AGENDA

PLANNING & ZONING COMMISSION REGULAR MEETING
TUESDAY, AUGUST 16, 2016 - 3:30 PM
MCALLEN MUNICIPAL BUILDING, 1300 HOUSTON AVENUE
CITY COMMISSION CHAMBERS, 3RD FLOOR

At any time during the course of this meeting, the Planning & Zoning Board may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the Planning & Zoning Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the Planning and Zoning Commission may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code.

PLEDGE OF ALLEGIANCE

INVOCATION

CALL TO ORDER -PEPE CABEZA DE VACA, CHAIRPERSON

1) MINUTES:

a) Minutes for Regular Meeting held on August 2, 2016

2) SUBDIVISIONS:

a) Gaeli Subdivision; 1813 North Jackson Road - Lone Star National Bank **(Preliminary) SUB2016-0053)** NE

b) Ensenada @ Tres Lagos Subdivision; 4401 Tres Lagos Boulevard – Rhodes Enterprises, Inc. **(Final)(SUB2016-0047)** M & H

c) Escondido @ Tres Lagos Subdivision; 5101 Tres Lagos Boulevard – Rhodes Enterprises, Inc. **(Final)(SUB2016-0049)** M & H

d) La Herencia Subdivision; 9412 SH 107 – Vela Development, LLC (Lorenzo & Rosalinda Vela), Ramona Vela and Maria Marcelina Vela & Eliza Vela and Sylvia Vela **(Revised Preliminary)(SUB2016-0036)(TABLED:08/02/2016)** M & H

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

a) REZONING:

1. Rezone from R-1 (single family residential) District to R-3A (multifamily residential apartment) District: 0.90 acres out of Lot 207, John H. Shary Subdivision, Hidalgo County, Texas; 301 South Taylor Road. **(REZ2016-0032)(TABLED:08/02/2016)**

2. Rezone from C-3L (light commercial) District to R-3A (multifamily residential apartment) District: 4.30 acres out of Lot 367, John H. Shary Subdivision, Hidalgo County, Texas; 6320 North Taylor Road. **(REZ2016-0029)(TABLED:07/19/2016) (REMAINED TABLED:08/02/2016)**

b) CONDITIONAL USE PERMITS:

1. Request of Melden & Hunt, Inc., on behalf of Texas A & M, for a Conditional Use Permit, for life of the use, for an institutional use (school) at the 100.849 acres consisting of 100.531 acres out of Section 227 and 0.318 of 1 acre out of Section 232, Texas- Mexican Railway Company Survey Subdivision, Hidalgo County, Texas; 6200 Tres Lagos Boulevard. **(CUP2016-0105)**

2. Request of Gricelda Castro, for a Conditional Use Permit, for one year, for a home occupation (daycare) at the north 18 ft. of lot 56 & the south 47 ft. of Lot 57, Block 2, Golden Acres Retirement #4 Subdivision, Hidalgo County, Texas; 400 North 41st Street. **(CUP2016-00106)**

4) DISCUSSION:

5) INFORMATION ONLY:

a) City Commission Action of August 8, 2016

6) 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, August 02, 2016, at 3:33 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**
	Daniel Santos	**Member**
	Robert Luciano	**Member**
	Brenton M. Baldree	**Member**
Absent:	**John Millin**	**Vice-Chairperson**
	Michael D. Hovar	**Member**
Staff Present:	**Michelle Leftwich**	**Assistant City Manager**
	Victor Flores	**Assistant City Attorney**
	Ed Taylor	**Senior Planner**
	Luis Mora	**Senior Planner**
	Rodrigo Sanchez	**Planner II**
	Miguel Martinez	**Planner II**
	Cristina Garcia	**Planner I**
	Marlen Gonzalez	**Engineering Department**
	Gardenia Perez	**Administrative Supervisor**
	Susana De La Cerda	**Secretary**

PLEDGE OF ALLEGIANCE

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

INVOCATION Member - Mr. Daniel Santos

1. MINUTES:

a) Minutes for Regular Meeting held on July 19, 2016

The minutes for the regular meeting held on July 19, 2016 were approved as submitted. The motion to approve was made by Mr. Brent Baldree. Mr. Mark Wright seconded the motion, which carried unanimously with five members present and voting.

2. ABANDONMENT:

a) Consideration to abandon an alley that lies East of Lots 7 and 8, Block 5, Cathay Court Subdivision and the West of Lot 140, Betty Rose Subdivision, and runs North of Dallas Avenue, but retain a utility easement in place, Hidalgo County, Texas; 315 East Dallas Avenue.

Mr. Sanchez stated this was a request of Ford Sasser, property owner, to abandon an alley as referenced above. The right-of-way was dedicated as part of Betty Rose Subdivision which was recorded in 1946. The property was located on the north side of E. Dallas Ave., west of South Casa Linda Street, and was zoned R-1 (single family) District. Surrounding zoning was R-1 in

all directions. Land use in the area was single family. The basis for the request was the alley right-of-way was not in use for municipal services and was an area already fenced and used as an orchard by the applicant. If the abandonment request was approved, the applicant had indicated that a utility easement would be retained in lieu of the R.O.W. The Right-of-Way Department had notified the appropriate city departments and utility companies regarding the request. McAllen Public Utilities and Time Warner Cable indicated that if the abandonment request was approved, a utility easement would need to be retained in lieu of the right-of-way. The Right-of-Way Department was recommending approval of the abandonment subject to retaining a utility easement over the tract of land being abandoned.

Being no discussion of the item, Brent Baldree **moved** to approve the abandonment request to abandon the 0.07acre tract of land alley right-of-way subject to retaining a utility easement over the tract of land being abandoned. Mr. Daniel Santos seconded the motion which was approved unanimously with five members present and voting.

3. SITE PLANS:

a) Lot 1, STC Pecan Campus North Expansion Subdivision; 3200 Pecan Boulevard - South Texas College **(SPR2016-0019)** PCE

Mr. Martinez stated the property was located on the northwest corner of Pecan Boulevard and N. 31st Street, and was zoned A-O (agricultural and open space) District. The adjacent zoning to the north and east was R-1 (single-family residential) District, A-O & R4 (mobile home) District to the south, and C-3 (general commercial) District to the west.

The 40.77acre tract was part of STC Pecan Campus North Expansion Subdivision which was recorded on February 2006. A note on the plat states 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 64,229 sq. ft. academic building for institutional use. The building would have 19 classrooms and 48 offices. Five parking spaces were required per classroom and 1.5 parking spaces for each administrative office. Based on classrooms and offices, 167 spaces were required and parking was provided throughout the site as well as parking lots that were off-site which were accessible through the shuttle system used by STC. Access would be from existing drives that lead to Pecan Blvd and Quince Ave. Required landscaping for the area of development was9,578 sq. ft. with trees required as follows: 25 – 2 ½" caliper trees, or 13 – 4" caliper trees, or 7– 6" caliper trees, or 50 palm trees. A minimum 10 ft. wide landscaped strip was required inside the property line along Pecan Boulevard and Daffodil 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. All landscaped areas must have a minimum area of 40 square feet. Additional landscaping and trees would be required when the balance of the property develops. A minimum 4 ft. wide sidewalk was required within the street right of way along Pecan Boulevard and Quince Avenue. A 6 ft. opaque buffer was required as a requirement of the conditional use permit between multi-family residential, commercial, or industrial zones/uses, and around dumpsters if visible from the street. An 8 ft. masonry wall was required between single-family residential, multi-family residential, commercial, and industrial zones/uses. No structures were permitted over easements. All building setbacks would be in compliance with the zoning ordinance and subdivision requirements.

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

The board inquired if there was a light on Pecan Street to service the area. Mr. Martinez stated there was a light from the north campus going to the south campus and it also served as a crosswalk.

Being no discussion of the item, Mr. Mark Wright **moved** to approve the site plan subject to the conditions noted, the Subdivision and Zoning Ordinances, and paving and building permit requirements. Mr. Brent Baldree seconded the motion which was approved unanimously with five members present and voting.

b) Revised Site Plan Approval for KMART Shopping Center Lot 1, 3701 N. 23rd Street - Benderson Development -Stephen Scalione

Mr. Martinez stated the property was located on the northwest side of N. 23rd Street and Jonquil Ave, and was zoned C-3 (general commercial) District. The adjacent zoning was C-3 to the North, C-3 and C-2 (neighborhood commercial) District to the East, R-3A (multi-family residential) District & R-1(single-family) District to the South, and R-3T (townhouse) District & R-3C (condominium) District to the West.

The property was part of Lot 1, K-Mart Shopping Center Subdivision which was recorded July 1991. A note on the plat indicates that a site plan must be approved by the Planning and Zoning Commission prior to issuance of a building permit.

The applicant was proposing to re-occupy the 95,000 sq. ft. building on the property for a call center. Based on the 95,000 sq. ft., 478 parking spaces were required; 586 were proposed with the new parking lot layout. Twelve of the proposed parking spaces must be accessible, two of which must be van accessible with an 8 ft. wide aisle. Access to the site was from existing curb cuts along N. 23rd St and Jonquil Avenue. The original landscape requirement for the lot was 30,207 sq. ft. Existing trees would remain onsite. With the relocation of the 13 existing landscape islands, any trees affected would require transplanting and or replaced inch for inch, in order to comply with original tree requirements. Any and all dead landscape areas would be replaced/replanted. All landscape areas would have permanent automatic irrigation systems. A 4 ft. wide sidewalk was required along N. 23rd St., and Jonquil Avenue. A 6 ft. buffer around dumpsters required if visible from the street. No structures were permitted over easements. All building setbacks were in compliance with the plat note requirements and zoning ordinance.

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

Mr. Martinez stated there were no additions and they were only going to remodel the interior. All landscaping would remain the same in order to bring it to compliance. They complied with all requirements.

Being no discussion of the item, Mr. Roberto Luciano **moved** to approve the site plan subject to the conditions noted, paving and building permit requirements, and the subdivision and zoning ordinances. Mr. Daniel Santos seconded the motion which was approved unanimously with five members present and voting.

4. SUBDIVISIONS:

a) DG & GG Investments Subdivision; 803 North 23rd Street - DG & GG Investments, LLC. **(Preliminary)(SUB2016-0045)** BIG

Mr. Mora stated it was a one lot subdivision located on the west side of N. 23rd Street, where Hackberry T's into N. 23rd Street. The property was zoned for commercial development. N. 23rd Street had ROW dedication required for 50 ft. from centerline for 100 ft. ROW. Project Engineer was to clarify existing ROW to determine dedication requirement for 100 ft. ROW before final. The paving and curb and gutter to be done by the state. N. 24th Street had 10 ft. ROW dedication for 30 ft. from centerline for 60 ft. ROW. Project engineer was to label ROW dedication on plat before final. There was an existing 20 ft. alley ROW with 16 ft. of paving to the north. The alley would need to be looped out or extended as part of this plat. Alley/service drive easement were required for commercial properties. Front setbacks were 50 ft. or greater for approved site plan or easements. Rear setback along N. 25th Street had 30 ft. or greater for approved site plan or easements (double fronting lot). Side 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 required on N. 23rd Street and N. 24th Street. Project Engineer was to verify 5 ft. sidewalk requirement on N. 23rd with Engineering Department. 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, and industrial zones/uses, and along N. 24th Street. An 8 ft. masonry wall 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 Site plan must be approved by the Planning and Zoning Commission prior to building permit issuance. Trip Generation to determine if TIA was required, prior to final plat. Project engineer to submit Trip Generation prior to final. Must comply with the Access Management Policy. Must escrow monies for improvements not constructed prior to plat recording.

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

Being no discussion of the item, Mr. Daniel Santos **moved** to approve the subdivision in preliminary form subject to conditions noted, and utility & drainage approvals. Mr. Roberto Luciano seconded the motion which was approved unanimously with five members present and voting.

b) Saldivar Subdivision; 16805 & 16809 North Eubanks Road - Aida Saldivar Lujan, Nicolas Saldivar, and Flor Pulido Saldivar **(Final)(SUB2016-0050)** UIG

Mr. Mora stated the property consisted of 4 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. The property was proposed for single family on each lot. A 20 ft. private paved service street easement, including the turnaround, to be shared between the lots for common access from N. Eubanks Road. 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. Project engineer would require to escrow the monies prior to the plat recording. Front setbacks on N. Eubanks Road were 40 ft. or greater for easements. Rear yard setbacks were proposed at 15 ft. or greater for easements. Side setbacks were 6 ft. or greater for easements or ordinance requirements. 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 lot width and lot area was 100 ft. lot frontage required for septic tank; PUB approved variance to allow septic tank with frontage less than 100 ft. for Lots 2 & 3 at their meeting of May 10, 2016. A Park Fee was not applicable since the property was in the ETJ. A Trip Generation was approved by the Traffic Department. Plat must comply with the City's Access Management Policy.

Staff recommended approval of the subdivision in final form subject to conditions noted.

After a brief discussion of the item, Mr. Brent Baldree **moved** to approve the subdivision in final for subject to conditions noted. Mr. Roberto Luciano seconded the motion which was approved unanimously with five members present and voting.

c) La Herencia Subdivision; 9412 SH 107 – Vela Development, LLC (Lorenzo & Rosalinda Vela), Ramona Vela and Maria Marcelina Vela & Eliza Vela and Sylvia Vela **(Revised Preliminary) (SUB2016-0036)** M & H

Mr. Mora stated the property was a 10 lot subdivision located on the north side of 107. S. H. 107 which has 172 ft. of ROW existing. The project engineer was to show centerline to determine any additional ROW as needed. The north/south interior Street was proposed to have 50 ft. ROW with 32 ft. of paving with curb & gutter on both sides. The interior cul-de-sac street shown was approximately 775 ft. in length; which exceeds the maximum 600 ft. allowed by ordinance. The project engineer had submitted a variance to allow the cul-de-sac to exceed the 600 ft.; 775 ft. proposed. If the variance was approved, it would be subject to 40 ft. of paving and curb and gutter on both sides. Alley/service drive easement required for commercial properties. Initial plat submittal shows Lot 10 proposed for commercial use, which would require an alley. Front setbacks along S. H. 107 were 75 ft. or greater for approved site plan. N/S Interior Street were 25 ft. front for Lots 3 thru 9. Rear setback were 15 ft. or greater for approved site plan or easements. Sides setbacks were proposed to be were 6 ft. or greater for easements. Corner setback were to be determined, but not less than10 ft. or greater for easements. Lots 2 & 10 - 25 ft. if use was commercial. Garage setbacks were 18 ft. except where greater setback was required, the greater setback applied. All setbacks were subject to increase for easements or approved site plan. A 4 ft. wide minimum sidewalk required on S. H. 107 and both sides of the N/S interior street. A 5 ft. wide sidewalk on S. H. 107; was to be verified with the Engineering Department. 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, and industrial zones/uses. An 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses.

Perimeter buffers must be built at time of Subdivision Improvements. Site plan may be required to be approved by the Planning and Zoning Commission prior to building permit issuance if the use was commercial. As proposed, not all lots have the minimum 100 ft. frontage and 1 acre size for septic tank lots. McAllen Public Utility approved a variance allowing lots with less than 100 ft. frontage and one acre size on June 28, 2016. The property was in the ETJ. If the property was annexed, initial zoning of the property would be needed prior to final consideration. If the property was annexed, park fee would be required prior to recording. A Trip generation was to be submitted for staff review. Project engineer had indicated that this would be a public subdivision. Street name to comply with city requirements. Annexation/Initial zoning request needed prior to final plat consideration. Must escrow monies for improvements if not constructed prior to plat recording.

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

The board inquired if the subdivision was public or private. Mr. Mora stated it would be public. He also clarified that previous variances granted of allowing cul-de-sac streets to exceed 600 ft. in length were subject to 40 ft. of pavement. He stated the 40 ft. was required for emergency access and other city services. The board inquired if there was an issue with the end of the cul-de sac for the turnaround. Mr. Mora stated there was no problem with the cul-de sac turn around area.

Ms. Kelly Heller- Vela, representing project engineer stated the property had been inherited by the family's grandfather and several family members had been involved in the subdivision process for 3 years now. She asked the board to consider the variance request since they could not afford the other additional 8 ft. (775ft.) of paving required. The cost for the additional 8 ft. of paving would cost an additional $50,000 of development costs. The project was being done by family members and not a developer. Ms. Vela stated there were existing homes on Lots 1 and 2, which caused the alignment shown of the north, and south street to clear the existing homes.

The board inquired about the lot size for Lot 10. (1.6 acres). Ms. Vela stated McAllen required an onsite regional storage for storm water runoff. They were placing it in front of Lot 10. If storm systems were required, it would go in the front of lot and which leaves at least 3 quarters of an acre as a buildable area. They would leave 50 to 60 feet of Lot 10 which would be 60,000 cubic ft. (2 ft. to 3 ft. deep) for the reservoir detention area.

Ms. Vela stated Lot 10 would be the largest lot and Lot 6 would be the smallest. She stated Lot 3 & 5 were 3 quarters of an acre. Lots 6 & 7 were frontage lots and had 50 ft. of frontage which was the minimum width allowed.

The board inquired if there were any restrictions they could place on the street. Mr. Mora stated the property was still located in the ETJ and permits for construction would be obtained from the county.

After a discussion of the item, Mr. Robert Luciano **moved** to table the subdivision in Revised Preliminary. Mr. Mark Wright seconded the motion, which was tabled unanimously with five members present and voting.

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

a) SUBDIVISION:

1. The Warehouse Kingdom, Lot 1A Subdivision; 6401 South 23rd Street – Megawaze Corporation **(Final)(SUB2016-0052) JHE**

Mr. Mora stated the property was a one lot subdivision located at the southeast corner of S. 23rd and F.M. 1016. It was a resubdivision of 2 lots in the corner and property was zoned I-1. S. 23rd Street had 494 ft. - 510 ft. ROW existing with paving and curb & gutter by the state. F.M. 1016 had existing 75 ft. from centerline and135 ft. ROW existing with paving and curb & gutter done by the state. Future 150 ft. ROW would be provided with the balance dedicated when property to north develops. Existing interior drives for the overall development remain. Front setback for S. 23rd and F.M. 1016 were 75 ft. or greater for easements. Rear and sides setbacks were as per Zoning Ordinance or greater for approved site plan or easements. Corner setbacks along S. 23rd Street had 75 ft. or greater for easements. All setbacks are subject to increase for easements or approved site plan. A 4 ft. wide minimum sidewalk required on S. 23rd Street and F.M. 1016. The engineer would need to verify 5 ft. sidewalk requirement with Engineering Department. 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, and industrial zones/uses. An 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Perimeter buffers must be built at time of Subdivision Improvements. Site plan must be approved by the Planning and Zoning Commission prior to building permit issuance. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Trip Generation worksheet must be submitted to determine if a TIA (Traffic Impact Analysis) was required, prior to final plat being recorded. Existing plat notes remain the same. Site plan was needed for Public Works review of the trash services and dumpster enclosures. Must comply with Access Management requirements. Project engineer needed to submit existing or proposed lighting plan. Abandonment of the easement would need to be done by separate instrument and not by plat as currently shown.

Staff recommended approval of the subdivision in final form subject to conditions noted.

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

Being no discussion of the item, Mr. Roberto Luciano **moved** to approve the subdivision in final form subject to conditions noted. Mr. Daniel Santos seconded the motion which was approved unanimously with five members present and voting.

b) REZONING:

1. Rezone from R-2 (duplex-fourplex residential) District to R-3A (multifamily residential apartment) District: Lot 10, Block 4, Nelson Addition Subdivision, Hidalgo County, Texas; 900 South 15th Street. **(REZ2016-0030)**

Mr. Sanchez stated the property was located at the southwest corner of 15th Street and Ithaca Avenue. The tract had 50 feet of frontage along South 15th Street and a depth of 140 feet for a tract size of 7,000 square feet. The applicant was requesting R-3A (multifamily residential apartment) District in order to construct apartments. A feasibility plan showing a 3 story apartment building with 6 units had been submitted to the Planning Department. Adjacent zoning was R-2 (duplex-fourplex residential) District to the north, south, west, C-3 (general business) District to the east. The tract comprises one lot that was vacant. Surrounding land uses were single family residential, parking lot, and Coahuila Trade Office, vacant commercial buildings, and vacant lots.

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

The development trend along this section of 15th Street was commercial. The property was zoned R-2 (duplex-fourplex residential) District during comprehensive zoning in 1979. There have been no rezoning requests on the property since that time. A rezoning request for a property to the south for C-3 (general business) District was approved in 1985. The east side of 15th Street from Ithaca to Jackson Avenue was rezoned to C-3 (general business) District in 2008 and a resubdivision plat of Block 3A, Nelson Addition received preliminary approval in 2009 for a multi-story commercial building. A 2.50 acre tract at the southwest corner of Main Street and Jackson Avenue was rezoned to R-3A District and mixed use in 2012 and Sam Houston Elementary School was demolished. A tract at the southeast corner of Houston Avenue and 16th Street was rezoned to R-3A District in 2013 and apartments were constructed.

The requested zoning does not conform to the Urban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan. The area was transitioning from single family use to commercial use. The property was zoned R-2 (duplex-fourplex residential) District that allows construction of a triplex. The area was rezoned R-2 District in 1979 and no duplex or triplexes have been constructed. Two properties in the area were recently rezoned to R-3A District and apartments were constructed on one of the sites. Construction of a triplex was a more appropriate transition use at this time due to adjacent single family uses. The number of vehicle trips generated by low-rise apartments was 6.59 vehicle trips per day or 40 trips per day based upon 6 apartments. Ithaca Avenue was a local street with 40 feet of right-of-way and constructed as 2 traffic lanes, 1 parking lane, curb and gutter. 15th Street was a collector street with 70 feet of right-of-way and was constructed with 2 traffic lanes, curb and gutter, sidewalks and street lights. A masonry screen 8 feet in height was required where a multifamily us was adjacent to a single family use. 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 rezoning being requested.

Carlos R. Cantu, 600 Jasmine Avenue, stated that he was the property owner of two neighboring lots. He was opposed to the rezoning due to the lack of parking. He stated 6 apartments were too many for one lot. Juan Gama, applicant, stated he had owned the property for 10 years and there has been no development in the area. He stated 4 apartments was not economically viable. Board member Mark Wright inquired regarding drainage detention and sidewalk along Ithaca Avenue. Chairman Cabeza de Vaca stated his concern was spot zoning.

After discussion of the item, Mr. Brent Baldree **moved** to disapprove the rezoning request to R-3A (multifamily residential apartment). Mr. Daniel Santos seconded the motion which was disapproved with four members voting yay and one abstention. Mr. Roberto Luciano abstained.

2. Rezone from R-1 (single family residential) District to C-3 (general business) District: 2.36 acres of land out of Lot 6, Section 13, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 8001 North 10th Street. **(REZ2016-0031)**

Mr. Garces stated the property was located on the west side of North 10th Street, 420 feet south of Fullerton Avenue. The "L" shaped tract was610 feet west of 10th Street with a size of 2.359 acres. The applicant was requesting C-3 (general business) District for future commercial development. A feasibility plan had been submitted to the Planning Department showing a retail center with restaurants along Auburn Avenue. Adjacent zoning was R-1 (single family residential) District to the north and west, and C-3 (general business) District to the east and south. The tract comprises one lot that was vacant. Surrounding land uses were Trenton Crossing Shopping Center, First Community Bank, Wallbangers Burger Bar, single family residences, a drain ditch, and farmland.

