0027)**

Ms. Garcia stated the property was located on the west side of South 16th Street, approximately 70 ft. north of Galveston Avenue. The property was zoned C-3 (general business) District. The adjacent zoning was C-3 to the east, west, and south, and R-3A (apartments) District to the north. Surrounding land uses include commercial businesses, single and multi-family residences. A portable building was allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.

The initial conditional use permit for a portable building was approved for one year on November 18, 2014 by the Planning and Zoning Commission with the added conditions of no tow trucks to be parked overnight at the site and no storage of any junked or wrecked vehicles allowed. All maneuvering of the tow trucks must occur onsite without the need to maneuver on the streets, and a maximum timeframe of three months of vehicles stored on site. However, when the site improvements were done and the business started to operate, staff noticed that the portable office was being used as a tow truck business. There were junk and wrecked vehicles on site and a sign on the fence advertising the towing business. Staff also received complaints from neighbors and the Police Department for towing vehicles illegally. The applicant was sent a letter of notification to correct the violations. Staff spoke to the applicant and advised him of the conditions of the conditional use permit. The applicant was given 30 days to correct the violation. After the 30 days, Code Enforcement again went to the site and issued a citation to the individual operating the business.

The owner of the towing business Mr. Victor Barrera spoke with staff and he was advised that a new conditional use permit would be required since they were operating a towing business and not just a repo business as originally approved. However, no conditional use permit application was submitted. Since that time, the owner of the property, who was also the original applicant, submitted an application to renew the conditional use permit; however, due to the violations of the added conditions on the initial conditional use permit for the portable building and storage of junked/wrecked vehicles, it had to come before the Planning and Zoning Commission for review and approval. The request was tabled for several meetings to allow the applicant and the business owner to be present at the meeting; however, the applicant and business owner did not show up; therefore, the request was disapproved and no appeal followed. The applicant had re-submitted another request.

Currently, the property had a portable building on site, which was used as an office for a towing business and was enclosed with a chain-link fence with slats and two gates. The applicant was proposing to continue to utilize the 24 ft. by 14 ft. portable building on the property as the office for the proposed repo business, which was advertised on the signs (see attached photos). The applicant had previously indicated that there would be a maximum of 5 cars stored at this location for a period of one to three months.

The 10 parking spaces were required as a condition of the initial conditional use permit. The parking requirement was based on five spaces for the portable office building square footage and an additional five spaces for the vehicles that would be left on site for storage. During inspection, staff

observed 5 vehicles on site, two being wrecked vehicles. Access to the site was from South 16th Street and the paved alley at the rear of the lot.

The portable building must also meet the requirements set forth in Section 138-118(3) of the Zoning Ordinance as follows:

1) Portable buildings must not be used for living quarters. The building would be used for office purposes;

2) Must be located in such a manner as to have access to a public right-of-way within 200 ft. The property fronts South 16th Street;

3) The proposed use and adjacent businesses shall comply with the off-street parking and loading ordinance. The parking spaces were required as a condition of the initial conditional use permit. The 10 parking requirement was based on five spaces for the portable office building square footage, and an additional five spaces for the vehicles that would be left on site for storage. During inspection, staff observed 5 vehicles on site, two being wrecked vehicles. Access to the site is from South 16th Street and the paved alley at the rear of the lot;

4) Must provide for garbage and trash collection and disposal;

5) Must be connected to an approved water distribution and sewage disposal system;

6) No form of pollution shall emanate beyond the immediate property line of the permitted use; and

7) Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use.

Staff recommended disapproval of the request based on the violations and non-compliance with the previous approved conditions.

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.

The Board inquired why the applicant never spoke to the city in regards to violations and whether or not he was notified. In addition, the history of the item and the multiple complaints with staff and the police department were also inquired. The Board showed concerns due to the lack of communication of the applicant with the city to address the conditions of the Conditional Use Permit in regards to wrecked vehicles on the premises. The Board asked the applicant how he would be able to remedy the violations.

Mr. Jesus H. Saenz, the applicant, approached the podium, he stated the reasons why he did not contact the city was due to an ownership change and he was not notified of the initial public hearing or notified in regards to any violations by mail or otherwise. The business at the location was a

repossession service for banks and he had a contract being owner of Saenz Motors to repossess vehicles on his behalf. He stated he had complied with the requirements to his understanding. The wrecked vehicles were only placed at the location temporarily. The owner obscured the property so the wrecked vehicles would not be seen. He stated he would move the vehicles to his business location if need be to remedy the violations.

Mr. Hovar, Board Member, stated the point of the Conditional Use permit was to place conditions, when the conditions were not met, the permit was considered forfeit. Mr. Wright, Board Member, also inquired how many violations were made in the past year. Mr. Hovar asked staff how soon would the permit be revoked if the applicant failed to meet the conditions and if the violations were recurring would it just reset the clock.

Staff stated on three separate occasions there were wreaked vehicles on the premises. The police department had stated there were on going complaints concerning vehicles being towed over the weekend, being illegally towed and overcharged. If the applicant did not meet the conditions, written notifications would be sent and if the applicant did not comply, the item would be presented to the board. The notifications were not certified but were sent to the address listed on the application. The owner of the property acknowledged receiving the notification by phone.

Mr. Victor Flores, Assistant City Attorney, stated the ordinance did not give a specific limit of violations, a history of non- compliance establishes non-compliance. The applicant had an opportunity to remedy every violation but it would be up to the Planning and Zoning Commission to make the decision to revoke a permit after multiple violations.

After a lengthy discussion of the item, Mr. Mark Wright **moved** to disapprove the request based on the violations and non-compliance with the previous approved conditions. Mr. Michael Hovar seconded the motion, which carried unanimously with five members present and voting.

b) REZONING:

1. **TRACT 1:** Rezone from R-1 (single family residential) district to R-3A (multifamily residential apartment) district: Lot 1, Rosa Linda Subdivision, Hidalgo County, Texas; 2800 North Ware Road. **(REZ2016-0002)**

2. **TRACT 2:** Rezone from R-1 (single family residential) district to R-2 (duplex-fourplex residential) district: Lot 2, Rosa Linda Subdivision, Hidalgo County, Texas; 3616 Harvey Drive. **(REZ2016-0002)**

The properties were located at the northeast corner of North Ware Road and Harvey Drive. Lot 1 had 115 feet of frontage along North Ware Road and a depth of 140.5 feet for a tract size of 16,157 square feet. Lot 2 had 80.54 feet of frontage along Harvey Drive and a depth of 116.29 feet at its deepest point for a tract size of approximately 9,313 square feet. The applicant was requesting R-3A (multifamily residential apartments) District for Lot 1 to bring an existing apartment complex into conformance with the zoning ordinance and R-2 (duplex-fourplex residential) District in order to construct a duplex and parking lot. A feasibility plan has been submitted for a proposed duplex and parking lot. Adjacent zoning was R-1 (single family residential) District in all directions. The tract comprises two lots. Lot 1 was the site for an apartment building containing 20-2 bedroom units and

with 20 existing parking spaces. Lot 2 was a vacant lot. Surrounding land uses were single-family residences, apartments, and vacant land.

The Foresight McAllen Comprehensive Plan designates the future land use as Auto Urban Multifamily for Lot 1 and Auto Urban Residential for Lot 2.

The development trend for properties in the area were single-family residences. The proposed rezoning for Lot 1 was consistent with the existing apartments on Lot 1. The proposed rezoning for Lot 2 was not consistent with single-family residential development trends along Harvey Drive. The property was zoned R-1 (single family residential) District during comprehensive zoning in 1979. There have been four rezoning requests in the area since that time. A rezoning request to R-3A (multifamily residential apartments) District, for Lot 34 of Rosa Linda Subdivision fronting along Ware Road was approved in 1996. A rezoning request to R-1 (single family residential) District for a property to the north was approved in 2005 and was currently vacant land. A rezoning request for the same property to the north for R-3C (multifamily residential condominium) District was disapproved in 2010. A rezoning request to R-3A (multifamily residential apartments) District for a property to the north was withdrawn in 2014.

The requested zoning for Lot 1 conforms to the Auto Urban Residential however Lot 2 does not conform to the Auto Urban Residential land use designation for the property as indicated on the Foresight McAllen Comprehensive Plan. Lot 1 exceeded the maximum number of apartments for the lot size. The maximum number of 2-bedroom apartments on a lot size of 16,157 square feet was 12 units. The existing apartment building exceeded the maximum number of apartments by 8 units. The number of parking spaces on Lot 1 did not comply with the required number of parking spaces. The required number of parking spaces for 20-2 bedroom units was 40 parking spaces. The existing 20 parking spaces was 20 parking spaces less than the minimum required parking spaces. The feasibility plan shows parking spaces number 1 to 8 used the street for maneuvering space that was not permitted. The existing parking spaces on Lot 1 that use Harvey Drive for maneuvering space were allowed as a nonconforming use.

The requested zoning for Lot 2 was not in character with the surrounding area as the adjacent uses are primarily single-family residences. North Ware Road was designated as a principal arterial with 120 feet of right-of-way and was constructed with 6 travel lanes, a median, curb and gutter, and a posted speed limit of 50 miles per hour. Harvey Drive was a local residential street with a right-of-way of 50 feet and constructed with 30 feet of pavement providing 2 travel lanes. The minimum street right-of-way for multifamily developments was 60 feet of right-of-way with 42 feet of pavement. An approved site plan was required prior to issuance of any building permits. A buffer was required where a duplex was adjacent to single-family residential.

Staff recommended approval of R-3A (multifamily residential apartment) District for Lot 1 and disapproval of R-2 (duplex-fourplex residential) District for Lot 2, and alternatively to encourage applicant to submit a conditional use permit for a parking lot in an R-1 District on Lot 2.

Chairperson, Pepe Cabeza de Vaca, asked if there was anyone present in opposition of the conditional use permit being requested and there was someone present to speak in opposition. The applicant was present.

Mr. Miguel Santos submitted a petition in opposition of the zoning request comprising signatures

of 21 people. He stated Lot 1 had insufficient parking; the residents in the complex were utilizing Lot 2 as a parking area. Mr. Santos stated the residents of the complex also park on the street and in the surrounding residential area. He voiced concerns in regards to vandalism and the property value of the residential area of the subdivision due to the complex.

The board inquired if the property was grandfathered in, what impact the rezoning would cause to the surrounding area, and what other options could be made in regards to a Conditional Use Permit and requirements needed.

Mr. Sanchez stated Lot 1 alone did not have adequate parking spaces. If the parking lot was approved, it would ease the parking deficiency. The applicant would need to formulate a site plan to meet city standards to make the proposed improvements.

The applicant, Gerardo Rodriguez, stated Tract 1 was an existing apartment, and wanted to build a duplex on Lot 2 and provide an additional twenty parking spaces for Lot 1.

Mr. Luis Mora stated conditions could not be placed on a rezoning but if a Conditional Use Permit was applied for a parking lot in Lot 2, conditions could be added to comply with city standards.

After a lengthy discussion of the item, Mr. Michael Hovar **moved** to recommend approval of the rezoning request to R-3A (multifamily residential apartments) District for Tract 1 and disapproval of Tract 2. Mr. Robert Luciano seconded the motion. The Board unanimously voted to recommend approval of the rezoning request for Lot 1and disapproval of the rezoning request for Lot 2 with five members present and voting.

3. 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. **(REZ2016-0003)**

The property was located on the southwest corner of Savannah Avenue and South 26th Street. The lot had 50 feet of frontage along South 26th Street and a depth of 135 feet for a tract size of 6,765 square feet. The applicant was requesting R-2 (duplex-fourplex residential) District in order to construct a duplex. A feasibility plan had not been submitted to the Planning Department for a duplex. Adjacent zoning was R-1 (single family residential) District in all directions and A-O (agriculture open space) District to the east. The tract comprises one lot that was currently vacant land. Surrounding land uses were single-family residences, City of McAllen Airport property, and vacant land.

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

The development trend for properties in the area were single-family residences. The proposed zoning was not consistent with single-family residential development trends. The property was zoned R-1 (single family residential) District during comprehensive zoning in 1979. There have been three rezoning requests in the area since that time. A rezoning requests to R-2 (duplex-fourplex residential) District, at the northeast corner of Savannah Avenue and S. 26th Street, was approved 2001 but the property was currently vacant land. Rezoning requests to R-2 (duplex-fourplex residential) District, south of the subject property and to the northwest of the subject

property, were disapproved in 2009 and 2011.

The requested zoning did not conform to the Auto Urban Residential land use designation for the property as indicated on the Foresight McAllen Comprehensive Plan. The requested zoning was not in character with the surrounding area as the adjacent uses were primarily single-family residences. South 26th Street was a collector street with 60 feet of right-of-way and was constructed with 2 travel lanes, and curb and gutter. Savannah Avenue was a local residential street with a right-of-way of 50 feet and constructed with 30 feet of pavement providing 2 travel lanes. An approved site plan was required prior to issuance of any building permits.

Staff recommended disapproval of the rezoning request.

Chairperson, Pepe Cabeza de Vaca, asked if there was anyone present in opposition of the conditional use permit being requested and there was someone present to speak in opposition. The applicant was present.

Mr. Oviedo Salinas, in opposition approached the podium, he had questions on the legal notice he received by mail.

Chairperson, Pepe Cabeza de Vaca stated the reason of the rezoning request and the recommendation of the staff.

Lamie Dominquez speaking on behalf of the applicant stated the owner wanted to relocate from Phoenix to live close to parents and wanted to construct a duplex- fourplex instead of a home to be able to live on property and rent the remaining duplex to accommodate the costs.

After a brief discussion of the item, Mr. Michael Hovar moved to recommend disapproval of the rezoning request to R-2 (duplex-fourplex residential) District. Mr. Mark Wright seconded the motion. The Board unanimously voted to recommend disapproval of the rezoning request with five members present and voting.

4. 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. **(REZ2016-0004)**

The property was located on the south side of Balboa Avenue 203 feet east of South 23rd Street. The tract had 90 feet of frontage along Balboa Avenue and a depth of 120 feet for a total tract size of 10,800 square feet. The applicant was requesting C-3 (general business) District in order to add oil change service to an existing carwash. Adjacent zoning was R-1 (single family residential) District to the north, east and south and C-3 (general business) District to the west. The tract had a carwash and parking area for a car rental business. Surrounding land uses were single-family residences, Iglesia Bautista, and auto sales along 23rd Street.

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

The development trend for the area was stable single-family residential. The proposed zoning was not consistent with single-family residential development trends toward the east of North 23rd

Street. A rezoning request for the subject property for C-3 (general business) District was disapproved in 2003 and alternatively approved for C-2 (neighborhood commercial) District for the west half of the subject property and a conditional use permit (CUP) was approved for a parking lot on the east half of the property. Four rezoning requests for C-3 (general business) District located to the south were disapproved or withdrawn from 2000 to 2012 due to commercial encroachment into the neighborhood.

The requested zoning conforms to the Auto Urban Commercial land use designation for the property as indicated on the Foresight McAllen Comprehensive Plan. The requested zoning would increase the intensity of the existing use on the subject property and was not in character with the surrounding residential area as the adjacent uses were primarily single-family residences. The applicant owns the property on the west that could be used to provide auto repair service. Balboa Avenue was a local residential street with a right-of-way of 40 feet and constructed with 2 travel lanes. A conditional use permit was required for an auto repair business in the C-3 (general business) District.

Staff recommended disapproval of the rezoning request.

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

Mr. Eduardo Andrade stated the tenant had been at the property for 13 years using the facility for a carwash and wanted to expand the use to do oil changes. No complaints had been made by the residents in the area. Mr. Andrade stated the area was fenced and buffered to where it would not affect the residential area.

Mr. Sanchez stated the comprehensive plan was one aspect of the decision-making process; you must also look at history, a disapproval in 2003 and how would the rezoning impact the residential area with regards to encroachment.

The board stated if the request was granted the commercial zone, it would encroach into residential areas and that C-2 zoning was friendlier to the neighborhood.

After a brief discussion of the item, Mr. Michael Hovar moved to recommend disapproval of the rezoning request to C-3 (general business) District. Mr. Robert Luciano seconded the motion. The Board unanimously voted to recommend disapproval of the rezoning request with five members present and voting.

6) DISCUSSION: **NONE**

7) INFORMATION ONLY: The actions of the city commission meeting of February 22, 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. John Millin adjourned the meeting at 5:46 p.m., Mr. Daniel Santos seconded the motionwhich carried unanimously with six members present and voting.

_____
Chairperson, Pepe Cabeza de Vaca

ATTEST: _____
Susana De La Cerda, Secretary

Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: March 31, 2016

SUBJECT: SITE PLAN APPROVAL FOR LOT 2, NOLANA CROSSING SUBDIVISION; 2701 NOLANA AVE.

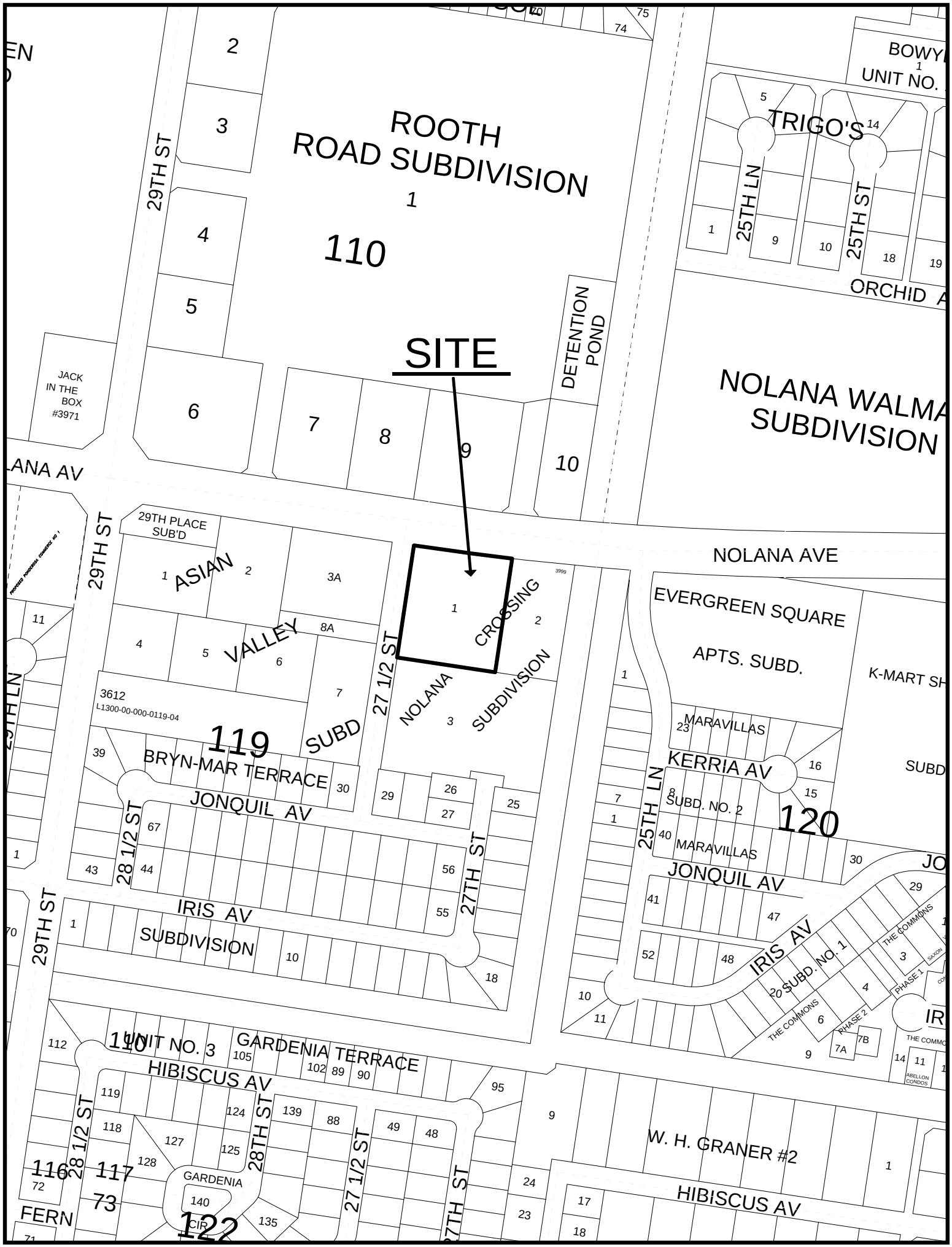
GOAL:
The goal of a site plan is to 1) promote a vibrant economy of commercial businesses, 2) ensure compliance with city requirements, 3) assists in the orderly and harmonious development of the city, and 4) enhancement of the general welfare.

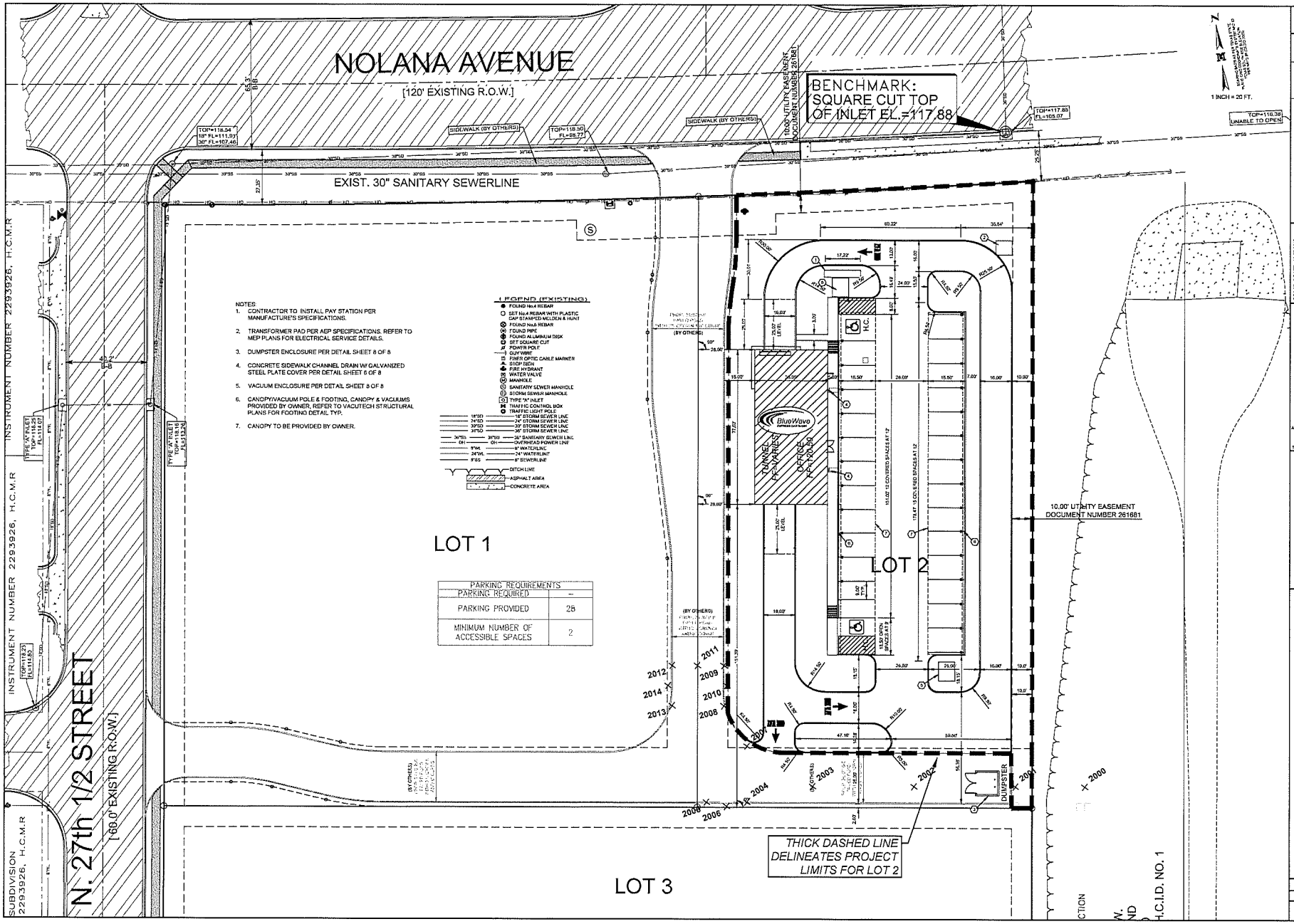
BRIEF DESCRIPTION:
The property is located on the south side of Nolana Ave approximately 260 ft. east of N 27th ½ St. and is zoned C-3 (general business) District. The adjacent zoning is C-3 to the north, south, and west, and R-1 (single family residential)District to the east.

The property is 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 is proposing to construct a 2,772 sq. ft. building for carwash use. Based on the square footage, 10 parking spaces are required, 28 parking spaces are 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 is 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 is 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 is required along Nolana Ave., as well as a 6 ft. buffer around dumpsters if they are visible from the street. A 6 ft. buffer is required from adjacent multifamily residential and commercial, or industrial zones/uses. Setbacks are 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.