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

The development trend in the area was single family residential, institutional uses, and commercial business. At the July 18, 2006 Planning and Zoning Commission meeting, the Board voted unanimously to recommend disapproval of the request to rezone the entire tract to C-3 District and alternatively recommended approval of the tract to C-3 District excluding the North 100 feet and the West 104 feet, with 4 members voting and 1 abstention. Several rezoning requests for surrounding properties along 10th Street were approved for C-3 District from 1997 to 2012.

The requested zoning conforms to the Suburban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan. Permitted uses within the C-3 (general business) District were hospitals, hotels, restaurants, auto sales and auto repair as an accessory use, any personal and business services, any retail and wholesale trades with certain exceptions and building heights greater than two stories. Uses requiring a conditional use permit in the C-3 District were gasoline service stations, bars and auto

repair as a primary use. The applicant submitted a feasibility plan proposing three retail centers, an anchor store, two restaurants, and two fast food restaurants.

City water and sewer services were available to accommodate commercial development. City and school projects within the area include a regional detention facility (RDF), a park and an elementary school. A future roadway project includes a connection of Wisconsin Road to Auburn Avenue. North 10th Street was designated as a principal arterial with 120 feet of right-of-way and was currently constructed with four travel lanes, a left turn lane and shoulders. A median was currently under construction. A recorded subdivision plat and approved site plan were required prior to issuance of building permits.

Staff recommended approval of the rezoning request.

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

Ms. Kelly Heller-Velar, agent for the applicant, stated the rest of the property was currently zoned C-3 District. Granting the rezoning request would permit them to continue with the subdivision and site plan approval process. She stated access to the property would be from North 10th Street and Wisconsin Road.

Chairman Cabeza de Vaca stated the canal on the north side of the property creates a natural buffer between the Villa Norte Subdivision and the future commercial development.

After discussion of the item, Mr. Mark Wright **moved** to approve the rezoning request. Mr. Daniel Santos seconded the motion which was disapproved with four members voting yay and one abstention. Mr. Brent Baldree abstained.

Mr. Roberto Luciano stepped out.

3. Rezone from R-1 (single family residential) District to R-3A (multifamily residential apartment) District: 0.90 acres out of Lot 207, John H. Shary Subdivision, Hidalgo County, Texas; 301 South Taylor Road. **(REZ2016-0032)**

The applicant requested item to be tabled.

Mr. Sanchez stated the property was located along the east side of South Taylor Road approximately 830 feet south of Highway 83. The tract had 73.6 feet of frontage along South Taylor Road and a depth of 535 feet for a tract size of .90 acres. The applicant was requesting R-3A (multifamily residential apartment) District in order to construct apartments. A feasibility plan had been submitted to the Planning Department showing 14 apartments. Adjacent zoning was R-1 (single family residential) District to the south, R-4 (modular home and mobile home) District to the north and east and the City of Mission to the west. The tract comprises one lot that contains a single family residence. Surrounding land uses were single family residential and mobile homes.

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

The development trend in the area was single family and mobile homes. The property was zoned A-O (agriculture-open space) District upon annexation in 1999 and subsequently rezoned to R-1 District in 2015 as part of the City of McAllen A-O District rezoning project. There have been no rezoning requests on the property since that time. A property to the south was rezoned for R-1 (single family residential) District in 2006 for Cortez Subdivision. Two tracts located to the south were rezoned to R-3A District in 2012 and 2015 and were currently vacant land. The requested zoning does not conform to the Auto Urban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan. The property was rezoned to R-1 District in 2015 to support existing single family uses. The existing residence had a septic system. A single family residence was constructed in Cortez Subdivision located to the south in 2006 with a septic system and escrow payment for future sewer improvements. McAllen Public Utilities grants a variance for septic systems for a single family residence but not for apartment uses. The feasibility plan shows 14 apartment units. Apartment use for the subject property would require extension of a sewer line approximately 1,400 feet. The applicant had not determined the feasibility of extending the sewer line at this time. The number of vehicle trips generated by low-rise apartments was 6.59 vehicle trips per day or 92 trips per day. Taylor Road was designated as a major collector with 80 feet of right-of-way and constructed as a 2 lane rural roadway with no shoulders, no curb and gutter, no street lights, and a posted speed limit of 45 miles per hour. A masonry screen with a height of 8 feet was required along lot lines in common with a single family use or zone. A park fee of $700 per unit was required prior to recording of the plat. A recorded subdivision plat and approved site plan was required prior to issuance of any building permit.

Staff recommended disapproval of the rezoning request at this time since the applicant had not determined the feasibility of extending sewer service.

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

Mr. Daniel Santos **moved** to table the item in order to allow the applicant to establish provision of sewer to the proposed development. Mr. Roberto Luciano seconded the motion which was tabled unanimously with four members present and voting.

4. Rezone from C-3L (light commercial) District to R-3A (multifamily residential apartment) District: 4.30 acres out of Lot 367, John H. Shary Subdivision, Hidalgo County, Texas; 6320 North Taylor Road. **(REZ2016-0029)(TABLED:07/19/2016)**

The applicant requested item remain tabled.

c) CONDITIONAL USE PERMITS:

1. Request of Raquel Martinez on behalf of Harvey Church of Christ, for a Conditional Use Permit, for one year, for an institutional use (pre-school/related activities), west 3.61 acres out of Lot 25, Wayne Courts Subdivision and part of Lot A, Daffodil Gardens Unit No. 1 Subdivision, Hidalgo County, Texas; 508 Harvey Drive. **(CUP2016-0097)**

Ms. Garcia stated the property was located on the north side of Harvey Drive, approximately 170 ft. east of North 6th Street, and was zoned R-1 (single family residential) District. The adjacent zoning was R-1 to the north, south and west and R-3T (townhouses) District to the east. Surrounding land uses include single family residences and Andrew Jackson Elementary School. An institutional use was allowed in an R-1 zone with a Conditional Use Permit and in compliance with requirements.

Currently, the property had several buildings in the property that was used for an institutional use, Church of Christ. A conditional use permit for the life of use, for the church, was approved in July 25, 1994. The church was requesting to amend the conditional use permit to be able to lease a portion of one of the buildings to a tenant who would operate a day care.

The Fire Department and Health Department have conducted their inspection and meets the minimum requirements. 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 would continue to have direct access to Harvey Drive;

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. Nine parking spaces were required for the day care based on the square footage and 132 spaces were provided on site. The church services do not interfere with the daycare times;

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, Health Department 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 present.

Being no discussion of the item, Mr. Roberto Luciano **moved** to approve the request of the conditional use permit, for one year, subject to Section 138-118 of the Zoning Ordinance, Health Department and Fire Department requirements. Mr. Brent Baldree seconded the motion with five members present and voting.

2. Request of Rebeca Acosta, for a Conditional Use Permit, for one year, for single family dwelling at Lot 9, Block 30, Hammond Addition Subdivision, Hidalgo County, Texas; 2030 Austin Avenue. **(CUP2016-0094)**

Ms. Garcia stated the property was located on the northeast corner of Austin Avenue and South 21st Street and was zoned C-3 (general business) District. The adjacent zoning was C-4 district in all directions. Surrounding land uses were commercial industrial and retail businesses and single family residences. A single family dwelling was permitted in a C-4 zone with a Conditional Use Permit and in compliance with requirements.

Currently, there was a block building on the property with a portion of the building being used for automotive services and the other part as residential. There was currently an automotive service business in operation and the residence was vacant. The property was acquired by the applicant in 2015.

The applicant was proposing to do interior remodeling to the residential area of the building so as to bring it into code compliance. The applicant stated that her son would be living in the residence. There was parking area at the rear of the building with access from South 21st Street; however, the area needs to be cleaned and paved. There wasa building permit in file and was being reviewed.

The residence must comply with the following requirements:

1. No form of pollution shall emanate beyond the immediate property line of the permitted use;

2. 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; and

3. In C-1 to I-2 Districts, a permit for a single family dwelling shall be occupied by the owner on a minimum lot size of 5,000 sq. ft. in compliance with setbacks of the respective zoning district. The subject property was approximately 7,140 sq. ft.

Staff recommended approval of the request, for one year, subject to Sections 138-238 and 138-176 of the Zoning Ordinance, Fire Department requirements, and building permit 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 present.

Being no discussion of the item, Mr. Mark Wright **moved** to approve the request of the conditional use permit, for one year, subject to Sections 138-238 and 138-176 of the Zoning Ordinance, Fire Department requirements, and building permit requirements Mr. Daniel Santos seconded the motion with five members present and voting.

3. Request of Blanca Perez, for a Conditional Use Permit, for one year, for a portable food concession stand at Lot 1, Block 2, Young's Subdivision, Hidalgo County, Texas; 2401 Highway 83. **(CUP2016-0101)**

Ms. Garcia stated the property was located at the southwest corner of Business Highway 83 and South 24th Street. The property was zoned I-1 (light industrial) District. The adjacent zoning was I-1 District in all directions. Surrounding land uses include commercial business, multi- family residences, and vacant land. A portable food concession stand was permitted in an I-1 zone with a conditional use permit.

The initial conditional use permit was approved for this location for one year by the Planning and Zoning Commission on February 21, 2012 since the initial permit was approved, the permit had been approved for different applicants. The last permit approval was on August 18, 2015 for one year by the Planning and Zoning Commission. There was again a new applicant; therefore, it had to come before the Planning and Zoning Commission for consideration and approval.

There was currently a commercial block building and a 160 sq. ft. portable food concession stand on the property. The applicant was proposing to continue to operate a snow cone stand from the 160 sq. ft. portable food concession stand. It would be take out only and no seating was proposed. Based on the area of the 160 sq. ft. portable food concession stand, 4 parking spaces were required. There were 13 parking spaces in front of the commercial block building, out of those spaces, 7 were required for the retail lease spaces and 4 would be used by the applicant to meet parking requirements, leaving 2 available. During the onsite inspection, staff observed that the parking lot needs maintenance and the potholes need to be fixed.

The Health and Fire Departments have inspected the establishment, which meets all the minimum safety codes and regulations. The proposed use must also comply with the zoning ordinance and specific requirements as follows:

1) The proposed use shall not be located in a residentially zoned area. The portable food concession stand was located in a I-1 District;

2) The proposed use shall be inspected by the Building Inspector and comply with applicable building codes;

3) The proposed use and adjacent businesses shall comply with the off-street parking and loading ordinance. Based on the area of the 160 sq. ft. portable food concession stand, 4 parking spaces were required. There were 13 parking spaces in front of the commercial block building; out of those spaces, 7 were required for the retail lease spaces and 4 would be used by the applicant to meet parking requirements, leaving 2 available. During the onsite inspection, staff observed that the parking lot needs maintenance and the potholes need to be fixed;

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;

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

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. Daniel Santos **moved** to approve the request of the conditional use permit, for one year, subject to fixing the potholes subject to compliance with Section 138-118(9) of the Zoning Ordinance, Health and Fire Department requirements, and repairing the parking lot as needed. Mr. Mark Wright seconded the motion with five members present and voting.

4. Request of Steve Ahlenius, for a Conditional Use Permit, for life of the use, for an institutional use at Lots 11 and 12, Block 4, North McAllen Subdivision, Hidalgo County, Texas; 700 North Main Street. **(CUP2016-0086)**

Mr. Brent Baldree **moved** to have item removed from the table and Mr. Daniel Santos seconded the motion with five members present and voting.

Ms. Garcia stated the property was located on the northeast corner of North Main Street and Gumwood Avenue, and was zoned C-3 (general business) District. The adjacent

zoning was C-3 District to the north, west, and south and R-3A (apartments) District to the east. An institutional use was permitted in C-3 zone with a conditional use permit and in compliance with requirements.

Currently the property had an 8,036 sq. ft. commercial building. The city acquired this property in 1999. A demolition permit was issued on May 25, 2016 for interior remodeling of the existing building. The applicant, on behalf of the McAllen Chamber of Commerce, was proposing to use the building for an event center.

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 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 had direct access to North Main Street 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 8,036 sq. ft., 81 parking spaces were required, 76 spaces were 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 disapproval of the request based on non-compliance with requirement #2 (parking) of Section 138-118 of the Zoning Ordinance.

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. Mark Wright **moved** to approve the request of the conditional use permit, for one year, subject to fixing the potholes. Mr. Roberto Luciano seconded the motion with five members present and voting.

5. Request of JACR, LLC dba Gamehaus Gastropub, for a Conditional Use Permit, for five years, for a bar, at Lots 13 and 14, Nolana Terrace Subdivision, Hidalgo County, Texas; 2109 Nolana Avenue. **(CUP2016-0042) (TABLED: 07/19/2016)**

Mr. Daniel Santos **moved** to have item removed from the table. Mr. Mark Wright seconded the motion with five members present and voting.

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

Currently, there was a 9,860 sq. ft. commercial building on the property that was being utilized as a restaurant and assembly/game area. The applicant was proposing to utilize the building for a bar. The proposed hours of operation were from 4:00 p.m. to 2:00 a.m. Monday through Friday and 11:00 a.m. to 2:00 a.m. Saturday and Sunday. Based on the square footage, 116 parking spaces were required, 27 parking spaces were on site. The site plan submitted shows 33 parking spaces; however, 6 parking spaces were unimproved.

Parking agreements were submitted. During inspection, staff inspected the parking lot areas for the agreements and 18 spaces shown were eligible for use but need to be improved and/or be constructed and 9 spaces don't comply (see below for break down).

The Fire and Health Departments have inspected the establishment, which meets the minimum safety codes and regulations. Attached was a police activity report with calls from April 2015 through March 2016. Staff had received letters and emails from surrounding neighbors in opposition of the request with concerns trash, noise, and parking. A signed petition had been submitted with opposition to the request with a 26.3 percent opposition. Videos of night activity were submitted as part of the opposition and by the applicant.

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

1. The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment was within 600 ft. of residentially zoned properties to the south;

2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property had direct access to Nolana Avenue and may generate traffic into residential areas;

3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage, 116 parking spaces were required, 27 parking spaces were on site. The site plan submitted shows 33 parking spaces; however, 6 parking spaces were unimproved. Parking agreements were submitted. During inspection, staff inspected the parking lot areas for the agreements and 18 spaces shown were eligible for use but need improved and/or be constructed and 9 spaces don't comply (see below for break down).

4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties. The applicant ash submitted parking agreements for some adjacent properties;

5. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties. The applicant ash submitted parking agreements for some adjacent properties;

6. 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. The applicant submitted a security measures report describing security company activities and personnel as well as outdoor lighting;

7. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties. The applicant submitted a litter and trash pickup plan; and

8. 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 capacity for this establishment was 389 persons.

9. 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 capacity for this establishment was 389 persons.

	Gamehaus 2109 Nolana Ave.	Bicycle World 2025 Nolana Ave.	Vacant 2201 Nolana Ave.	CPA 2217 Nolana Ave.	National Lube 2217 Nolana	Vocational school 3900 N. 23rd St.	Total

					Ave.		
# of spaces Submitted	33 spaces	24 spaces	11 spaces	15 spaces	21 spaces	12 spaces	116
# of spaces comply	33 spaces	24 spaces	11 spaces	15 spaces	12 spaces	12 spaces	107
# of spaces don't comply					9 spaces		**<9>**

PARKING AGREEMENTS BREAK DOWN:

Parking agreement at 2025 Nolana Avenue – Bicycle World:
Provides 24 parking spaces; however, there was a 2.5 hour overlap, which was allowed based on written consent. Also, the location was approved as a master plan and provides common parking area for the businesses. The businesses at this location have expressed concerns that there is not sufficient parking for their businesses.

Parking agreement at 2201 Nolana Avenue - vacant:
Provides 11 parking spaces that comply.

Parking agreement at 2117 Nolana Avenue - CPA:
Provides 15 parking spaces that comply.

Parking agreement at 2217 Nolana Avenue – National Lube:
Shows 21 parking spaces. Only 12 parking spaces comply. **The applicant stated that they cannot stripe the 9 spaces in front of the garage doors and at the rear of the lube business.**

Parking agreement at 3900 North 23rd Street - vocational school:
Shows 12 parking spaces within the allowable distance, access shows to be from the existing paved alley. The spaces were not striped and had over grown grass in the paved area.

The number of parking spaces required by Ordinance for the proposed use was116 spaces. Twenty-seven (27) were located in site. Parking spaces provided through agreements total 89. Of those 18 spaces need improvement and/or be constructed and 9 spaces do not comply, totaling 107 spaces provided.

UPDATE
The item came before the Planning and Zoning Commission on April 19, 2016. There were surrounding neighbors in opposition of the request and the applicant was present. After discussion, the item was tabled to allow the applicant time to meet with staff in regard to the parking agreements. This item was again heard at the May 17, 2016 Planning and

Zoning Commission meeting. Adjacent neighbors were present to speak in opposition and the applicant was present. After discussion of the item, the board voted to disapprove the request based on non-compliance with requirement #1 (distance) and # 3 (parking) of Section 138-118 (4) of the Zoning Ordinance.

The item was then heard at the June 13, 2016 City Commission meeting. During that meeting, new information was submitted; therefore, the City Commission, voted to refer the item back to the Planning and Zoning Commission for review and re-consideration.

Prior to the Planning and Zoning Commission meeting of July 19, 2016, staff met with the applicant who indicated that they were able to obtain permission from the National Lube to stripe 2 spaces that will be located at the rear of the property (leaving a deficiency of 7 spaces), and will eliminate 525 sq. ft. of restaurant area by converting it to a storage area (reducing parking requirement by 7 spaces). Based on the new square footage/reduction, 109 spaces were required and 109 spaces will be provided.

The item was heard at the July 19, 2016 Planning and Zoning Commission meeting. There was a representative of the surrounding neighbors present to speak in opposition of the request and the applicant was present.

Mr. Gurthwitz, a representative for the surrounding neighbors who were in opposition, stated his concerns on why the permit should not be approved and summarized how it affects the residences at the rear of the establishment.

Mr. Haddad, the applicant, stated his points and his attempts to keep the area secure. He summarized what the establishment does with security, the hours they patrol, and why the permit should be approved.

Following the presentations and discussion of the item made by Mr. Gurthwitz and Mr. Haddad, a motion to disapprove the request was made; however, it failed on a vote of 2 yays and 2 nays.

After a lengthy discussion of the item, the board voted to table the item to allow time for the boards to discuss the information presented and have time to visit the site at peak time.

This item was heard at the July 19, 2016 Planning and Zoning Commission meeting. There was a representative for the surrounding neighbors present to speak in opposition of the request and the applicant was present. The board voted to table the item to allow time for the boards to discuss the information presented and have time to visit the site at peak time.

On July 28, 2016, the applicant submitted a new parking agreement at 3724 North 21st Street for 12 additional parking spaces.

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

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

Mr. Gurthwitz, a representative for the surrounding neighbors who are in opposition, re-stated his concerns on what was previously presented including foot traffic through the alley, disturbance to the residents and patrons parking on 21st Street and Kerria Avenue.

Mr. John Griffin, the applicant's representative, presented the board with two aerial exhibits of the area showing the location had always been a commercial location before and after Gamehaus was opened. He also indicated that the apartments were built after Gamehaus was in operation.

Mr. Haddad, the applicant, re-stated his points and his attempts to keep the area secure. He also indicated that he submitted a parking agreement for an additional 12 parking spaces so that he would not have to reduce his square footage for the establishment.

After a lengthy discussion of the item, Mr. Roberto Luciano **moved** to disapprove the request of the conditional use permit, for one year, based on non-compliance with requirements #1 (distance) of Section 138-118(4) of the Zoning Ordinance. Mr. Mark Wright seconded the motion with five members present four voting and one abstained. Mr. Brent Baldree abstained.

5) DISCUSSION: **NONE**

6) INFORMATION ONLY:

a) A memo providing the CC actions of July 25, 2016 was included in the packet.

7) 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. Mark Wright adjourned the meeting at 5:45 p.m., Mr. Roberto Luciano seconded the motion which carried unanimously with five members present and voting.

_____
Chairperson, Pepe Cabeza de Vaca

ATTEST: _____
Susana De La Cerda, Secretary

City of McAllen
Planning Department
APPLICATION FOR SUBDIVISION PLAT REVIEW

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project Description

Subdivision Name Gaeli SuBDivision
Location West Side Jackson Rd 679 Feet North of 495
City Address or Block Number
Number of lots 29 Gross acres 9.45 Net acres 9.45
Existing Zoning R3 Proposed R3 Rezoning Applied For ☐Yes ☑No Date
Existing Land Use Vac Proposed Land Use Duplex Irrigation District # 2
Residential Replat Yes ☑ No ☐ **Commercial** Replat Yes ☐ No ☑ **ETJ** Yes ☐ No ☑
Agricultural Tax Exemption Yes ☑ No ☐ Estimated Rollback tax due
Legal Description A 9.45 ACRE Tract Land out of Lot 4 Block 5
A.J. McColl SuBdivision, Hidalgo County Texas

Owner

Name Lone Star National Bank Phone
Address P.O BOX 1127
City PHARR State TX Zip 78504
E-mail

Developer

Name JUAN MUNIZ Phone 491-9837
Address 5219 N McColl
City McAllen State TX Zip 78504
Contact Person JUAN MUNIZ
E-mail JMuniz33@yahoo.com

Engineer

Name Guillermo Arratia Phone 956 784-0218
Address 526 N. 5th st
City Donna State TX Zip 78537
Contact Person Willie
E-mail naineginecring@yahoo.com

Surveyor

Name Reynaldo Robles Phone 956 968 4222
Address 107 W. Huisache St
City Weslaco State TX Zip 78594

SUB2016-0053
RECEIVED
AUG 01 2016
BY: BC3Dm
Pd $300 — RCT# 395243

Minimum Developer's Requirements Submitted with Application

Proposed Plat Submittal

Pd $300 ___ $225 Preliminary Review Fee and $75 Final Approval Fee
✓ Title Report
2 Copies ___ 8 ½" by 11" Original Sealed Survey showing existing structures/ easements <u>or</u> 3 blueline copies
✓ 2 Location Maps
✓ 2 8 ½" by 11" copies/legible copies of plat with name & north arrow
✓ 6 Folded blueline prints of the proposed plat
✓ 2 Warranty Deeds (Identifiying owner on application)
✓ Autocad 2005 DWG file and PDF of plat
N/A Letter of Authorization from the owner, if applicable
✓ Proof of authority of person signing application on behalf of partnership/corporation, if applicable

PLAT TO SHOW:

- ✓ Metes and bounds
- ✓ Lots numbered with dimensions and area of irregular lots noted
- ✓ Surrounding platted lots and/or lot lines for uplatted tracts
- ✓ Name and address of owner, lienholder, developer, engineer and surveyor shown along with signature lines
- ✓ North arrow, scale and vicinity map
- ✓ Name & dimension of adjoining street ROWs (total width & width from centerline)

Note: Though the original submittal for application to process a subdivision plat does not require the drainage report or utility plans, it is advisable that they be included with the original submittal to expedite the review process. Complying with the minimum requirements for the original plat submittal does not constitute meeting the deadline for drainage and utility review by the appropriate boards. Additional information will be required during the review to properly complete the subdivision process. Any revisions would require resubmission of blueline copies prints and 8 ½" by 11" copies/legible copy of the plat, affected by changes.

Owner's Signature

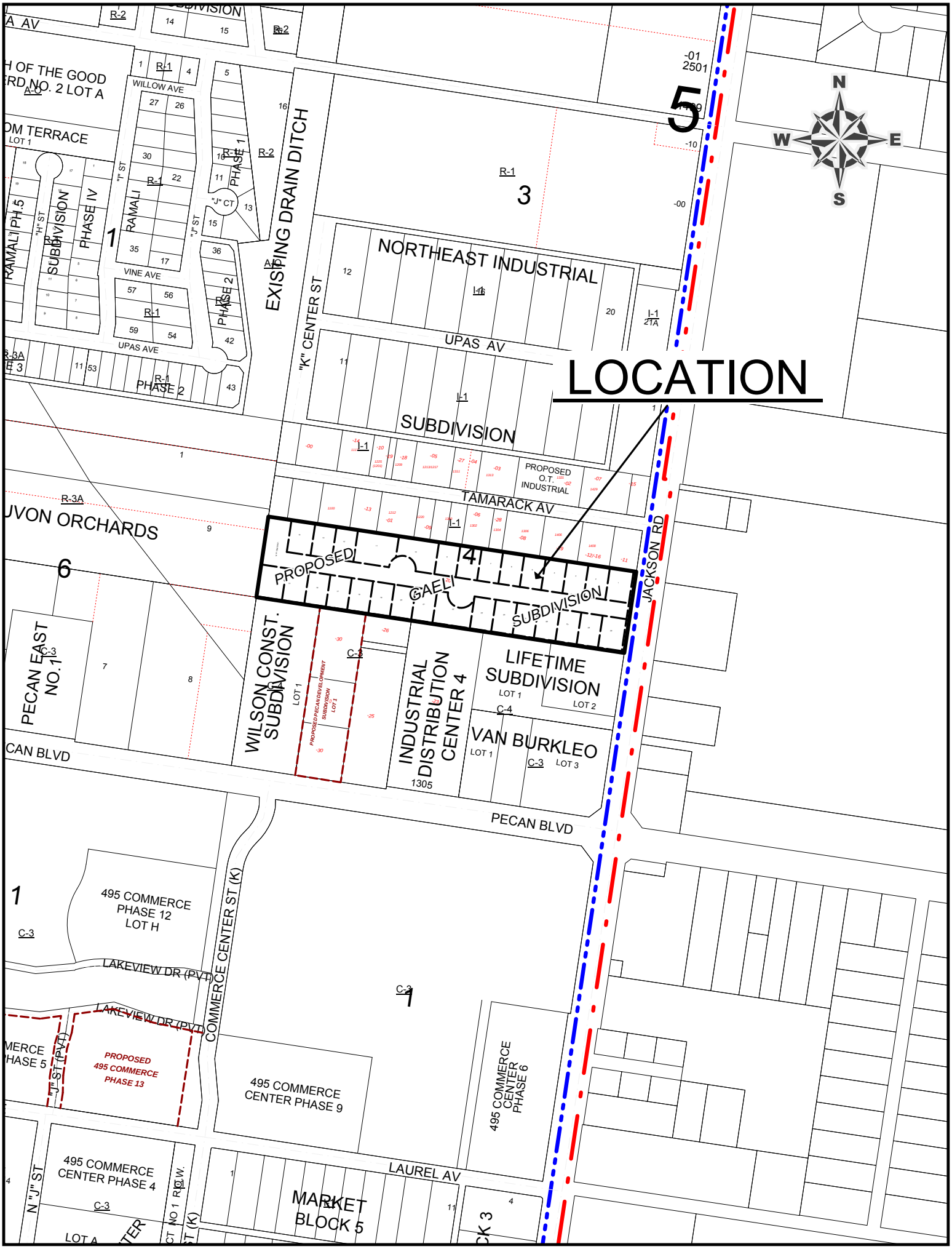
I certify that I am the actual owner of the property described above and (include corporate name if applicable) or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature [signature] LSNB Date 8/1/14

Print Name Ruben Cole LSNB

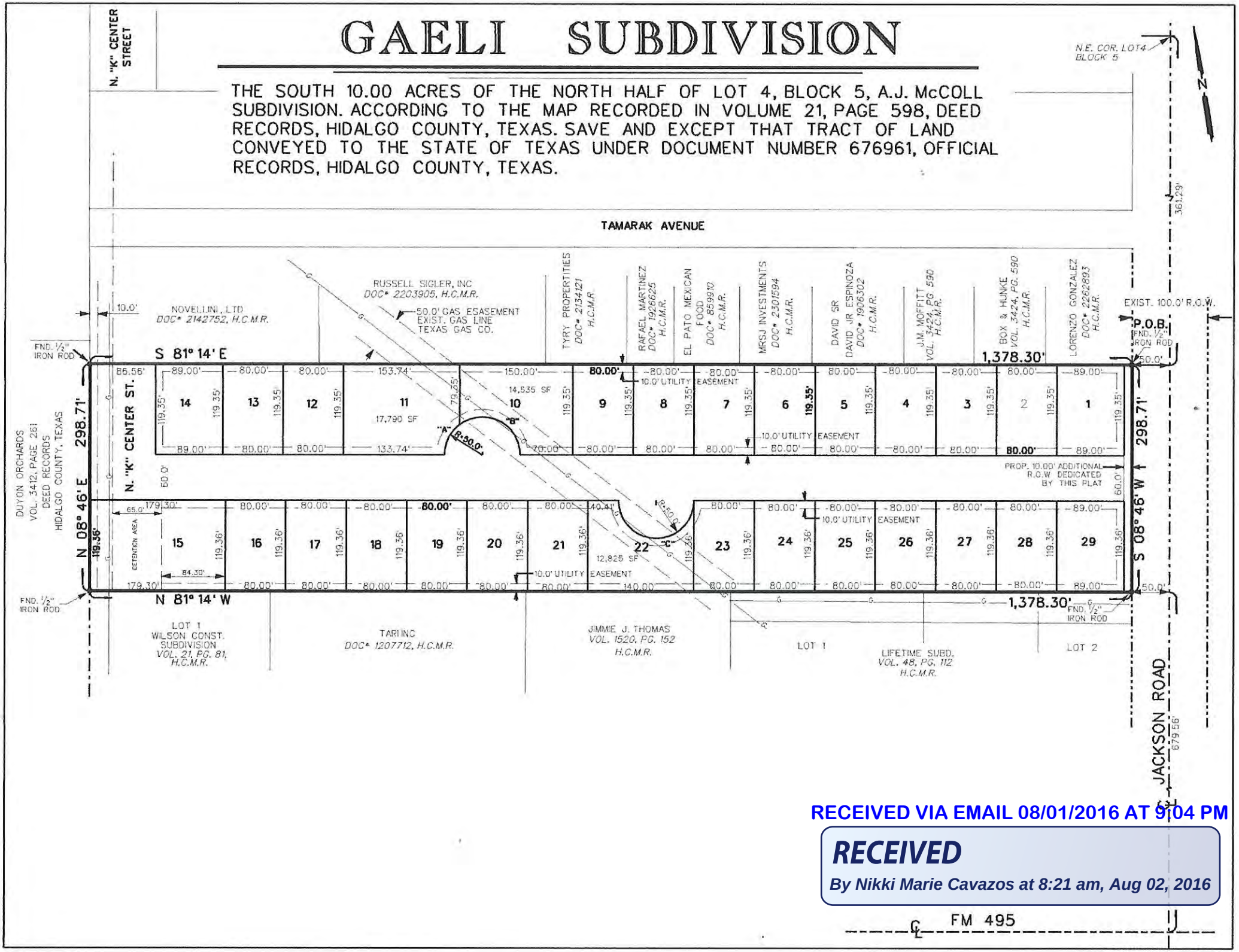
Owner ☒ Authorized Agent ☐

09/15


LOCATION
N
S
E
W
NORTHEAST INDUSTRIAL
SUBDIVISION
EXISTING DRAIN DITCH
"K" CENTER ST
UPAS AV
TAMARACK AV
JACKSON RD
PROPOSED O.T. INDUSTRIAL
PROPOSED GAELI SUBDIVISION
WILSON CONST. SUBDIVISION
INDUSTRIAL DISTRIBUTION CENTER 4
LIFETIME SUBDIVISION
VAN BURKLEO
PECAN BLVD
PECAN EAST NO.1
UVON ORCHARDS
495 COMMERCE PHASE 12 LOT H
LAKEVIEW DR (PVT)
COMMERCE CENTER ST (K)
PROPOSED 495 COMMERCE PHASE 13
495 COMMERCE CENTER PHASE 9
495 COMMERCE CENTER PHASE 6
495 COMMERCE CENTER PHASE 4
LAUREL AV
MARKET BLOCK 5
WILLOW AVE
VINE AVE
UPAS AVE
RAMALI
PHASE 1
PHASE 2
PHASE IV
RAMALI PH.5
"I" ST
"J" ST
"H" ST
"J" CT
N "J" ST
LOT A
LOT 1
LOT 2
LOT 3
LOT 4
1305
2501
R-1
R-2
R-3A
C-3
C-4
I-1
1
3
4
5
6

GAELI SUBDIVISION

THE SOUTH 10.00 ACRES OF THE NORTH HALF OF LOT 4, BLOCK 5, A.J. McCOLL SUBDIVISION. ACCORDING TO THE MAP RECORDED IN VOLUME 21, PAGE 598, DEED RECORDS, HIDALGO COUNTY, TEXAS. SAVE AND EXCEPT THAT TRACT OF LAND CONVEYED TO THE STATE OF TEXAS UNDER DOCUMENT NUMBER 676961, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.



RECEIVED VIA EMAIL 08/01/2016 AT 9:04 PM

RECEIVED

By Nikki Marie Cavazos at 8:21 am, Aug 02, 2016

City of McAllen

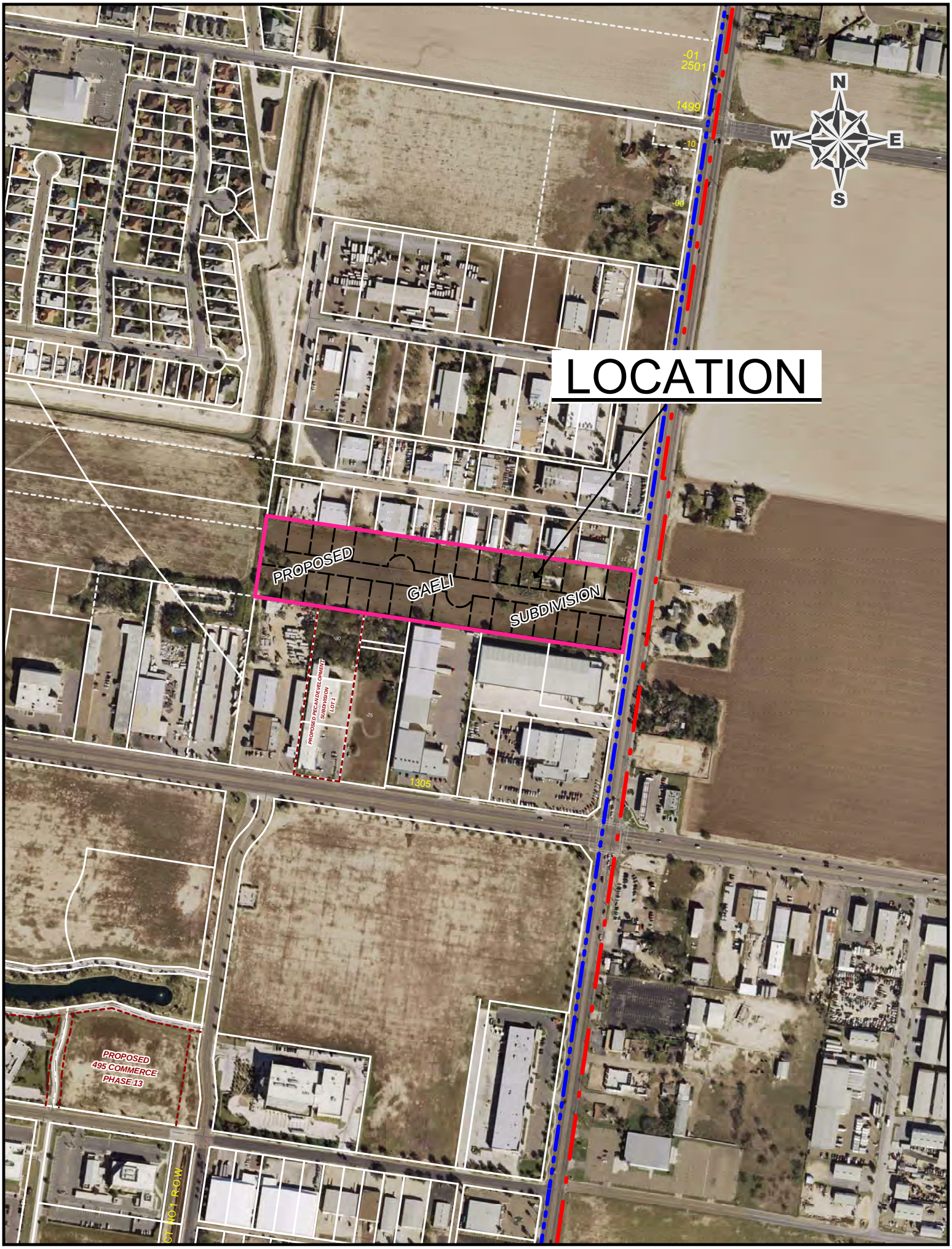
SUBDIVISION PLAT REVIEW

Reviewed On: 8/12/2016

SUBDIVISION NAME: GAELI	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
N. Jackson Road: 10 ft. ROW dedication proposed for 60 ft. from centerline and future total 120 ft. ROW Paving: by the state Curb & gutter: by the state	Applied
N. "K" Center Street: 60 ft. ROW - 86.56 ft. shown on the preliminary plat. *Project engineer to clarify the ROW shown and the overlap of the gas easement into the street ROW before final. Paving: 40 ft. Curb & gutter: both sides **Temporary paved turnaround needed at the north end of N. "K" Center Street	Non-compliance
E. Sycamore Ave - (E/W interior street): 60 ft. ROW Paving: 40 ft. Curb & gutter: both sides *Project engineer to remove "knuckles" currently shown on the plat	Non-compliance
* 800 ft. Block Length: The block shown for Sycamore Ave. exceeds the 800 ft. block length allowed without a "stub out" street.	Non-compliance
* 600 ft. Maximum Cul-de-Sac	NA
ALLEYS	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive required for this multi-family residential development. **ROW and paving width may increase for parking areas.	Applied
SETBACKS	
* Front: 30 ft. setback or greater for approved site plan or easements. **Property currently zoned C-3 (general commercial) District. If it is rezoned, front setbacks may be revised prior to final.	TBD
* Rear: As per Zoning Ordinance or greater for approved site plan or easements.	Compliance
* Interior sides: As per Zoning Ordinance or greater for approved site plan or easements.	Compliance
* Corner: N. Jackson Road - 60 ft. or greater for approved site plan or easements. N. "K" Center Street: 30 ft. or greater for approved site plan or easements. **The property is currently zoned C-3 (general commercial) District. If the property is rezoned, setbacks may be revised.	TBD
* Garage: 18 ft. except where greater setback is required, greater setback applies.	Applied
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on N. Jackson Road, and both sides of N. "K" Center Street and E. Sycamore Ave. **Engineer to verify 5 ft. sidewalk requirement on N. Jackson Road with Engineering Department.	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, and industrial zones/uses. **If the property is rezoned, additional buffers may be required prior to final.	Applied
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. **If the property is rezoned, additional buffers may be required prior to final.	Applied
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
NOTES	
* No curb cut, access, or lot frontage permitted along N. Jackson Road and N. "K" Center Street.	Non-compliance
* Site plan must be approved by the Planning and Zoning Commission prior to building permit issuance. **If the property is rezoned prior to final, this note may not be applicable.	Applied
* 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 **Detention area shown on the plat should be labeled as a Common Area with a lot number prior to final.	Non-compliance
* 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 requirments per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. **The section referenced in the plat note may be revised to reflect Section 110-72 of the Vegetation Ordinance prior to final.	Applied
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	Applied
LOT REQUIREMENTS	
* Lots fronting public streets: E. Sycamore Ave.	Compliance
* Minimum lot width and lot area	Compliance
ZONING/CUP	
* Existing: C-3 Proposed: R-3A	Incomplete
* Rezoning Needed Before Final Approval	Applied
PARKS	
* Land dedication in lieu of fee: Based on number of units proposed, Parkland Dedication Advisory Board and City Commission equired.	Applied
* Park Fee of $700 to be paid prior to recording. If the fee is applied, it will be based on $700 per dwelling unit, and must be paid prior to recording.	Applied
* Pending review by the Parkland Dedication Advisory Board and City Commission prior to final.	Applied
TRAFFIC	
* Trip Generation to determine if TIA is required, prior to final plat.	Non-compliance
* Traffic Impact Analysis (TIA) required prior to final plat.	TBD

COMMENTS	
Comments: *Comply with Fire Department requirements regarding two separate access roads for the development. **Alley requirements for access to parking, city services (including dumpster locations), site improvements, etc. required for this multi-family development. ***Must escrow monies for improvements not constructed prior to recording. ****Must clarify the overlap of the gas easement into the N. "K" Center Street ROW before final.	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION PLAT IN PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, AND DRAINAGE & UTILITY APPROVALS.	Applied



LOCATION
N
W
E
S
-01
2501
1499
-10
-00
PROPOSED
GAELI
SUBDIVISION
PROPOSED PECAN DEVELOPMENT SUBDIVISION LOT 1
1305
PROPOSED
495 COMMERCE
PHASE 13
CT NO 1 R.O.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)

2015-0092

Project Description

Subdivision Name Ensenada @ Tres Lagos
Location West of Ware Rd. (FM 2220) North of Russell Rd.
City Address or Block Number 4401 Tres Lago Blvd
Number of lots 78 06/13/2014 02 Gross acres 29.070 02 Net acres N/A
Existing Zoning R1 Proposed R1 Rezoning Applied For ☐Yes ☒No Date ____
Existing Land Use Vacant Proposed Land Use Residential Irrigation District # UID 02
Residential Replat Yes ☒ No ☐ **Commercial** Replat Yes ☐ No ☒ **ETJ** Yes ☐ No ☒
Agricultural Tax Exemption Yes ☐ No ☒ 02 Estimated Rollback tax due ~~27,090~~ 349,985.94 02
Legal Description 29.070 02 acres out of Section 232, Texas Mexican Railway Company Survey

Owner

Name Rhodes Enterprises, Inc. Phone (956) 287-2800
Address 200 S. 10th St., Ste. 1400
City McAllen State TX Zip 78501
E-mail jaime@mlrhodes.com / mikc@mlrhodes.com

Developer

Name Rhodes Enterprises, Inc. Phone (956) 287-2800
Address 200 S 10th St., Ste. 1400
City McAllen State Tx Zip 78501
Contact Person Mike Rhodes / Jaime Gonzalez
E-mail jaime@mlrhodes.com / mike@mlrhodes.com

Engineer

Name Melden & Hunt Inc. Phone (956) 381-0981
Address 115 W. Mc Intyre St.
City Edinburg State Tx Zip 78541
Contact Person Fred L. Kurth
E-mail fkurth@meldenandhunt.com

Surveyor

Name Melden & Hunt, Inc. Phone (956) 381-0981
Address 115 W. Mc Intyre St.
City Edinburg State Tx Zip 78541
E-mail fkurth@meldenandhunt.com

RECEIVED
NOV 24 2015
BY: 8@104 332,355

Minimum Developer's Requirements Submitted with Application

Proposed Plat Submittal

- X $225 Preliminary Review Fee and $75 Final Approval Fee
- X Title Report
- X 8 ½" by 11" Sealed Survey showing existing structures/easements or 3 blueline copies
- X 2 Location Maps
- X 2 8 ½" by 11" copies/legible copies of plat with name & north arrow
- X 6 Folded blueline prints of the proposed plat
- X 2 Warranty Deeds (Identifiying owner on application)
- X Autocad DWG file of plat - pdf
- N/A Letter of Authorization from the owner, if applicable
- N/A Proof of authority of person signing application on behalf of partnership/corporation, if applicable

PLAT TO SHOW:

- ✓ Metes and bounds
- ✓ Lots numbered with dimensions and area of irregular lots noted
- ✓ Surrounding platted lots and/or lot lines for uplatted tracts
- ✓ Name and address of owner, lienholder, developer, engineer and surveyor shown along with signature lines
- ✓ North arrow, scale and vicinity map
- ✓ Name & dimension of adjoining street ROWs (total width & width from centerline)

Note: Though the original submittal for application to process a subdivision plat does not require the drainage report or utility plans, it is advisable that they be included with the original submittal to expedite the review process. Complying with the minimum requirements for the original plat submittal does not constitute meeting the deadline for drainage and utility review by the appropriate boards. Additional information will be required during the review to properly complete the subdivision process. Any revisions would require resubmission of blueline copies prints and 8 ½" by 11" copies/legible copy of the plat, affected by changes.