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


ROOTH
ROAD SUBDIVISION
1
110
SITE
DETENTION POND
29TH ST
JACK IN THE BOX #3971
TRIGO'S
25TH LN
25TH ST
ORCHID
NOLANA WALMA
SUBDIVISION
NOLANA AV
NOLANA AVE
29TH PLACE SUB'D
ASIAN
VALLEY
SUBD
119
BRYN-MAR TERRACE
JONQUIL AV
27 1/2 ST
NOLANA
CROSSING
SUBDIVISION
EVERGREEN SQUARE
APTS. SUBD.
K-MART SH
MARAVILLAS
KERRIA AV
SUBD. NO. 2
120
IRIS AV
SUBD. NO. 1
THE COMMONS
PHASE 1
PHASE 2
ABELLON CONDOS
28 1/2 ST
28TH ST
27TH ST
IRIS AV
SUBDIVISION
110
UNIT NO. 3
GARDENIA TERRACE
HIBISCUS AV
W. H. GRANER #2
116
117
73
122
GARDENIA
CIR
FERN



JOB No.
14071.00

REVISION	DATE	BY

MELDEN & HUNT, INC.
ENGINEERING • SURVEYING • ENVIRONMENTAL
115 W. McINTYRE
EDINBURG, TX. 78541
P.O. BOX 1984
EDINBURG, TX. 78540
FIRM NO. F-2312
FIRM NO. F-10018
FIRM NO. F-10018
227 N.E. P.A. 3187
McALLEN, TX. 78501
P.O. BOX 2119
McALLEN, TX. 78502
FIRM NO. F-2312
FAX: (956) 381-1839
FAX: (956) 682-4591
FAX: (956) 682-4591
EMAIL: mail@meldenhunt.com
WWW.MELDENHUNT.COM

DRAWING DATE: 10-27-2015
DRAWN BY: R.K.
CHECKED BY: F.K./M.R.
DESIGNED BY: R.K.
RELEASE DATE:
T.B.P.E. FIRM: 13-13
SCALE: 1" = 20'

MELDEN & HUNT, INC.
TEXAS REGISTRATION F-1435

STATE OF TEXAS
MARIO A. REYNA
117369
LICENSED
PROFESSIONAL ENGINEER

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARIO A. REYNA, P.E. 117369

ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE LAW

NOLANA CROSSING
SUBDIVISON
McALLEN, TEXAS

SITE PLAN & DIMENSIONS FOR LOT 2

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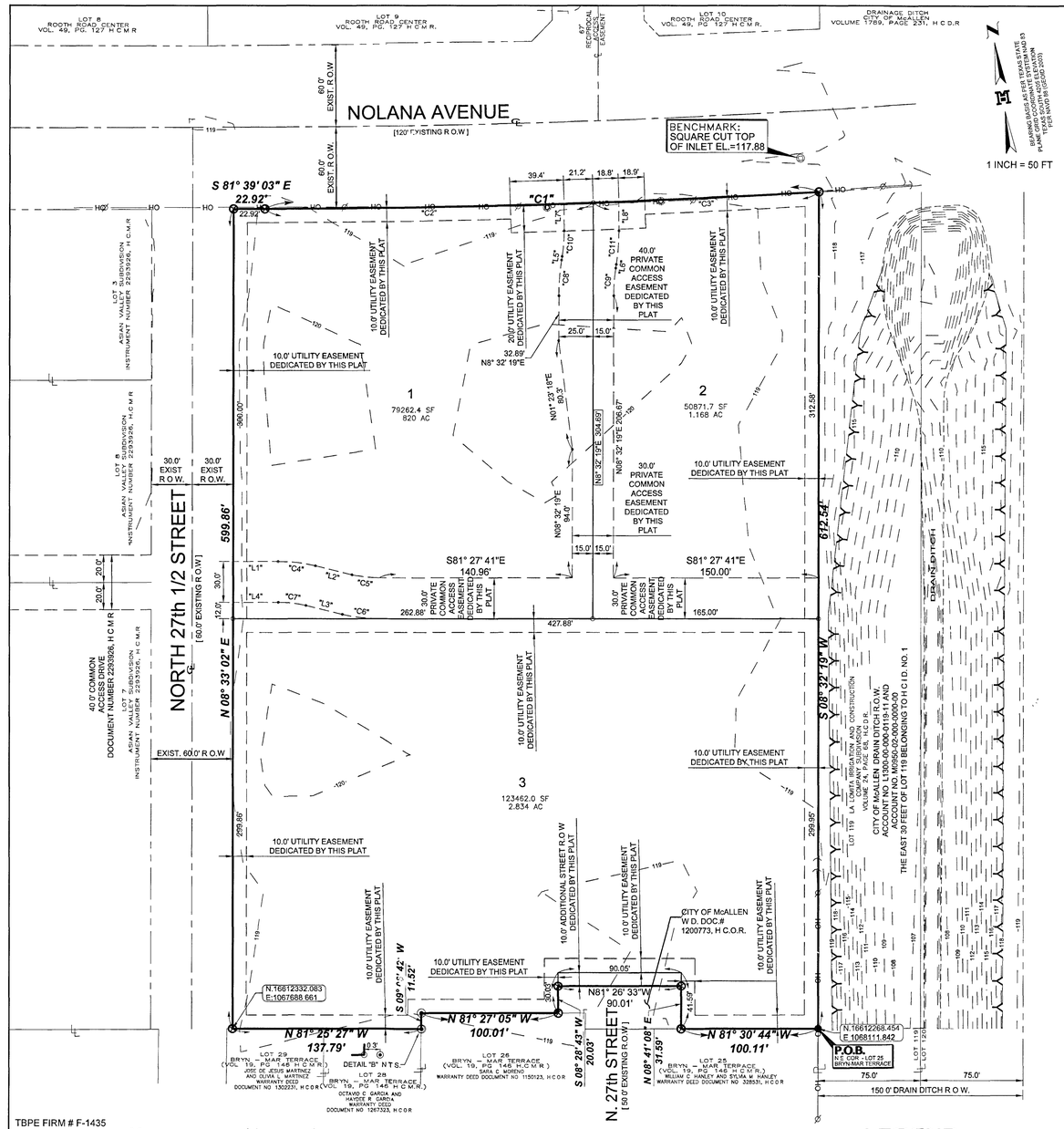
File Name:

SITE
DETENTION POND
110
119
VALLEY
27 1/2 ST
NOLANA
CROSSING
SUBDIVISION
SUBD
MAR TERRACE
JONQUIL AV
25TH LN
EVERGR
APT
MARAV
KERRI
SUBD. NO
MARAVI

SUBDIVISION MAP OF
NOLANA CROSSING

BEING 5.842 ACRES OUT OF THE NORTH HALF OF LOT 119,
LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION
OF PORCIONES 61,62 & 63,
VOLUME 24, PAGE 68 H.C.D.R.,
CITY OF McALLEN, HIDALGO COUNTY, TEXAS



TBPE FIRM # F-1435

MELDEN & HUNT INC.
CONSULTANTS • ENGINEERS • SURVEYORS
115 W McINTYRE
EDINBURG, TX 78541
PH (956) 381-0981
FAX (956) 381-1839
227 N F M 3167
RIO GRANDE CITY, TX 78582
PH (956) 487-8256
FAX (956) 488-8591

LOCATION MAP

Lot Line Table		
Line #	Length	Direction
"L1"	32.87'	S81° 39' 02"E
"L2"	27.45'	S67° 52' 41"E
"L3"	27.45'	S67° 52' 41"E
"L4"	32.87'	S81° 39' 02"E
"L5"	2.66'	N17° 09' 50"E
"L6"	2.66'	N17° 09' 50"E
"L7"	19.66'	N08° 32' 19"E
"L8"	21.10'	N08° 32' 19"E

Curve Table						
Curve #	Delta	Radius	Length	Tangent	Chord Direction	Chord Length
"C1"	003° 16' 43"	7,080.00'	405.14'	202.63	S83° 13' 51"E'	405.09'
"C2"	001° 56' 31"	7,080.00'	239.95'	119.99	S82° 33' 45"E	239.94'
"C3"	001° 20' 13"	7,080.00'	165.19'	82.60	S84° 12' 07"E'	165.19'
"C4"	013° 46' 21"	115.00'	27.64'	13.89	N74° 45' 52"W'	27.58'
"C5"	013° 35' 00"	85.00'	20.15'	10.12	S74° 40' 11"E'	20.10'
"C6"	013° 35' 00"	115.00'	27.26'	13.70	S74° 40' 11"E'	27.20'
"C7"	013° 46' 21"	85.00'	20.43'	10.27	N74° 45' 52"W'	20.38'
"C8"	008° 37' 31"	175.00'	26.34'	13.20	S12° 51' 04"W'	26.32'
"C9"	008° 37' 31"	135.00'	20.32'	10.18	S12° 51' 04"W'	20.30'
"C10"	008° 37' 31"	125.00'	18.82'	9.43	N12° 51' 04"E'	18.80'
"C11"	008° 37' 31"	165.00'	24.84'	12.44	N12° 51' 04"E'	24.82'

LEGEND

- ● FOUND No 4 REBAR
- ○ SET No.4 REBAR WITH PLASTIC CAP STAMPED MELDEN & HUNT
- FOUND No 5 REBAR
- FOUND PIPE
- FOUND ALUMINUM DISK
- SET SQUARE CUT
- POWER POLE
- TRAFFIC LIGHT POLE

H.C.D.R - HIDALGO COUNTY DEED RECORDS
N.E. COR. - NORTHEAST CORNER
P.O.B - POINT OF BEGINNING
SF - SQUARE FEET
H.C.O.R.- HIDALGO COUNTY OFFICIAL RECORDS
H.C.I.D. NO. 1- HIDALGO COUNTY IRRIGATION DISTRICT NO 1
R.O.W.- RIGHT-OF-WAY
H.C.M.R.- HIDALGO COUNTY MAP RECORDS
VOL. - VOLUME
PG. - PAGE
—— OH —— OVERHEAD POWER LINE
℄ - CENTER LINE OF STREET

DRAWN BY R N	DATE 06-06-2014	
SURVEYED, CHECKED D.A.	DATE 3-13-15	
FINAL CHECK	DATE 3-13-15	

PRINCIPAL CONTACTS	NAME	ADDRESS	CITY & ZIP	PHONE	FAX
OWNER	SPAZIO HOMES, LTD	2201 S JACKSON ROAD UNIT43-G	PHARR, TX 78577	N/A	N/A
ENGINEER	MARIO A REYNA, P E	115 W McINTYRE	EDINBURG, TX 78541	(956) 381-0981	(956) 381-1839
SURVEYOR	FRED L KURTH, R P L S	115 W McINTYRE	EDINBURG, TX 78541	(956) 381-0981	(956) 381-1839

METES AND BOUNDS DESCRIPTION:

A TRACT OF LAND CONTAINING 5 842 ACRES, SITUATED IN THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, BEING PART OR PORTION OUT OF LOT 119, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 24, PAGE 68, HIDALGO COUNTY DEED RECORDS, SAID 5 842 ACRES ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A NO 4 REBAR FOUND (NORTHING 16612268 454, EASTING 1068111 842) AT THE NORTHEAST CORNER OF LOT 25, BRYN-MAR TERRACE SUBDIVISION RECORDED IN VOLUME 19, PAGE 146, HIDALGO COUNTY MAP RECORDS FOR THE SOUTHEAST CORNER OF THIS TRACT,

1 THENCE, N 81° 30' 44" W ALONG THE NORTH BOUNDARY LINE OF SAID LOT 25, A DISTANCE OF 100 11 FEET TO A NO 5 REBAR FOUND FOR AN OUTSIDE CORNER OF THIS TRACT,

2 THENCE, N 08° 41' 08" E ALONG A BOUNDARY LINE OF SAID BRYN-MAR TERRACE, A DISTANCE OF 31 59 FEET TO A NO 5 REBAR FOUND FOR AN INSIDE CORNER OF THIS TRACT,

3 THENCE, N 81° 26' 33" W ALONG A NORTH BOUNDARY LINE OF SAID BRYN-MAR TERRACE, A DISTANCE OF 90 01 FEET TO A NO 5 REBAR FOUND FOR AN INSIDE CORNER OF THIS TRACT,

4 THENCE, S 08° 28' 43" W ALONG A BOUNDARY LINE OF SAID BRYN-MAR TERRACE, A DISTANCE OF 20 03 FEET TO A NO 5 REBAR FOUND ON THE NORTH BOUNDARY LINE OF LOT 26, OF SAID BRYN-MAR TERRACE SUBDIVISION FOR AN OUTSIDE CORNER OF THIS TRACT,

5 THENCE, N 81° 27' 05" W ALONG THE NORTH BOUNDARY LINE OF SAID LOT 26, A DISTANCE OF 100 01 FEET TO A PIPE FOUND AT THE NORTHWEST CORNER OF LOT 26, BRYN-MAR TERRACE SUBDIVISION FOR AN INSIDE CORNER OF THIS TRACT,

6 THENCE, S 09° 06' 42" W ALONG THE WEST BOUNDARY LINE OF SAID LOT 26, A DISTANCE OF 11 52 FEET TO A NO 4 REBAR SET AT THE NORTHEAST CORNER OF LOT 28, OF SAID BRYN-MAR TERRACE SUBDIVISION, FOR AN OUTSIDE CORNER OF THIS TRACT;

7 THENCE, N 81° 25' 27" W ALONG THE NORTH BOUNDARY LINE OF SAID BRYN-MAR TERRACE SUBDIVISION, A DISTANCE OF 137 79 FEET TO A NO 5 REBAR FOUND (NORTHING 16612332 083, EASTING 1067688 661) ON THE EXISTING EAST RIGHT-OF-WAY LINE OF N 27th ½ STREET FOR THE SOUTHWEST CORNER OF THIS TRACT,

8 THENCE, N 08° 33' 02" E ALONG THE EXISTING EAST RIGHT-OF-WAY LINE OF N 27th ½ STREET, A DISTANCE OF 599 86 FEET TO A NO 5 REBAR FOUND ON THE EXISTING SOUTH RIGHT-OF-WAY LINE OF NOLANA AVENUE FOR THE NORTHWEST CORNER OF THIS TRACT,

9 THENCE, S 81° 39' 03" E ALONG THE EXISTING SOUTH RIGHT-OF-WAY LINE OF NOLANA AVENUE, A DISTANCE OF 22 92 FEET TO A NO 5 REBAR FOUND FOR AN ANGLE POINT OF THIS TRACT,

10 THENCE, IN AN SOUTHEASTERLY DIRECTION ALONG THE EXISTING SOUTH RIGHT-OF-WAY LINE OF NOLANA AVENUE AND A CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 03° 16' 43", A RADIUS OF 7080 00 FEET, AN ARC LENGTH OF 405 14 FEET, A TANGENT OF 202 63 FEET, AND A CHORD THAT BEARS S 83° 13' 51" E A DISTANCE OF 405 09 FEET TO A NO 5 REBAR FOUND TO A POINT ON THE WEST LINE OF AN EXISTING DRAIN DITCH RIGHT-OF-WAY FOR THE NORTHEAST CORNER OF THIS TRACT,

11 THENCE, S 08° 32' 19" W ALONG THE WEST LINE OF SAID EXISTING DRAIN DITCH RIGHT-OF-WAY, A DISTANCE OF 612 54 FEET TO THE POINT OF BEGINNING AND CONTAINING 5 842 ACRES OF LAND, MORE OR LESS

GENERAL NOTES .

1. THIS SUBDIVISION IS IN FLOOD ZONE "B" DEFINED AS AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR FLOOD, OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE(1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE, OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD

COMMUNITY-PANEL NUMBER: 480343 0005 C
MAP REVISED NOVEMBER 2, 1982

2 MINIMUM PERMISSIBLE FINISH FLOOR ELEVATION SHALL BE 18 INCHES ABOVE THE FRONT TOP OF CURB MEASURED FROM THE CENTER OF THE LOT ALONG NOLANA AVENUE

3 MINIMUM SETBACKS SHALL COMPLY WITH THE CITY OF McALLEN ZONING CODE

FRONT NOLANA AVENUE 60 FEET OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS
N 27th 1/2 STREET 30 FEET OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS

REAR IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS, WHICHEVER IS GREATER .
LOTS 1 & 2 SHALL HAVE 5 FEET REAR YARD FROM THE COMMON ACCESS EASEMENT/DRIVE

INTERIOR SIDES IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS
EXCEPT 30 FEET FROM THE COMMON ACCESS EASEMENT LINE ON THE EAST SIDE OF LOT 1 AND THE WEST SIDE OF LOT 2

CORNER N 27th 1/2 STREET 30 FEET OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS, WHICHEVER IS GREATER
N 27th STREET 25 FEET OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS

4 REQUIRED DETENTION FOR STORM SEWER RUNOFF AS PER THE APPROVED DRAINAGE REPORT.
LOT 1 = 18,103 CUBIC FEET, LOT 2 = 11,618 CUBIC FEET, LOT 3=28,391 CUBIC FEET

5 CITY OF McALLEN BENCHMARK "MC65" FROM THE CITY OF McALLEN G P S REFERENCE MARKS LIST PREPARED BY ARANDA & ASSOCIATES IN OCTOBER, 1999 BEING LOCATED AT THE NORTHWEST CORNER OF 23rd STREET AND DAFFODIL STREET ELEVATION = 120 15 (NAVD88)

TEMPORARY BENCHMARK SQUARE CUT SET ON TOP OF INLET LOCATED CLOSE TO THE NORTHEAST CORNER OF THIS SUBDIVISION ALONG THE SOUTH SIDE OF NOLANA AVENUE GEODETIC G P S TEXAS STATE PLANE GRID COORDINATE SYSTEM NAD 83
TEXAS SOUTH 4205 ELEVATION PER NAVD 99 (GEOID 2003) N=16612900 525 E=1068193 104 ELEV =117 88

6 AN ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE CITY OF McALLEN ENGINEERING DEPARTMENT, SHALL BE REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT

7 NO BUILDING ALLOWED OVER ANY EASEMENT.

8 NO RECORDED EASEMENT FOUND FOR THE TRAFFIC CONTROL BOX, TRAFFIC LIGHT POLES, OVERHEAD ELECTRIC, AND POWER POLE ALONG THE NORTH LINE OF SUBJECT TRACT A TEN FOOT UTILITY EASEMENT IS DEDICATED BY THIS PLAT TO COVER THESE UTILITIES

9 NO RECORDED EASEMENT FOUND FOR THE POWER POLE, OVERHEAD ELECTRIC, AND GUY WIRES FOUND CLOSE TO THE SOUTHEAST CORNER OF SUBJECT TRACT A TEN FOOT UTILITY EASEMENT IS DEDICATED BY THIS PLAT TO COVER THESE UTILITIES

10 6 FEET OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL, OR INDUSTRIAL ZONES/USES

11 8 FEET MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES AND ALONG N 27th STREET

12 COMMON AREAS MUST BE MAINTAINED BY LOT OWNERS AND NOT THE CITY OF McALLEN

13 4 FOOT WIDE MINIMUM SIDEWALK REQUIRED ON NOLANA AVENUE, N 27 1/2 STREET AND ON BOTH SIDES OF N 27TH STREET

14. NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ALONG N 27th STREET

15 SITE PLAN MUST BE APPROVED BY THE PLANNING AND ZONING COMMISSION PRIOR TO BUILDING PERMIT ISSUANCE

16 PRIVATE, COMMON ACCESS EASEMENTS ARE FOR THE BENEFIT OF ALL LOTS

17 A 25' x 25' SITE OBSTRUCTION EASEMENT IS REQUIRED AT ALL STREET INTESECTIONS

THIS PLAT APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT No 1
ON THIS THE 19th DAY OF March, 20 15

ATTEST
SECRETARY

PRESIDENT

NOTE. HIDALGO COUNTY IRRIGATION DISTRICT No 1 WILL NOT BE RESPONSIBLE FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION IF DESIRED, THIS WILL NOT BE AT THE DISTRICTS EXPENSE. ALSO THERE WILL NOT BE ANY PERMANENT STRUCTURES ON DISTRICT RIGHT-OF-WAYS AND/OR EASEMENTS

THE STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE NOLANA CROSSING SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED THEREON, SHOWN OR NOT SHOWN, IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN

SPAZIO HOMES, LTD
LCC DEVELOPMENT, LLC AS GENERAL PARTNER
JORGE PALAU, MANAGER
2201 S JACKSON ROAD
UNIT 43-G
PHARR, TEXAS 78577

DATE 4/1/2015

THE STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JORGE PALAU KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSED AND CONSIDERATIONS THEREIN GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 1st DAY OF April, 20 15

NOTARY PUBLIC FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES

LISA SAENZ
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 08/23/18

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED

CHAIRMAN, PLANNING COMMISSION

DATE 5/19/2015

I, THE UNDERSIGNED, MAYOR OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED

James E. Darling
MAYOR CITY OF McALLEN

DATE 5/27/15

THE STATE OF TEXAS
COUNTY OF HIDALGO

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

DATED THIS THE 13th DAY OF March, 20 15

MARIO A REYNA, PROFESSIONAL ENGINEER No 97421
STATE OF TEXAS

DATE PREPARED 05-09-14
ENGINEERING JOB No 14071 00

MELDEN & HUNT, INC
TEXAS REGISTRATION F-1435

STATE OF TEXAS
MARIO A. REYNA
117309
LICENSED
PROFESSIONAL ENGINEER

THE STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY ON THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND

DATED THIS THE 16th DAY OF March, 20 15

FRED L KURTH, R P L S # 4750
DATE SURVEYED 05-09-14
DATE PREPARED 05-09-14
1-972, PG 12-13
SURVEYING JOB No 14071 08

STATE OF TEXAS
REGISTERED
FRED L. KURTH
4750
PROFESSIONAL
LAND SURVEYOR

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 TEX 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 OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS

HIDALGO COUNTY DRAINAGE DISTRICT NO 1
BY GENERAL MANAGER
DATE 06/01/15

THE COUNTY OF HIDALGO
TEXAS

FILE FOR RECORD IN
HIDALGO COUNTY
ARTURO GUAJARDO JR.
HIDALGO COUNTY CLERK

ON 6-3-15 AT 3:02 AM/PM

INSTRUMENT NUMBER 2616811

OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY. Elisa Castillo DEPUTY

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)

Project Description

Subdivision Name ~~PLAZA 4200 SUBD.~~ Copperfield Estates Phase 1A
Location 4200 W. PECAN (S.W. COR. PECAN & N. 42ND ST.)
City Address or Block Number 4200 W. PECAN
Number of lots 5 Gross acres 2.827 Net acres 2.827
Existing Zoning C-3 Proposed C-3 Rezoning Applied For Yes ☐ No ☑ Date
Existing Land Use VACANT Proposed Land Use COMMERCIAL
Residential Replat Yes ☐ No ☑ Commercial Replat Yes ☑ No ☐ ETJ Yes ☐ No ☑
Agricultural Tax Exemption Yes ☐ No ☑ Estimated Rollback tax due ~~N.A.~~ 0.00
Legal Description All of lots 70-82, COPPERFIELD ESTATES SUBD.

Owner

Name INMOBILIARIA DEL VALLE, LLC Phone
Address 706-G SAN ANGEL CIR
City MISSION State TX Zip 78572
E-mail N.A.

Developer

Name Same as Owner Phone
Address
City State Zip
Contact Person
E-mail

Engineer

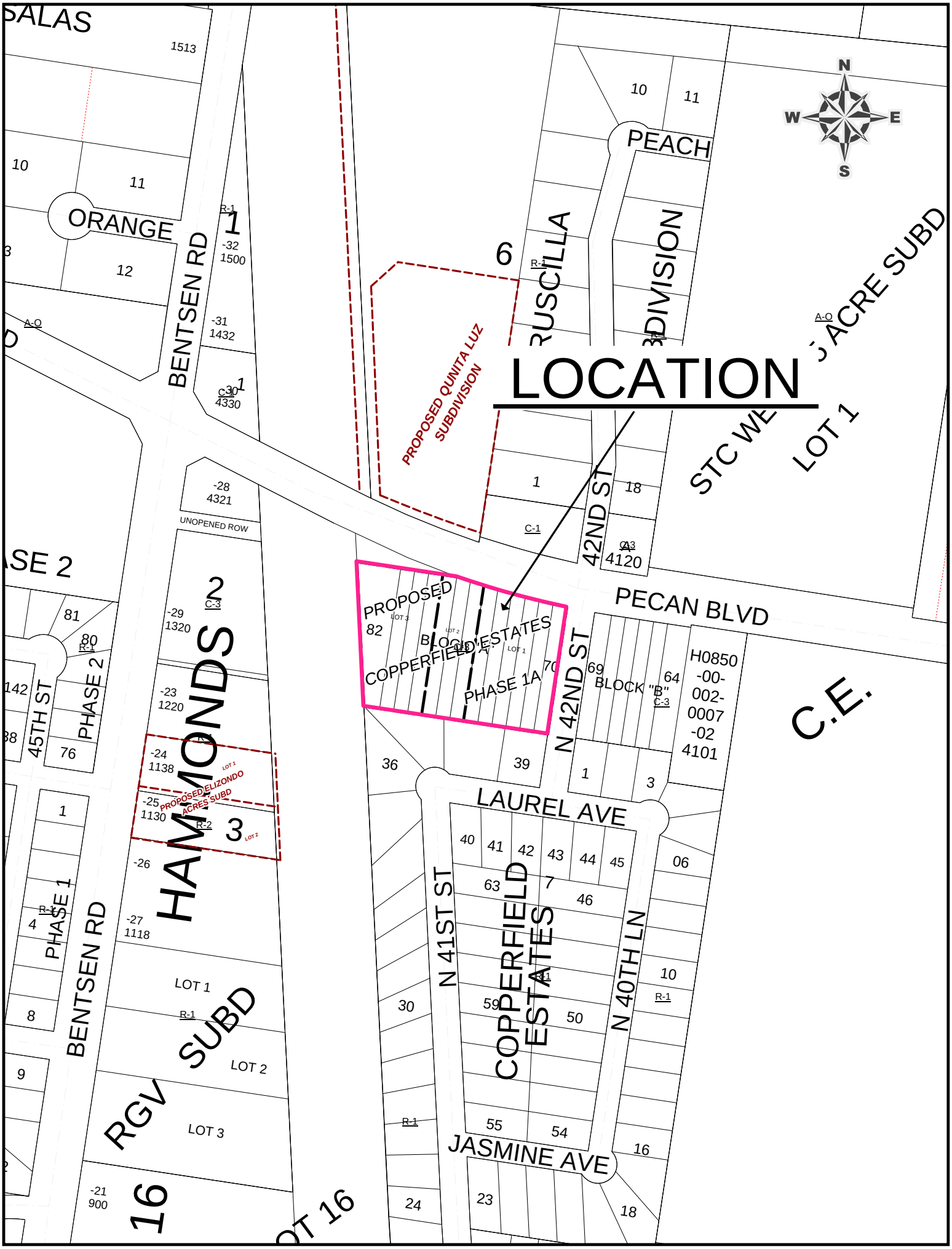
Name B.I.G. Engineering Phone 956-687-3355
Address 6316 N. 10th Street, Bldg. "A", Suite 102
City McAllen State TX Zip 78504
Contact Person Rene Barrera, P. E.
E-mail rene@big-engineering.com

Surveyor

Name LEO L. RODRIGUEZ, RPLS Phone 956-491-1013
Address P.O. BOX 1830
City EDINBURG State TX Zip 78
E-mail N.A.

RCH# 354.427 Pd $300 B

RECEIVED
FEB 12 2016
BY: B. Egan
SUB 2014-0013

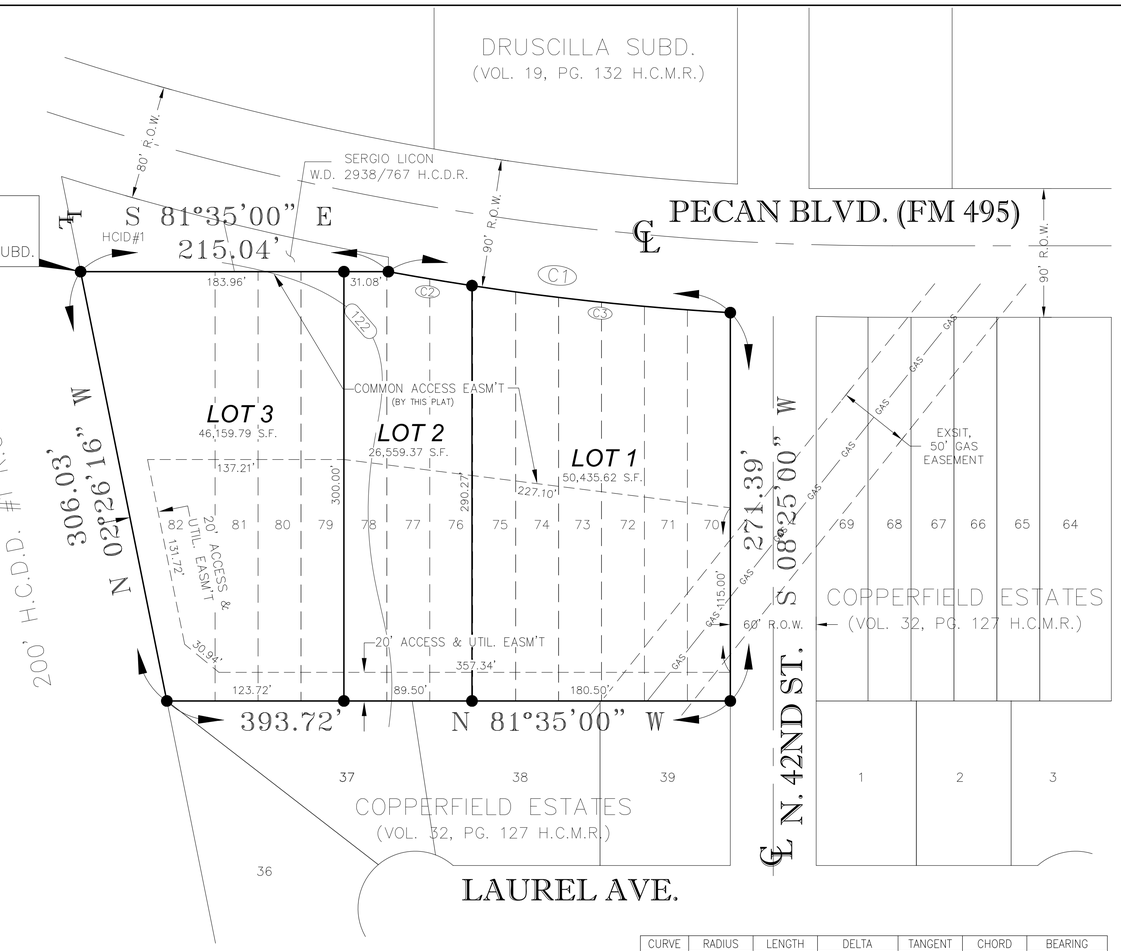

LOCATION
PROPOSED QUNITA LUZ SUBDIVISION
PROPOSED ELIZONDO ACRES SUBD
PROPOSED COPPERFIELD ESTATES PHASE 1A
BLOCK "B"
H0850-00-002-0007-02
4101
C.E.
PECAN BLVD
PEACH
ORANGE
BENTSEN RD
42ND ST
N 42ND ST
45TH ST
PHASE 2
PHASE 1
HAMMONDS
RGV SUBD
LOT 1
LOT 2
LOT 3
UNOPENED ROW
LAUREL AVE
JASMINE AVE
N 41ST ST
N 40TH LN
COPPERFIELD ESTATES
STC WE
LOT 1
SALAS
N
S
E
W

PLAT OF

COPPERFIELD ESTATES PHASE 1A

McALLEN, TEXAS

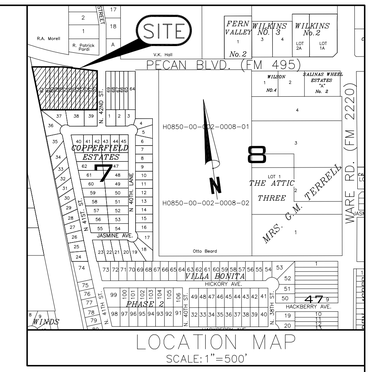
A 2.827 ACRE TRACT BEING A RESUBDIVISION OF ALL OF LOTS 70-82, COPPERFIELD ESTATES, VOLUME 37, PAGE 127, MAP RECORDS OF HIDALGO COUNTY, TEXAS.