Owner's Signature

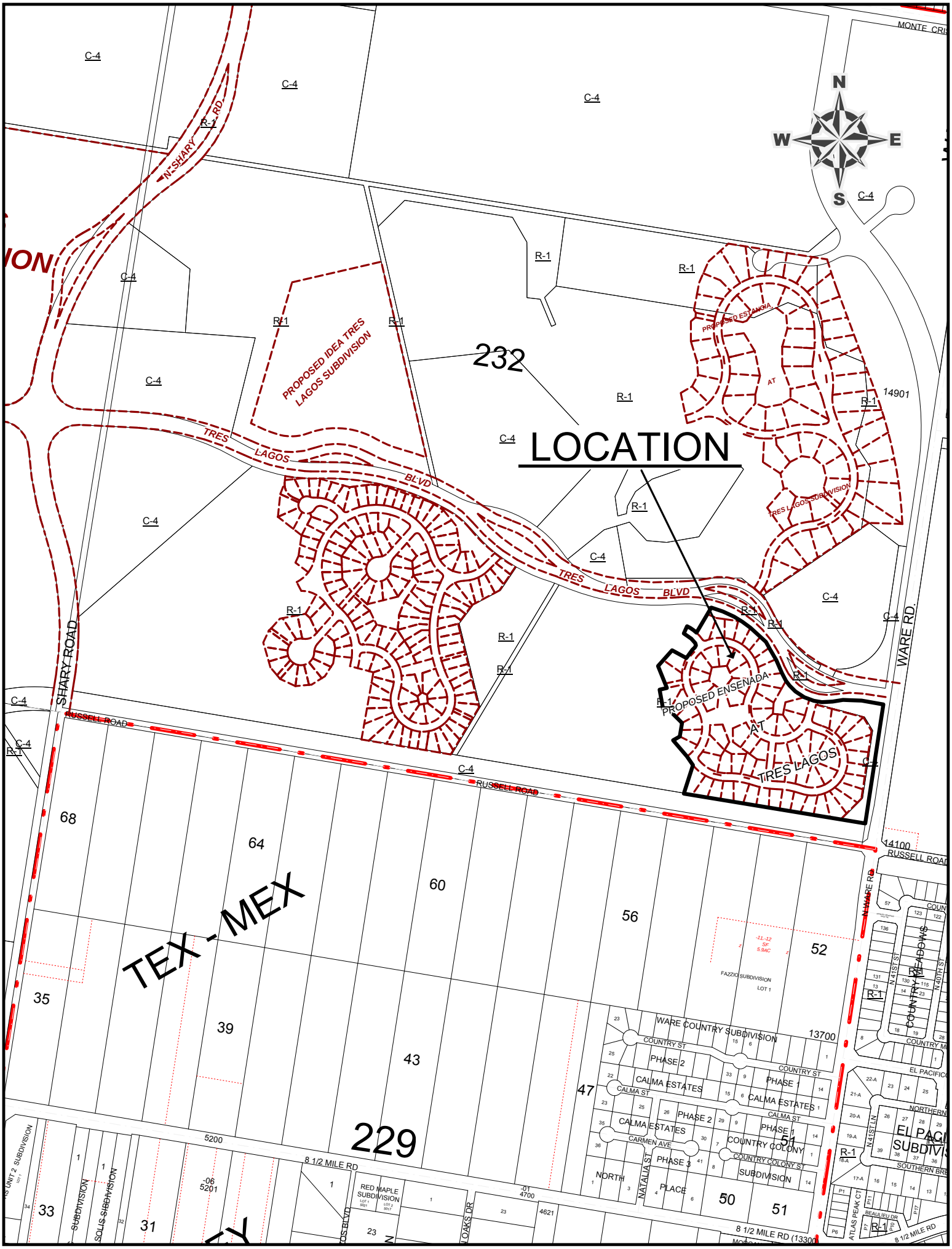
I certify that I am the actual owner of the property described above and (include corporate name if applicable); or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature Mike Rhodes Date 10·28·15

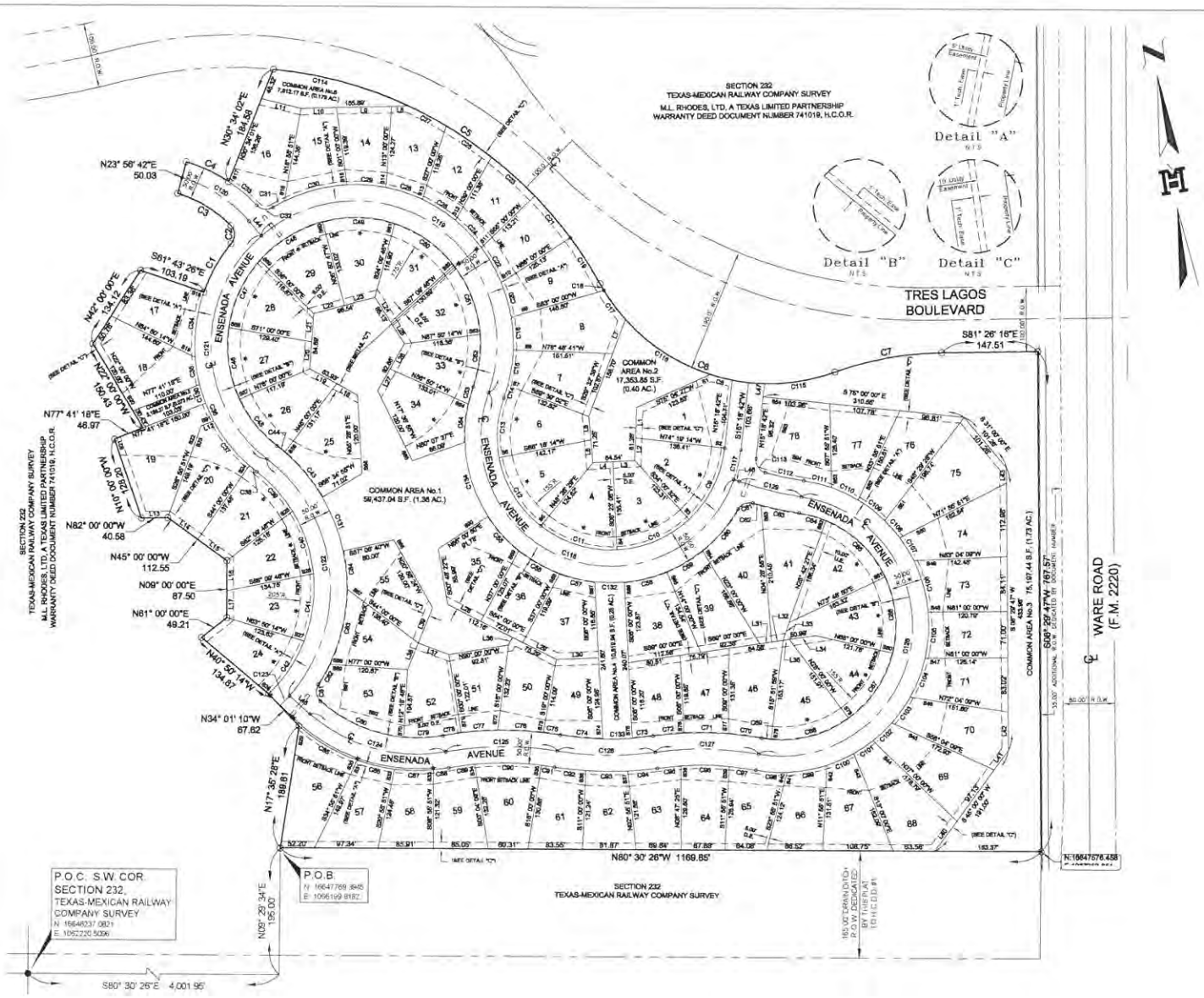
Print Name Mike Rhodes

Owner ☒ Authorized Agent ☐

Rev 03/11



LOCATION
232
229
TEX - MEX
N
S
E
W
PROPOSED IDEA TRES LAGOS SUBDIVISION
PROPOSED ESTANCIA
AT
TRES LAGOS SUBDIVISION
PROPOSED ENSENADA
AT
TRES LAGOS
TRES LAGOS BLVD
N SHARY RD
SHARY ROAD
RUSSELL ROAD
WARE RD.
N WARE RD
MONTE CRI
14901
14100
13700
5200
8 1/2 MILE RD
8 1/2 MILE RD (13300
FAZZIO SUBDIVISION
LOT 1
WARE COUNTRY SUBDIVISION
COUNTRY ST
PHASE 2
PHASE 1
CALMA ESTATES
CALMA ST
CARMEN AVE
COUNTRY COLONY
COUNTRY COLONY ST
SUBDIVISION
PHASE 3
NORTH
PLACE
NATALIA ST
RED MAPLE SUBDIVISION
COUNTRY MEADOWS
N 41ST ST
N 40TH ST
EL PACIFICO
NORTHERN
SOUTHERN BRE
ATLAS PEAK CT
BEAULIEU DR
C-4
R-1
68
64
60
56
52
35
39
43
47
51
50
33
31



MAP OF
ENSENADA at TRES LAGOS

BEING A RESUBDIVISION OF 27.070 ACRES
OUT OF SECTION 232,
TEXAS-MEXICAN RAILWAY COMPANY SURVEY,
ACCORDING TO THE PATENT RECORDED
IN VOLUME 4, PAGE 142-143,
HIDALGO COUNTY, DEED RECORDS,
CITY OF McALLEN, HIDALGO COUNTY, TEXAS

RECEIVED VIA EMAIL 08/05/2016 AT 10:47 AM

RECEIVED
By Nikki Marie Cavazos at 8:25 am, Aug 10, 2016

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

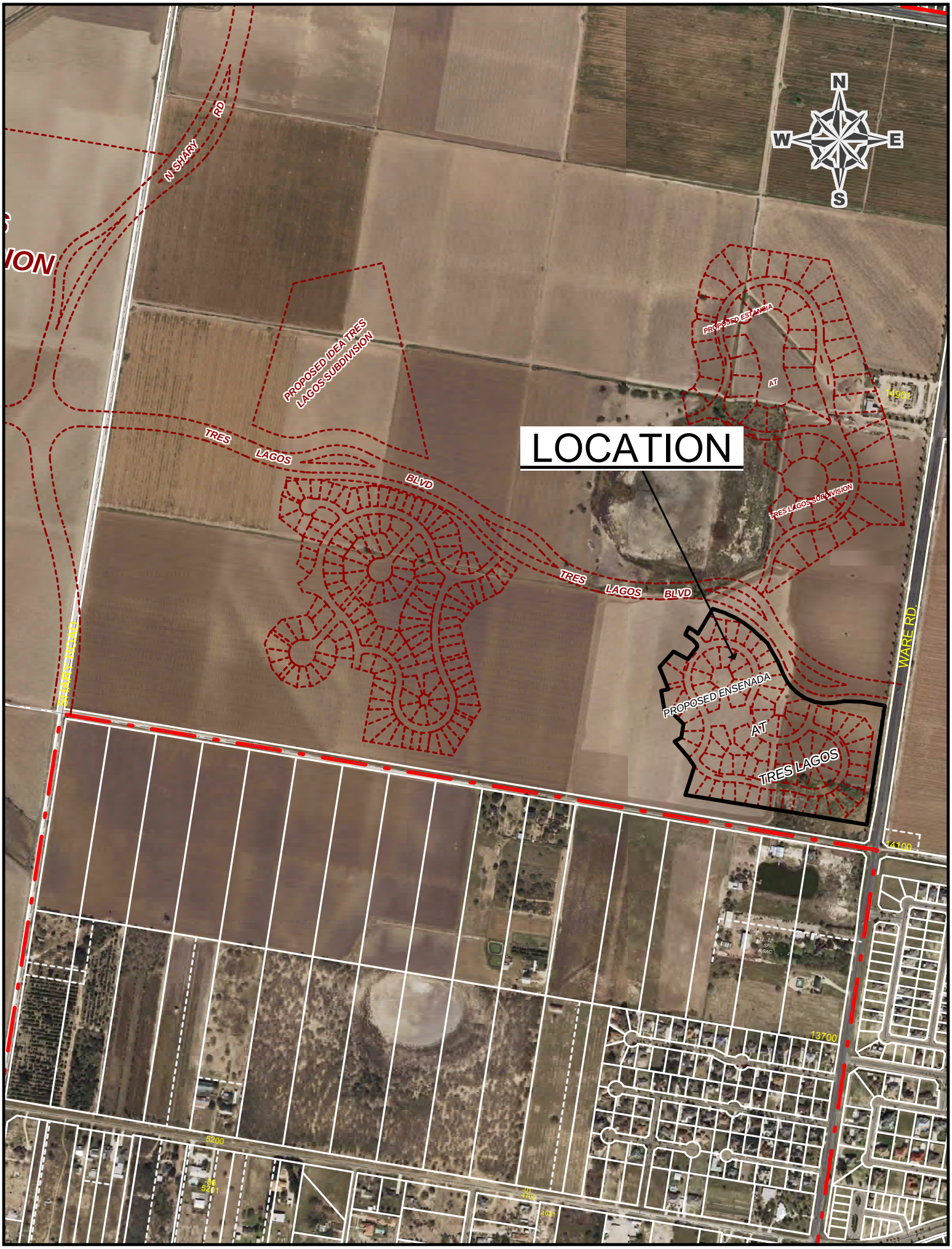
City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 8/12/2016

SUBDIVISION NAME: Ensenada @ Tres Lagos	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
N. Ware Road: 35 ft. dedication for 75 ft. from centerline for 150 ft. ROW. Paving: by the state Curb & gutter: by the state	Compliance
Tres Lagos Blvd.: 100 ft. - 190 ft. ROW to be dedicated by separate instrument; recording number to be shown on the plat Paving: Varies - 65 ft. minimum Curb & gutter: both sides	Applied
Interior Streets: 50 ft. ROW Paving: 32 ft. Curb & gutter: both sides	Applied
* 800 ft. Block Length: Common areas and access walks/drives provided.	Applied
* 600 ft. Maximum Cul-de-Sac: Cul-de-sac street length does not apply provided that the development uses the "coving methods" and emergency access walks/drives are provide, per agreement..	Applied
ALLEYS	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial properties	NA
SETBACKS	
* Front: 20 ft. minimum or greater for easements, per agreement.	Applied
* Rear: As per the Zoning Ordinance or greater for easements, except 20 ft. for double fronting lots along Tres Lagos Blvd.	Applied
* Sides; 5 ft. or greater for easements, per agreement.	Applied
* Corner: 10 ft. or greater for easements, as may be applicable.	Applied
* Garage: 18 ft., except where greater setback required, greater setback applies.	Applied
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on: City Ordinance will no apply provided a sidewalk having a width of at least adequate for pedestrian and bike traffic is provided in a plan that is sealed by the registered engineer designing the unit of development, per agreement.	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, and industrial zones/uses, and along Tres Lagos Blvd. and N. Ware Road.	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.	Applied

NOTES	
* No curb cut, access, or lot frontage permitted along Tres Lagos Blvd. and N. Ware Road.	Applied
* Site plan must be approved by the Planning and Zoning Commission prior to building permit issuance.	NA
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* Common Areas must be maintained by the lot owners/PID and not the City of McAllen	Applied
*Public Improvement District (PID) or Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation, maintenance and other requirements per Section 110-72 of the Vegetation Ordinance, including but not limited to common areas.	Applied
*Public Improvement District (PID) or Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	Applied
LOT REQUIREMENTS	
* Lots fronting public streets: ROW dedication of Tres Lagos Blvd. and N. Ware Road to be dedicated by separate instrument; prior to plat recording the instrument to be noted on the plat.	Applied
* Minimum lot width and lot area: Project engineer to verify that all lots comply with the minimum 50 ft. frontage requirement, per agreement.	Applied
ZONING/CUP	
* Existing: R-1 Proposed: R-1	Compliance
* Rezoning Needed Before Final Approval	NA
PARKS	
* Land dedication in lieu of fee: Must be in compliance with agreement.	Applied
* Park Fee of $700 per dwelling unit is required to be paid prior to recording. **Park Fee is N/A per agreement.	NA
* Pending review by the Parkland Dedication Advisory Board and City Commission.	NA
TRAFFIC	
* Trip Generation to determine if TIA is required, prior to final plat.	Complete
* Traffic Impact Analysis (TIA) required prior to final plat. Per Traffic Department - done as part of the Master TIA.	Compliance
COMMENTS	
Comments: *Subdivision proposed to be public. **License Agreement as may be needed for islands, boulevards, etc. within the ROW. ***Must comply with the Agreement and Public Improvement District (PID) conditions.	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN FINAL FORM SUBJECT TO CONDITIONS NOTED.	Applied


N
S
E
W
N SHARY RD
PROPOSED IDEA TRES LAGOS SUBDIVISION
TRES LAGOS BLVD
TRES LAGOS BLVD
LOCATION
PROPOSED ESTANCIA
AT
TRES LAGOS SUBDIVISION
PROPOSED ENSENADA
AT
TRES LAGOS
SHARY ROAD
WARE RD
14900
14100
13700
5200

City of McAllen
Planning Department
APPLICATION FOR SUBDIVISION PLAT REVIEW

2015-0093

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 Escondido @ Tres Lagos

Location West of Ware Rd. (FM 2220) North of Russell Rd.

City Address or Block Number 5101 Tres Lagos Blvd

Number of lots 142 OZ 06/13/16 Gross acres 39.417 Net acres N/A OZ

Existing Zoning R1 Proposed R1 Rezoning Applied For ☐ Yes ☒ No Date ____

Existing Land Use Vacant Proposed Land Use Residential Irrigation District # UID

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

Agricultural Tax Exemption Yes ☐ No ☒ OZ Estimated Rollback tax due 349,985.94 OZ

Legal Description 39.417 OZ acres out of Section 232, Texas Mexican Railway Company Survey

Owner

Name Rhodes Enterprises, Inc. Phone (956) 287-2800

Address 200 S. 10th St., Ste. 1400

City McAllen State TX Zip 78501

E-mail jaime@mlrhodes.com / mikc@mlrhodes.com

Developer

Name Rhodes Enterprises, Inc. Phone (956) 287-2800

Address 200 S 10th St., Ste. 1400

City McAllen State Tx Zip 78501

Contact Person Mike Rhodes / Jaime Gonzalez

E-mail jaime@mlrhodes.com / mike@mlrhodes.com

Engineer

Name Melden & Hunt, Inc. Phone (956) 381-0981

Address 115 W. McIntyre St.

City Edinburg State Tx Zip 78541

Contact Person Fred L. Kurth

E-mail fkurth@meldenandhunt.com

Surveyor

Name Melden & Hunt, Inc. Phone (956) 381-0981

Address 115 W. McIntyre St.

City Edinburg State Tx Zip 78541

E-mail fkurth@meldenandhunt.com

RECEIVED
NOV 24 2015
BY: SC@1045

Minimum Developer's Requirements Submitted with Application

Proposed Plat Submittal

X $225 Preliminary Review Fee and $75 Final Approval Fee
X Title Report
X 8 ½" by 11" Sealed Survey showing existing structures/easements or 3 blueline copies
X 2 Location Maps
X 2 8 ½" by 11" copies/legible copies of plat with name & north arrow
X 6 Folded blueline prints of the proposed plat
X 2 Warranty Deeds (Identifiying owner on application)
X Autocad DWG file of plat - pdf
N/A Letter of Authorization from the owner, if applicable
N/A Proof of authority of person signing application on behalf of partnership/corporation, if applicable

PLAT TO SHOW:

- ✓ Metes and bounds
- ✓ Lots numbered with dimensions and area of irregular lots noted
- ✓ Surrounding platted lots and/or lot lines for uplatted tracts
- ✓ Name and address of owner, lienholder, developer, engineer and surveyor shown along with signature lines
- ✓ North arrow, scale and vicinity map
- ✓ Name & dimension of adjoining street ROWs (total width & width from centerline)

Note: Though the original submittal for application to process a subdivision plat does not require the drainage report or utility plans, it is advisable that they be included with the original submittal to expedite the review process. Complying with the minimum requirements for the original plat submittal does not constitute meeting the deadline for drainage and utility review by the appropriate boards. Additional information will be required during the review to properly complete the subdivision process. Any revisions would require resubmission of blueline copies prints and 8 ½" by 11" copies/legible copy of the plat, affected by changes.

Owner's Signature

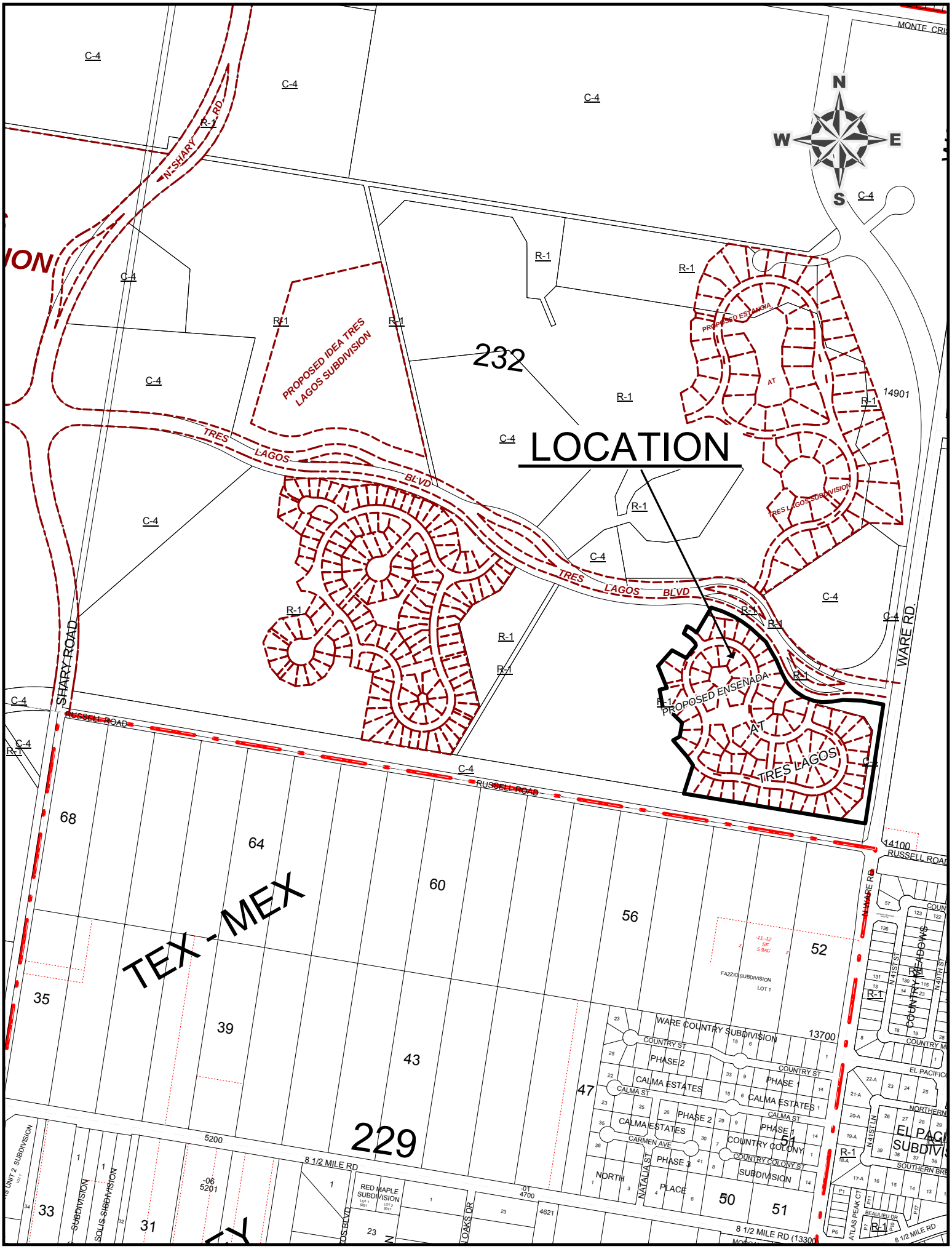
I certify that I am the actual owner of the property described above and (include corporate name if applicable); or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature Mike Rhodes Date 10·28·2015

Print Name Mike Rhodes

Owner ☒ Authorized Agent ☐

Rev 03/11



LOCATION
232
229
TEX - MEX
N
S
E
W
PROPOSED IDEA TRES LAGOS SUBDIVISION
PROPOSED ESTANCIA
AT
TRES LAGOS SUBDIVISION
PROPOSED ENSENADA
AT
TRES LAGOS
TRES LAGOS BLVD
N SHARY RD
SHARY ROAD
RUSSELL ROAD
WARE RD.
N WARE RD
MONTE CRI
14901
14100
13700
5200
8 1/2 MILE RD
8 1/2 MILE RD (13300
FAZZIO SUBDIVISION
LOT 1
WARE COUNTRY SUBDIVISION
COUNTRY ST
PHASE 2
PHASE 1
CALMA ESTATES
CALMA ST
CARMEN AVE
COUNTRY COLONY
COUNTRY COLONY ST
SUBDIVISION
PHASE 3
NORTH
PLACE
NATALIA ST
RED MAPLE SUBDIVISION
COUNTRY MEADOWS
N 41ST ST
N 40TH ST
EL PACIFICO
NORTHERN
SOUTHERN BRE
ATLAS PEAK CT
BEAULIEU DR
C-4
R-1
68
64
60
56
52
35
39
43
47
51
50
33
31

SUBDIVISION MAP OF

ESCONDIDO AT TRES LAGOS SUBDIVISION

BEING A RESUBDIVISION OF 39.417 ACRES BEING
OUT OF SECTION 232, TEXAS-MEXICAN RAILWAY COMPANY SURVEY
ACCORDING TO THE PATENT ISSUED BY THE STATE OF TEXAS, TO W.S. DAUGHERTY
RECORD IN VOL.4, PG. 142-143, H.C.D.R., SAVE AND EXCEPT 10.00 ACRES CONVEYED TO
HIDALGO COUNTY IRRIGATION DISTRICT NO.7 BY VIRTUE OF A WARRANTY DEED RECORDED IN
VOL.622, PG. 638, H.C.D.R.
HIDALGO COUNTY, TEXAS

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

MELDEN & HUNT INC.
CONSULTANTS • ENGINEERS • SURVEYORS

115 W. McINTYRE
EDINBURG, TX. 78541
OFF: (956) 381-0981
FAX: (956) 381-1839

227 N. F.M. 3167
RIO GRANDE CITY, TX. 78582
OFF: (956) 487-8256
FAX: (956) 488-8591

E-MAIL: www.meldenandhunt.com
ESTABLISHED 1947

RECEIVED VIA EMAIL 08/05/2016 AT 10:48 AM

RECEIVED
By Nikki Marie Cavazos at 8:56 am, Aug 10, 2016

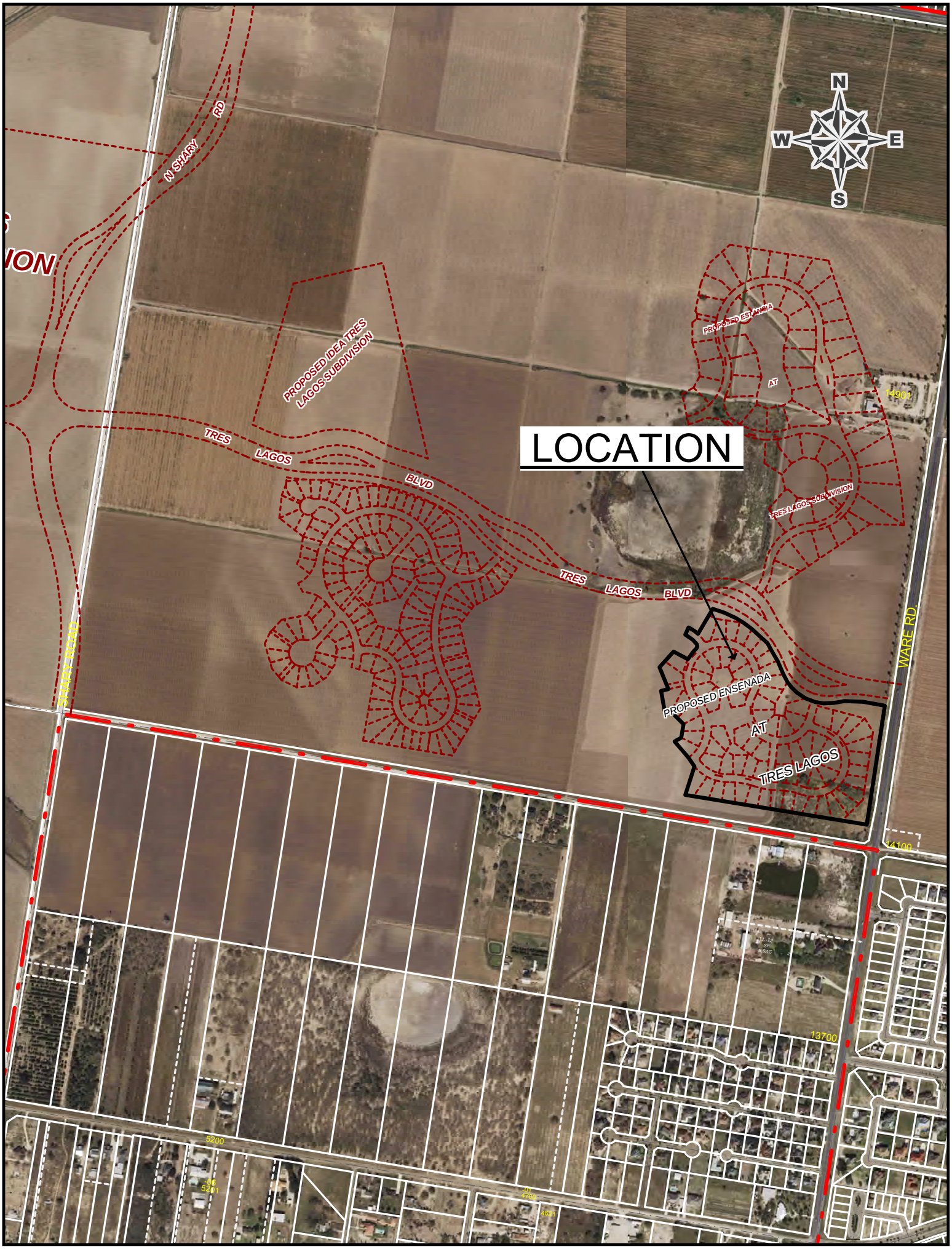
City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 8/12/2016

SUBDIVISION NAME: Ensenada @ Tres Lagos	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
N. Ware Road: 35 ft. dedication for 75 ft. from centerline for 150 ft. ROW. Paving: by the state Curb & gutter: by the state	Compliance
Tres Lagos Blvd.: 100 ft. - 190 ft. ROW to be dedicated by separate instrument; recording number to be shown on the plat Paving: Varies - 65 ft. minimum Curb & gutter: both sides	Applied
Interior Streets: 50 ft. ROW Paving: 32 ft. Curb & gutter: both sides	Applied
* 800 ft. Block Length: Common areas and access walks/drives provided.	Applied
* 600 ft. Maximum Cul-de-Sac: Cul-de-sac street length does not apply provided that the development uses the "coving methods" and emergency access walks/drives are provide, per agreement..	Applied
ALLEYS	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial properties	NA
SETBACKS	
* Front: 20 ft. minimum or greater for easements, per agreement.	Applied
* Rear: As per the Zoning Ordinance or greater for easements, except 20 ft. for double fronting lots along Tres Lagos Blvd.	Applied
* Sides; 5 ft. or greater for easements, per agreement.	Applied
* Corner: 10 ft. or greater for easements, as may be applicable.	Applied
* Garage: 18 ft., except where greater setback required, greater setback applies.	Applied
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on: City Ordinance will no apply provided a sidewalk having a width of at least adequate for pedestrian and bike traffic is provided in a plan that is sealed by the registered engineer designing the unit of development, per agreement.	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, and industrial zones/uses, and along Tres Lagos Blvd. and N. Ware Road.	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.	Applied

NOTES	
* No curb cut, access, or lot frontage permitted along Tres Lagos Blvd. and N. Ware Road.	Applied
* Site plan must be approved by the Planning and Zoning Commission prior to building permit issuance.	NA
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* Common Areas must be maintained by the lot owners/PID and not the City of McAllen	Applied
*Public Improvement District (PID) or Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation, maintenance and other requirements per Section 110-72 of the Vegetation Ordinance, including but not limited to common areas.	Applied
*Public Improvement District (PID) or Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	Applied
LOT REQUIREMENTS	
* Lots fronting public streets: ROW dedication of Tres Lagos Blvd. and N. Ware Road to be dedicated by separate instrument; prior to plat recording the instrument to be noted on the plat.	Applied
* Minimum lot width and lot area: Project engineer to verify that all lots comply with the minimum 50 ft. frontage requirement, per agreement.	Applied
ZONING/CUP	
* Existing: R-1 Proposed: R-1	Compliance
* Rezoning Needed Before Final Approval	NA
PARKS	
* Land dedication in lieu of fee: Must be in compliance with agreement.	Applied
* Park Fee of $700 per dwelling unit is required to be paid prior to recording. **Park Fee is N/A per agreement.	NA
* Pending review by the Parkland Dedication Advisory Board and City Commission.	NA
TRAFFIC	
* Trip Generation to determine if TIA is required, prior to final plat.	Complete
* Traffic Impact Analysis (TIA) required prior to final plat. Per Traffic Department - done as part of the Master TIA.	Compliance
COMMENTS	
Comments: *Subdivision proposed to be public. **License Agreement as may be needed for islands, boulevards, etc. within the ROW. ***Must comply with the Agreement and Public Improvement District (PID) conditions.	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN FINAL FORM SUBJECT TO CONDITIONS NOTED.	Applied


N
S
E
W
N SHARY RD
PROPOSED IDEA TRES LAGOS SUBDIVISION
TRES LAGOS BLVD
TRES LAGOS BLVD
LOCATION
PROPOSED ESTANCIA
AT
TRES LAGOS SUBDIVISION
PROPOSED ENSENADA
AT
TRES LAGOS
SHARY ROAD
WARE RD
14900
14100
13700
5200

City of McAllen
Planning Department
APPLICATION FOR SUBDIVISION PLAT REVIEW

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project Description

Subdivision Name LA HERENCIA ESTATES

Location North side of S.H. 107 and approximately 450 feet west of Mayberry Road

City Address or Block Number N/A

Number of lots 10 Gross acres 8.919 Net acres 8.919

Existing Zoning N/A Proposed _____ Rezoning Applied For ☐ Yes ☐ No Date _____

Existing Land Use N/A Proposed Land Use _____ Irrigation District # UID

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

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

Legal Description

Being a resubdivision of 8.919 acres o/o Lot 49-8, West Addition to Sharyland Subdivision

Owner

Name See attached Owner's Authorizations Phone _____

Address _____

City _____ State _____ Zip _____

E-mail _____

Developer

Name See attached Owner's authorizations Phone _____

Address _____

City _____ State _____ Zip _____

Contact Person _____

E-mail _____

Engineer

Name Melden & Hunt, Inc. Phone 956-381-0981

Address 115 W. McIntyre Street

City Edinburg State TX Zip 78541

Contact Person KelleyHeller-Vela

E-mail kelley@meldenandhunt.com

Surveyor

Name Same as Engineer Phone _____

Address _____

City _____ State _____ Zip _____

SUB2014-0036
RECEIVED
JUN 06 2016
BY: 9:38am
Rct# 381919, Pd $300

Minimum Developer's Requirements Submitted with Application

Proposed Plat Submittal

x $225 Preliminary Review Fee and $75 Final Approval Fee
x Title Report
x 8 ½" by 11" Original Sealed Survey showing existing structures/ easements or 3 blueline copies
x 2 Location Maps
x 2 8 ½" by 11" copies/legible copies of plat with name & north arrow
x 6 Folded blueline prints of the proposed plat
x 2 Warranty Deeds (Identifiying owner on application)
x Autocad 2005 DWG file and PDF of plat
x Letter of Authorization from the owner, if applicable Original Needed
x Proof of authority of person signing application on behalf of partnership/corporation, if applicable

PLAT TO SHOW:

- ✓ Metes and bounds
- ✓ Lots numbered with dimensions and area of irregular lots noted
- ✓ Surrounding platted lots and/or lot lines for uplatted tracts
- ✓ Name and address of owner, lienholder, developer, engineer and surveyor shown along with signature lines
- ✓ North arrow, scale and vicinity map
- ✓ Name & dimension of adjoining street ROWs (total width & width from centerline)

Note: Though the original submittal for application to process a subdivision plat does not require the drainage report or utility plans, it is advisable that they be included with the original submittal to expedite the review process. Complying with the minimum requirements for the original plat submittal does not constitute meeting the deadline for drainage and utility review by the appropriate boards. Additional information will be required during the review to properly complete the subdivision process. Any revisions would require resubmission of blueline copies prints and 8 ½" by 11" copies/legible copy of the plat, affected by changes.

Owner's Signature

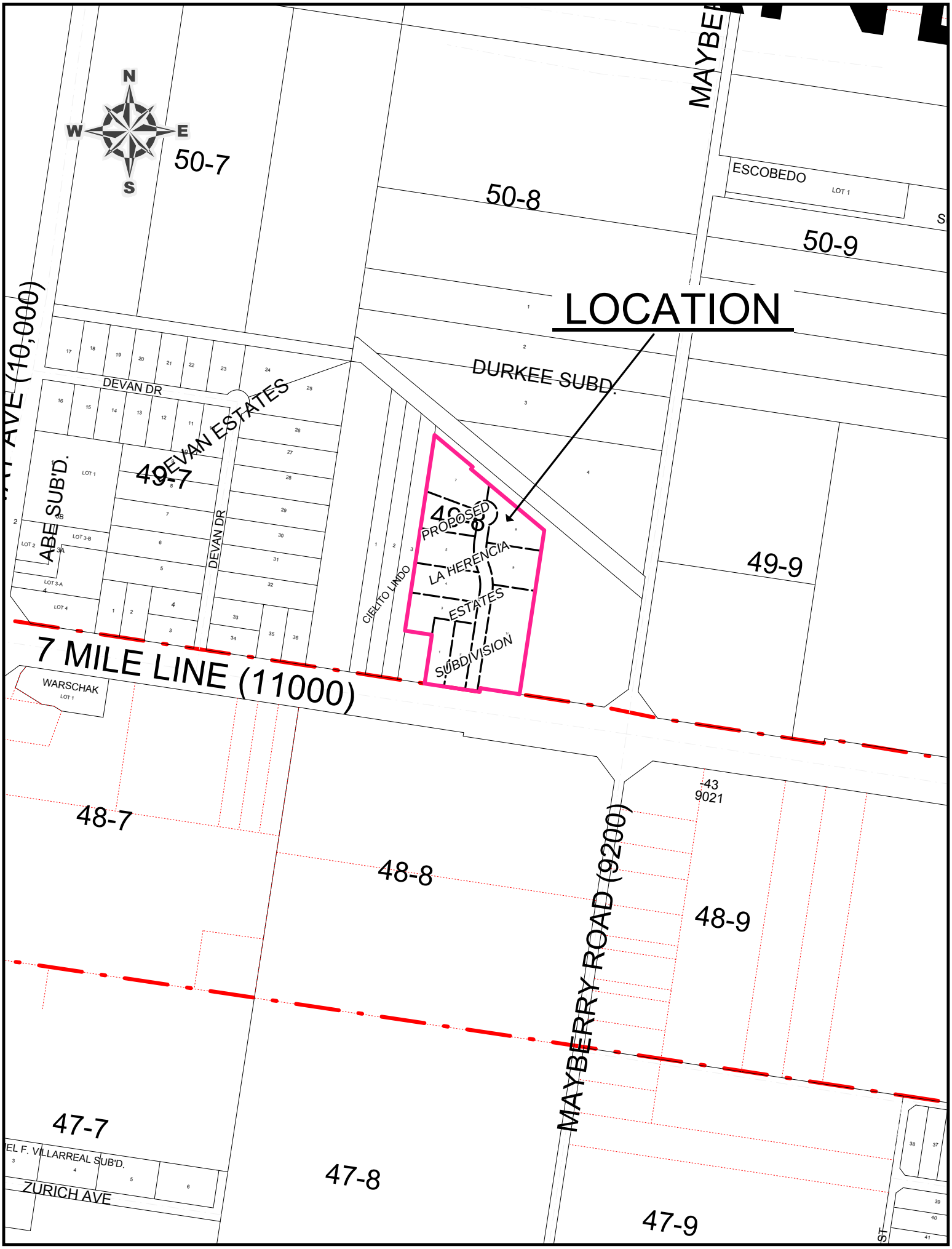
I certify that I am the actual owner of the property described above and (include corporate name if applicable); or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

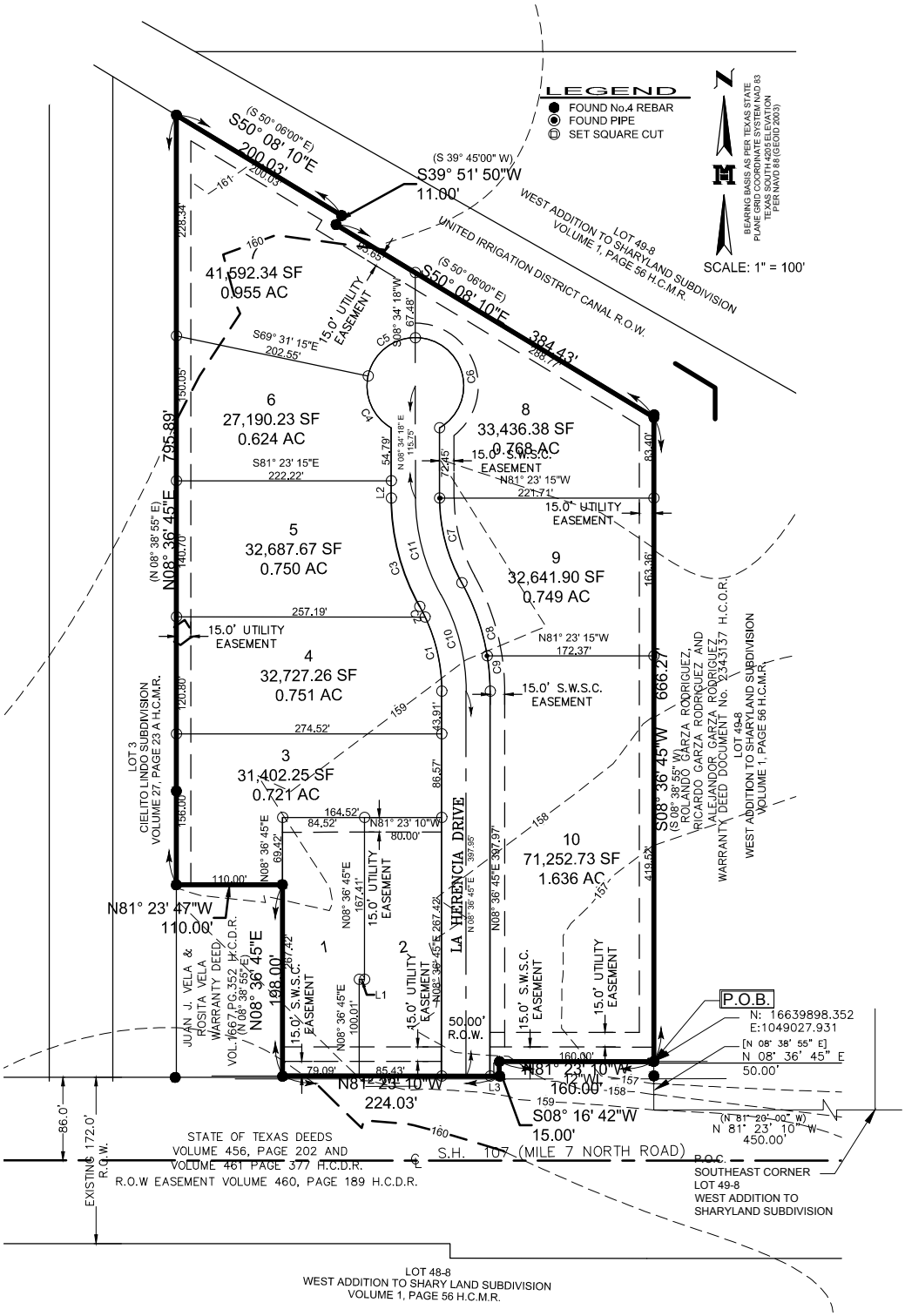
Signature Kelley A. Heller-Vela Date 6/3/2016

Print Name KELLEY HELLER-VELA, P.E.

Owner ☐ Authorized Agent ☒

09/15


N
W
E
S
50-7
50-8
50-9
ESCOBEDO
LOT 1
LOCATION
DURKEE SUBD.
DEVAN DR
DEVAN ESTATES
ABE SUB'D.
LOT 1
LOT 2
LOT 3-A
LOT 3-B
LOT 3-A
LOT 4
49-7
49-8
49-9
PROPOSED
LA HERENCIA
ESTATES
SUBDIVISION
CIELITO LINDO
7 MILE LINE (11000)
WARSCHAK
LOT 1
48-7
48-8
48-9
MAYBERRY ROAD (9200)
47-7
47-8
47-9
EL F. VILLARREAL SUB'D.
ZURICH AVE



SUBDIVISION MAP OF

LA HERENCIA ESTATES SUBDIVISION

BEING A RESUBDIVISION OF 8.919 ACRES
OUT OF LOT 49-8
WEST ADDITION TO SHARYLAND SUBDIVISION
VOLUME 1, PAGE 56, H.C.M.R.
HIDALGO COUNTY, TEXAS.

Y:\Land Development\Residential\McAllen\14080 - La Herencia Estates\14080.00 - Plat Dev-Report-General\AutoCad Files\DWG\HERENCIA Plat.dwg, PLAT, 7/20/2016 11:34:10 AM, rubend

RECEIVED
By Nikki Marie Cavazos at 11:52 am, Jul 20, 2016

City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 7/26/2016

SUBDIVISION NAME: LA HERENCIA ESTATES	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
S. H. 107: 172 ft. ROW existing; Engineer to show centerline to determine additional ROW as needed.	TBD
N/S Interior Street: 50 ft. ROW Paving: 32 ft. proposed Curb & gutter: both sides *interior cul-de-sac shown is approximately 775 ft. in length; exceeds the maximum 600 ft. allowed. **Subject to 40 ft. pavement width if cul-de-sac variance is granted.	Non-compliance
* 800 ft. Block Length _____	NA
* 600 ft. Maximum Cul-de-Sac: Proposed 775 ft. length shown exceeds maximum 600 ft. allowed. **Project Engineer has submitted a variance request to allow the interior N/S street to have a length of approximately 775 ft. instead of the maximum of 600 ft. allowed in Section 134-105 of the Subdivision Ordinance. ***If the variance is granted, it would be subject to 40 ft. of paving with curb & gutter on both sides.	Non-compliance
ALLEYS	
ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Initial plat submittal shows Lot 10 proposed for commercial use, which would require an alley.	TBD
SETBACKS	
* Front: S. H. 107 - 75 ft. or greater for approved site plan N/S Interior Street - 25 ft. for Lots 3 thru 9	Non-compliance
* Rear: 15 ft. or greater for approved site plan or easements.	Applied
* Sides: Proposing 6 ft. or greater for easements.	TBD
* Corner : 10 ft. or greater for easements. Lots 2 & 10 - 25 ft. if use is commercial.	TBD
* Garage: 18 ft. except where greater setback is required, the greater setback applies.	Applied
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on S. H. 107 and both sides of the N/S interior street. **5 ft. wide sidewalk on S. H. 107; verify with Engineering Department.	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, and industrial zones/uses.	Non-compliance

* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses.	Non-compliance
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
NOTES	
* No curb cut, access, or lot frontage permitted along _____	TBD
* Site plan must be approved by the Planning and Zoning Commission prior to building permit issuance. ** If commercial use is proposed, site plan approval may be required.	TBD
* Common Areas, Private Streets must be maintained by the lot owners and not the City of McAllen	TBD
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	TBD
* 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 requirments per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets.	TBD
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	TBD
LOT REQUIREMENTS	
* Lots fronting public streets _____	Compliance
* Minimum lot width and lot area: As proposed, not all lots have the minimum 100 ft. frontage and 1 acre size for septic tank lots. **MPU approved variance allowing lots with less that 100 ft. of frontage and 1 acre in size on June 28, 2016.	Complete
ZONING/CUP	
* Existing: ETJ Proposed: ETJ **If the property is annexed, initial zoning of the property will be needed prior to final consideration..	TBD
* Rezoning Needed Before Final Approval: If property is annexed, initial zoning will be required prior to final consideration.	TBD
PARKS	
* Land dedication in lieu of fee _____	NA
* Park Fee: If the property is annexed, park fee will be required prior to recording.	Applied
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
TRAFFIC	
* Trip Generation to determine if TIA is required, prior to final plat.	Applied
* Traffic Impact Analysis (TIA) required prior to final plat.	Applied

COMMENTS	
Comments: *Engineer to clarify if the subdivision is proposed as public or private. **Street name to comply with city requirements. ***Public Utility to address lot size and width for use of septic tank - prior to final plat consideration. ****Annexation/Initial zoning request needed prior to final plat consideration. *****Must escrow monies for improvements if not constructed prior to plat recording.	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION PLAT IN REVISED PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, AND UTILITY AND DRAINAGE APPROVALS.	Applied

MELDEN & HUNT INC.
CONSULTANTS • ENGINEERS • SURVEYORS
FRED L. KURTH • ALLAN F. BOOE • KELLEY A. HELLER-VELA • ROBERTO N. TAMEZ • MARIO REYNA
TBPE Firm # F-1435
TBPLS # 10096900

July 6, 2016

Mr. Luis Mora, Senior Planner
CITY OF MCALLEN PLANNING DEPT.
311 N. 15th St.
McAllen, TX 78501

Re: La Herencia Estates – Variance Request to Section 134-105 Street Requirements of the Subdivision Ordinance/Cul-de Sac length

Dear Mr. Mora:

On behalf of the owners, Vela Development, LLC, Eliza Vela & Sylvia Vela and Maria Marcelina Vela & Ramona Vela and in reference to La Herencia Estates, we respectfully request a variance for the following item:

1. Maximum Cul-de-Sac length in subdivisions shall not exceed 600 ft. – Section 134-105 of the Subdivision Ordinance. We ask that the length be allowed as shown, currently 775 ft.