SCALE: 1" = 50'
BEARING BASIS AS PER COPPERFIELD ESTATES SUBD.

LEGEND

- ● – FD. 1/2" IRON ROD
- ○ – SET 1/2" IRON ROD
- ▲ – FD. CPS



COPPERFIELD ESTATES PHASE 1A SUBDIVISION IS LOCATED WITHIN CITY LIMITS OF McALLEN, TEXAS, IN CENTRAL HIDALGO COUNTY AND IS FURTHER LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF 42ND STREET AND PECAN BLVD (FM 495)

DATE OF PREPARATION: 12/4/2015

TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM No: 6435

STATE OF TEXAS
COUNTY OF HIDALGO

I (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS COPPERFIELD ESTATES PHASE 1A SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN, ALL THE SAME FOR THE PURPOSE THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

_____
INMOBILIARIA DEL VALLE, LLC
706–G SAN ANGEL CIRCLE
MISSION, TEXAS 78572
BY: _____, MANAGING MEMBER

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED _____ _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE_____DAY OF_____ , 20___ .

_____
NOTARY PUBLIC IN AND FOR HIDALGO COUNTY, TEXAS
EXPIRATION DATE: _____

STATE OF TEXAS
CITY OF McALLEN

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAN CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CHAIRMAN _____ DATE _____

STATE OF TEXAS
CITY OF McALLEN

I THE UNDERSIGNED, MAYOR OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY WHEREIN MY APPROVAL IS REQUIRED.

MAYOR _____ DATE _____
CITY OF McALLEN

STATE OF TEXAS
COUNTY OF HIDALGO

I, LEO LOZANO RODRIGUEZ JR., RPLS, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN AND THAT ALL CORNERS HAVE BEEN LOCATED AS INDICATED.

_____
LEO LOZANO RODRIGUEZ JR., R.P.L.S.
REG. PROFESSIONAL LAND SURVEYOR #2448
P.O. BOX 1830
EDINBURG, TEXAS 78540
FIRM NO.

STATE OF TEXAS
COUNTY OF HIDALGO

I, RENE BARRERA, P.E., A LICENSED PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE STATE TEXAS, LICENSE NUMBER TX. 86862, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN GIVEN PROPER AND ADEQUATE ENGINEERING CONSIDERATION.

For Review Only
2/8/16

STATE OF TEXAS
RENE BARRERA
86862
LICENSED
PROFESSIONAL ENGINEER

RENE BARRERA, P.E.
LICENSED PROFESSIONAL ENGINEER No. 86862

PRINCIPAL CONTACTS:				FIRM REG. NO. 6435
	NAME	ADDRESS	CITY & ZIP	PHONE
OWNER:	INMOBILIARIA DEL VALLE	706–G SAN ANGEL CIR.	MISSION, TX. 78572	
ENGINEER:	RENE BARRERA, P.E.	6316 N. 10TH ST.	McALLEN, TX. 78501	956–687–3355
SURVEYOR:	LEO RODRIGUEZ	P.O. BOX 1830	EDINBURG, TX. 78540	956–491–1013

CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD	BEARING
C1	1959.88'	240.77'	7°2'22"	120.55'	240.64'	S 74°44'44" E
C2	1959.88'	59.24'	1°43'55"	29.62'	59.24'	S 80°30'31" E
C3	1959.88'	181.55'	5°18'27"	90.84'	181.48'	S 84°01'42" E

GENERAL PLAT NOTES:

1. MINIMUM SETBACK LINES:
   FRONT (PECAN BLVD.) ..... 140.0' OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS
   REAR..... 49.0' OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS
   SIDE, ALONG 42ND STREET..... 10.0 FEET
   OTHERS: IN ACCORDANCE WITH ZONING ORDINANCE OR GRATER FOR SITE PLAN OR EASEMENTS
   ***ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN
2. FLOOD ZONED DESIGNATION: ZONE "C"
   COMMUNITY PANEL NO. 480343 0005 C
   MAP REVISED: NOVEMBER 2, 1982
3. MINIMUM FINISHED FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB AS MEASURED AT FRONT AND CENTER OF LOT.
4. IN ACCORDANCE WITH THE COUNTY DRAINAGE DISTRICT NO. 1 AND HIDALGO COUNTY REQUIREMENTS, THIS DEVELOPMENT WILL BE REQUIRED TO DETAIN A TOTAL OF XXXX AC–FT OF STORM RUNOFF. (XXXXX PER LOT)
5. UNLESS OTHERWISE NOTED ON THIS PLAT, THE LOTS ARE MONUMENTED BY 1/2 INCH WIDE BY 18" LONG IRON RODS.
6. BENCHMARK: COTTON PICKER SPINDLE @ POWER POLE LOCATED APPROXIMATELY 170 FEET EAST OF THE NORTHEAST CORNER OF THIS SUBDIVISION. ELEV.= 123.27
7. SITE PLAN MUST BE APPROVED BY PLANNING AND ZONING COMMISSION PRIOR TO ISSUANCE OF BUILDING PERMITS.
8. AN ENGINEERED DRAINAGE DETENTION PLAN APPROVED BY THE ENGINEERING DEPARTMENT IS REQUIRED PRIOR TO ISSUANCE OF A BUILDING PERMIT.
9. 4–FOOT WIDE MINIMUM SIDEWALK IS REQUIRED ON N. 42ND STREET AND ALONG PECAN BLVD. (FM 495).
10. A 6–FOOT OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI–FAMILY RESIDENTIAL, AND COMMERCIAL, OR INDUSTRIAL ZONES/USES.
11. AN 8–FOOT MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI–FAMILY RESIDENTIAL ZONES/USES.
12. ADDITIONAL FIRE HYDRANTS MAY BE REQUIRED AT BUILDING PERMIT STAGE.

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF PRELIMINARY REVIEW, AND COMMENTS UNDER THE AUTHORITY OF RENE BARRERA, P.E. 86862 ON 2/8/16 . IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, AND/OR PERMIT PURPOSES.

METES AND BOUNDS DESCRIPTION

A 2.827 ACRE TRACT BEING ALL OF LOTS 70–82, COPPERFIELD ESTATES, VOLUME 37, PAGE 127, MAP RECORDS OF HIDALGO COUNTY, TEXAS (ORIGINALLY OUT OF LOT 7, BLOCK 2, C.E. HAMMOND'S SUBDIVISION, VOL. 1, PG. 8, MAP RECORDS OF HIDALGO COUNTY). SIAD 2.827 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7, BLOCK 2, C.E. HAMMOND'S SUBDIVISION, ALSO BEING THE NORTHWEST CORNER OF LOT 82, COPPERFIELD ESTATES SUBDIVISION, FOR THE PLACE OF BEGINNING.

THENCE, S 81°35'00" E, COINCIDENT WITH THE NORTH LINE OF SAID LOT 7, ALSO ALONG THE NORTH LINE OF LOTS 78–82, COPPERFIELD ESTATES, A DISTANCE OF 215.00 FEET TO AN OUTER CORNER AND LYING ON THE SOUTH R.O.W. LINE OF PECAN BLVD. (FM 495)

THENCE, ALONG THE SOUTH R.O.W. LINE OF SAID PECAN BLVD. (FM 495), IN A SOUTHERLY DIRECTION THROUGH THE ARC OR A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 07°2'22", A RADIUS OF 1959.88', AND A CHORD OF S 74d44'44" E 240.64' FEET, A DISTANCE OF 240.77 TO THE NORTHEAST CORNER OF LOT 70, COPPERFIELD ESTATES FOR THE NORTHEAST CORNER THIS TRACT OF LAND.

THENCE, S 08°25'00" W, PARALLEL TO THE EAST LINE OF SAID LOT 7 AND COINCIDENT WITH THE EAST LINE OF LOT 70, COPPERFIELD ESTATES, A DISTANCE OF 271.39 FEET TO THE SOUTHEAST CORNER OF SAID LOT 70, FOR THE SOUTHEAST CORNER OF THIS TRACT OF LAND;

THENCE, N 81°35'00" W, PARALLEL TO THE SOUTH LINE OF SAID LOT 7, ALONG THE SOUTH LINE OF LOTS 70–82, COPPERFIELD ESTATES, A DISTANCE OF 393.72 FEET TO THE SOUTHWEST CORNER OF LOT 82, COPPERFIELD ESTATES, FOR THE SOUTHWEST CORNER OF THIS TRACT OF LAND;

THENCE, N 02°26'16" W, COINCIDENT WITH THE WEST LINE OF SAID LOT 7, HAMMOND'S SUBDIVISION AND THE WEST LINE OF SAID LOT 82, COPPERFIELD ESTATES, A DISTANCE OF 306.03 FEET TO THE NORTHWEST CORNER OF THIS TRACT OF LAND ALSO BEING THE PLACE OF BEGINNING, CONTAINING 2.827 ACRES OF LAND, MORE OR LESS.

HIDALGO COUNTY IRRIGATION DISTRICT No. 1

THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT No. 1 ON THIS ____ DAY OF _____, 20__.

NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON H.C.I.D. No. 1 RIGHT OF WAY OR EASEMENTS WITH THE EXPRESSED WRITTEN PERMISSION OF THE H.C.I.D. No. 1.

PRESIDENT _____ SECRETARY _____

HIDALGO COUNTY DRAINAGE DISTRICT No. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OR THE DISTRICT ADOPTED UNDER TEX. WATER CODE SECTION 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 OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT No. 1

BY: _____ DATE: _____

THE COUNTY OF HIDALGO TEXAS
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

BARRERA INFRASTRUCTURE GROUP INC
ENGINEERING
CONSULTING CIVIL ENGINEERS
6316 N. 10TH ST.
McALLEN, TX 78504
956-687-3355, FAX: 956-992-8801

RECEIVED
By Nikki Marie Cavazos at 3:25 pm, Mar 22, 2016
RECEIVED VIA EMAIL ON 3/22/2016 AT 3:12 PM

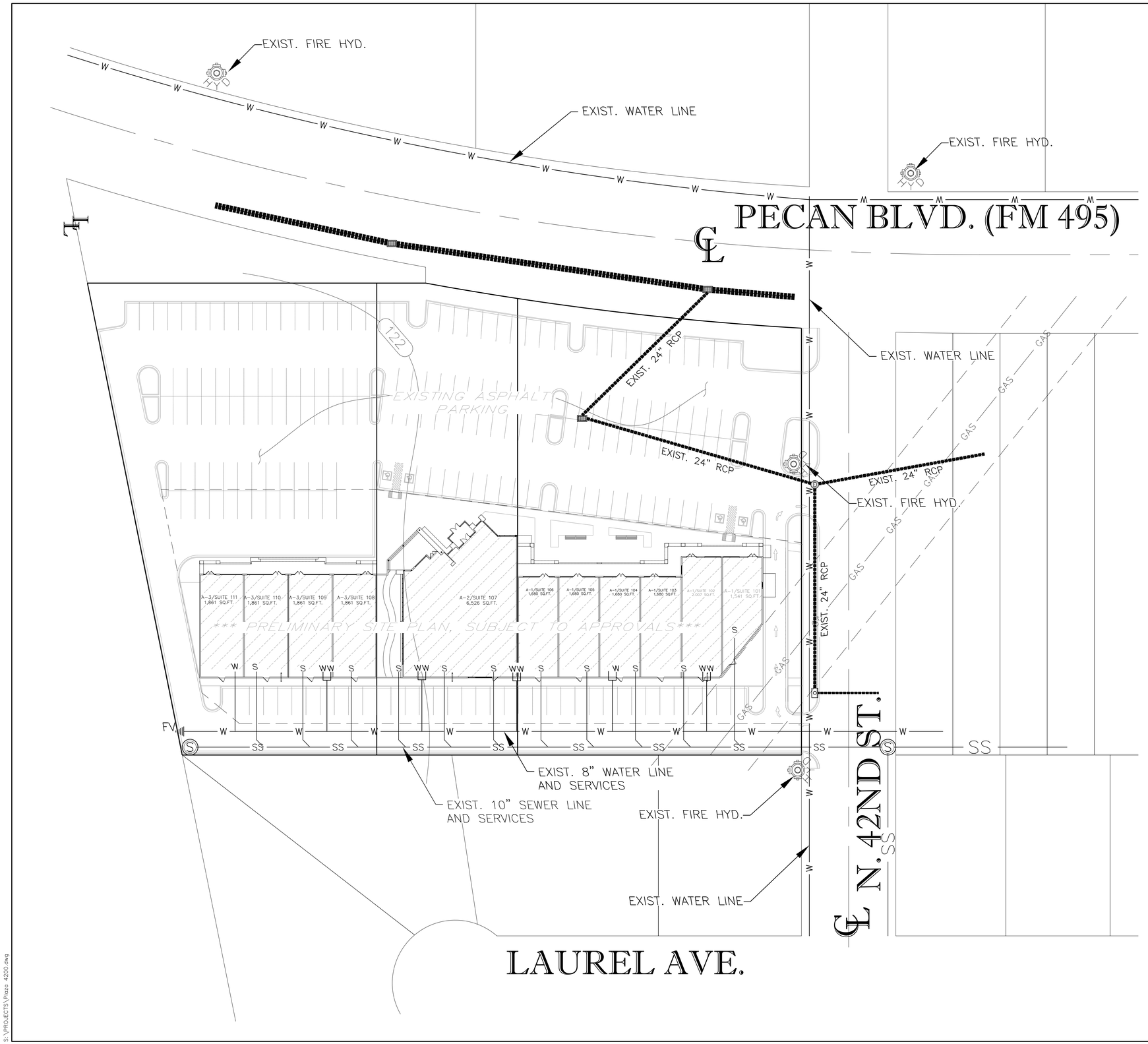
City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 3/29/2016

SUBDIVISION NAME: COPPERFIELD ESTATES PHASE 1A	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
Pecan Blvd. (FM 495): 10 ft. ROW dedication required for 60 ft. from centerline for 120 ft. ROW Paving: by the state Curb & gutter: by the state *Project engineer, on behalf of the developer is requesting a variance to not require the additional ROW along Pecan Blvd.	Non-compliance
N. 42nd Street: 60 ft. ROW existing Paving: 40 ft. Curb & gutter: both sides	Compliance
* 800 ft. Block Length:	Compliance
* 600 ft. Maximum Cul-de-Sac:	NA
ALLEYS	
* 20 ft. access and utility easement existing	Compliance
SETBACKS	
* Front: 140 ft.	Applied
* Rear: 49 ft.	Applied
* Sides: as per city ordinance, except 20 ft. for the west side of Lot 3	Applied
* Corner: N. 42nd Street - 10 ft.	Compliance
* Garage: 18 ft. except where greater setback is required; greater setback applies	NA
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 5 ft. wide sidewalk required on Pecan Blvd. (FM 495) * 4 ft. wide minimum sidewalk required on N. 42nd Street.	Non-compliance
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
BUFFERS	
* 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
NOTES	
* 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 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.	Non-compliance
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	Applied
* 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
LOT REQUIREMENTS	
* Lots fronting public streets:	Compliance
* Minimum lot width and lot area:	Compliance
ZONING/CUP	
* Existing: C-3 Proposed: C-3	Compliance
* Rezoning Needed Before Final Approval	NA
PARKS	
* 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
TRAFFIC	
* Trip Generation to determine if TIA is required, prior to final plat.	Compliance
* Traffic Impact Analysis (TIA) required prior to final plat.	NA
COMMENTS	
Comments: *Preliminary replat approved by the Planning and Zoning Commission on Existing plat notes remain the same for the resubdivision on March 1, 2016. **Public Hearing without notices required prior to final, for the resubdivision.	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE RESUBDIVISION IN REVISED PRELIMINARY FORM SUBJECT TO THE CONDITIONS NOTED, COMPLIANCE WITH THE 10 FT. ROW DEDICATION ALONG PECAN BLVD., AND UTILITY & DRAINAGE APPROVALS.	Applied



THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF PRELIMINARY REVIEW, AND COMMENTS UNDER THE AUTHORITY OF RENE BARRERA, P.E. 86862 ON 2/8/16. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, AND/OR PERMIT PURPOSES.

BARRERA INTERDISCIPLINARY GROUP INC
BIG ENGINEERING
CONSULTING CIVIL ENGINEERS

6316 N. 10TH STREET,
BLDG. A, SUITE 102
McALLEN, TEXAS 78504
T: 956.687.3355
F: 956.992.8801

Sheet Title:

UTILITY SYSTEM LAYOUT

Project Title:

COPPERFIELD ESTATES
PHASE 1A
MCALLEN, TEXAS

STATE OF TEXAS
RENE BARRERA
86862
LICENSED
PROFESSIONAL ENGINEER

2/8/16

Rene Barrera
Licensed Professional
Engineer # 86862

Date:	
Scale:	1"=30'
Designed By:	R.B.
Drawn By:	E.S.
Checked By:	R.B.
Project No.:	

Sheet of

S:\PROJECTS\Plaza 4200.dwg

RECEIVED
By Nikki Marie Cavazos at 3:26 pm, Mar 22, 2016

RECEIVED VIA EMAIL ON 3/22/2016 AT 3:12 PM

BARRERA INFRASTRUCTURE GROUP INC
BIG
ENGINEERING
CONSULTING CIVIL ENGINEERS

February 23, 2016

City of McAllen
311 North 15th Street
McAllen, Texas 78501

Attn: Ms. Kimberly Guajardo, City of McAllen Planner
Re: Proposed Variance Request for Right of Way Requirements for Copperfield Estates Phase 1A

Dear Ms. Guajardo,

On behalf of my client, I am respectfully requesting that the Planning and Zoning Commission and City Council consider the approval of the Copperfield Estates Phase IA Subdivision with the following variance:

A variance to the requirement for additional right of way dedication to F.M. 495 "Pecan Avenue"

The owner would like to maintain the existing Right of Way along the frontage of F.M. 495 "Pecan Avenue" as platted on the original Copperfield Estates Subdivision, according to the Map Recorded in Volume 37, Page 127, Map Records of Hidalgo County, Texas.

There is existing paving, parking and landscape buffer areas that would be eliminated with the additional right of way requirements. Any removal of parking areas will lessen the amount of building area available and adversely affect the architectural plans for the development. Please give our request special consideration. Do not hesitate to contact me should you require additional information or have any questions.

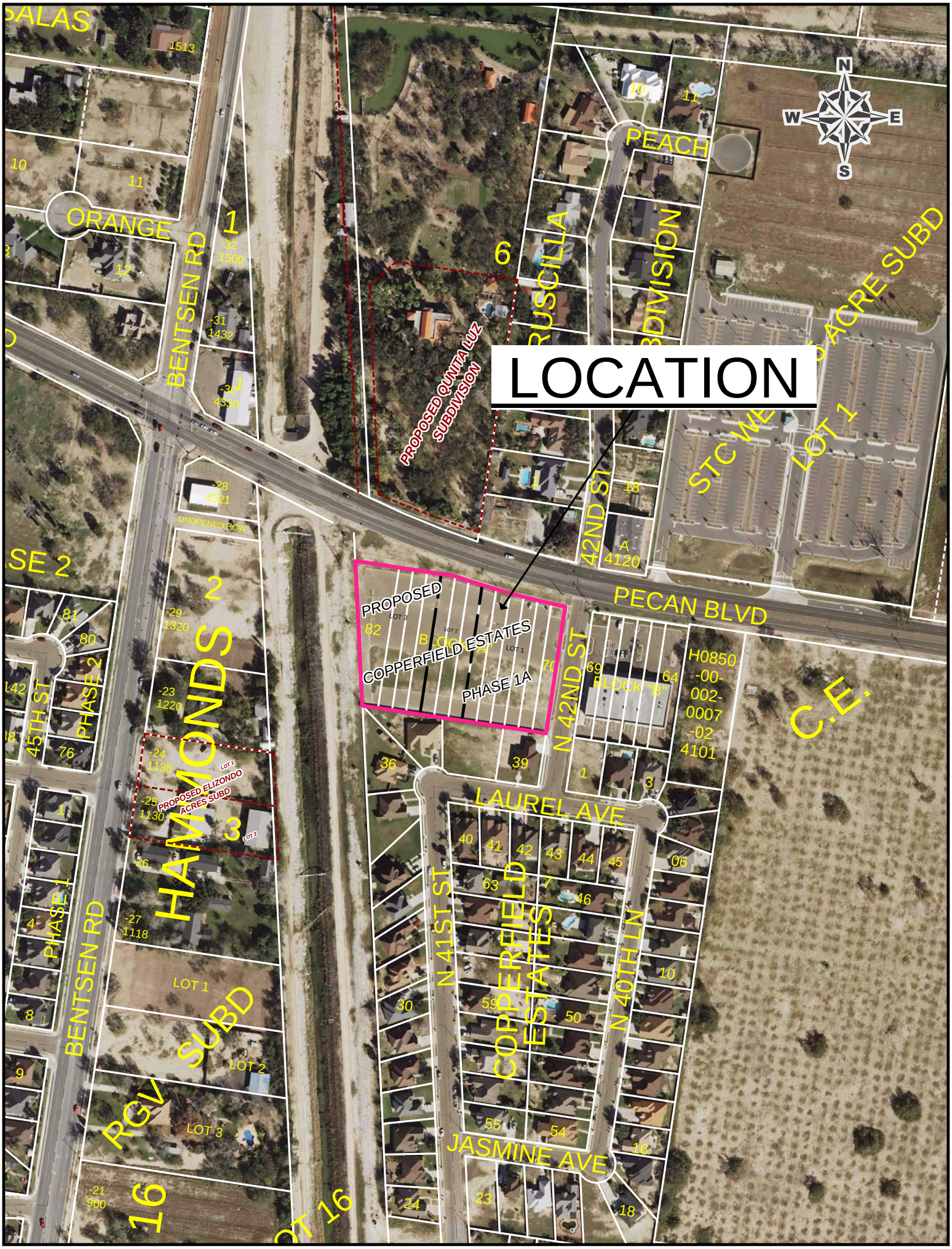
Respectfully,

Rene Barrera, P.E.

xc: client
file

BARRERA INFRASTRUCTURE GROUP, INC.
6316 NORTH 10TH STREET, BUILDING A., STE. 102
McALLEN, TEXAS 78504
956-687-3355; FAX: 956-992-8801

RECEIVED
By Nikki Marie Cavazos at 11:46 am, Feb 24, 2016


LOCATION
PROPOSED QUINTA LUZ SUBDIVISION
PROPOSED
COPPERFIELD ESTATES
PHASE 1A
BLOCK "A"
BLOCK "B"
PECAN BLVD
N 42ND ST
42ND ST
PEACH
RUSCILLA
SUBDIVISION
ACRE SUBD
STC WE
LOT 1
BENTSEN RD
ORANGE
HAMMONDS
PROPOSED ELIZONDO ACRES SUBD
LOT 1
LOT 2
LOT 3
RGV SUBD
PHASE 1
PHASE 2
45TH ST
UNOPENED ROW
LAUREL AVE
N 41ST ST
N 40TH LN
COPPERFIELD ESTATES
JASMINE AVE
H0850-00-002-0007-02
4101
C.E.
N
S
E
W

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)

Project Description

Subdivision Name ~~Las Tiendas Subd~~ CONCORD Subdivision Phase 1A RT 03/04/16

Location McColl Rd + East US Exp 83 frontage

City Address or Block Number 700 E Expwy 83, McAllen TX

Number of lots 2 Gross acres 6.059 Net acres 6.059

Existing Zoning C-3L Proposed C-3L Rezoning Applied For ☐ Yes ☒ No Date ____

Existing Land Use C-3L Proposed Land Use ____ Irrigation District # 2

Residential Replat Yes ☐ No ☒ **Commercial** Replat Yes ☒ No ☐ **ETJ** Yes ☐ No ☒

Agricultural Tax Exemption Yes ☐ No ☒ Estimated Rollback tax due 0

Legal Description 6.059 ac being 0.244 ac Lot 6, BLK 14 Steeler Pershing 5.815 ac Lot 1, Concord Prop. Corp #1

Owner

Name Expressway-McColl LTD Phone 956-630-9400

Address 900 E Lakeview Dr

City McAllen State TX Zip 78501

E-mail will.collins@terracore.com

Developer

Name Terracore Real Estate Phone 210-481-8015

Address 250 E Mulberry Ave, Ste 305

City San Antonio State TX Zip 78212

Contact Person Will Collins

E-mail will.collins@terracore.com

Engineer

Name Melden + Hunt Inc Phone 956-381-0981

Address 115 W McIntyre

City Edinburg State TX Zip 78541

Contact Person Robert N. Tamez

E-mail ____

Surveyor

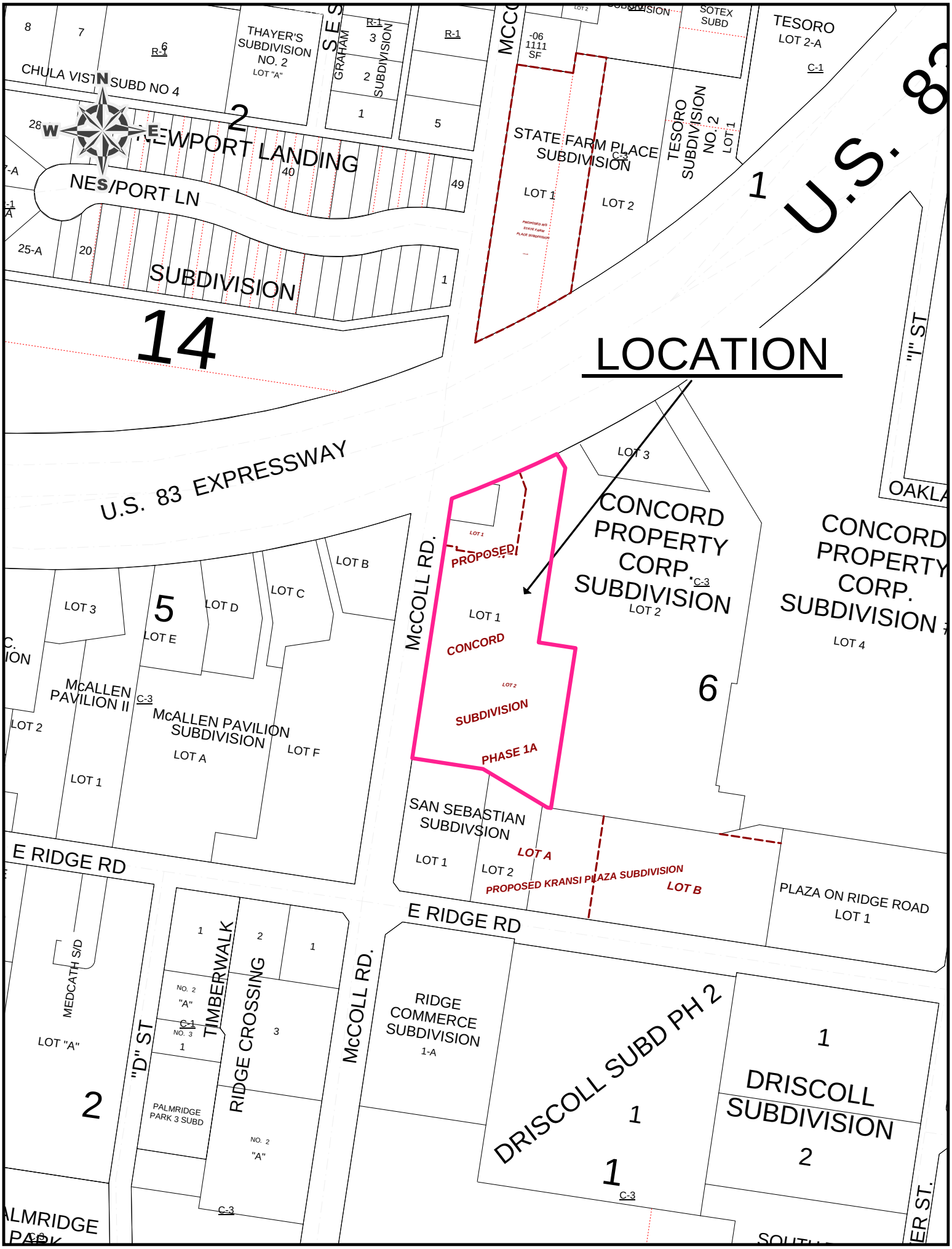
Name Same as above Phone ____

Address ____

City ____ State ____ Zip ____

E-mail ____

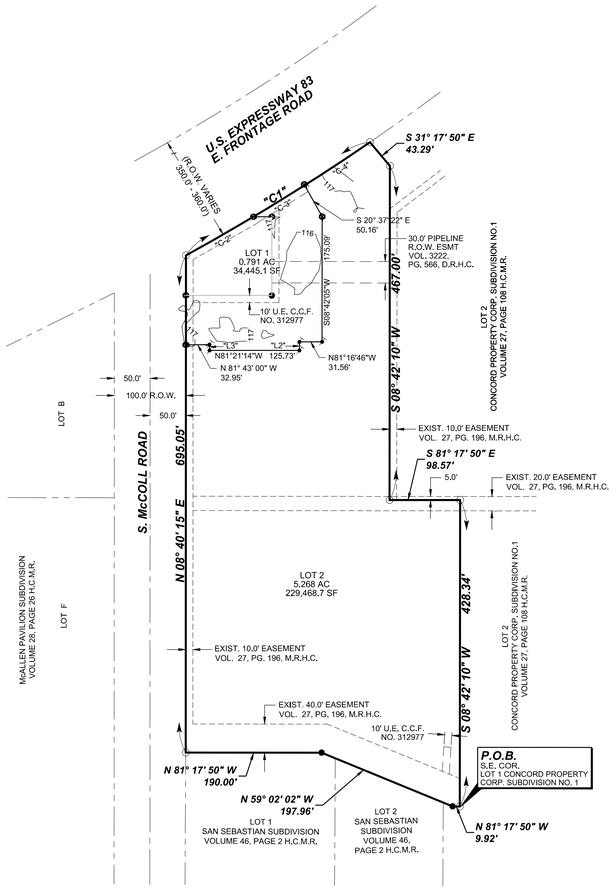
RECEIVED
NOV 13 2015
BY: SC @ 5:00


LOCATION
U.S. 83 EXPRESSWAY
U.S. 83
CHULA VISTA SUBD NO 4
THAYER'S SUBDIVISION NO. 2
LOT "A"
GRAHAM SUBDIVISION
NEWPORT LANDING
NEWPORT LN
SUBDIVISION
STATE FARM PLACE SUBDIVISION
LOT 1
LOT 2
TESORO SUBDIVISION NO. 2
TESORO
LOT 2-A
SOTEX SUBD
McCOLL RD.
PROPOSED
CONCORD
SUBDIVISION
PHASE 1A
CONCORD PROPERTY CORP. SUBDIVISION
LOT 3
LOT 4
McALLEN PAVILION II
McALLEN PAVILION SUBDIVISION
LOT A
LOT B
LOT C
LOT D
LOT E
LOT F
E RIDGE RD
SAN SEBASTIAN SUBDIVSION
PROPOSED KRANSI PLAZA SUBDIVISION
PLAZA ON RIDGE ROAD
LOT 1
MEDCATH S/D
LOT "A"
"D" ST
TIMBERWALK
RIDGE CROSSING
PALMRIDGE PARK 3 SUBD
RIDGE COMMERCE SUBDIVISION
1-A
DRISCOLL SUBD PH 2
DRISCOLL SUBDIVISION
"I" ST
OAKLA
N
W
E
S

SUBDIVISION MAP OF

CONCORD SUBDIVISION PHASE 1A

PLAT SHOWING
BEING A RESUBDIVISION OF 6.059 AC. CONSISTING OF:
0.244 OF ONE AC. OUT OF LOT 6, BLOCK 14, STEELE & PERSHING SUBDIVISION OF PORCIONES 66 & 67, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 8, PAGE 109-115, HIDALGO COUNTY DEED RECORDS, AND 5.815 AC. BEING ALL OF LOT 1, CONCORD PROPERTY CORP SUBDIVISION NO. 1, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 27, PAGE 196, HIDALGO COUNTY MAP RECORDS



SCALE: 1" = 100'

LEGEND

- ● FOUND No.4 REBAR
- ⊗ FOUND No.5 REBAR
- ★ FOUND PK NAIL
- ○ SET No.4 REBAR WITH PLASTIC CAP STAMPED MELDEN & HUNT
- H.C.M.R. - HIDALGO COUNTY MAP RECORDS
- SF - SQUARE FEET
- P.O.B. - POINT OF BEGINNING

Line Table		
Line #	Direction	Length
"L1"	S 08° 36' 46" W	12.05'
"L2"	N 08° 08' 20" E	8.12'

Curve Table						
Curve #	Delta	Radius	Length	Tangent	Chord Length	Chord Direction
"C-1"	005° 42' 14"	3034.93'	302.14'	151.19'	302.01'	N 67° 03' 30" E
"C-2"	002° 03' 08"	3034.93'	108.71'	54.36'	108.70'	N 68° 53' 03" E
"C-3"	001° 35' 06"	3034.93'	83.96'	41.98'	83.96'	N 67° 03' 56" E
"C-4"	002° 04' 00"	3034.93'	109.47'	54.74'	109.47'	N 65° 14' 23" E

GENERAL NOTES :

1. THIS SUBDIVISION IS IN FLOOD ZONE "B" DEFINED AS AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE(1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD.

   COMMUNITY-PANEL NUMBER: 480343 0010 C
   MAP REVISED: NOVEMBER 2, 1982

2. MINIMUM PERMISSIBLE FINISH FLOOR ELEVATION SHALL BE 18 INCHES ABOVE THE FRONT TOP OF CURB MEASURED FROM THE CENTER OF THE LOT.

3. MINIMUM SETBACKS SHALL COMPLY WITH THE CITY OF McALLEN ZONING CODE:
   U.S. EXPRESSWAY 83: 75 FEET OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS
   McCOLL ROAD: 50 FEET OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS

4. REQUIRED STORM SEWER RUNOFF DETENTION FOR THIS SUBDIVISION AS PER THE APPROVED DRAINAGE REPORT: _____ C.F (_____ AC. FT.) TO BE PROVIDED WITHIN DESIGNATED DETENTION AREAS.

5. CITY OF McALLEN BENCHMARK:

6. AN ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE CITY OF McALLEN ENGINEERING DEPARTMENT, SHALL BE REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT.

7. NO BUILDING ALLOWED OVER ANY EASEMENT.

8. 4 FOOT WIDE MINIMUM SIDEWALK REQUIRED ALONG U.S. EXPRESSWAY 83, AND McCOLL ROAD.

9. SITE PLAN MUST BE APPROVED BY THE PLANNING AND ZONING COMMISSION PRIOR TO BUILDING PERMIT ISSUANCE.

10. 20'x20' SITE ABSTRACTION EASEMENT ALONG S. McCOLL ROAD AND U.S. EXPRESSWAY 83 FRONTAGE ROAD.

THE STATE OF TEXAS
COUNTY OF HIDALGO

I (WE) , THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE LAS TIENDAS SUBDIVISION TO THE CITY OF MCALLEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED THEREON, SHOWN OR NOT SHOWN, IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF MCALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF MCALLEN.

_____ DATE _____
JAMES W. COLLINS, JR - MEMBER OF
LIAM INTERESTS, LLC AS GENERAL PARTNER OF
EXPRESSWAY-McCOLL, LTD.
900 E. LAKEVIEW DRIVE
McALLEN, TX 78501

THE STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSED AND CONSIDERATIONS THEREIN GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____ , 20 _____.

_____
NOTARY PUBLIC, FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES:

THE STATE OF TEXAS
COUNTY OF HIDALGO

I (WE) , THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE LAS TIENDAS SUBDIVISION TO THE CITY OF MCALLEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED THEREON, SHOWN OR NOT SHOWN, IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF MCALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF MCALLEN.

_____ DATE _____
MEYER MARCUS, MANAGER
MESITA INVESTORS, LLC AS GENERAL PARTNER FOR
CIELO PASO LAS TIENDAS, LP
6500 MONTANA AVE.
EL PASO, TX 79925

THE STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSED AND CONSIDERATIONS THEREIN GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____ , 20 _____.

_____
NOTARY PUBLIC, FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES:

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

_____ _____
CHAIRMAN, PLANNING COMMISSION DATE

I, THE UNDERSIGNED, MAYOR OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

_____ _____
MAYOR, CITY OF McALLEN DATE

THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT # 2
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 #2 RIGHTS OF WAY OR EASEMENTS.

_____ ATTEST: _____
PRESIDENT SECRETARY

APPROVED BY DRAINAGE DISTRICT:

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 THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO.1

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

THE STATE OF TEXAS
COUNTY OF HIDALGO

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

DATED THIS THE____DAY OF_____, 20____.

MELDEN & HUNT, INC.
TEXAS REGISTRATION F-1435

STATE OF TEXAS
FRED L. KURTH
54151
LICENSED
PROFESSIONAL ENGINEER

_____
FRED L. KURTH, PROFESSIONAL ENGINEER No. 54151
STATE OF TEXAS

DATE PREPARED: 11-12-15
ENGINEERING JOB No. 15106.00

THE STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY ON THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

DATED THIS THE _____ DAY OF _____, 20 _____

STATE OF TEXAS
REGISTERED
ROBERTO N. TAMEZ
6238
PROFESSIONAL
LAND SURVEYOR

_____
ROBERT N. TAMEZ, R.P.L.S. # 6238
DATE SURVEYED: 09-02-15
T-995, PG. 67 & 76
SURVEYING JOB No. 15106.08

THE COUNTY OF HIDALGO
TEXAS

FILE 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

METES AND BOUNDS DESCRIPTION:

A TRACT OF LAND CONTAINING 6.059 ACRES [263,913.832 SQUARE FEET] SITUATED IN HIDALGO COUNTY, TEXAS, CONSISTING OF 0.244 OF ONE ACRE [10,615.10 SQUARE FEET] OUT OF LOT 6, BLOCK 14, STEELE & PERSHING SUBDIVISION OF PORCIONES 66 & 67, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 8, PAGE 109-115, HIDALGO COUNTY DEED RECORDS, AND 5.815 ACRES [253,298.748 SQUARE FEET] BEING ALL OF LOT 1, CONCORD PROPERTY CORP SUBDIVISION NO. 1, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 27, PAGE 196, HIDALGO COUNTY MAP RECORDS, SAID 6.059 ACRES [263,913.832 SQUARE FEET] ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A NO. 4 REBAR SET AT THE SOUTHEAST CORNER OF SAID LOT 1, CONCORD PROPERTY CORP. SUBDIVISION NO. 1, FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

1. THENCE, N 81° 17' 50" W ALONG A SOUTH LINE OF SAID LOT 1, A DISTANCE OF 9.92 FEET TO A NO. 4 REBAR FOUND AT AN OUTSIDE CORNER OF SAID LOT 1, FOR AN OUTSIDE CORNER OF THIS TRACT;

2. THENCE, N 59° 02' 02" W ALONG A SOUTH LINE OF SAID LOT 1, A DISTANCE OF 197.96 FEET TO A NO. 4 REBAR FOUND AT AN INSIDE CORNER OF SAID LOT 1, FOR AN INSIDE CORNER OF THIS TRACT;

3. THENCE, N 81° 17' 50" W ALONG A SOUTH LINE OF SAID LOT 1, A DISTANCE OF 190.00 FEET TO A NO. 4 REBAR SET ON THE SOUTHWEST CORNER OF SAID LOT 1, FOR THE SOUTHWEST CORNER OF THIS TRACT;

4. THENCE, N 08° 40' 15" E ALONG THE EAST RIGHT-OF-WAY LINE OF S. MCCOLL ROAD AND ALONG THE WEST LINE OF SAID LOT 1, AT A DISTANCE OF 570.03 FEET PASS A NO. 5 REBAR FOUND, AT A DISTANCE OF 639.10 FEET PASS A NO. 5 REBAR FOUND AT THE WESTERNMOST NORTHWEST CORNER OF SAID LOT 1, CONTINUING A TOTAL DISTANCE OF 695.05 FEET TO A NO. 4 REBAR SET FOR THE NORTHWEST CORNER OF THIS TRACT;

5. THENCE, IN A NORTHEASTERLY DIRECTION ALONG THE SOUTH RIGHT-OF-WAY LINE OF E. FRONTAGE ROAD AND ALONG A CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 005°42'14", A RADIUS OF 3034.93 FEET, AN ARC LENGTH OF 302.14 FEET, A TANGENT OF 151.19 FEET, AND A CHORD THAT BEARS N 67° 03' 30" E AT A DISTANCE OF 108.70 FEET PASS A NO. 5 REBAR FOUND AT THE NORTHERNMOST NORTHEAST CORNER OF SAID LOT 1, AT A DISTANCE OF 192.63 FEET PASS A NO. 4 REBAR SET, CONTINUING A TOTAL DISTANCE OF 302.01 FEET TO A NO. 4 REBAR SET ON THE NORTHERNMOST NORTHEAST CORNER OF SAID LOT 1, FOR THE NORTHERNMOST NORTHEAST CORNER OF THIS TRACT;

6. THENCE, S 31° 17' 50" E ALONG AN EAST LINE OF SAID LOT 1, A DISTANCE OF 43.29 FEET TO A NO. 4 REBAR SET ON THE SOUTHERNMOST NORTHEAST CORNER OF SAID LOT 1, FOR THE SOUTHERNMOST NORTHEAST CORNER OF THIS TRACT;

7. THENCE, S 08° 42' 10" W ALONG AN EAST LINE OF SAID LOT 1, A DISTANCE OF 467.00 FEET TO A NO. 4 REBAR SET AT AN INSIDE CORNER OF SAID LOT 1, FOR AN INSIDE CORNER OF THIS TRACT;

8. THENCE, S 81° 17' 50" E ALONG A BOUNDARY LINE OF SAID LOT 1, A DISTANCE OF 98.57 FEET TO A NO. 4 REBAR SET AT AN OUTSIDE CORNER OF SAID LOT 1, FOR AN OUTSIDE CORNER OF THIS TRACT;

9. THENCE, S 08° 42' 10" W ALONG AN EAST LINE OF SAID LOT 1, A DISTANCE OF 428.34 FEET TO THE POINT OF BEGINNING, AND CONTAINING 6.059 ACRES [263,913.832 SQUARE FEET] OF LAND, MORE OR LESS.

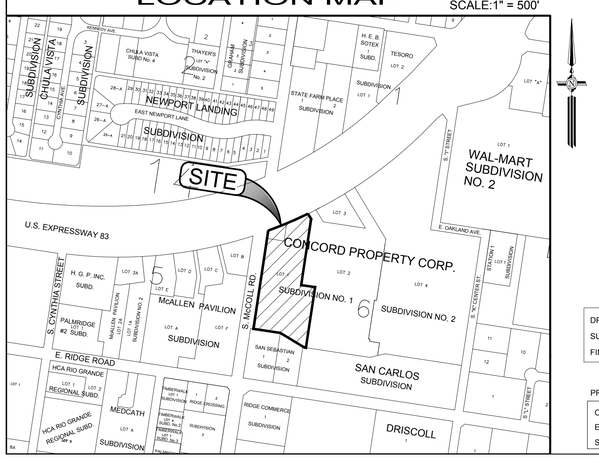
DRAWN BY: E.M. DATE 11-12-2015
SURVEYED, CHECKED _____ DATE _____
FINAL CHECK _____ DATE _____

PRINCIPAL CONTACTS	NAME	ADDRESS	CITY & ZIP	PHONE	FAX
OWNER:					
ENGINEER:	FRED L. KURTH, P.E.	115 W. McINTYRE	EDINBURG, TX 78541	(956) 381-0981	(956) 381-1839
SURVEYOR:	ROBERT N. TAMEZ, R.P.L.S.	115 W. McINTYRE	EDINBURG, TX 78541	(956) 381-0981	(956) 381-1839

TBPE FIRM # F-1435
MELDEN & HUNT INC.
CONSULTANTS • ENGINEERS • SURVEYORS
115 W. McINTYRE
EDINBURG, TX 78541
PH: (956) 381-0981
FAX: (956) 381-1839
ESTABLISHED 1947
227 N. F.M. 3167
RIO GRANDE CITY, TX 78582
PH: (956) 487-8256
FAX: (956) 488-8591
www.meldenandhunt.com

LOCATION MAP

SCALE:1" = 500'



City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 3/29/2016

SUBDIVISION NAME: CONCORD PHASE 1A	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
East U.S. Expressway 83: 350 - 360 ft. ROW existing Paving: by the state Curb & gutter: by the state	Compliance
S. McColl Road: 50 ft. from centerline for 100 ft. ROW existing Paving: 65 ft. Curb & gutter: both sides	Compliance
* 800 ft. Block Length:	Compliance
* 600 ft. Maximum Cul-de-Sac:	NA
ALLEYS	
*Service drive easements to be reviewed as part of the site plan.	Applied
SETBACKS	
* Front: East U.S. Expressway 83 - 75 ft. or greater for approved site plan or easements	Applied
* Rear: in accordance with the Zoning Ordinance, or greater for approved site plan or easements	Applied
* Interior Side: in accordance with the Zoning Ordinance, or greater for approved site plan or easements	Applied
* Corner: S. McColl Road - 50 ft. or greater for approved site plan or easements	Applied
* Garage: 18 ft. except where greater setback is required; greater setback applies	NA
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on East U.S. Expressway 83 and S. McColl Road.	Applied
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, or industrial zones/uses.	Applied
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses.	Applied
*Perimeter buffers must be built at time of Subdivision Improvements.	NA
NOTES	
* 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.	Compliance

* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	Applied
* 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
LOT REQUIREMENTS	
* Lots fronting public streets:	Compliance
* Minimum lot width and lot area:	Compliance
ZONING/CUP	
* Existing: C-3 Proposed: C-3	Compliance
* Rezoning Needed Before Final Approval	NA
PARKS	
* 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
TRAFFIC	
* Trip Generation to determine if TIA is required, prior to final plat. **Per the Traffic Department, the trip generation is waived if no new access points are proposed.	NA
* Traffic Impact Analysis (TIA) required prior to final plat. **Per the Traffic Department, the trip generation is waived if no new access points are proposed.	NA
COMMENTS	
Comments: *Preliminary plat approved by the Planning and Zoning Commission at their meeting of December 1, 2015. **Existing plat notes remain the same for the resubdivision.	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE RESUBDIVISION IN FINAL FORM SUBJECT TO THE CONDITIONS NOTED, AND UTILITY & DRAINAGE APPROVALS.	Applied

LOCATION
U.S. 83 EXPRESSWAY
U.S. 83
CHULA VISTA SUBD NO 4
THAYER'S SUBDIVISION NO. 2
GRAHAM SUBDIVISION
NEWPORT LANDING
NEWPORT LN
SUBDIVISION
STATE FARM PLACE SUBDIVISION
TESORO SUBDIVISION NO. 2
TESORO
McCOLL RD.
CONCORD PROPERTY CORP. SUBDIVISION
PROPOSED
CONCORD
SUBDIVISION
PHASE 1A
McALLEN PAVILION II
McALLEN PAVILION SUBDIVISION
SAN SEBASTIAN SUBDIVISION
LOT A
LOT B
PROPOSED KRANSI PLAZA SUBDIVISION
PLAZA ON RIDGE ROAD
E RIDGE RD
TIMBERWALK
RIDGE CROSSING
RIDGE COMMERCE SUBDIVISION
DRISCOLL SUBD PH 2
DRISCOLL SUBDIVISION
"D" ST
"I" ST
OAKLA

Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: March 28, 2016

SUBJECT: 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.

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 10th Street, approximately 170 ft. south of Martin Avenue and it is zoned C-3 (general business) District. The surrounding zoning is 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 is allowed in a C-3 zone with a conditional use permit and in compliance with requirements.

HISTORY:
Currently, there is 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.

REQUEST/ANALYSIS:
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 is now proposing to sale alcoholic beverages; therefore, a conditional use permit for a bar is required. The hours of operation will 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 has 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:

1) 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 is within 600 ft. of residential zones/uses;

2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has direct access to North 10th Street and does not generate traffic to 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 building on the property. Based on the existing commercial use, 25 parking spaces are 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 are required for a combined total of 45 spaces required. There are 47 parking spaces provided on site as part of the common parking area;

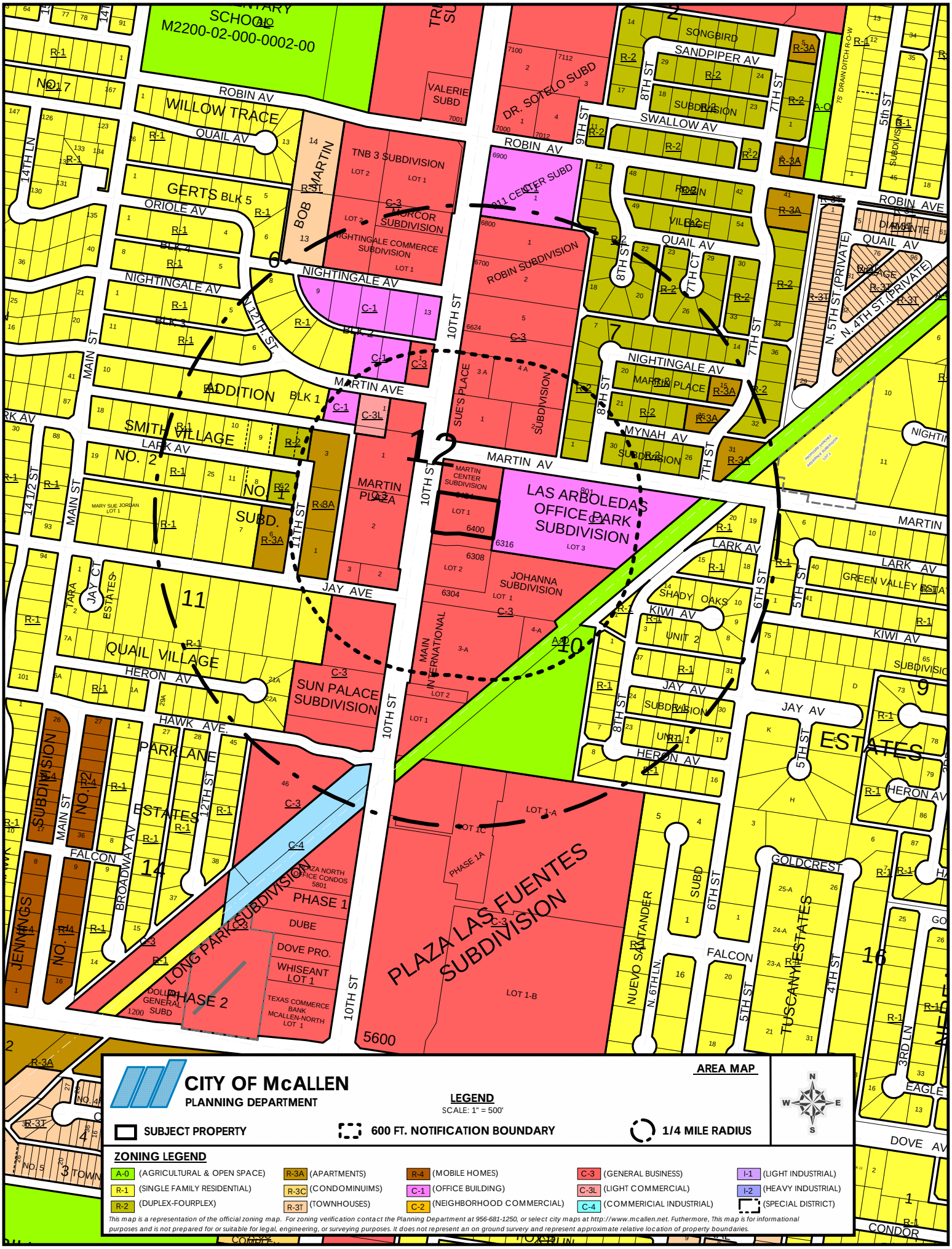
4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;

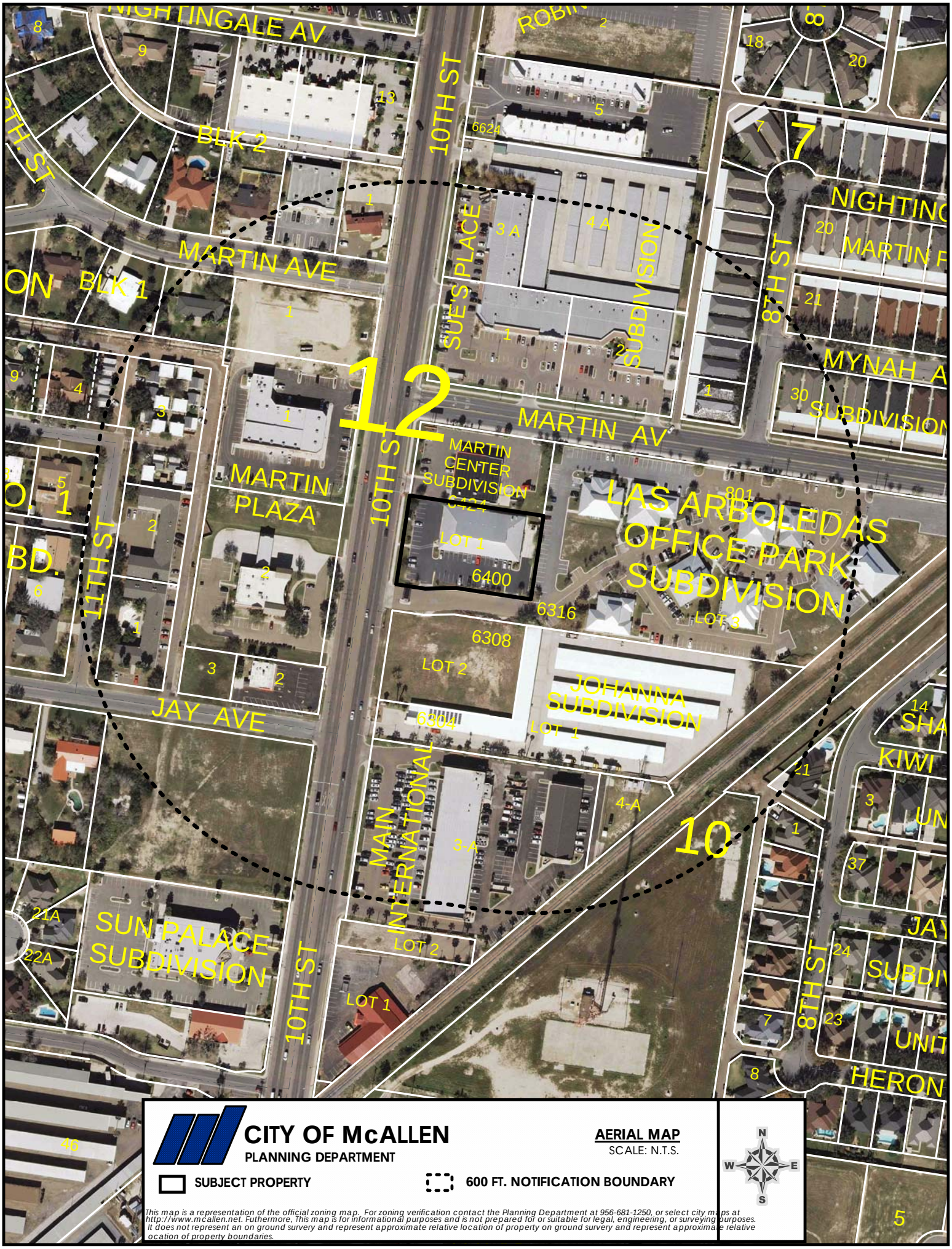
5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;

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 maximum occupancy of the establishment is to be set through the building permit process.