Your consideration on this matter is greatly appreciated at your next Planning & Zoning Meeting. If you have any questions or comments, please contact our office. Thank you.

Sincerely,
MELDEN & HUNT, INC.

Kelley A. Heller-Vela

Kelley Heller-Vela, P.E.
Vice-President

cc: Vela Development, LLC, Eliza Vela & Sylvia Vela and Maria Marcelina Vela & Ramona Vela, Owners

RECEIVED
JUN 1-9 2016
BY: BC 3:41pm

N
W
E
S
50-7
50-8
50-9
MAYBE
ESCOBEDO
LOCATION
DURKEE SUBD.
DEVAN DR
DEVAN ESTATES
49-7
49-8
49-9
ABE SUB'D
PROPOSED
LA HERENCIA
ESTATES
SUBDIVISION
CIELITO LINDO
7 MILE LINE (11000)
WARSCHAK
48-7
48-8
48-9
MAYBERRY ROAD (9200)
47-7
47-8
47-9
EL F. VILLARREAL SUB'D
ZURICH AVE

Planning Department

Memo

TO: Planning & Zoning Commission

FROM: Planning Staff

DATE: August 12, 2016

SUBJECT: REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 0.90 ACRES OUT OF LOT 207, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 301 SOUTH TAYLOR ROAD. (REZ2016-0032)

GOAL: Zoning regulations must be adopted in accordance with *Foresight McAllen* and designed to 1) lessen congestion, 2) secure safety from fire and other dangers, 3) promote health and general welfare, 4) provide adequate light and air, 5) prevent overcrowding of land 6) avoid undue concentration of population, 7) facilitate the adequate provision of transportation, water, sewers, school, parks, and other public requirements and 8) protect and preserve places and areas of historical, cultural or architectural importance or significance. L.G.C. Section 211.004.

LOCATION: The property is located along the east side of South Taylor Road approximately 830 feet south of Highway 83. The tract has 73.6 feet of frontage along South Taylor Road and a depth of 535 feet for a tract size of .90 acres.

PROPOSAL: The applicant is requesting R-3A (multifamily residential apartment) District in order to construct apartments. A feasibility plan has been submitted to the Planning Department showing 14 apartments.

ADJACENT ZONING: Adjacent zoning is R-1 (single family residential) District to the south, R-4 (modular home and mobile home) District to the north and east and the City of Mission to the west.

LAND USE: The tract comprises one lot that contains a single family residence. Surrounding land uses are single family residential and mobile homes.

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

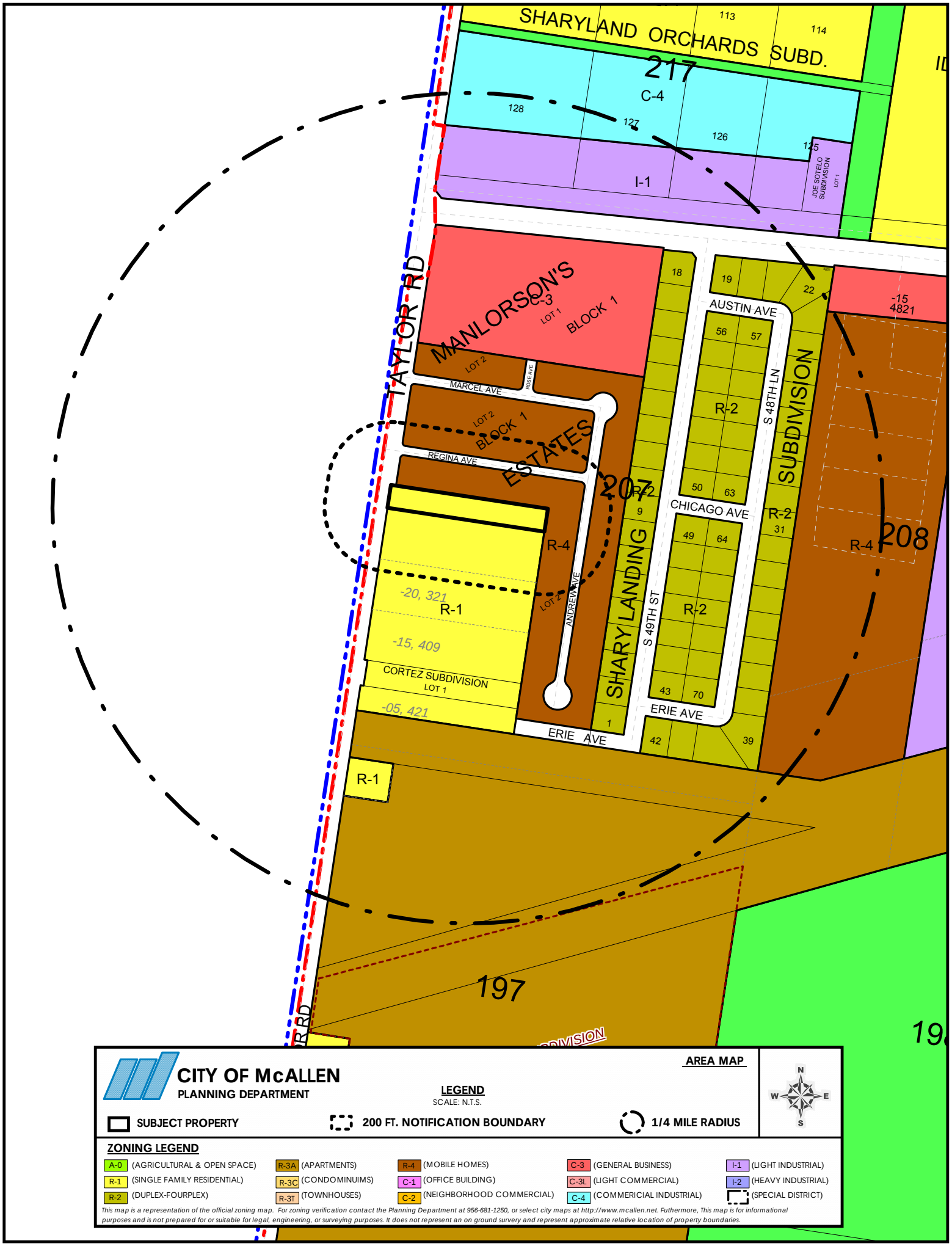
DEVELOPMENT TRENDS: The development trend in the area is single family and mobile homes. The property was zoned A-O (agriculture-open space) District upon annexation in 1999 and subsequently rezoned to R-1 District in 2015 as part of the City of McAllen A-O District rezoning project. There have been no rezoning requests on the property since that time. A property to the south was rezoned for R-1 (single family residential) District in 2006 for Cortez Subdivision. Two tracts located to the south were rezoned to R-3A District in 2012 and 2015 and

are 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 property was rezoned to R-1 District in 2015 to support existing single family uses. The existing residence has a septic system. A single family residence was constructed in Cortez Subdivision located to the south in 2006 with a septic system and escrow payment for future sewer improvements. McAllen Public Utilities grants a variance for septic systems for a single family residence but not for apartment uses. The feasibility plan shows 14 apartment units. Apartment use for the subject property would require extension of a sewer line approximately 1,400 feet. The applicant has not determined the feasibility of extending the sewer line at this time. The number of vehicle trips generated by low-rise apartments is 6.59 vehicle trips per day or 92 trips per day. Taylor Road is designated as a major collector with 80 feet of right-of-way and constructed as a 2 lane rural roadway with no shoulders, no curb and gutter, no street lights, and a posted speed limit of 45 miles per hour. A masonry screen with a height of 8 feet is required along lot lines in common with a single family use or zone. A park fee of $700 per unit is required prior to recording of the plat. A recorded subdivision plat and approved site plan is required prior to issuance of any building permit.

RECOMMENDATION: Staff recommends disapproval of the rezoning request at this time since the applicant has not determined the feasibility of extending sewer service.

PLANNING AND ZONING COMMISSION MEETING OF AUGUST 2, 2016: At the Planning and Zoning Commission meeting of August 2, 2016 no one appeared in opposition of the rezoning request. The applicant requested that the rezoning request be tabled in order to allow time to determine feasibility of extending sewer service to the proposed development tract. The Board voted to table the rezoning request with four members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

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

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINUIMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERICIAL 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 survery and represent approximate relative location of property boundaries.

CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

N
W E
S

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at http://www.mcallen.net. 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 survery and represent approximate relative location of property on ground survery and represent approximate relative ocation of property boundaries.

BUILDING SETBACKS (PROPOSED):
FRONT (WEST): 40-0"
NORTH SIDE: 8'-0"
SOUTH SIDE: 47'-7"
REAR (EAST): 10'-0"

GREEN AREA:
CITY REQUIREMENTS: 10% OF LOT AREA.
73.6x505' = 37,168 FT²
37,168 FT² x 10% = 3,717 FT² TOTAL REQUIRED

FRONT YARD AREA REQUIRED (50% OF FRONT YARD):
73.6x40' = 2,944 FT² / 2 = 1,472 FT REQUIRED
1,506 FT² PROVIDED

GREEN AREA PROVIDED: AREA 1 - 312 FT²
AREA 2 - 1,718 FT²
AREA 3 - 412 FT²
AREA 4 - 739 FT²
AREA 5 - 3,605 FT²
AREA 6 - 832 FT²
TOTAL PROVIDED - 7,618 FT²

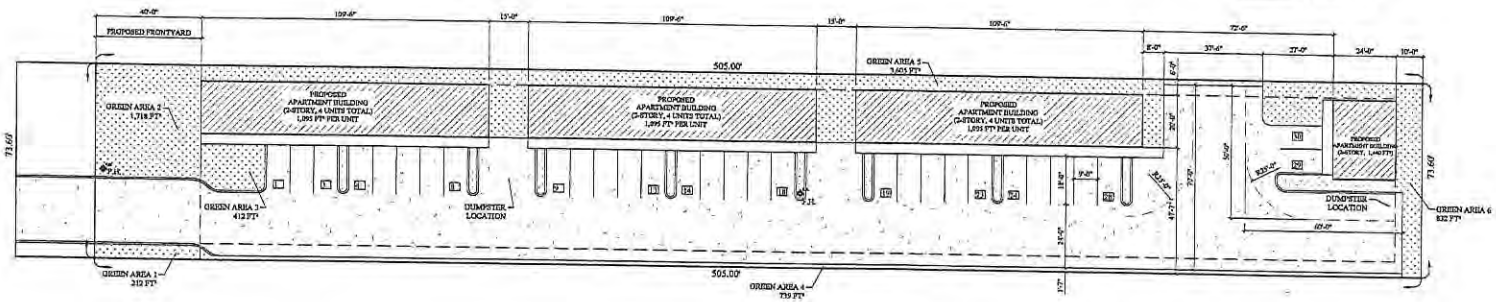
SHRUBS: PROVIDE SHRUBS ALONG FRONT WALL OF HOUSE, 3 GAL. MINIMUM SIZE. ~~PROVIDE ORNAMENTAL SMALL TREE OR LARGE SHRUB TWO CORNERS OF HOUSE.~~

PLANTING BEDS: ALL PLANTING BEDS SHALL BE MULCHED OR COVERED WITH GROUND COVER.

PARKING (2 SPACES PER UNIT):
PROPOSED UNITS 14 x 2 = 28 PARKING SPACES REQUIRED
32 PARKING SPACES PROPOSED

GENERAL SITE PLAN NOTES:
1. SITE LAYOUT INCLUDING BUILDING IS FOR REFERENCE ONLY, AND IS NOT CONSIDERED A SURVEY, AND SHOULD NOT BE USED AS A SURVEY. SITE PLAN SHOULD NOT BE USED FOR ANY DEVELOPMENT, SITE CONSTRUCTION, AND/OR BUILDING CONSTRUCTION. IF OWNER AND/OR CONTRACTOR DECIDES TO USE THIS SITE PLAN FOR SITE CONSTRUCTION, IS AT OWN RISK. SURVEY RECOMMENDED.
2. SITE PLAN PROPERTY LINES DRAWN AS PER LOT DIMENSIONS AVAILABLE FROM RECORDED SUBDIVISION PLAT AND LEGAL DESCRIPTION.
3. OWNER/CONTRACTOR TO VERIFY WITH CITY ON ANY REQUIRED R.O.W. PERMITS, SUBDIVISION REQUIREMENTS, ZONING, TXDOT PERMITS, CURB CUTS PERMITTED, CURB CUT APPROACH MINIMUM AND MAXIMUM SIZE PERMITTED.
4. DRIP IRRIGATION SYSTEM REQUIRED PER SUBDIVISION HOMEOWNERS ASSOCIATION. IRRIGATION PLANS, PERMIT, AND INSTALLATION BY LICENSED IRRIGATOR.
5. FIELD VERIFY ALL MEASUREMENTS OF SITE LAYOUT; INCLUDING BUILDING LOCATION PRIOR TO DEVELOPMENT AND/OR CONSTRUCTION. ENGINEER IS NOT RESPONSIBLE FOR ANY CONSTRUCTION AND/OR DEVELOPMENT. CONTRACTOR IS RESPONSIBLE FOR ALL MEASUREMENT VERIFICATION PRIOR TO DEVELOPMENT AND/OR CONSTRUCTION.
6. OWNER/CONTRACTOR IS RESPONSIBLE TO OBTAIN APPROVAL FROM CITY AND/OR OTHER ENTITIES AS REQUIRED, FOR SITE LAYOUT.
7. OTHER CIVIL DRAWINGS IF REQUESTED BY MUNICIPALITY, ARE TO BE OBTAINED BY CONTRACTOR AND/OR OWNER.
8. CONTRACTOR IS RESPONSIBLE FOR VERIFYING LOCATION OF ALL EASEMENTS AND/OR R.O.W. ON OR ADJACENT TO PROPERTY PRIOR TO CONSTRUCTION.
9. CONTRACTOR RESPONSIBLE FOR REQUESTING UTILITY IDENTIFICATION AND/OR LOCATIONS FROM 811.

—CONCRETE
—GREEN AREA
—ASPHALT PAVING



NOTE: THESE PLANS ARE AT A PRELIMINARY STAGE AND BEING COMPLETED. THESE DRAWINGS ARE NOT CONSTRUCTION DRAWINGS. DESIGNER IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DONE USING THESE PLANS. STRUCTURAL ENGINEERED DESIGN IS REQUIRED FOR CONSTRUCTION.

*NOTES:
1. CONTRACTOR/CUSTOMER/OWNER IS RESPONSIBLE CONTRACTOR FOR THIS PROJECT. DESIGNER IS NOT RESPONSIBLE FOR ANY CONTRACTING AND/OR CONSTRUCTION.

SITE PLAN
Scale: 1:20

N. 73.0' - S 724.90' - W.53' - LOT 307, 0.90 AC NET
JOHN H. SHARY
MCALLEN, TX
301 S. TAYLOR RD.

REVISIONS / AREAS:

CUSTOMER:
JOSE LUIS PEÑA
MCALLEN, TX

CONTRACTOR:

DATE:
7-05-16

REVISIONS:

DRAWN BY: J.M.
REVIEWED BY: J.M.

SITE PLAN

SCALE: PER DETAIL

PAGE NO.
1.0

PROJECT NO.
26-016

RECEIVED
JUL 05 2016
BY:

Planning Department

Memo

TO: Planning & Zoning Commission

FROM: Planning Staff

DATE: August 12, 2016

SUBJECT: REZONE FROM C-3L (LIGHT COMMERCIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 4.30 ACRES OUT OF LOT 367, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 6320 NORTH TAYLOR ROAD. (REZ2016-0029)

GOAL: Zoning regulations must be adopted in accordance with *Foresight McAllen* and designed to 1) lessen congestion, 2) secure safety from fire and other dangers, 3) promote health and general welfare, 4) provide adequate light and air, 5) prevent overcrowding of land 6) avoid undue concentration of population, 7) facilitate the adequate provision of transportation, water, sewers, school, parks, and other public requirements and 8) protect and preserve places and areas of historical, cultural or architectural importance or significance. L.G.C. Section 211.004.

LOCATION: The property is located at the southeast corner of Lark Avenue (4 Mile Line) and North Taylor Road. The tract has 229 feet of frontage along North Taylor Road and a depth of 816.80 feet at its deepest point for a tract size of 4.30 acres.

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

ADJACENT ZONING: Adjacent zoning is R-1 (single family residential) District to the east and south, A-O (agricultural-open space) District to the north across Lark Avenue and outside the city to the west.

LAND USE: The tract comprises one lot that is vacant. Surrounding land uses are single family residential, apartments, Iglesia Union Cristiana, McAllen Iglesia Del Nazareno, and Chamsarang Korean Presbyterian Church of McAllen.

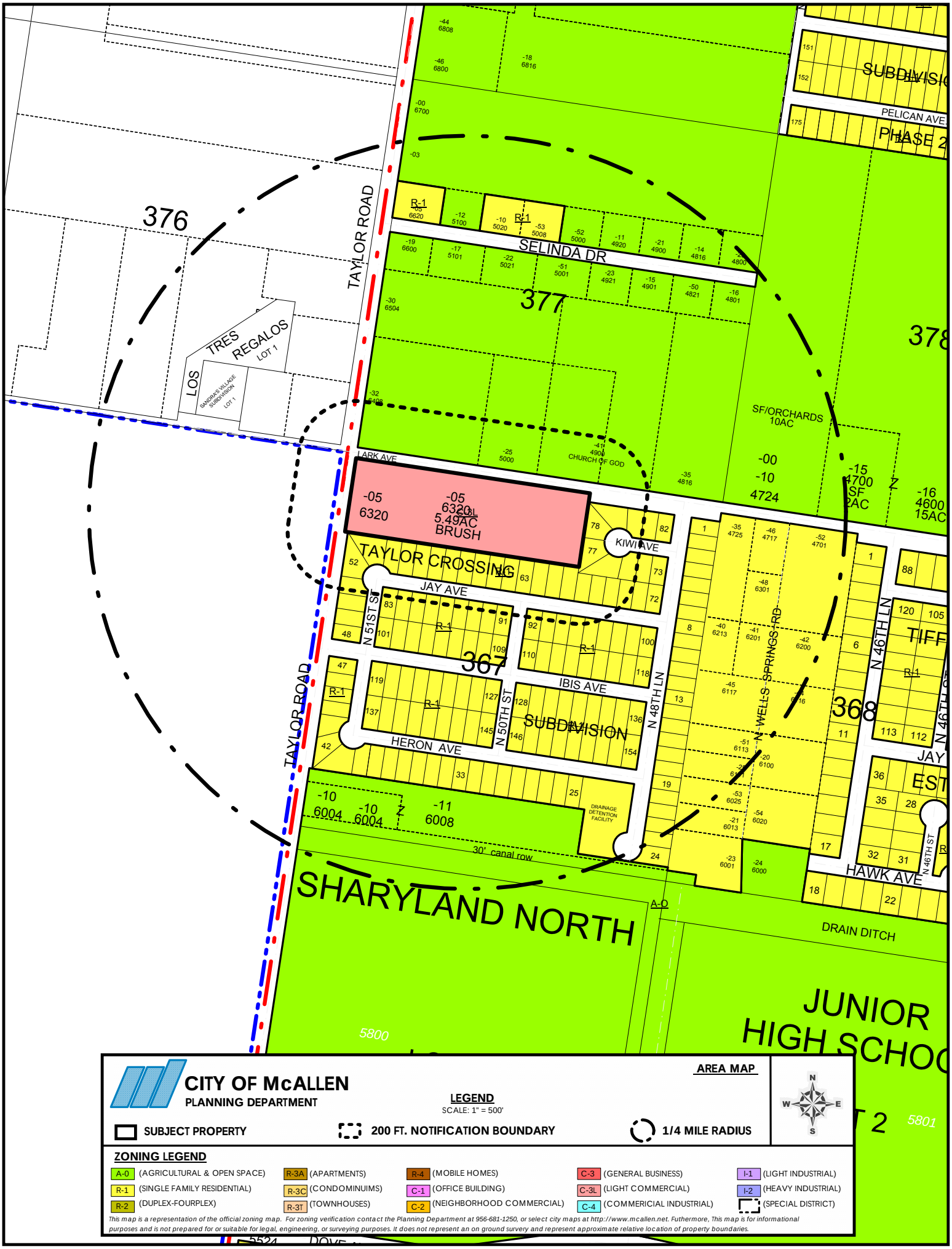
COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan designates the future land use as Suburban Commercial and Suburban Residential.

DEVELOPMENT TRENDS: The development trend in the area is single family on rural tracts, single family residential subdivision, and institutional uses. The property was rezoned C-3L (light commercial) District as part of the city initiated A-O District rezoning project in September 2015. The property to the south was rezoned for R-1 (single family residential) District in 2008 for Taylor Crossing Subdivision.

ANALYSIS: The requested zoning does not conform to the Suburban Commercial and Suburban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan. The maximum number of units permitted on the subject property based upon the tract size ranges from 187 1-bedroom units to 149 2-bedroom units, and 124 3-bedroom units. The number of vehicle trips generated by low-rise apartments is 6.59 vehicle trips per day or a total of 1,232 to 817 per day depending on the units. The number of apartment units likely to be constructed would be limited based upon parking and landscaping requirements. Taylor Road is designated as a major collector with 80 feet of right-of-way and currently has currently 50 feet of right-of-way and is constructed as a rural collector with two travel lanes and no shoulders. Lark Avenue is designated as a minor arterial with 100 feet of right-of-way and is currently 40 feet of right-of-way with two travel lanes and no shoulders. There is a pattern of commercial use along Taylor Road at arterial intersections. Commercial uses are more suitable at arterial intersections due to large traffic volume and high visibility.

RECOMMENDATION: Staff recommends disapproval of the rezoning request.