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
AREA MAP
LEGEND
SCALE: 1" = 500'
SUBJECT PROPERTY
600 FT. NOTIFICATION BOUNDARY
1/4 MILE RADIUS
N
S
E
W
ZONING LEGEND
A-0 (AGRICULTURAL & OPEN SPACE)
R-1 (SINGLE FAMILY RESIDENTIAL)
R-2 (DUPLEX-FOURPLEX)
R-3A (APARTMENTS)
R-3C (CONDOMINUIMS)
R-3T (TOWNHOUSES)
R-4 (MOBILE HOMES)
C-1 (OFFICE BUILDING)
C-2 (NEIGHBORHOOD COMMERCIAL)
C-3 (GENERAL BUSINESS)
C-3L (LIGHT COMMERCIAL)
C-4 (COMMERICIAL INDUSTRIAL)
I-1 (LIGHT 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. Futhermore, 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.
M2200-02-000-0002-00
ROBIN AV
WILLOW TRACE
QUAIL AV
GERTS BLK 5
ORIOLE AV
NIGHTINGALE AV
MARTIN AV
SMITH VILLAGE
LARK AV
QUAIL VILLAGE
HERON AV
HAWK AVE.
PARK LANE
FALCON
JAY AVE
JAY AV
KIWI AV
MARTIN
MAIN ST
10TH ST
12TH ST
14TH LN
14 1/2 ST
SWALLOW AV
SANDPIPER AV
SONGBIRD
8TH ST
7TH ST
6TH ST
5TH ST
9TH ST
ROBIN AVE
QUAIL AV
N. 5TH ST. (PRIVATE)
N. 4TH ST (PRIVATE)
MYNAH AV
GOLDCREST
DOVE AV
CONDOR
TNB 3 SUBDIVISION
MORCOR SUBDIVISION
NIGHTINGALE COMMERCE SUBDIVISION
ROBIN SUBDIVISION
MARTIN PLACE
MARTIN CENTER SUBDIVISION
LAS ARBOLEDAS OFFICE PARK SUBDIVISION
JOHANNA SUBDIVISION
SUN PALACE SUBDIVISION
PLAZA LAS FUENTES SUBDIVISION
LONG PARK SUBDIVISION
PLAZA NORTH OFFICE CONDOS 5801
PHASE 1
DUBE
DOVE PRO.
WHISEANT LOT 1
TEXAS COMMERCE BANK MCALLEN-NORTH LOT 1
DOLLAR GENERAL SUBD 1200
PHASE 2
PHASE 1A
LOT 1-A
LOT 1-B
LOT 1C
SHADY OAKS UNIT 2
GREEN VALLEY ESTATES
TUSCANY ESTATES
NUEVO SANTANDER
N. 6TH LN.
3RD LN
EAGLE
VALERIE SUBD
DR. SOTELO SUBD
911 CENTER SUBD
SUE'S PLACE SUBDIVISION
MAIN INTERNATIONAL
MARY SUE JORDAN LOT 1
TARA ESTATES
JAY CT
BROADWAY AV
JENNINGS SUBDIVISION
NO. 2
NO. 1
SUBD.
ADDITION BLK 1
BLK 2
BLK 3
BLK 4
BLK 5
NO. 17
NO. 5
NO. 4
NO. 3
TOWN
ESTATES
SUBDIVISION
75' DRAIN DITCH R-O-W
PROPOSED SANCHEZ INDUSTRIAL SUBDIVISION LOT 1
5600
6400
6308
6304
6316
6900
6800
6700
6624
7100
7112
7000
7012
801
5801
1200



CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

SUBJECT PROPERTY

600 FT. NOTIFICATION BOUNDARY

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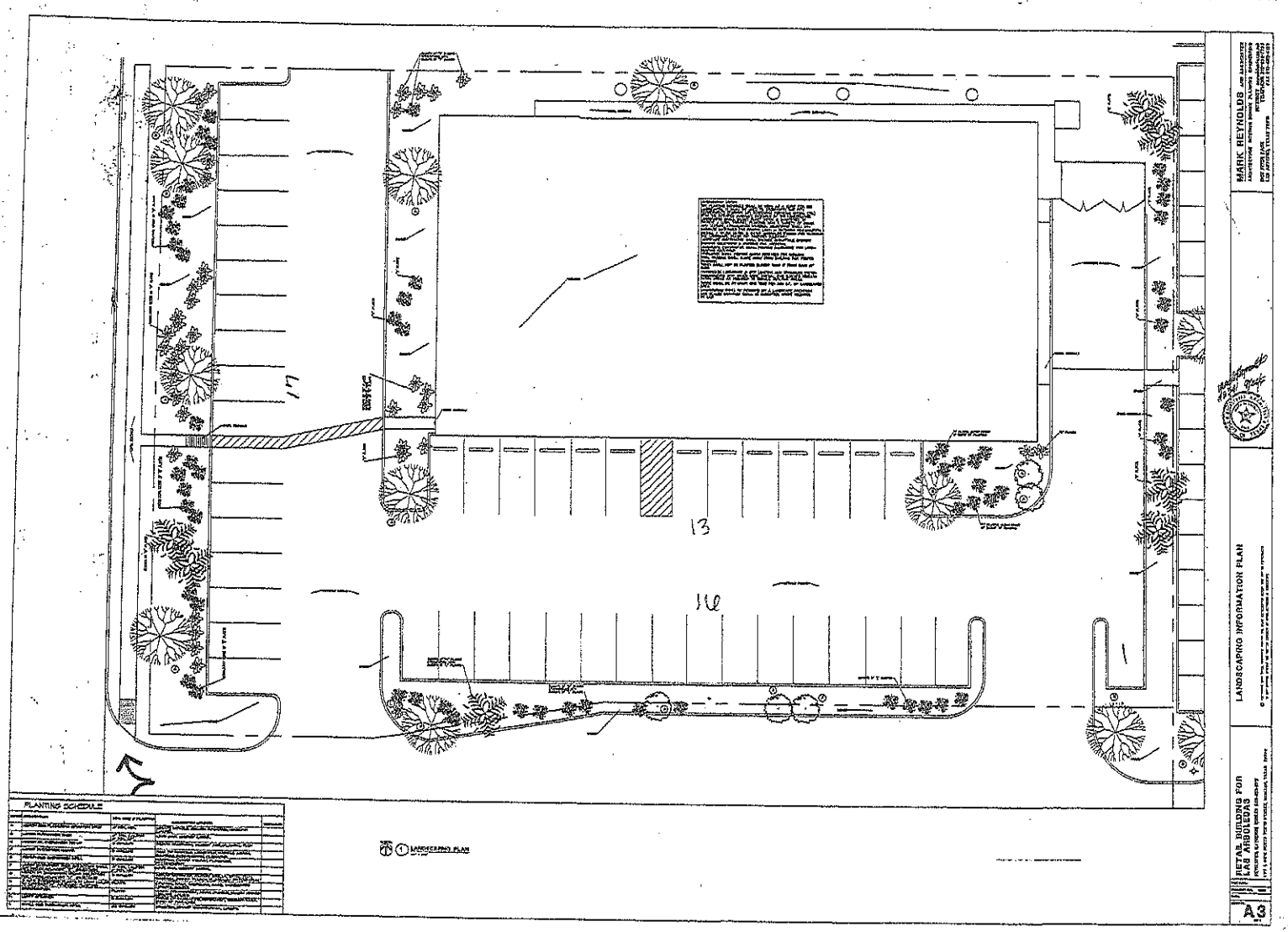
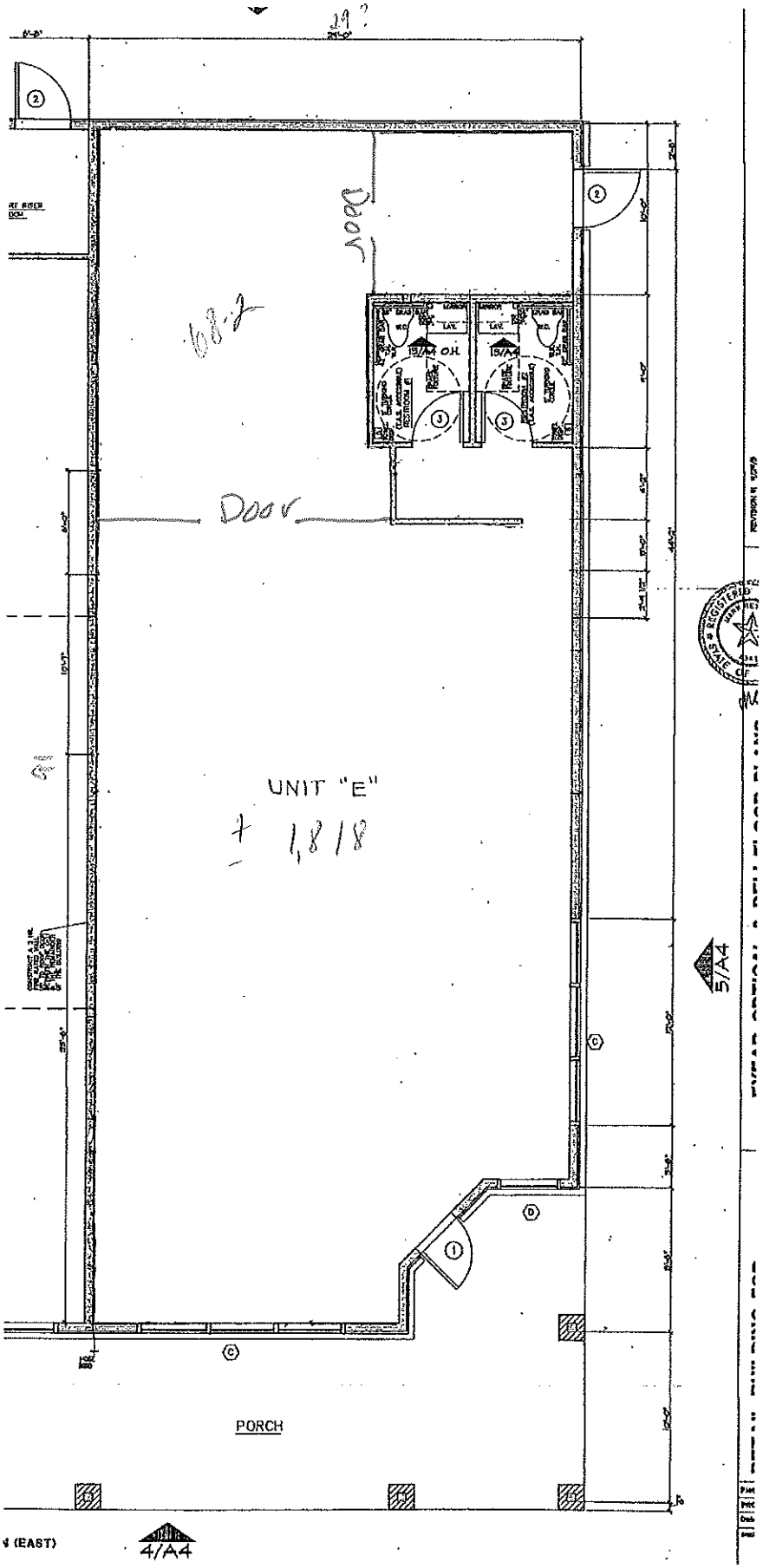


47 parking spaces



TOTAL
±2,500
SQFT

20 spaces

EYEAR
1hr OPTICAL
NOTICE
BAR
For
This Property
CUP2016-0030
FOR LEASE
956-778-3255
CHRE

Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: March 31, 2016

SUBJECT: REQUEST OF CARIBE INVESTEMENTS, LLP, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOT 3, LONE STAR NATIONAL BANK SUBDIVISION; 500 EAST 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.

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

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

REQUEST/ANALYSIS:
The applicant is proposing to continue to operate a bar and grill (Havana Club & Grill) at this location. The hours of operation are 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 is 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:

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. from the nearest residence and residentially zoned property;

2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment is located on a major arterial, East Nolana Avenue, 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. Based on the square footage and use of the building, 119 parking spaces are required and 127 are provided. During inspection, staff observed the west parking spaces needing to be re-striped and a large pothole that needs fixing;

4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties. An 8 ft. wall is provided;

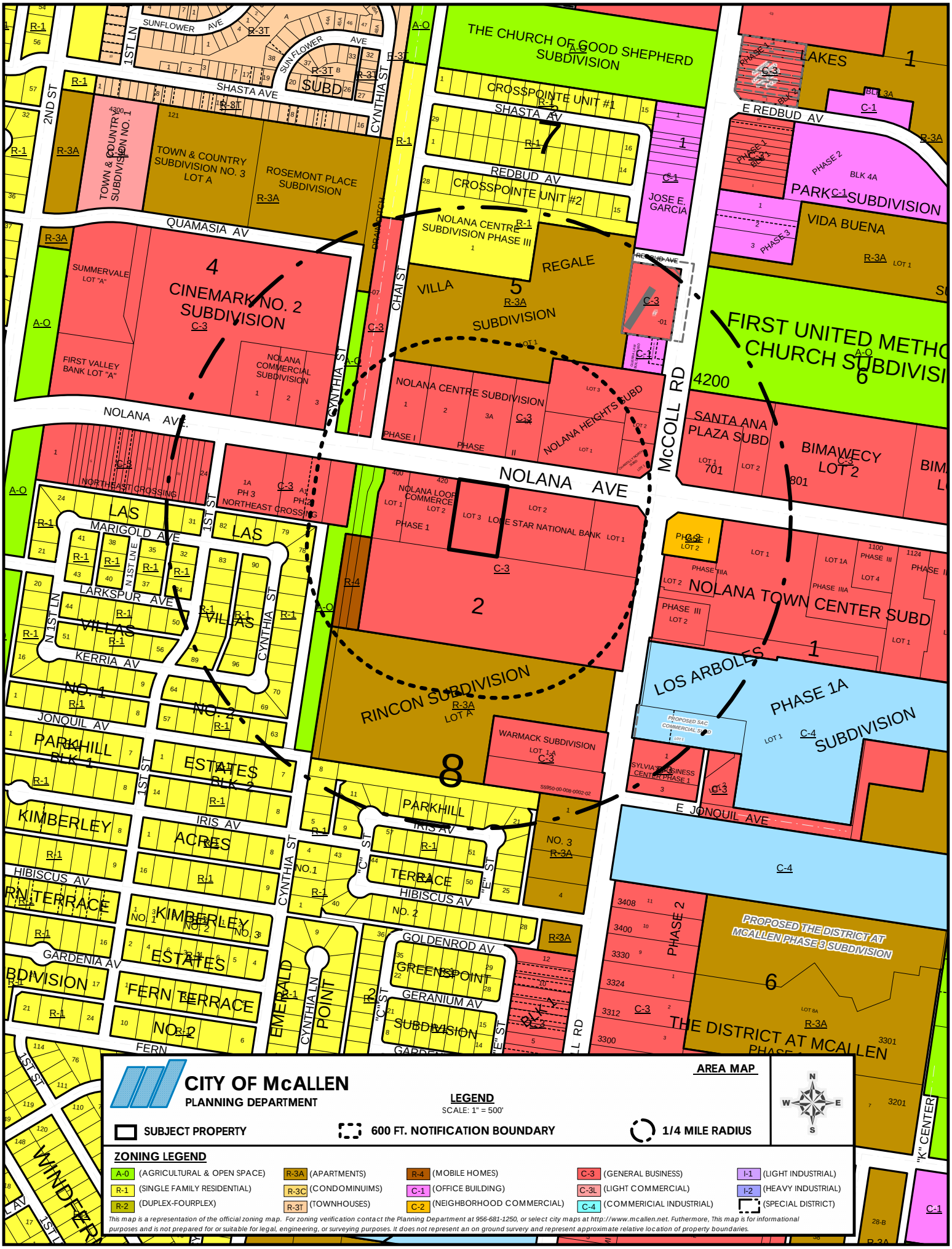
5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;

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 for the bar has been set at 93 persons.

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

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
AREA MAP
LEGEND
SCALE: 1" = 500'
SUBJECT PROPERTY
600 FT. NOTIFICATION BOUNDARY
1/4 MILE RADIUS
ZONING LEGEND
A-O (AGRICULTURAL & OPEN SPACE)
R-1 (SINGLE FAMILY RESIDENTIAL)
R-2 (DUPLEX-FOURPLEX)
R-3A (APARTMENTS)
R-3C (CONDOMINUIMS)
R-3T (TOWNHOUSES)
R-4 (MOBILE HOMES)
C-1 (OFFICE BUILDING)
C-2 (NEIGHBORHOOD COMMERCIAL)
C-3 (GENERAL BUSINESS)
C-3L (LIGHT COMMERCIAL)
C-4 (COMMERICIAL INDUSTRIAL)
I-1 (LIGHT INDUSTRIAL)
I-2 (HEAVY INDUSTRIAL)
(SPECIAL DISTRICT)
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NOLANA AVE
McCOLL RD
CYNTHIA ST
QUAMASIA AV
SHASTA AVE
REDBUD AV
E REDBUD AV
E JONQUIL AVE
LARKSPUR AVE
KERRIA AV
JONQUIL AV
IRIS AV
HIBISCUS AV
GARDENIA AV
GOLDENROD AV
GERANIUM AV
FERN
SUNFLOWER AVE
1ST LN
2ND ST
1ST ST
N 1ST LINE
"C" ST
"E" ST
"K" CENTER
CHAI ST
THE CHURCH OF GOOD SHEPHERD SUBDIVISION
CROSSPOINTE UNIT #1
CROSSPOINTE UNIT #2
NOLANA CENTRE SUBDIVISION PHASE III
NOLANA CENTRE SUBDIVISION
NOLANA HEIGHTS SUBD
REGALE
VILLA
SUBDIVISION
JOSE E. GARCIA
TOWN & COUNTRY SUBDIVISION NO. 1
TOWN & COUNTRY SUBDIVISION NO. 3 LOT A
ROSEMONT PLACE SUBDIVISION
SUMMERVALE LOT "A"
CINEMARK NO. 2 SUBDIVISION
FIRST VALLEY BANK LOT "A"
NOLANA COMMERCIAL SUBDIVISION
NORTHEAST CROSSING
LAS VILLAS NO. 1
LAS VILLAS NO. 2
MARIGOLD AVE
PARKHILL BLK 1
ESTATES BLK 2
KIMBERLEY ACRES
KIMBERLEY ESTATES
FERN TERRACE
EMERALD POINT
GREENSPOINT SUBDIVISION
PARKHILL TERRACE
RINCON SUBDIVISION
LOT A
NOLANA LOOP COMMERCE
LONE STAR NATIONAL BANK
WARMACK SUBDIVISION
NO. 3
SANTA ANA PLAZA SUBD
BIMAWECY LOT 2
FIRST UNITED METHO CHURCH SUBDIVISI
PARK SUBDIVISION
VIDA BUENA
LAKES
NOLANA TOWN CENTER SUBD
LOS ARBOLES PHASE 1A SUBDIVISION
PROPOSED SAC COMMERCIAL SUBD
SYLVIA'S BUSINESS CENTER PHASE 1
PHASE 2
PROPOSED THE DISTRICT AT MCALLEN PHASE 3 SUBDIVISION
THE DISTRICT AT MCALLEN
WINDFER

CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

SUBJECT PROPERTY

600 FT. NOTIFICATION BOUNDARY

N
W E
S

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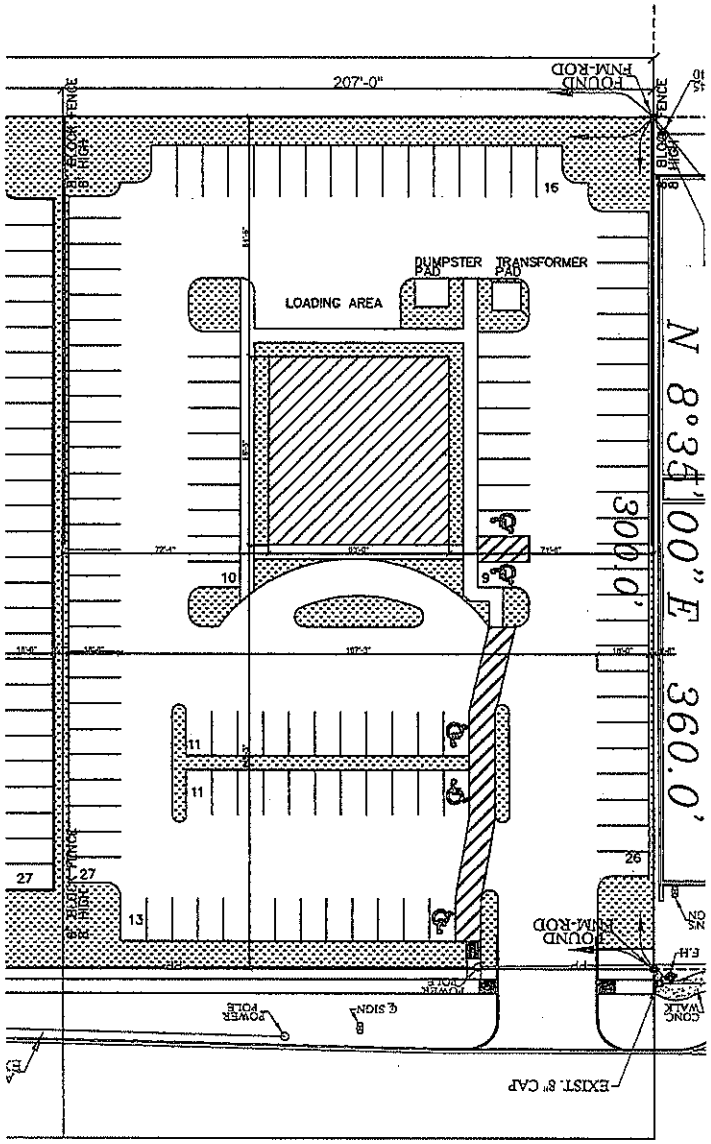
BAR:
1. BUILDING AREA: 8,316 S.F.
2. PARKING REQUIRED: 111 P.S.
3. PARKING PROVIDED: 123 P.S.
4. LANDSCAPING REQUIRED: 6,210.0 S.F.
5. LANSCAPING PROVIDED: 8,771.8 S.F.
6. PROPERTY AREA: 62,100 S.F.



A-2

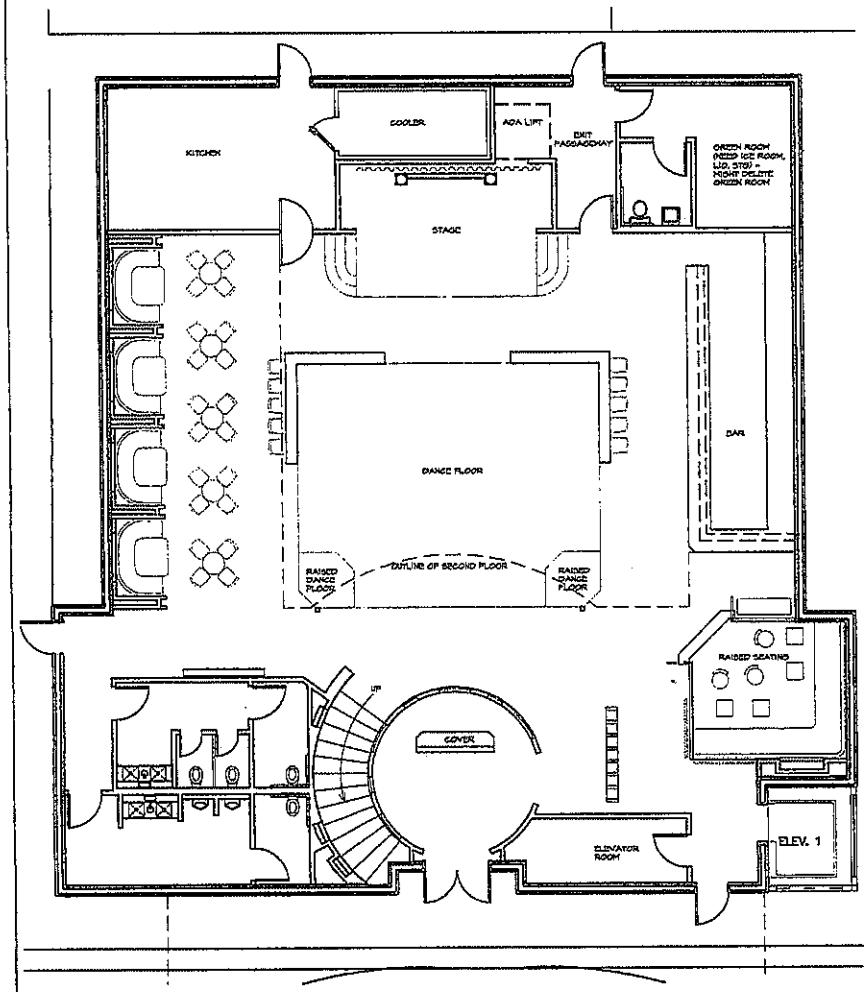
CANTU CONSTRUCTION COMPANY
P.O. Box 2673
5211 N. McColl Rd.
McAllen, Texas 78504
Office: (956) 631-1273
Fax: (956) 631-7866

REVISIONS	BY

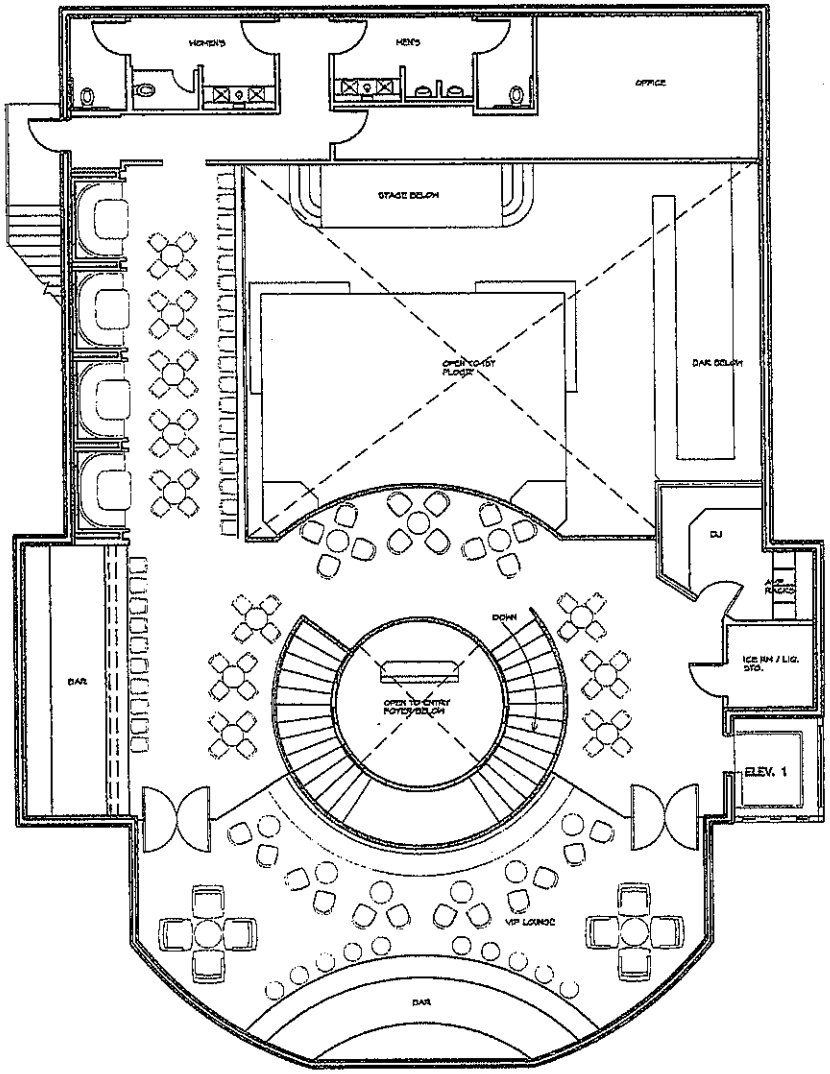
TITLE: SITE PLAN PRELIMINARY PLAN 3-13-07

PROJECT: McAllen, TX.

DRAWN BY: JULIO
CHECKED BY:
DATE: 3-13-07
SCALE: 3/16" = 1'-0"
DWG. NO.: 07-032
SHEET 1 of 3



01 1ST FLOOR - PRELIMINARY FLOOR PLAN
SCALE: 3/32" = 1'-0"



02 2ND FLOOR - PRELIMINARY FLOOR PLAN
SCALE: 3/32" = 1'-0"

NOT FOR CONSTRUCTION

N

HAVANA CLUB

MCALLEN, TEXAS

DESIGN CONSULTANT

Duncan Design Group

4801 Harding Street
Dallas, Texas 75235
P: 214.748.4420
F: 214.350.4491

ISSUE:

09-03-07 CONCEPT 1

REVISIONS:

1

DATE: 09-03-2007

PROJECT #: 100

PROJECT COORDINATOR: TYLER DUNCAN

SHEET NAME

PRELIMINARY FURNITURE PLANS (1ST & 2ND LEVEL)

SHEET:

ID1.0

Crime Records Office
COPY

Incident Analysis Report

Summary

Print Date/Time: 03/28/2016 11:40
Login ID: mcpd7004
Incident Type: All
Call Source: All

From Date: 03/01/2015 00:01
To Date: 03/28/2016 11:00

McAllen Police Department
ORI Number: TX1080800
Officer ID: All
Location: 500 E NOLANA AVE, MCALLEN

Incident Date/Time	Incident Number	Incident Type	Location	Caller	Source
03/15/2015 02:06	2015-00018878	BURG OF VEH	500 E NOLANA AVE	GRACIE GARZA	911
04/12/2015 04:43	2015-00026790	Domestic Disturbance	500 E NOLANA AVE	DAVID	Phone
05/28/2015 01:56	2015-00039308	Domestic Disturbance	500 E NOLANA AVE	ROBERTO /3RD	Phone
06/06/2015 12:59	2015-00041924	Hit and Run	500 E NOLANA AVE	vanessa vasquez	Phone
07/14/2015 17:24	2015-00051931	MINOR ACC	500 E NOLANA AVE	IP/ANDREA	Phone
07/26/2015 03:37	2015-00055044	Alarm Burglary	500 E NOLANA AVE	CHRIS	Phone
07/26/2015 17:37	2015-00055174	Accident w/Injuries	500 E NOLANA AVE	MS TELLES	911
10/28/2015 19:28	2015-00080362	Alarm Burglary	500 E NOLANA AVE	ASG	Phone
01/18/2016 12:26	2016-00004398	Accident w/Injuries	500 E NOLANA AVE		Phone
02/07/2016 11:41	2016-00009573	Lost/Found Property	500 E NOLANA AVE	samantha morales	Phone
03/12/2016 00:03	2016-00018427	Accident w/Injuries	500 E NOLANA AVE	MANUEL	Phone

Total Matches: **11**

HAVANA
CLUB
500
NOTICE
BAR
For
This Property
CUP2016-0033

Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: March 9, 2016

SUBJECT: REQUEST OF JOSE J. JARAMILLO, FOR A CONDITIONAL USE PERMIT, FOR A YEAR, FOR A PORTABLE FOOD CONCESSION STAND AT LOT 5 LESS THE WEST 85 FEET, JANICE #2 SUBDIVISION; 1901 NORTH 10TH 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 northwest corner of North 10th Street and Sycamore Avenue. It is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions as well as R-1 (single family residential) District and C-1 (office building) to the west. Surrounding land uses include single family residential, retail, and offices. A portable food concession stand is permitted in a C-3 zone with a conditional use permit.

REQUEST/ANALYSIS:
Currently, there is a commercial embroidery business on the property. The applicant is proposing to place a 7 ft. by 17 ft. (119 sq. ft.) portable food concession stand with a 7 ft. X 10 ft. (70 sq. ft.) seating area on the property for restaurant use (189 sq. ft. total). The hours of operation are from 8:00 a.m. to 12:00 p.m. and 6:00 p.m. to 12:00 a.m. Monday – Sunday.

Should the conditional use permit be approved, the applicant must obtain a building permit to place the portable building on site, and must also comply with parking, landscaping, and setback requirements. Access will be from existing curb cuts on Sycamore Avenue and North 10th Street.

The Fire Department has conducted an inspection; however, once the portable concession stand is on the property it will require a re-inspection for final approval. The Health Department will also conduct inspections to ensure compliance with their requirements at time of final inspection. The establishment must also comply with requirements set forth in Section 138-118(9) of the Zoning Ordinance and other specific requirements as follows:

1) The proposed use shall not be located in a residentially zoned area. The property is zoned C-3 District;

2) The proposed use shall be inspected by the Building Inspector and comply with applicable building codes. A building permit is required to place the portable building on site;

3) The proposed use and adjacent businesses shall comply with the off-street parking and loading ordinance. Based on the 189 total sq. ft. of restaurant use, four parking spaces are required and 10 are proposed on site. Six spaces are for the existing business and four for the portable food concession stand;

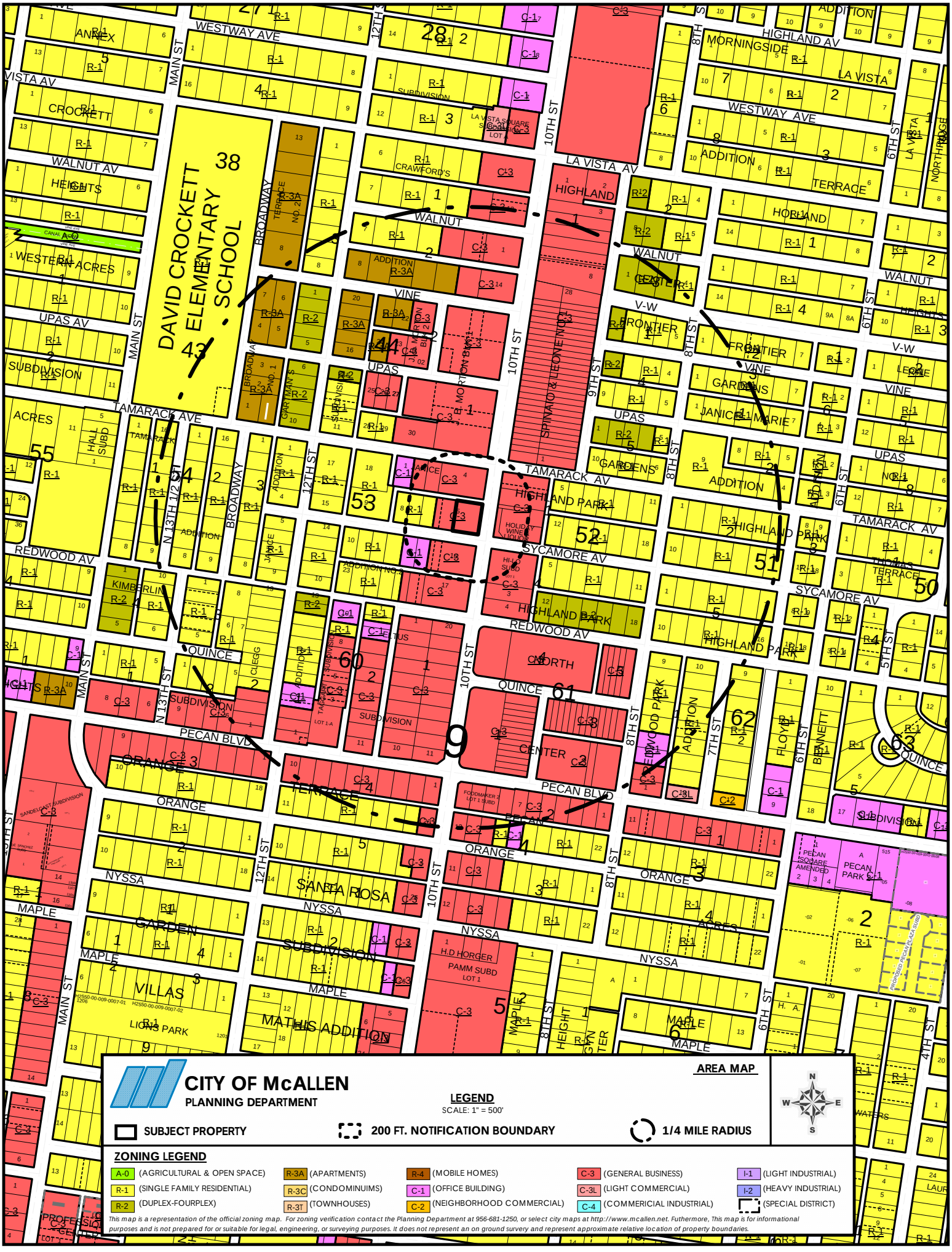
4) A portable building or trailer for the proposed use shall be properly anchored to the ground;

5) The proposed use shall comply with the zoning district setback requirements; and

6) Water and sewage disposal facilities must be available and may be required to the proposed use. Restroom facilities will be provided on site from the existing commercial building.

RECOMMENDATION:

Staff recommends approval of the request, for one year, subject to compliance with Section 138-118(9) of the Zoning Ordinance, building permit, Health and Fire Department requirements.


CITY OF McALLEN
PLANNING DEPARTMENT
AREA MAP
LEGEND
SCALE: 1" = 500'
SUBJECT PROPERTY
200 FT. NOTIFICATION BOUNDARY
1/4 MILE RADIUS
N
S
E
W
ZONING LEGEND
A-O (AGRICULTURAL & OPEN SPACE)
R-1 (SINGLE FAMILY RESIDENTIAL)
R-2 (DUPLEX-FOURPLEX)
R-3A (APARTMENTS)
R-3C (CONDOMINUIMS)
R-3T (TOWNHOUSES)
R-4 (MOBILE HOMES)
C-1 (OFFICE BUILDING)
C-2 (NEIGHBORHOOD COMMERCIAL)
C-3 (GENERAL BUSINESS)
C-3L (LIGHT COMMERCIAL)
C-4 (COMMERICIAL INDUSTRIAL)
I-1 (LIGHT INDUSTRIAL)
I-2 (HEAVY INDUSTRIAL)
(SPECIAL DISTRICT)
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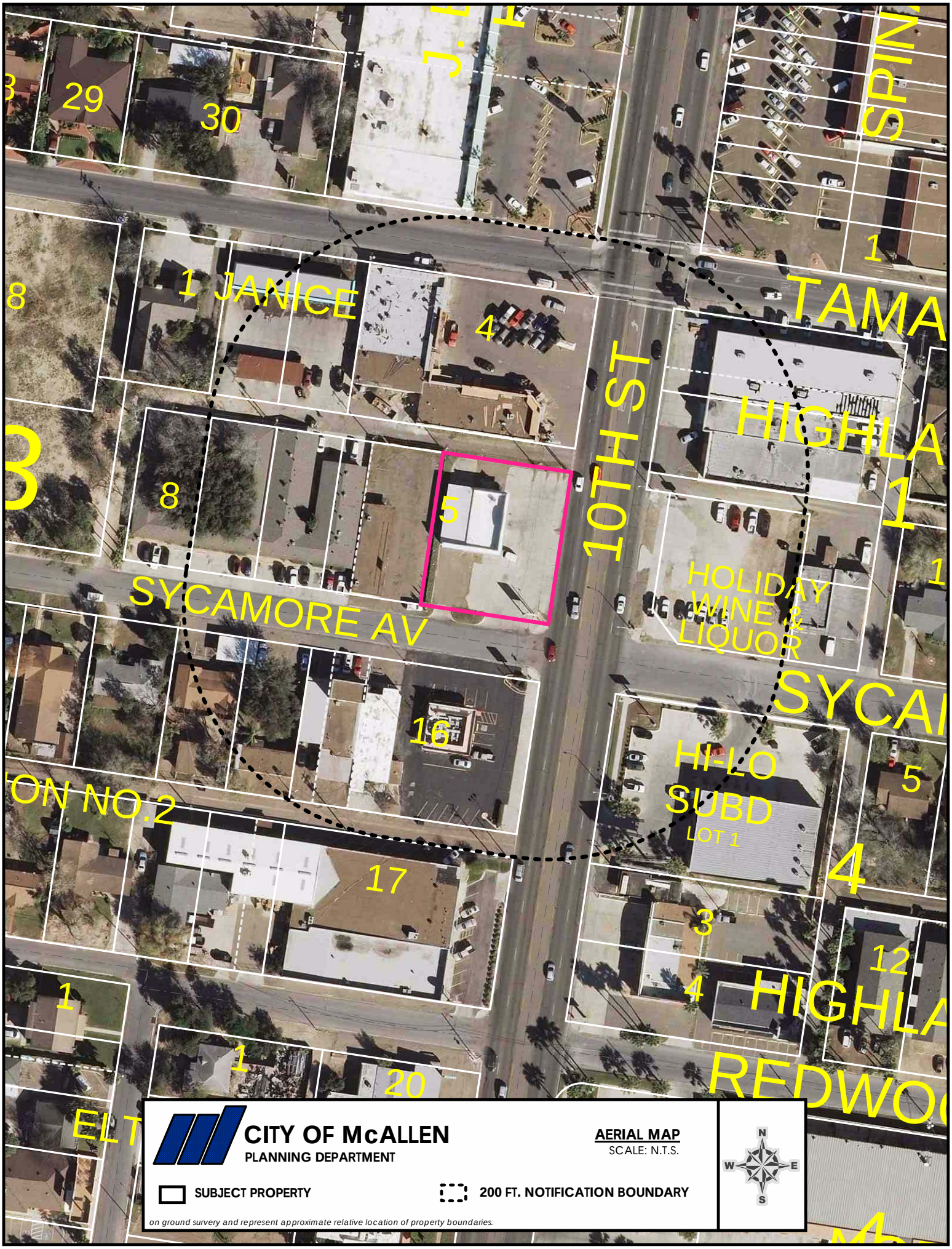
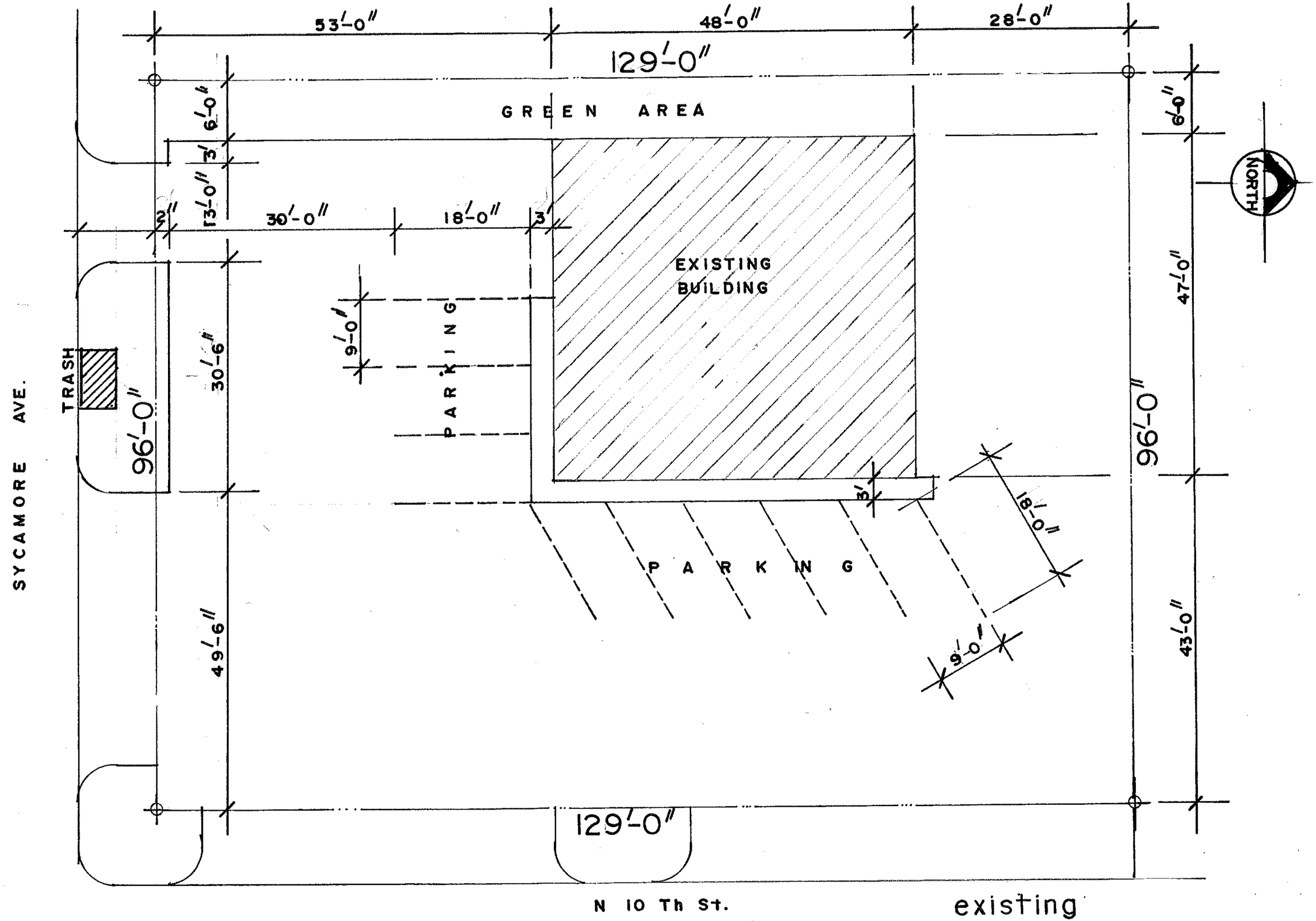
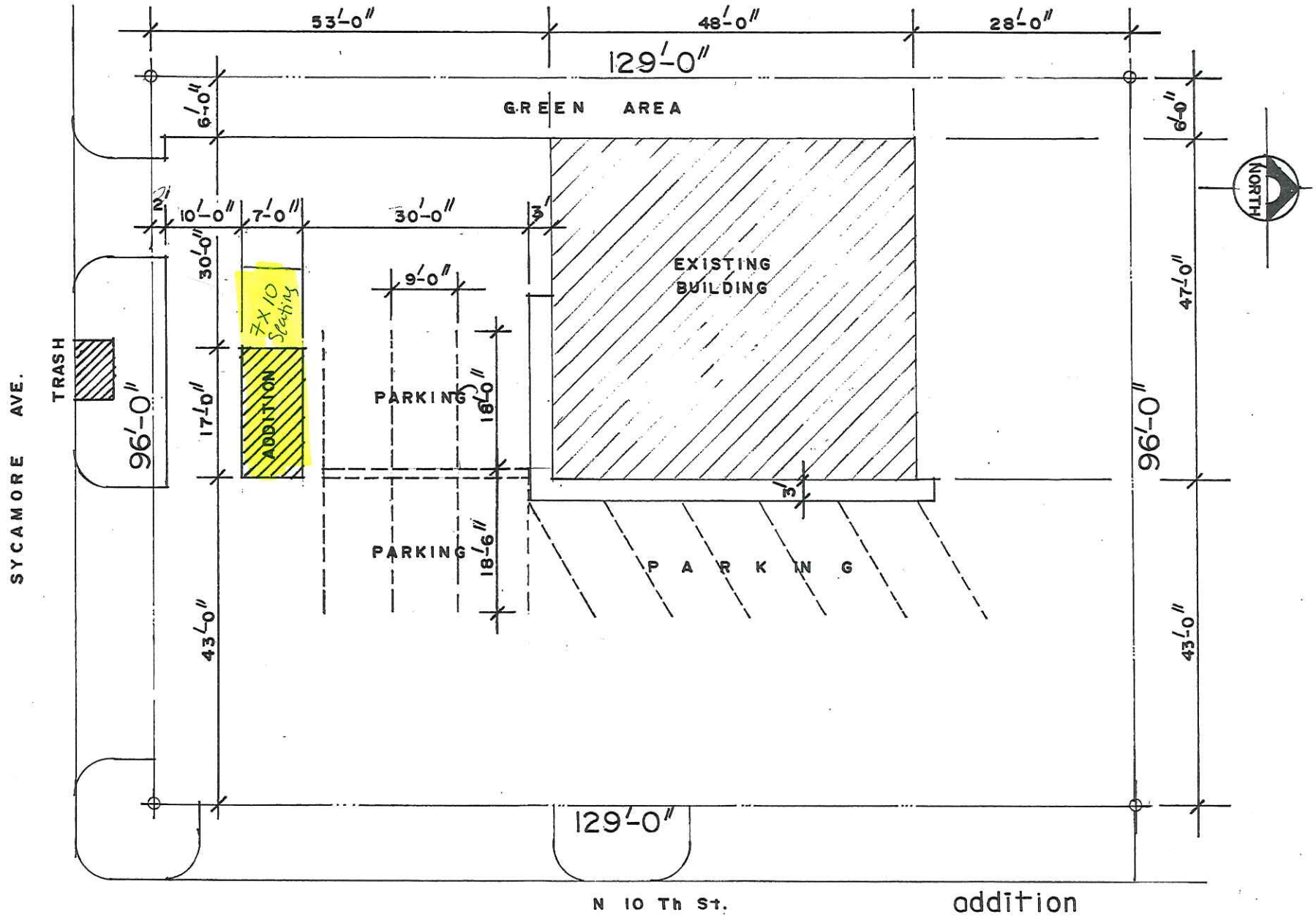
DAVID CROCKETT ELEMENTARY SCHOOL
WESTWAY AVE
LA VISTA AV
WALNUT AV
UPAS AV
TAMARACK AVE
REDWOOD AV
SYCAMORE AV
QUINCE
PECAN BLVD
ORANGE
NYSSA
MAPLE
MAIN ST
10TH ST
12TH ST
8TH ST
6TH ST
BROADWAY
HIGHLAND AV
SANTA ROSA
GARDEN VILLAS
LIONS PARK
MATHIS ADDITION
PECAN PARK
PECAN SQUARE AMENDED
PROPOSED PECAN PLAZA SUBD


29
30
1 JANICE
4
8
3
8
5
10TH ST
TAMA
HIGHLA
1
HOLIDAY WINE & LIQUOR
SYCAMORE AV
16
SYCA
HI-LO SUBD
LOT 1
5
ON NO.2
17
4
3
12
4
HIGHLA
1
1
20
REDWO
ELT
CITY OF McALLEN
PLANNING DEPARTMENT
AERIAL MAP
SCALE: N.T.S.
N
W
E
S
SUBJECT PROPERTY
200 FT. NOTIFICATION BOUNDARY
on ground survery and represent approximate relative location of property boundaries.



existing
SITE PLAN



addition
SITE PLAN

03/08/2016

To whom it may concern ,

I **Carmen Young,** _from RGV EMBROIDERY located at 1901 North 10th st Mcallen Texas , give authorization to Jose Jaramillo and the personal of Taqueria Los primos to use the Restroom on their working time. If you have any questiens please feel free to contact me at 956-648-4254, I will give Jose Jaramillo a Key to have access to the working area.

Carmen Young.

MAR 0 8 2016

BY: _____

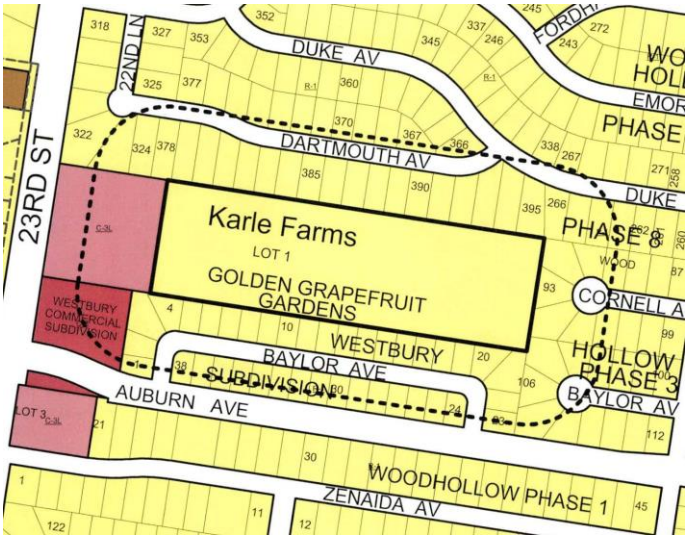
NOTICE
PORTABLE FOOD
For
This Property
CUP2016-0028
City of McAllen Planning Dept 681-1250
www.mcallen.net
1901
MONOGRAMS
PERSONALIZED GIFTS
BAGS
TOWELS
TAMARACK CENTER
GOD BLESS AMERICA
WIGS
50%

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)

LOCATION: The tract is an interior tract located 300 feet east of 23rd Street and 180 feet north of Auburn Avenue. The tract has a width of 312 feet and a length of 1,045 feet for a tract size of 7.475 acres.

PROPOSAL: The applicant is requesting C-1 (office building) District in order to construct an assisted living facility. A feasibility plan has been submitted to the Planning Department.

ADJACENT ZONING: Adjacent zoning is R-1 (single family residential) District to the north, east, and south, and C-3L (light industrial) District to the west.