PLANNING AND ZONING COMMISSION MEETING OF JULY 19, 2016: At the Planning and Zoning Commission meeting of July 19, 2016 no one spoke in opposition of the rezoning request. Upon written request by the representative for the applicant, the Board unanimously voted to table the rezoning request with five members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND
SCALE: 1" = 500'

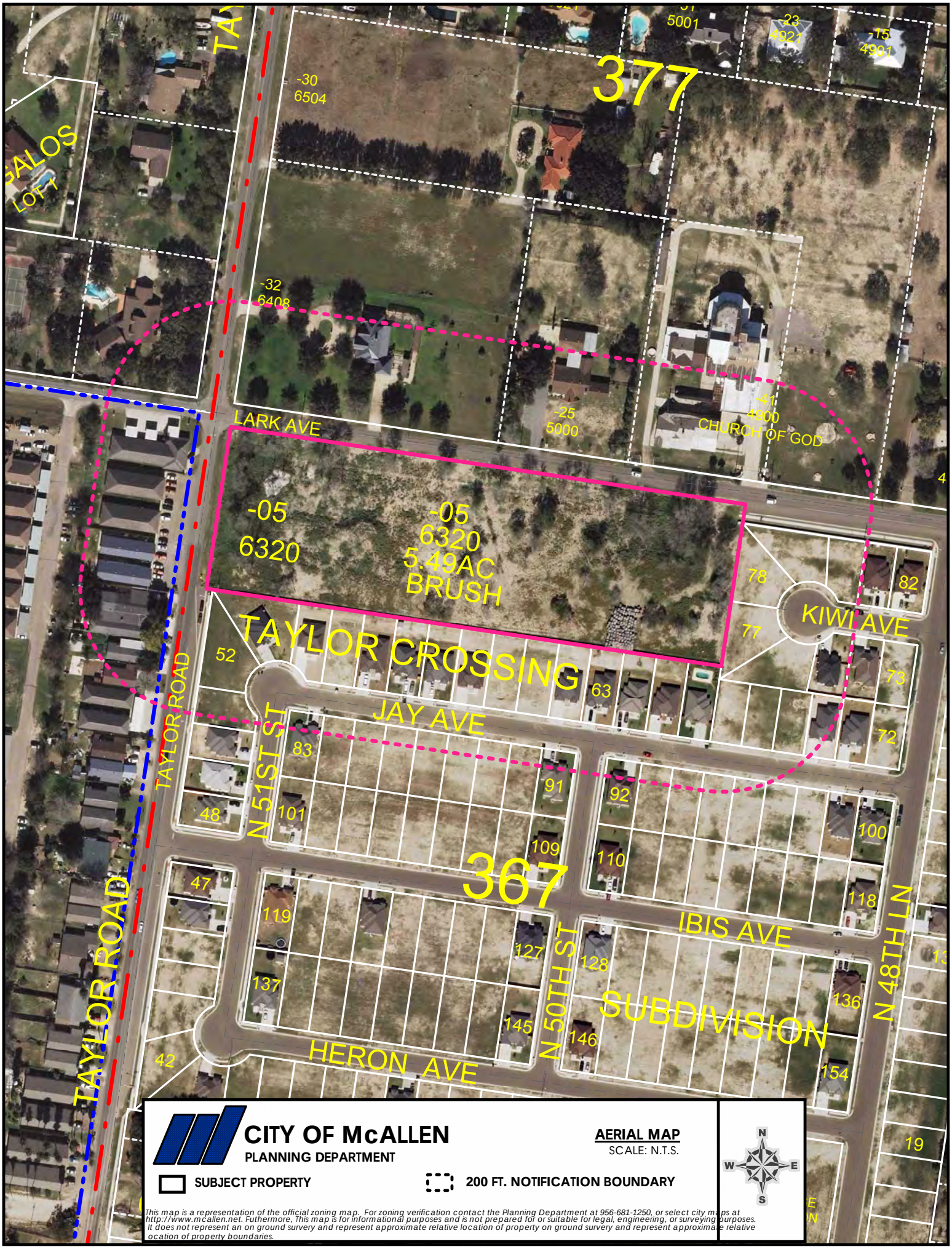
SUBJECT PROPERTY | 200 FT. NOTIFICATION BOUNDARY | 1/4 MILE RADIUS

N W E S

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINUIMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERICIAL 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 survery and represent approximate relative location of property boundaries.



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 survery and represent approximate relative location of property on ground survery and represent approximate relative ocation of property boundaries.

Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: August 11, 2016

SUBJECT: **REQUEST OF MELDEN & HUNT, INC. ON HALF OF TEXAS A & M, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE (SCHOOL) AT THE 100.849 ACRES CONSISTING OF 100.531 ACRES OUT OF SECTION 227 AND 0.318 OF 1 ACRE OUT OF SECTION 232, TEXAS MEXICAN RAILWAY COMPANY SURVEY SUBDIVISION, HIDALGO COUNTY, TEXAS; 6200 TRES LAGOS BOULEVARD.**

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 approximately ½ mile north of Russell Road and 4,800 ft. west of North Ware Road. Once Tres Lagos Boulevard is constructed, the property will be located on the north side of the street. The property is zoned C-4 (commercial industrial) District with a portion to the northwest being zoned R-1 (single family residential) District. The adjacent zoning is C-4 District to the northeast, northwest, east, and southeast, R-1 District to the northwest and southwest, and R-3A (apartments) District to the north and west. The surrounding land uses include vacant land. An institutional use is permitted in a C-4 zone with a conditional use permit and in compliance with requirements.

REQUEST/ANALYSIS:
The property is part of Texas A & M Tres Lagos Subdivision, which received preliminary approval on November 17, 2015. A note on the plat states that a site plan must be approved by the Planning and Zoning Commission prior to issuance of a building permit.

Currently, the property is vacant. The applicant is proposing to construct a three story school in the property. The construction of the school will be done in two phases. Phase I will consist of the three story school building, main drive, and a parking lot with 288 spaces on the east side of the building. Phase II consists of a parking lot on the west side of the building with an additional 122 parking spaces for the school. The site plan and the engineer indicate future development on the property. Any future

development must comply with any city requirements such as landscaping, setbacks, parking, etc. A Trip Generation will need to be submitted and approved by the Traffic Operations Department.

Building and right-of-way permits will be required and are subject to complying with all the requirements for landscaping, access, setbacks, parking, etc. 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 site plan submitted for the parking lot shows proposed access along Tres Lagos Boulevard;

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 5 parking spaces per classrooms and 1.5 parking spaces per offices, the required parking is 196 spaces for the school; 288 spaces are 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;

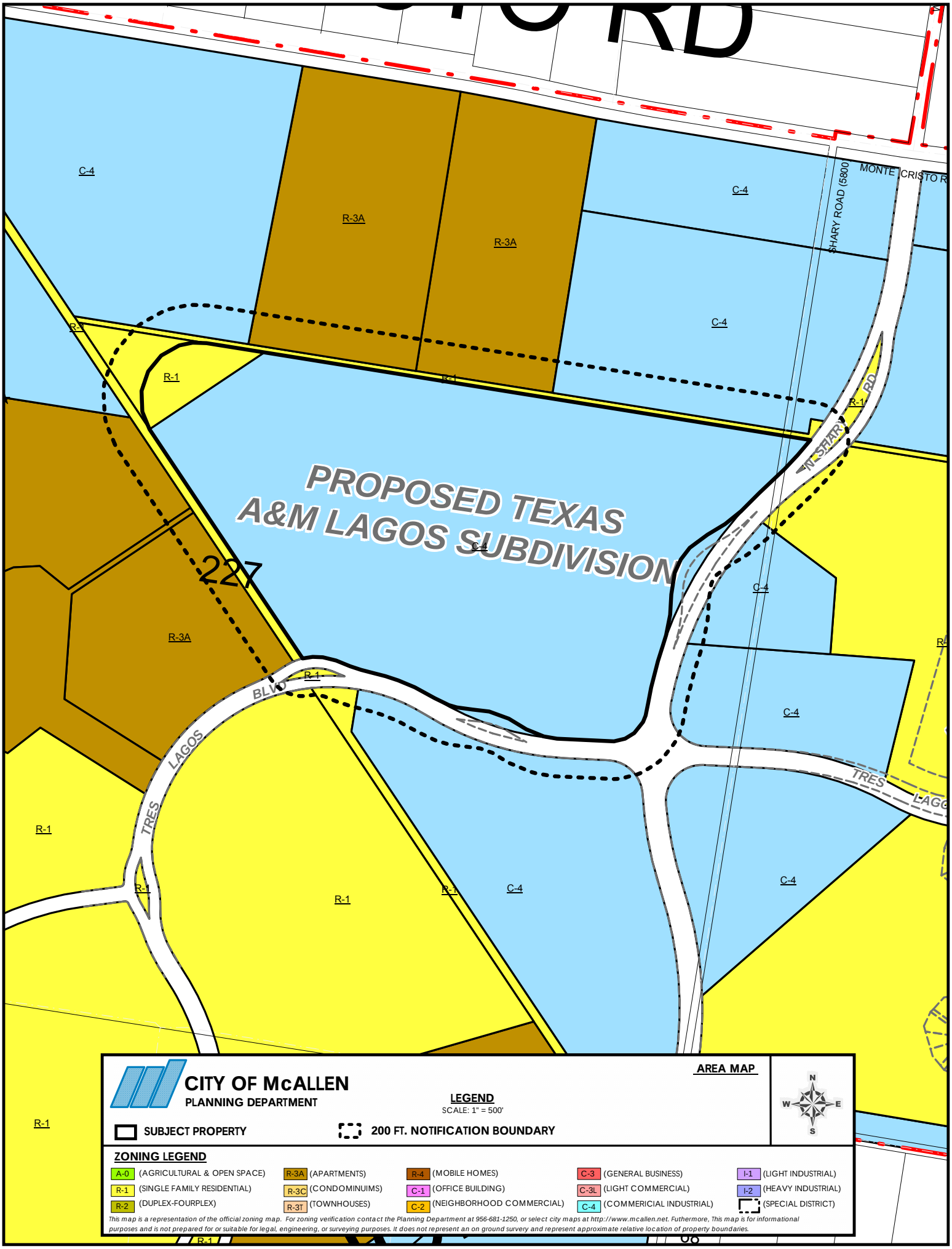
4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;

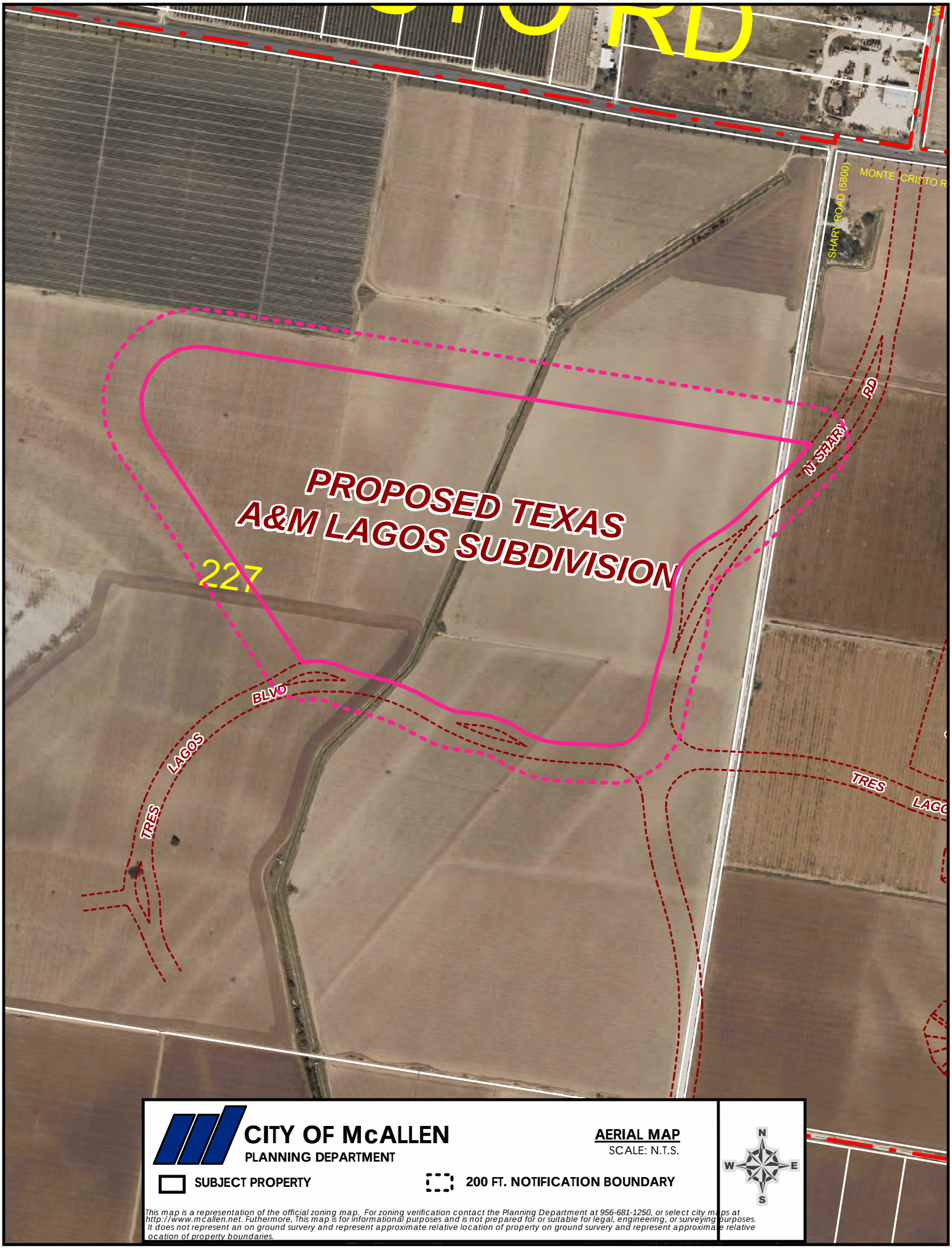
5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;

6) The number of persons within the building shall be restricted to 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.

RECOMMENDATION:
Staff recommends approval of the request, for life of the use, subject to the Zoning and Subdivision Ordinance, site plan approval, Building Permit requirements and Fire Department requirements.


PROPOSED TEXAS A&M LAGOS SUBDIVISION
227
TRES LAGOS BLVD
N SHARY RD
SHARY ROAD (5800
MONTE CRISTO R
C-4
R-3A
R-1
CITY OF McALLEN
PLANNING DEPARTMENT
AREA MAP
LEGEND
SCALE: 1" = 500'
SUBJECT PROPERTY
200 FT. NOTIFICATION BOUNDARY
N
W
E
S
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 survery and represent approximate relative location of property boundaries.



CITY OF McALLEN
PLANNING DEPARTMENT

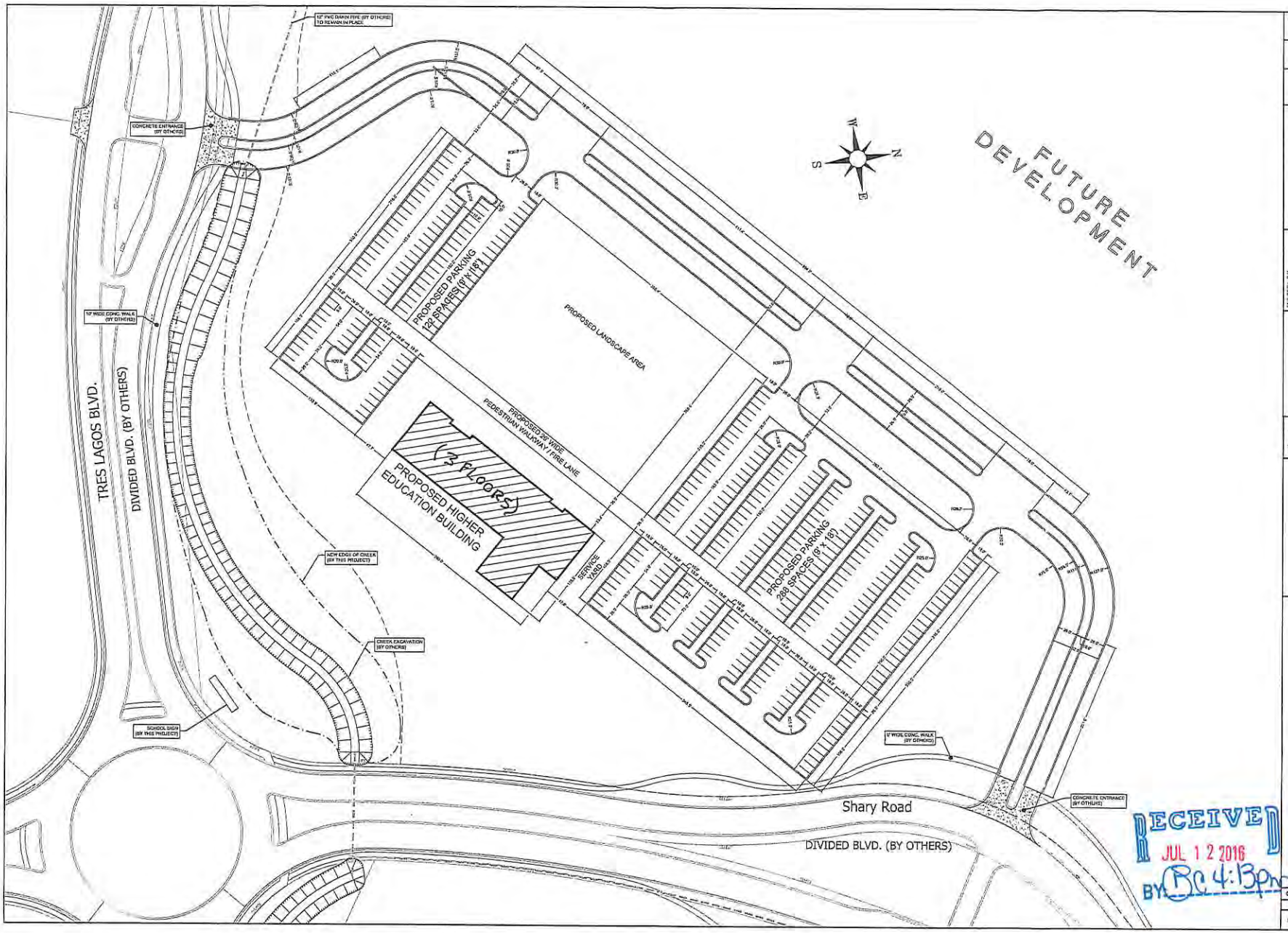
AERIAL MAP
SCALE: N.T.S.

N W E S

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at http://www.mcallen.net. 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 on ground survey and represent approximate relative ocation of property boundaries.



RECEIVED
JUL 12 2016
BY: BC 4:13pm

JOB No.
16078.00

ENGINEER
MELDEN & HUNT INC
CONSULTING ENGINEERS & SURVEYORS
115 W. MONTE VISTA
McALLEN, TEXAS 78503
PH: (956) 381-0981
FAX: (956) 381-1839
TBPE No. F-2009
227 N. "A" St. 3 1/2
McALLEN, TEXAS 78501
PH: (956) 682-4168
FAX: (956) 682-8029
TBPLS No. 10018800

DATE	BY

ENG. TECH.: B.M.
PROJECT ENG.: F.X.
TECH.: P.C.
1 RELEASE DATE:
2 RELEASE DATE:
3 RELEASE DATE:
SCALE: 1" = 50'

THIS DOCUMENT IS NOT BASED FOR THE PURPOSE OF INTENT OF REVIEW UNDER THE AUTHORITY OF FRED L. NORTH, P.E. 84451 ON JUNE 24, 2016. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.

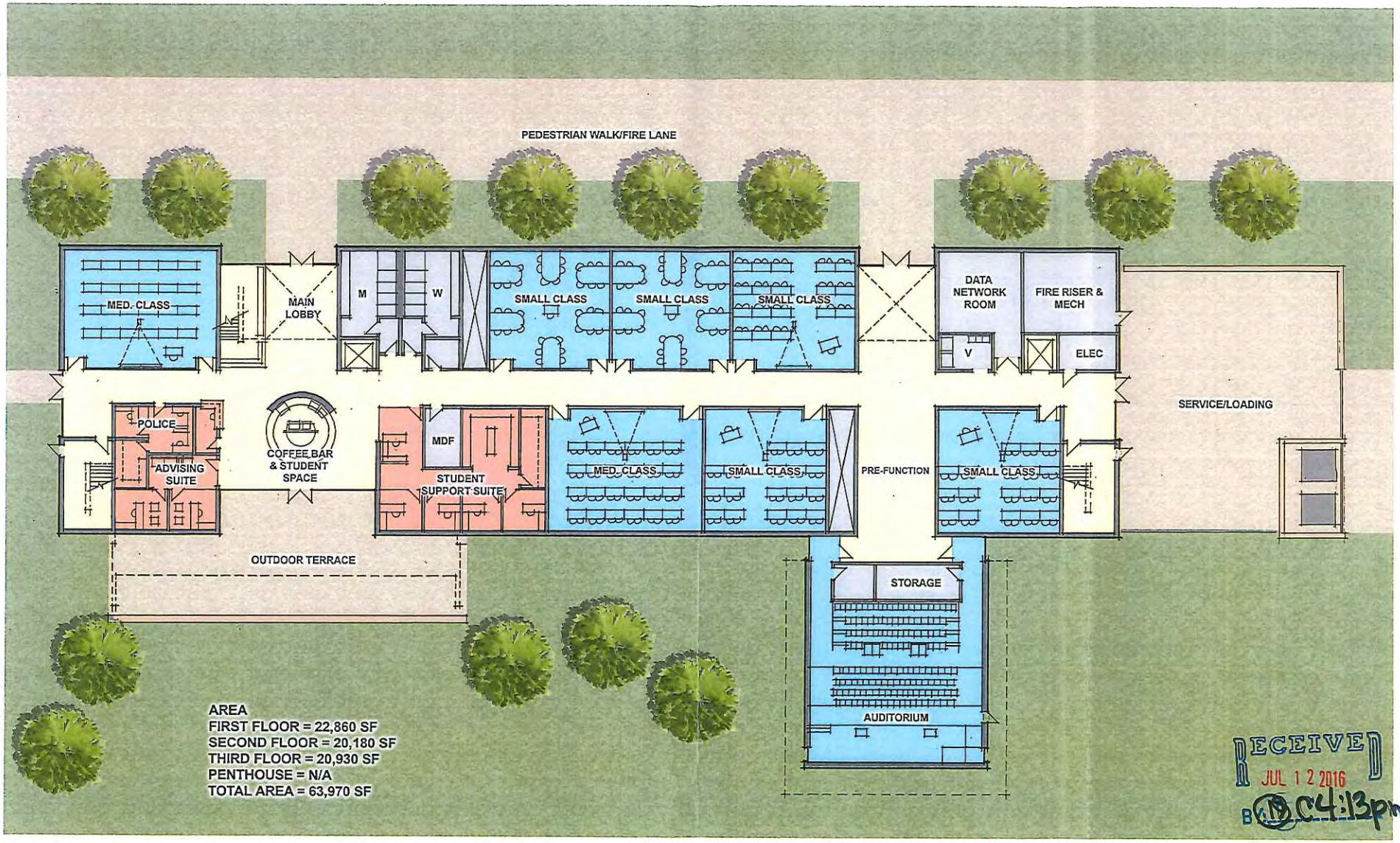
TAMU PHASE I
TRES LAGOS
CITY OF McALLEN

SITE PLAN & DIMENSIONING

©Copyright 2016 Melden & Hunt, Inc.
All Rights Reserved.