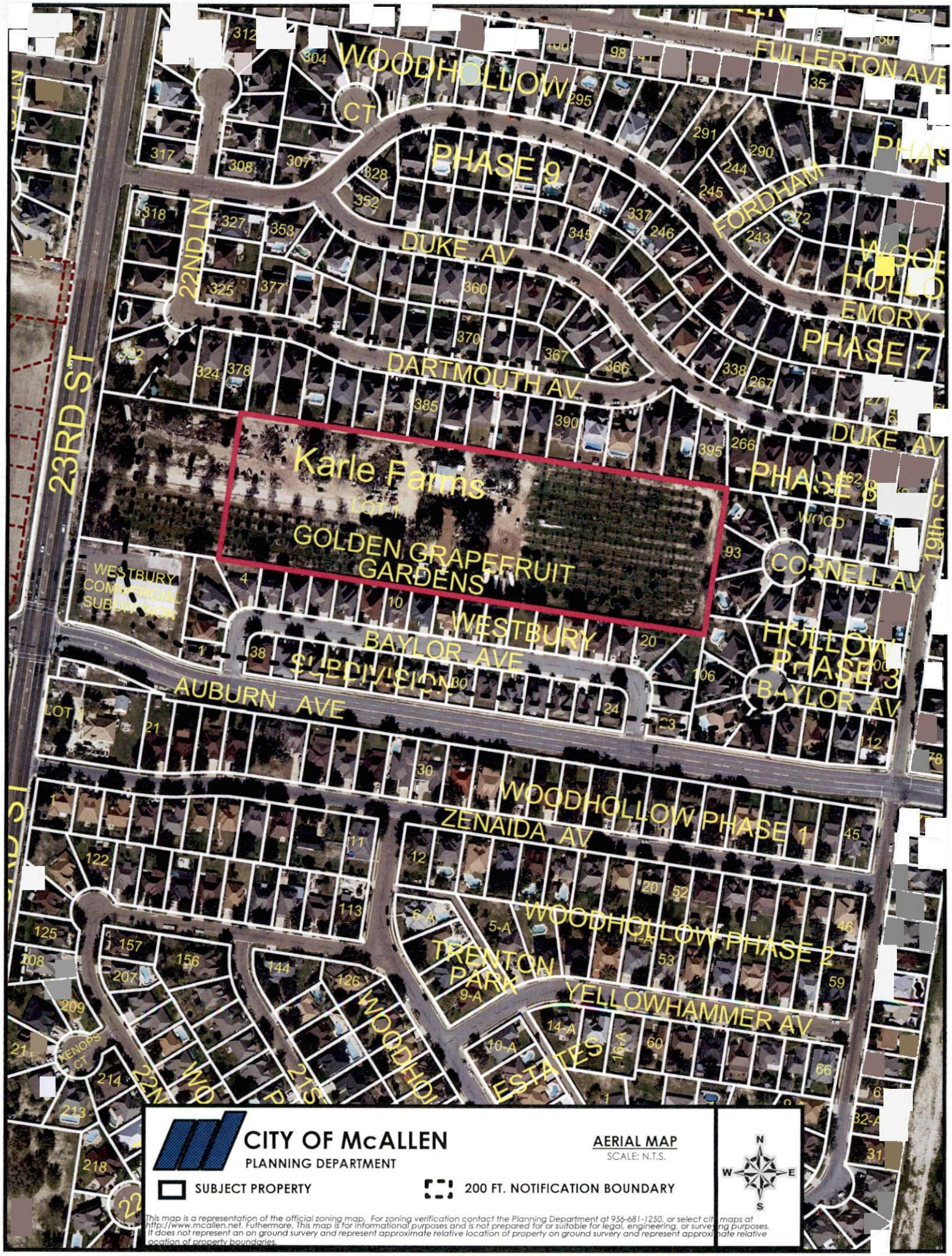
LAND USE: The tract comprises one parcel containing a single family residence and Karle Farms. Adjacent land uses are single family residences, farmland, and Dollar General.

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

DEVELOPMENT TRENDS: The development trend for interior tracts not fronting along 23rd Street is 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 is currently vacant land. North 23rd Street is designated as a principal arterial with 120 feet of right-of-way and currently provides 4 travel lanes, a left turn lane, sidewalks and no shoulders.

ANALYSIS: 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 is not in character with the surrounding area as the adjacent uses are primarily single family residences. An 8 foot masonry wall is required between an R-1 District or a single family use and a commercial district.

RECOMMENDATION:
Staff recommends 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.



CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

N W E S

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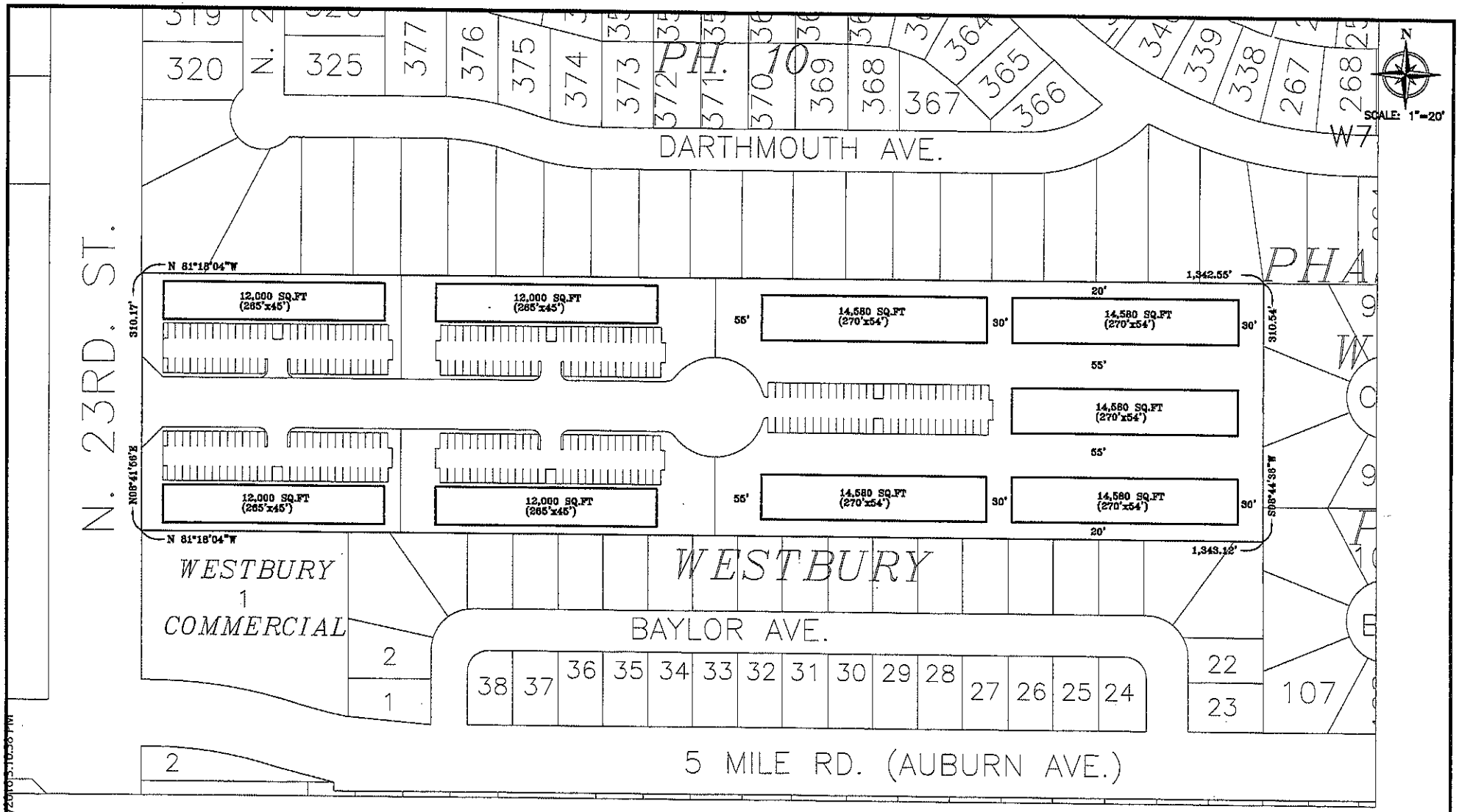

JAMES DEVELOPMENT GROUP
JIM DOMINGUEZ TEL: (972) 570-0586

SAMES
SAM Engineering & Surveying, Inc.
300 S. 19th Street, Ste. 1927
Mesquite, TEXAS 75181
TEL: (972) 329-8800
FAX: (972) 329-8802
SURVEY FIRM REG. #10124500

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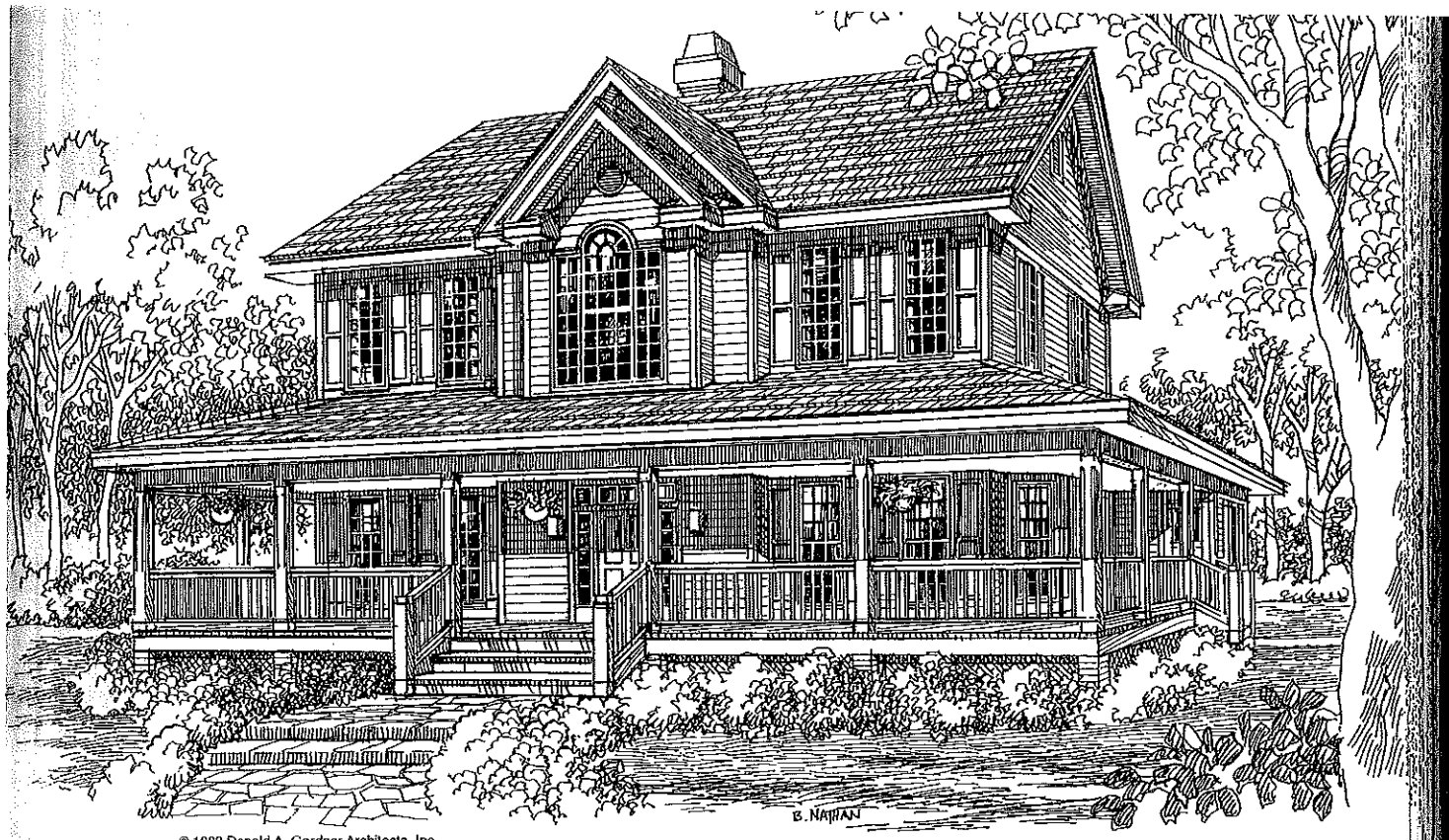
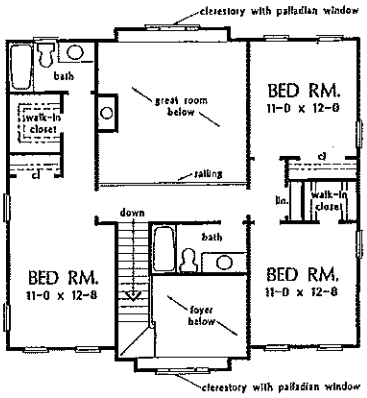


© 1993 Donald A. Gardner Architects, Inc.

plan# HPT930065

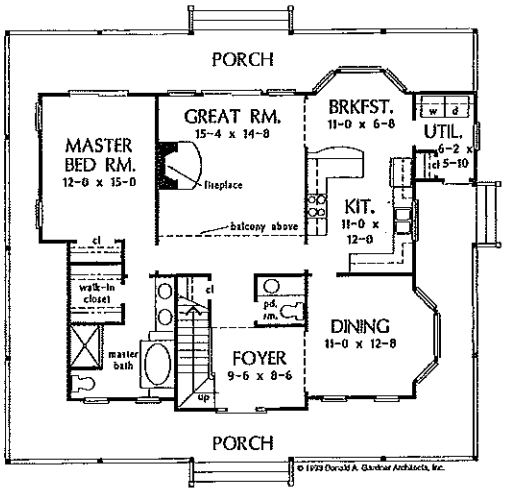
- Style: Farmhouse
- First Floor: 1,346 sq. ft.
- Second Floor: 836 sq. ft.
- Total: 2,182 sq. ft.
- Bedrooms: 4
- Bathrooms: 3½
- Width: 49'-5"
- Depth: 45'-4"

SEARCH ONLINE @ EPLANS.COM



SECOND FLOOR

is classy, two-story home with a wraparound ered porch offers a dynamic open floor plan. The ance foyer and the spacious great room both rise to stories—a Palladian window at the second level ds these areas with natural light. The kitchen is cen- y located for maximum flexibility in layout and, as dded feature, also has a breakfast bar. The large ng room delights with a bay window. The generous ter suite has plenty of closet space as well as a bath a whirlpool tub, a shower and a double-bowl ty. On the second level, three bedrooms branch off balcony that overlooks the great room. One large oom contains a private bath and a walk-in closet, e the other bedrooms share a full bath.



FIRST FLOOR

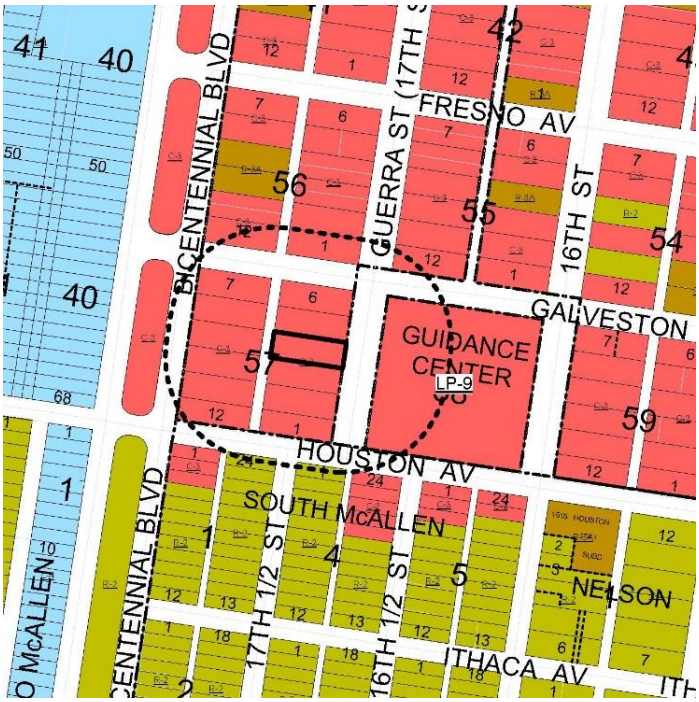
MAR 2 3 2016

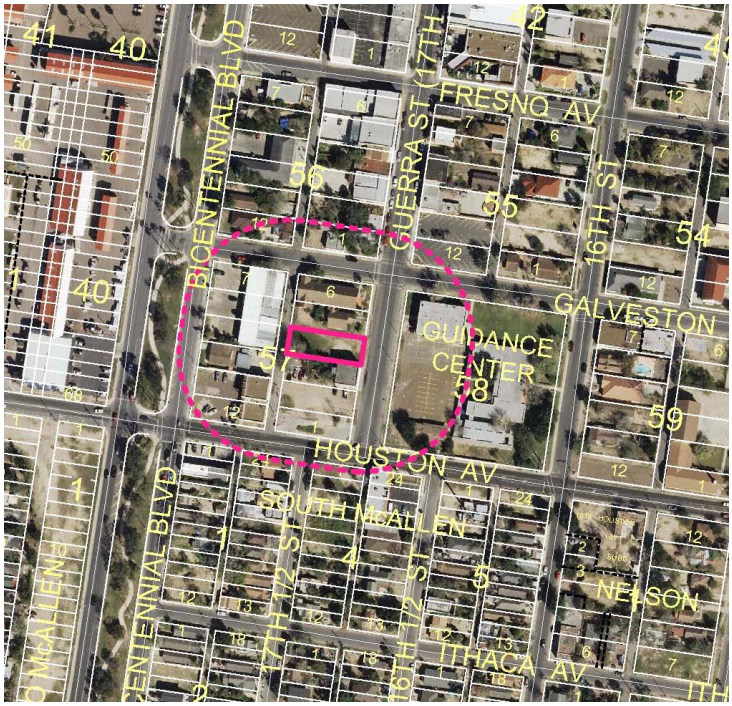
REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: LOT 4, BLOCK 57, MCALLEN ADDITION, HIDALGO COUNTY, TEXAS; 710 SOUTH 17TH STREET. (REZ2016-0006)

LOCATION: The property is located along the west side of South 17th Street, 100 feet south of Galveston Avenue. The lot has 50 feet of frontage along South 17th Street and a depth of 140 feet for a tract size of 7,000 square feet.

PROPOSAL: The applicant is requesting R-3A (multifamily residential apartments) District in order to construct apartments. A feasibility plan has not been submitted to the Planning Department.

ADJACENT ZONING: Adjacent zoning is C-3 (general business) District in all directions and R-2 (duplex-fourplex residential) District to the south.





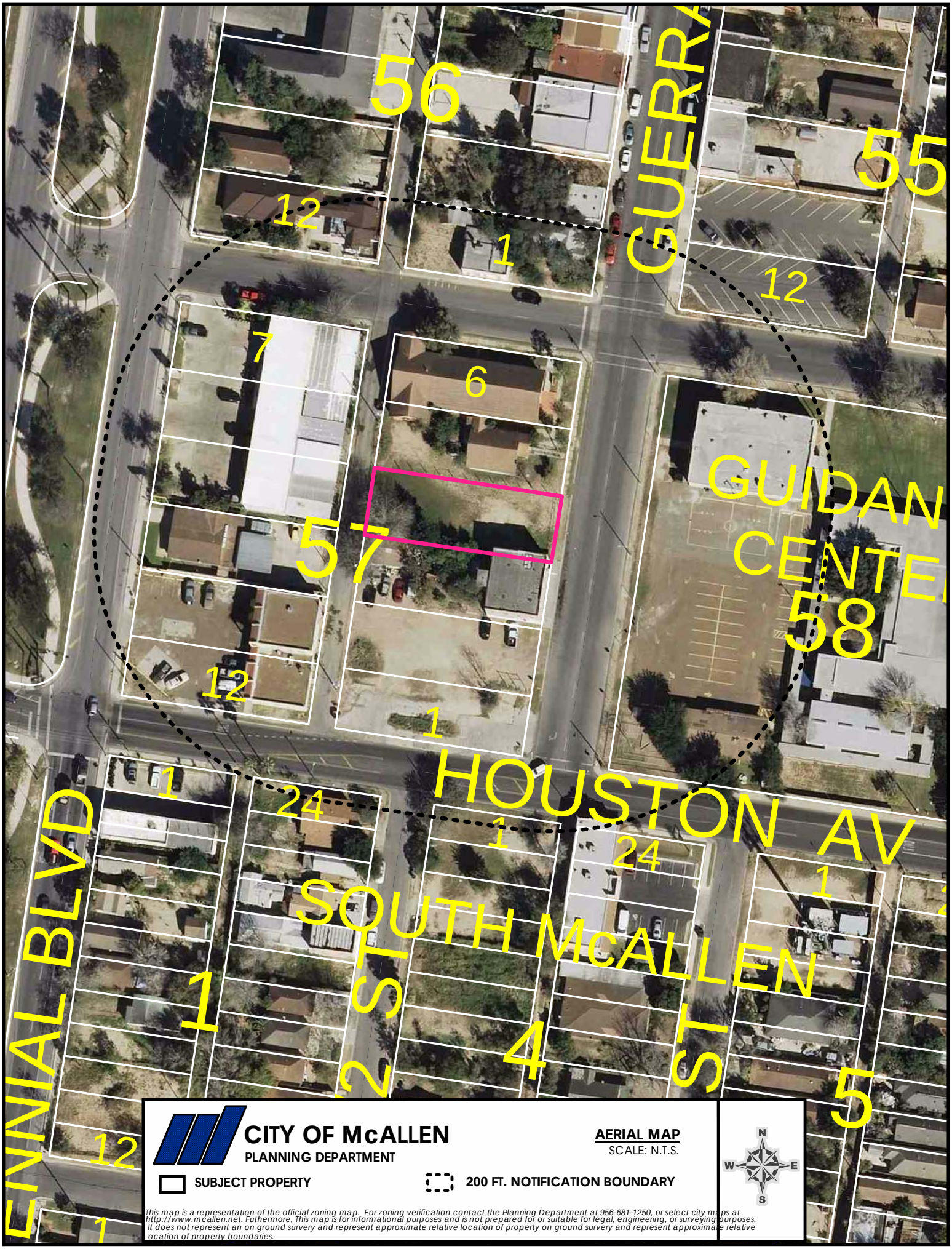
LAND USE: The tract comprises one lot that is currently vacant land. Adjacent land uses are single family residences, duplexes, Iglesia Cristiana Mexicana, Instruction and Guidance Center, Nick's Muffler Shop, and Truly Nolen Pest Control.

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

DEVELOPMENT TRENDS: The development trend for the surrounding area is 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.

ANALYSIS: 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 is 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 have been approved. South 17th Street is a collector street with 65 feet of right-of-way and is constructed with two travel lanes, two parking lanes, curb and gutter, sidewalk and street lights.

RECOMMENDATION:
Staff recommends approval of the rezoning request.



CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

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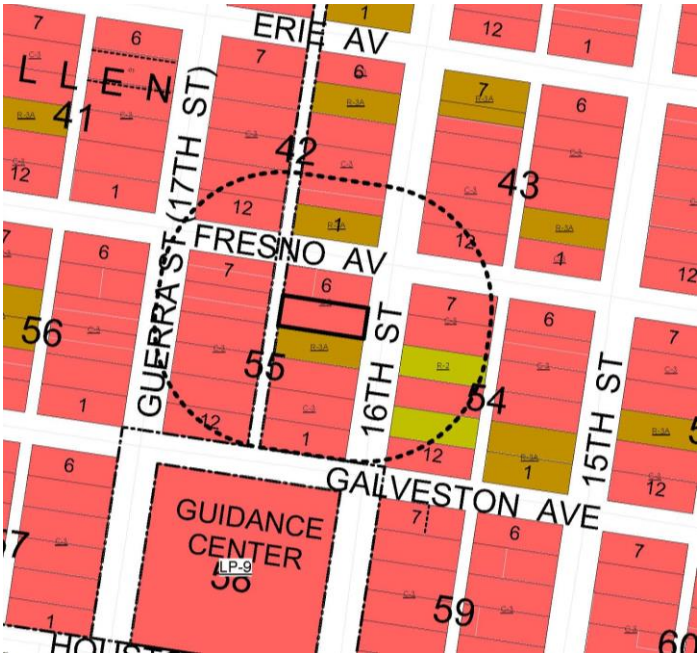
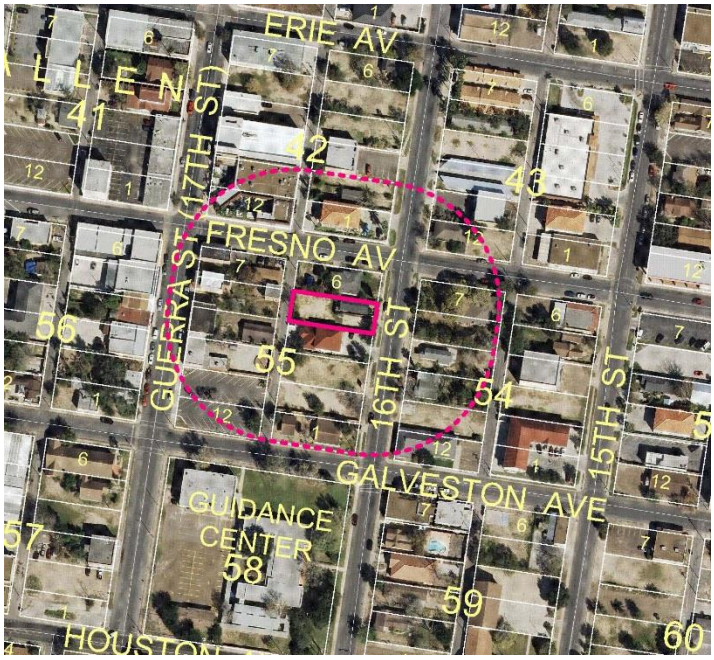
REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: LOT 5, BLOCK 55, MCALLEN ADDITION, HIDALGO COUNTY, TEXAS; 604 SOUTH 16TH STREET. (REZ2016-0007)

LOCATION: The property is located along the west side of South 16th Street, 50 feet south of Fresno Avenue. The lot has 50 feet of frontage along South 16th Street and a depth of 140 feet for a tract size of 7,000 square feet.

PROPOSAL: The applicant is requesting R-3A (multifamily residential apartments) District in order to construct apartments. A feasibility plan has not been submitted to the Planning Department.

ADJACENT ZONING: Adjacent zoning is 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.





LAND USE: The tract comprises one lot containing a single family residence. Adjacent land uses are single family residences, apartments, duplexes, Reynoso Notary Public, Yerberia Cultura, Altum Bar, and Affordable Homes of South Texas, and vacant land.

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

DEVELOPMENT TRENDS: The development trend for properties in the area is multifamily apartments and the proposed zoning is 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.

ANALYSIS: 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 is 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 16th Street is a collector street with 65 feet of right-of-way and is constructed with 2 travel lanes, 2 parking lanes, curb and gutter, sidewalk and street lights.

RECOMMENDATION:
Staff recommends approval of the rezoning request.

CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

N W E S

SUBJECT PROPERTY

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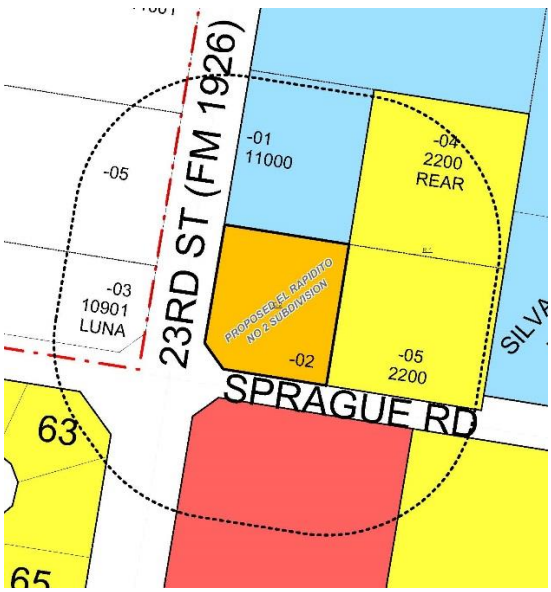
REZONE FROM C-2 (NEIGHBORHOOD COMMERCIAL) DISTRICT TO C-4 (COMMERCIAL-INDUSTRIAL) DISTRICT: 1 ACRE OUT OF LOT 15, SECTION 280, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS; 2220 SPRAGUE ROAD. (REZ2016-0008)

LOCATION: The tract is located at the northeast corner of North 23rd Street and Sprague Road. The tract has approximately 139.51 feet of frontage along Sprague Road and a depth of 208.71 feet for a tract size of .72 acres.

PROPOSAL: The applicant is 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: Adjacent zoning is 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 23rd Street is outside city limits.



LAND USE: The tract is vacant. Adjacent land uses are single family residences, Sewer Treatment Plant #3, Reddy Ice, and farmland.

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

DEVELOPMENT TRENDS: The development trend for properties located east of 23rd Street and north of Sprague Road is 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. North 23rd Street is designated as a principal arterial with 120 feet of right-of-way and is currently 80 feet of right-of-way providing 4 travel lanes, a left turn lane and no shoulders. Sprague Road is designated as a major collector with 80 feet of right-of-way and is currently 40 feet of right-of-way with 2 travel lanes and roadside ditches. An 8 foot masonry wall is required between R-1 District or a single family use and a commercial district.

RECOMMENDATION:
Staff recommends approval.

CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

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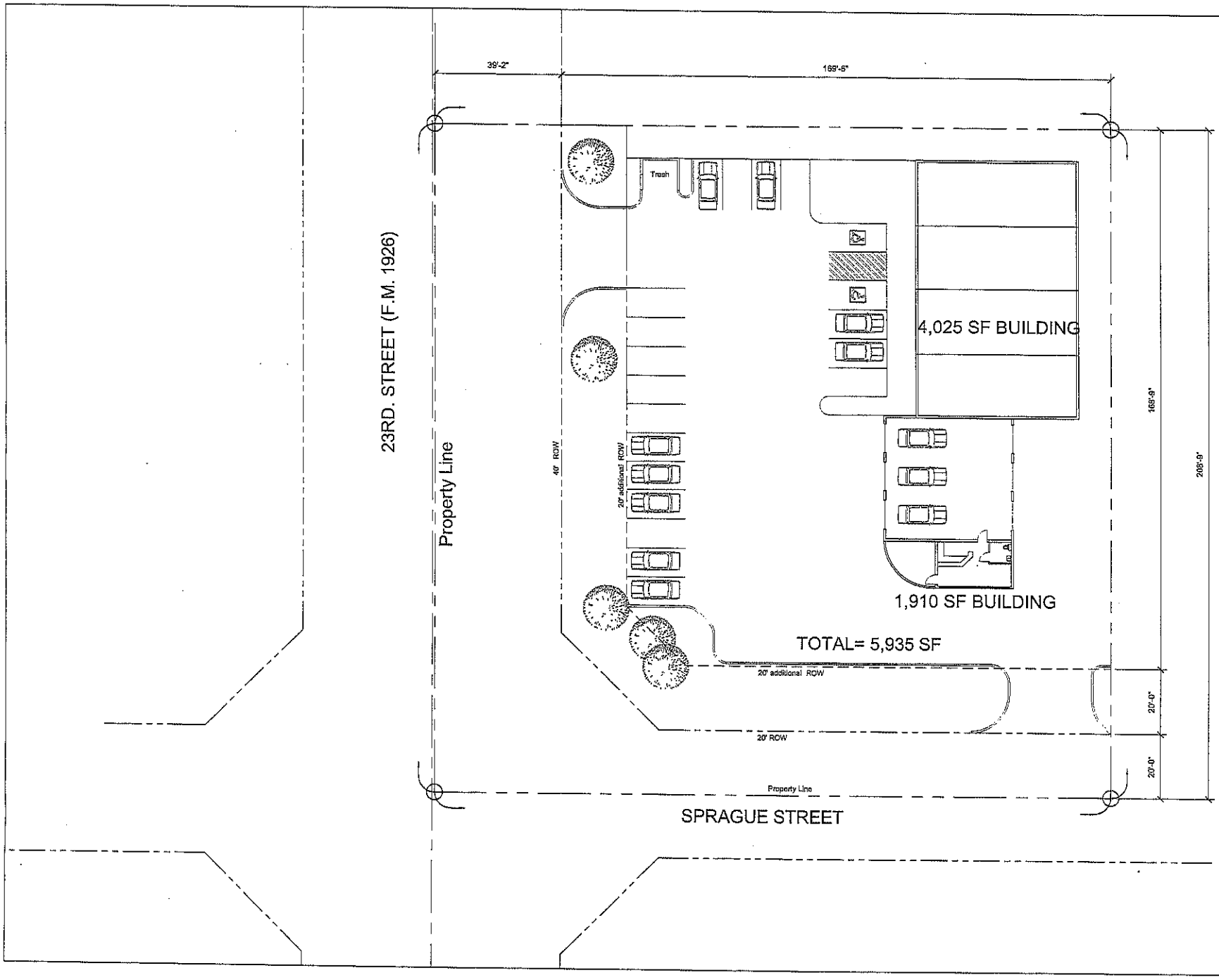

TROYO

Design • Build • Remodel

Residential • Commercial

MCALLEN, TEXAS

(956) 681-9445

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REVISIONS	DATE

Conceptual Plaza Site Plan

Jehudiel Barba

McAllen, Texas

SHEET CONTENT: SITE PLAN

PROJECT NO.: 2016.004

DATE: 03/08/2016

DRAWN BY: R. TROYO

CHECKED BY: R. TROYO

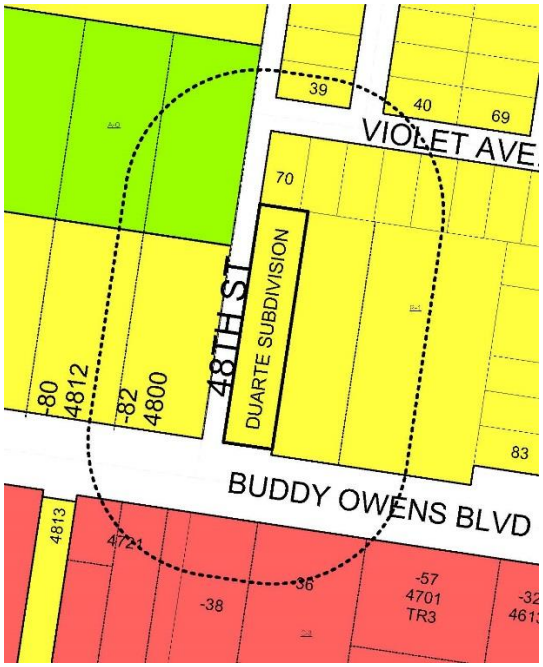
SHEET No. A1.0

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)

LOCATION: The subject property is located at the northeast corner of Buddy Owens Boulevard and North 48th Street. The tract has 105 feet of frontage along Buddy Owens Boulevard and a depth of 360 feet for a tract size of 0.867 acres.

PROPOSAL: The applicant is requesting C-3 (general business) District for an auto sales business. A feasibility plan has not been submitted to the Planning Department.

ADJACENT ZONING: Adjacent zoning is R-1 (single family residential) District east and west, to the northwest there is A-O (agriculture-open space) District, and to the south across Buddy Owens Boulevard there is C-3 (general business) District.



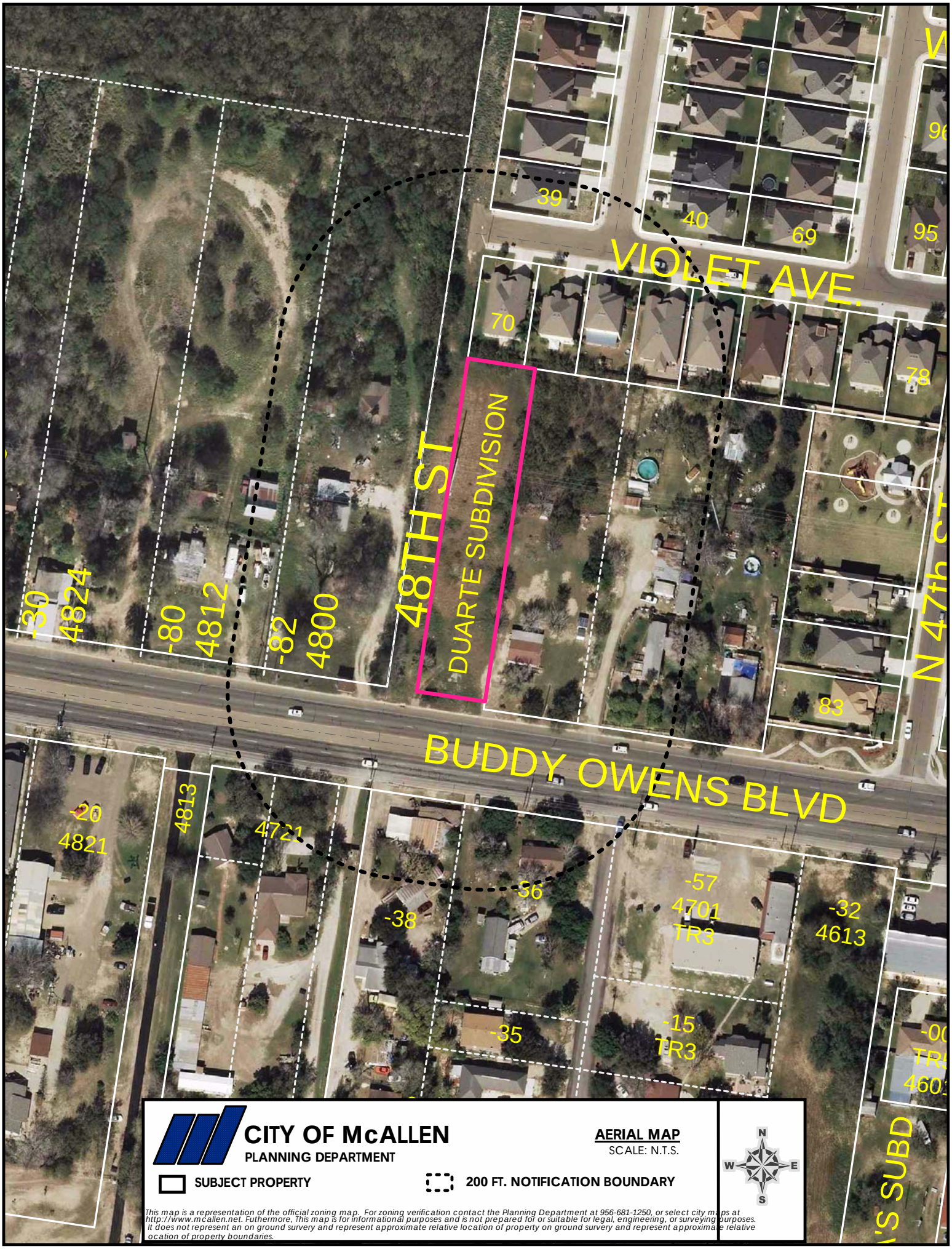
LAND USE: The subject property is vacant land. Adjacent land uses are single family residences and vacant land.

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

DEVELOPMENT TRENDS: The development trend for this area is single family residential along the north side of Buddy Owens Boulevard however the zoning trend along the south side of Buddy Owens is C-3 District. Residences along the north side of Buddy Owens Boulevard were constructed prior to annexation. The property was rezoned to R-1 (single family residential) District upon annexation in 1999. A city initiated rezoning to R-1 District for 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 is currently vacant land.

ANALYSIS: 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 is C-3 (general business) District. Development trend along the north side of Buddy Owens Boulevard in this area is primarily single family residences. Buddy Owens Boulevard is designated a principal arterial with 120 feet of right-of-way and is 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 is an unopened street with 35 feet of right-of-way. An eight foot masonry wall is required where a nonresidential use is adjacent to a single family use or district. Trees with a caliper of 20 inches or greater in commercial zones are protected and require a permit for removal. An approved site plan is required before any building permits are issued.

RECOMMENDATION:
Staff recommends approval of the rezoning request.


VIOLET AVE.
48TH ST
DUARTE SUBDIVISION
BUDDY OWENS BLVD
N 47th ST
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4824
-80
4812
-82
4800
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-38
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4701
TR3
-32
4613
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-15
TR3
CITY OF McALLEN
PLANNING DEPARTMENT
AERIAL MAP
SCALE: N.T.S.
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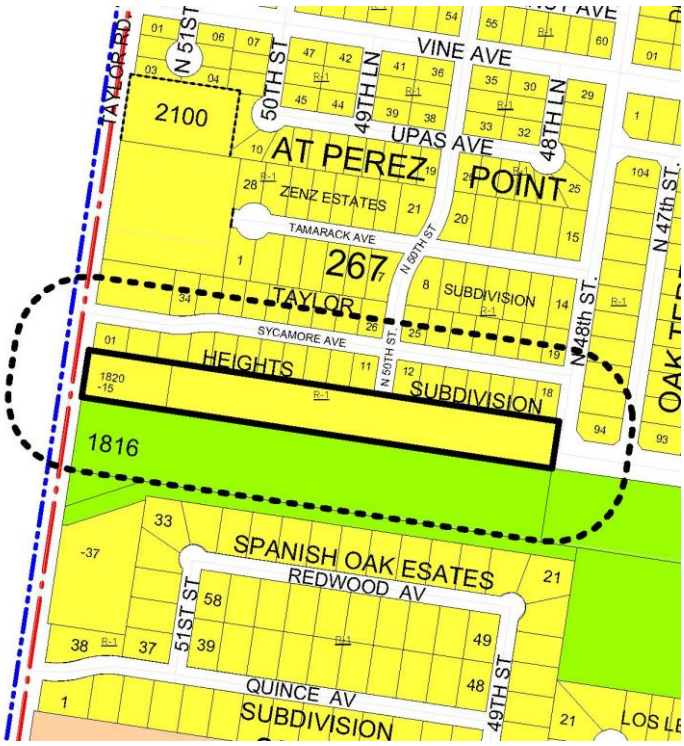
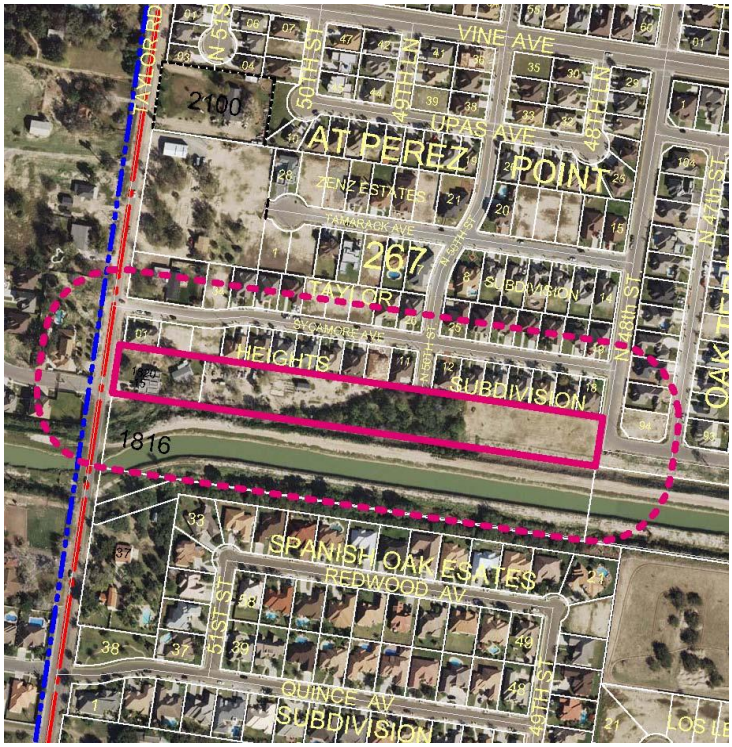
REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3T (MULTIFAMILY RESIDENTIAL TOWNHOUSE) DISTRICT: 3.956 ACRES OUT OF LOT 267, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 1820 NORTH TAYLOR ROAD. (REZ2016-0010)

LOCATION: The subject property is located along the east side of North Taylor Road, approximately 80 feet south of Sycamore Avenue. The tract has 130 feet of frontage along North Taylor Road and North 48th Street, and a depth of 1,290 feet for a tract size of 3.956 acres.

PROPOSAL: The applicant is requesting R-3T (multifamily residential townhouse) District in order to construct a townhouse subdivision. A feasibility plan has been submitted to the Planning Department showing 37 townhouses fronting an internal street between North Taylor Road and North 48th Street.

ADJACENT ZONING: Adjacent zoning is 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.





LAND USE: The subject property comprises one parcel containing a single family residence and vacant land. Adjacent land uses are single family residences, and the Hidalgo County Irrigation District #1 Main Canal.

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

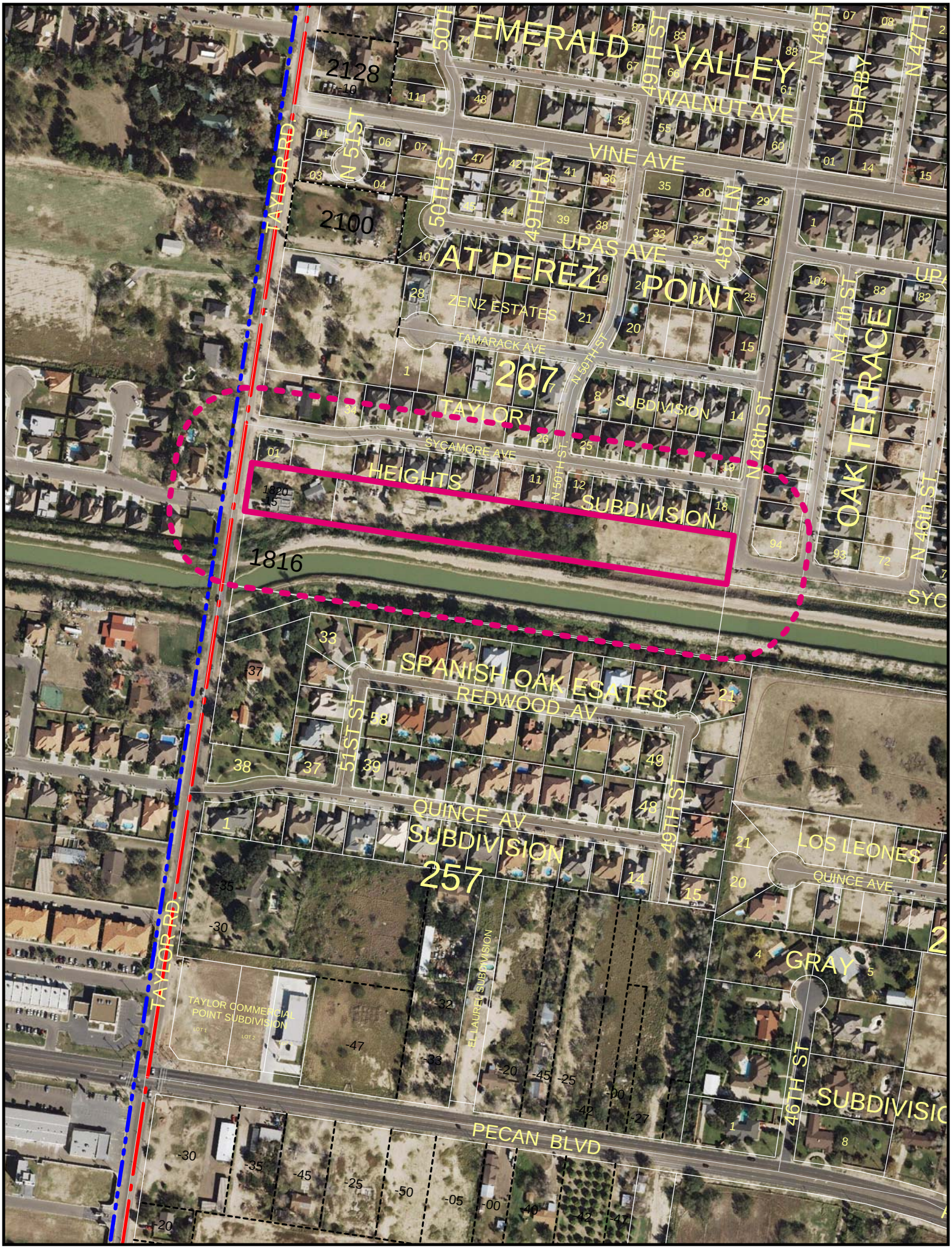
DEVELOPMENT TRENDS: The development trend for this area of Taylor Road is single family residential. The property was rezoned to R-1 (single family residential) District from A-O (agriculture-open space) District in 2003 to construct a house. A rezoning request to R-3T (multifamily residential townhouse) 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 is currently vacant land.

ANALYSIS: 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 is primarily single family residences. The feasibility plan shows 37 townhouses that is double the density of the adjacent single family development. The townhouses development is 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 is required where a multifamily use has a side or rear area property line in common with any single family use. Taylor Road is designated a major collector with 80 feet of right-of-way and is currently 60 feet of right-of-way providing a rural street with two travel lanes, no shoulders, and roadside ditches. Sycamore Avenue and 50th Street are single family residential streets with 50 feet of right-of-way and 32 feet of pavement. Forty-eighth (48th) Street is a collector street with 60 feet of right-of-way and 40 feet of pavement. Minimum right-of-way for townhouse development is 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 is 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 is approximately 9 feet from the centerline of East 25th Street in Mission and does not comply with the street jog requirements. Zoning cannot be conditioned to the feasibility plan showing the street.

RECOMMENDATION:

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


EMERALD VALLEY
WALNUT AVE
VINE AVE
UPAS AVE
AT PEREZ POINT
ZENZ ESTATES
TAMARACK AVE
267
TAYLOR HEIGHTS SUBDIVISION
SYCAMORE AVE
2128
2100
1816
1820
SPANISH OAK ESATES
REDWOOD AV
QUINCE AV
SUBDIVISION
257
LOS LEONES
QUINCE AVE
GRAY
TAYLOR COMMERCIAL POINT SUBDIVISION
EL LAUREL SUBDIVISION
PECAN BLVD
TAYLOR RD
N 51ST ST
50TH ST
49TH ST
48TH LN
N 48th ST
N 47th ST
N 46th ST
46TH ST
N 50TH ST
OAK TERRACE
DERBY

TOWNHOUSES

SCALE : 1:50

PECAN BLVD.

AERIAL PLAN
QUINTA REAL
SUBDIVISION

PROJECT NAME: SITE PLAN QUINTA REAL TOWNHOUSES

ADDRESS: SYCAMORE AVE W & N 48TH ST, MCALLEN, TX 78501

CLIENT INFORMATION: JAVIER QUINTANILLA

MAS ENGINEERING LLC.
CONSULTING ENGINEERING
FIRM NO. F-15499
4037 W. EXP.83, SUITE 150
MCALLEN, TEXAS. 78501
PH. (956) 537-1311
E-MAIL: MSALINAS6973@ATT.NET

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REVISION:	BY:	APPROVED BY:
1	AV	MAS

DATE PREPARED: 7-26-2015

PROJECT No.:

SHEET No.: C-0

Planning Department

Memo

TO: Planning & Zoning Commission

FROM: Julianne R. Rankin, FAICP – Director of Planning

DATE: April 1, 2016

SUBJECT: City Commission Actions of March 28, 2016

REZONINGS:

1. Rezone from C-3 (general business) District to R-2 (duplex-fourplex residential) District: Lot 9, Block 38, McAllen Addition, Hidalgo County, Texas; 409 South 16th Street.
    - **Planning and Zoning Commission approval**
    - **City Commission tabled**

CONDITIONAL USE PERMITS:

1. Request of Lewis Construction on behalf of Trinity Baptist Church, for aConditional Use Permit, for life of the use, for an institutional use (church), at Lot A, Trinity Heights Subdivision, Hidalgo County, Texas; 2001 Freddy Gonzalez
    - **Planning and Zoning Commission approved**
    - **City Commission approved**

2. Request of Idea Public Schools, for a Conditional Use Permit, for life of the use, for an institutional use (school), at the 20.00 acres out of Section 232, Texas Mexican Railway Company Survey Subdivision, Hidalgo County, Texas; 5200 Tres Lagos Boulevard.
    - **Planning and Zoning Commission approved**
    - **City Commission approved**

3. Request of Jose M. Rojas, appealing the decision of the Planning & Zoning Commission of the February 2, 2016 meeting, denying a Conditional Use Permit, for one year, for a nightclub at Lot A-1, Nolana Tower Subdivision, Hidalgo County, Texas; 400 Nolana Avenue, Suite A-3.
    - **Planning and Zoning Commission disapproved with a favorable recommendation to grant variance to distance**
    - **City Commission approved with variance**

4. Request of Alga Banuelos, for a Conditional Use Permit, for life of the use, for a guest house at Lot 16, Block 20, Balboa Acres Subdivision, Hidalgo County, Texas; 3100 Helena Avenue.
    - **Planning and Zoning Commission disapproved with a favorable recommendation subject to ZBOA decision rear setback variance**
    - **City Commission approved**

5. Request of Rolando T. Valdez on behalf of McAllen Victory Ministries, for a Conditional Use Permit, for life of the use, for an institutional use (church), at the 4.00 acres out of tract 22 of Lot 1, Block 17, Steele and Pershing Subdivision, Hidalgo County, Texas; 1000 East Rancho Road.
    - **Planning and Zoning Commission approval**
    - **City Commission approved**

6. Request of Jose Luis Garcia, for a Conditional Use Permit, for life of the use, for an automotive service and repair at the South 50 feet of Lot 7 and the North 35 feet of Lot 9, Block 3, Palm Heights Addition Subdivision, Hidalgo County, Texas; 105 North 9th Street.
    - **Planning and Zoning Commission approved**
    - **City Commission approved**

2016 ATTENDANCE RECORD FOR PLANNING AND ZONING COMMISSION

	01/05/16	01/19/16	02/02/16	02/16/16	03/01/16	03/15/16	04/05/16	04/19/16	05/03/16	05/17/16	06/07/16	06/21/16	07/05/16	07/19/16	08/02/16	08/16/16	09/06/16	09/20/16	10/04/16	10/18/16	11/01/16	11/16/16	12/06/16	12/20/16
John Millin	P	P	P	P	P	A																		
Mark Wright	P	P	P	P	P	P																		
Pepe Cabeza de Vaca	P	P	P	P	P	P																		
Michael Hovar			P	P	A	P																		
Brent Baldree			P	P	P	P																		
Daniel Santos				P	P	A																		
Robert Luciano					P	P																		

P- PRESENT
A- ABSENT
* NO QUORUM
** NO MEETING

2016 ATTENDANCE RECORD FOR PLANNING AND ZONING WORKSHOPS

John Millin																								
Mark Wright																								
Pepe Cabeza de Vaca																								
Michael Hovar																								
Brent Baldree																								
Daniel Santos																								
Robert Luciano																								

PLANNING DEPARTMENT

1300 W. Houston Avenue McAllen, TX 78501
Phone: 956-681-1250 Fax: 956-681-1279

2016 CALENDAR

Meetings:

- City Commission
- Planning & Zoning Board
- Public Utility Board
- Zoning Board of Adjustment
- HPC - Histoical 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	13 N - 2/2 & 2/3	14	15	16
17	18	19	20 D - 2/16 &2/17	21	22	23
24	25 AD - 2/16 &2/17	26	27 HPC N - 2/16 &2/17	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	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	24 HPC N - 3/15 & 3/16	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 N - 4/19 & 4/20	24	25 HOLIDAY	26
27	28	29	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	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	27 HPC N - 5/17 & 5/18	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	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	25 HPC D - 6/21 - P&Z N - 6/15 - ZBOA	26	27 A - 6/21 - P&Z	28
29	30 HOLIDAY	31	N - 6/21 - P&Z			

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	15 D - 7/19 & 7/20	16	17	18
19	20 A - 7/19 & 7/20	21	22 HPC N - 7/19 & 7/20	23	24	25
26	27	28	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.