File Name:

SHEET 1 OF XX

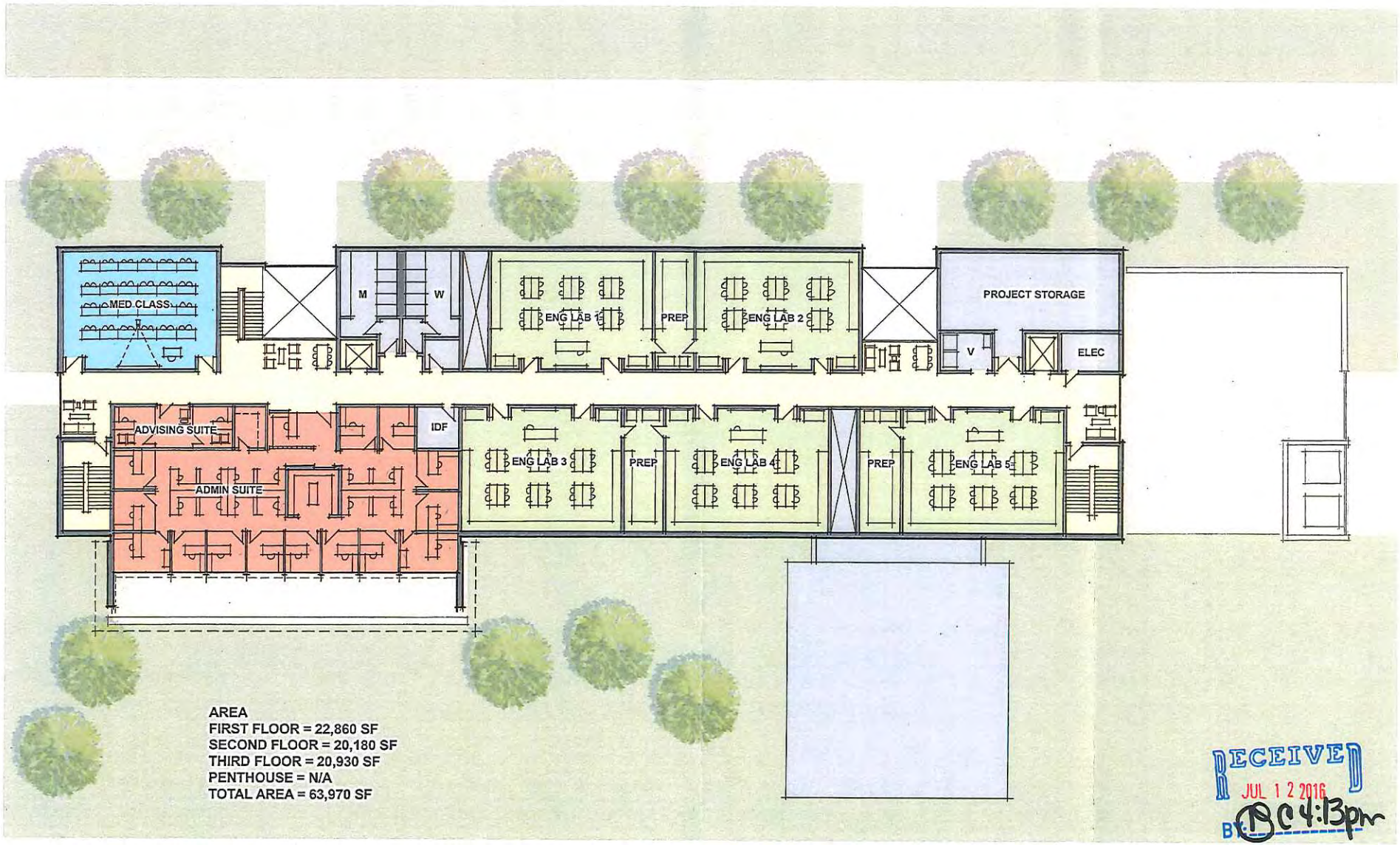


RECEIVED
JUL 12 2016
B 4:13pm

FIRST FLOOR PLAN
3/32" = 1' - 0"

TEXAS A&M UNIVERSITY
McALLEN HIGHER EDUCATION CENTER
06/20/2016

PBK

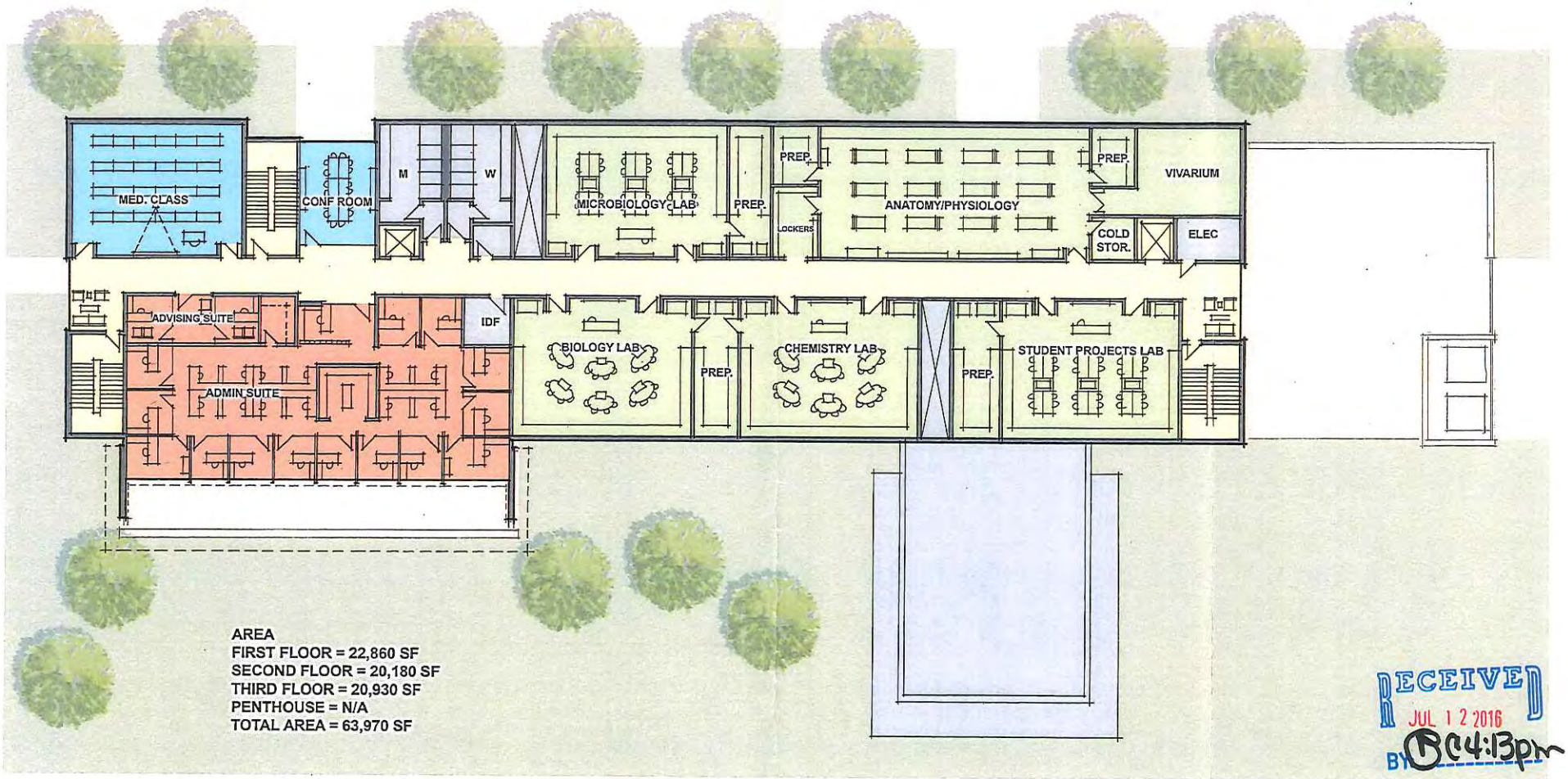


RECEIVED
JUL 12 2016
BY: BC 4:13pm

SECOND FLOOR PLAN
3/32" = 1' - 0"

TEXAS A&M UNIVERSITY
McALLEN HIGHER EDUCATION CENTER
06/20/2016

PBK



AREA
FIRST FLOOR = 22,860 SF
SECOND FLOOR = 20,180 SF
THIRD FLOOR = 20,930 SF
PENTHOUSE = N/A
TOTAL AREA = 63,970 SF

RECEIVED
JUL 12 2016
BY BC 4:13pm

THIRD FLOOR PLAN
3/32" = 1' - 0"

TEXAS A&M UNIVERSITY
McALLEN HIGHER EDUCATION CENTER
06/20/2016

PBK

NOTICE
INSTITUTIONAL
For
This Property
CUP2016-0105

Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: August 10, 2016

SUBJECT: **REQUEST OF GRICELDA CASTRO FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A HOME OCCUPATION (DAYCARE) AT THE NORTH 18 FT. OF LOT 56 AND THE SOUTH 47 FT. OF LOT 57, BLOCK 2, GOLDEN ACRES RETIREMENT #4 SUBDIVISION; 400 NORHT 41ST 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 41st Street, approximately 260 ft. south of Ebony Avenue and is zoned R-2 (duplex-fourplex) District. The adjacent zoning is R-2 District in all directions. The surrounding land uses include single and multi-family residences. A day care is allowed in an R-2 zone with a Conditional Use Permit and in compliance with requirements.

REQUEST/ANALYSIS:
The applicant is proposing to operate a day care facility from the existing residence. The proposed hours of operation are from 7:00 a.m. to 10:00 p.m. Monday thru Friday. The proposed use shall meet all the minimum standards and applicable ordinances. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions of the permit. The occupation may not be operational until issuance of the certificate.

Staff has received a call from a surrounding neighbor in opposition of the request with concerns with traffic, congestion, no parking on site, and wanting to keep the residential area from disruptions resulting from a business.

The Health and Fire Departments have inspected the establishment and has met all the requirements. The business must comply with requirements set forth in Section 138-

118(8) of the Zoning Ordinance and other specific requirements as follows:

1) Meet the requirements of the Department of Human Services;

2) Provide a fenced in area for outside play of children. A fenced area is provided;

3) Provide paved area adjacent to street for pickup and delivery of children. The residence does not have a third parking space for the drop off and pick up of the children;

4) Area used for the day care facility should be clearly secondary to the use of the structure. The applicant proposes to use the living room/TV room for the daycare;

5) Person who applies for permit must reside at location for which the permit is granted. The applicant lives at the residence;

6) There shall be no more than two (2) day care facilities within 600 ft. of each other as measured over the shortest distance of street right-of-way between the facilities. There is no other day care within 600 ft.;

7) No more than one day care shall be located on a dead-end street or cul-de-sac;

8) Day care facilities shall not be located on a half street or a street that is accessed by a half street;

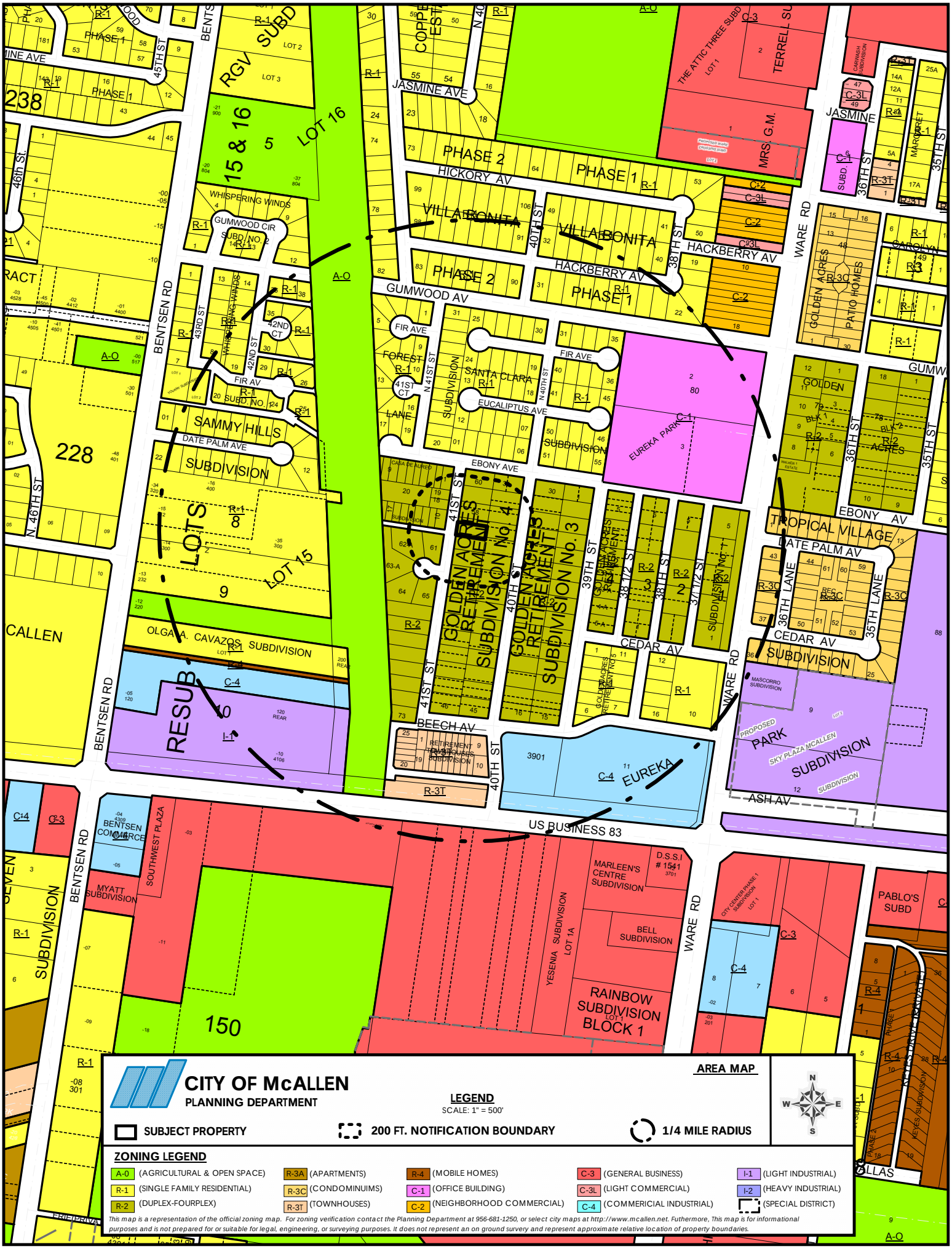
9) Day care facilities that care for more than 12 children shall not be permitted in a residential zoning district. The applicant is proposing to care for up to 12 children;

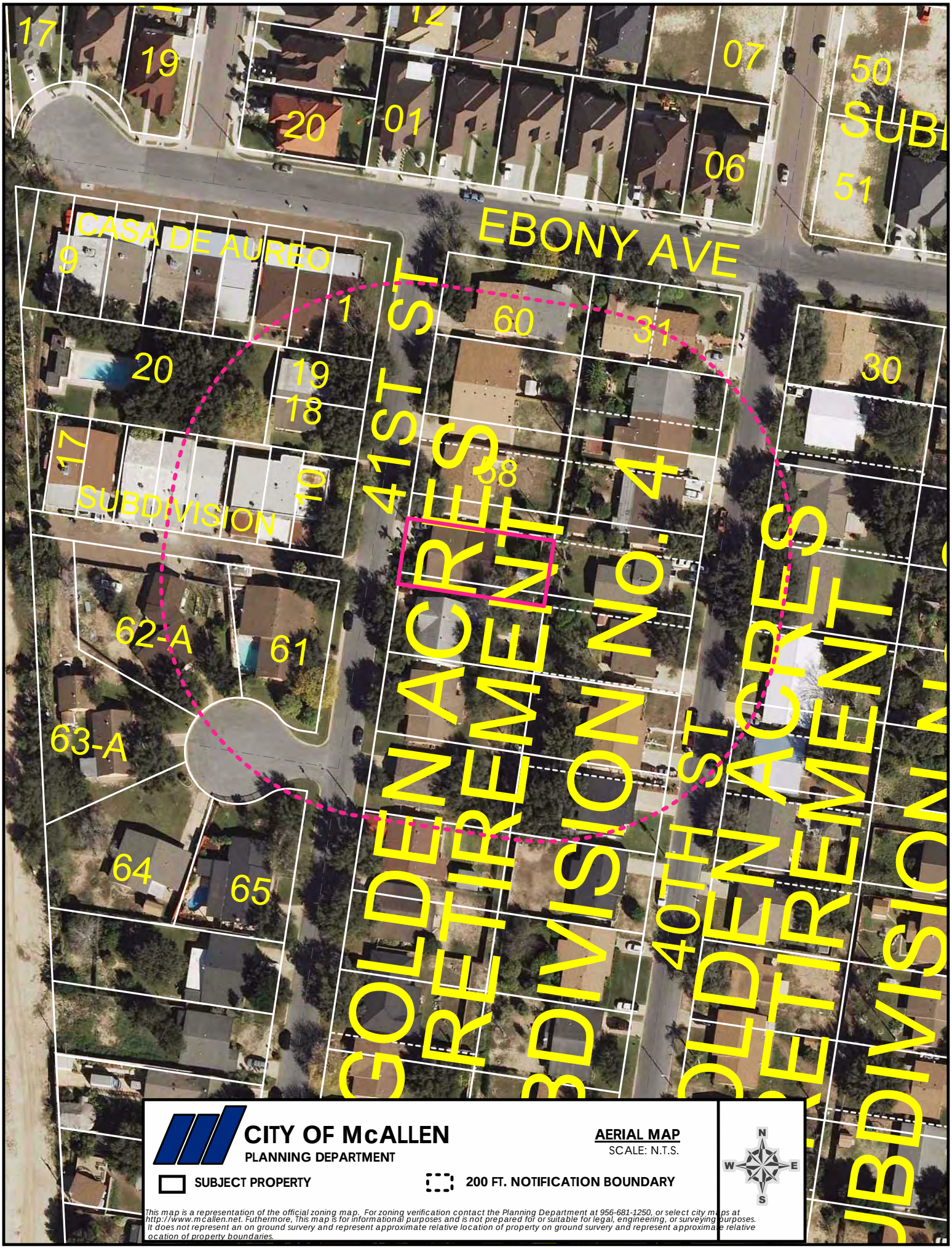
10) No signs are permitted. No signs are proposed;

11) No more than one additional employee that does not reside on the premises is permitted. The applicant is proposing one additional employee; and

12) The property owner shall sign the application or the applicant shall provide a letter of authorization from the property owner.

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


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-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 survery and represent approximate relative location of property boundaries.
BENTSEN RD
WARE RD
JASMINE AVE
HICKORY AV
HACKBERRY AV
GUMWOOD AV
FIR AVE
EUCALIPTUS AVE
EBONY AVE
DATE PALM AVE
CEDAR AV
BEECH AV
ASH AV
US BUSINESS 83
SAMMY HILLS SUBDIVISION
OLGA A. CAVAZOS SUBDIVISION
RESUB
EUREKA
EUREKA PARK
TROPICAL VILLAGE
PARK SUBDIVISION
SKY PLAZA MCALLEN
MARLEEN'S CENTRE SUBDIVISION
RAINBOW SUBDIVISION BLOCK 1
BELL SUBDIVISION
YESENIA SUBDIVISION LOT 1A
MYATT SUBDIVISION
SOUTHWEST PLAZA
BENTSEN COMMERCE
PABLO'S SUBD
GOLDEN ACRES RETIREMENT SUBDIVISION No. 3
GOLDEN ACRES RETIREMENT SUBDIVISION No. 4
VILLABONITA
THE ATTIC THREE SUBD
TERRELL SUBD
MRS. G.M.
GOLDEN ACRES PATIO HOMES
RGV SUBD
LOT 16
LOT 15
LOTS 8 9
LOT 15 & 16
CALLEN
SEVEN SUBDIVISION
150
228
238



CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

N W E S

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at http://www.mcallen.net. 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 survery and represent approximate relative location of property on ground survery and represent approximate relative ocation of property boundaries.

PEÑA ENGINEERING

1001 WHITEWING · P.O. BOX 4320

(956) 682-8812 · McALLEN, TEXAS 78502 · FAX (956) 631-PENA

NOTES:

1.) BLANKET EASEMENT FOR ROAD, TELEPHONE POLES & LINES AND CANALS V. 34 P. 617 D.R.

2.) BLANKET ESMT. TO C.P.L. V. 1312 P. 695 D.R.

3.) EASEMENTS, RULES, REGULATIONS AND RIGHTS IN FAVOR OF HIDALGO CO. IRRIGATION DISTRICT No. 1. (BLANKET)

LEGEND

F1– FOUND 1/2" DIAMETER IRON PIPE

F2– FOUND 3/4" DIAMETER IRON PIPE

M.B.S.L.– MINIMUM BUILDING SETBACK LINE

B/C– BACK OF CONCRETE CURB & GUTTER

R.O.W.– RIGHT OF WAY

X X – 4' CHAIN LINK FENCE

W W – 6' BLK. & WROUGHT IRON FENCE

– 6' BLK. FENCE

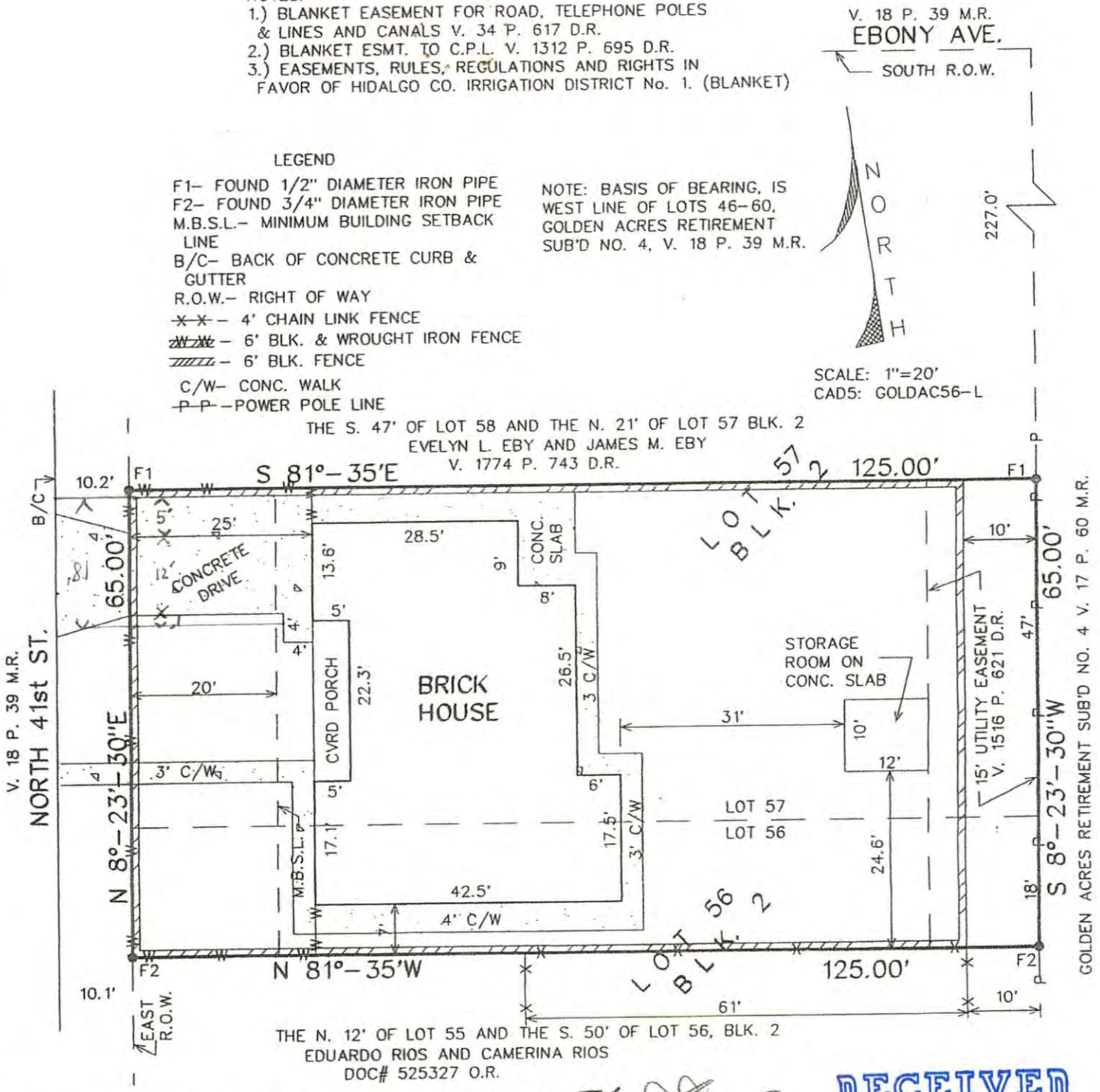
C/W– CONC. WALK

P P –POWER POLE LINE

NOTE: BASIS OF BEARING, IS WEST LINE OF LOTS 46–60, GOLDEN ACRES RETIREMENT SUB'D NO. 4, V. 18 P. 39 M.R.

SCALE: 1"=20'

CAD5: GOLDAC56–L



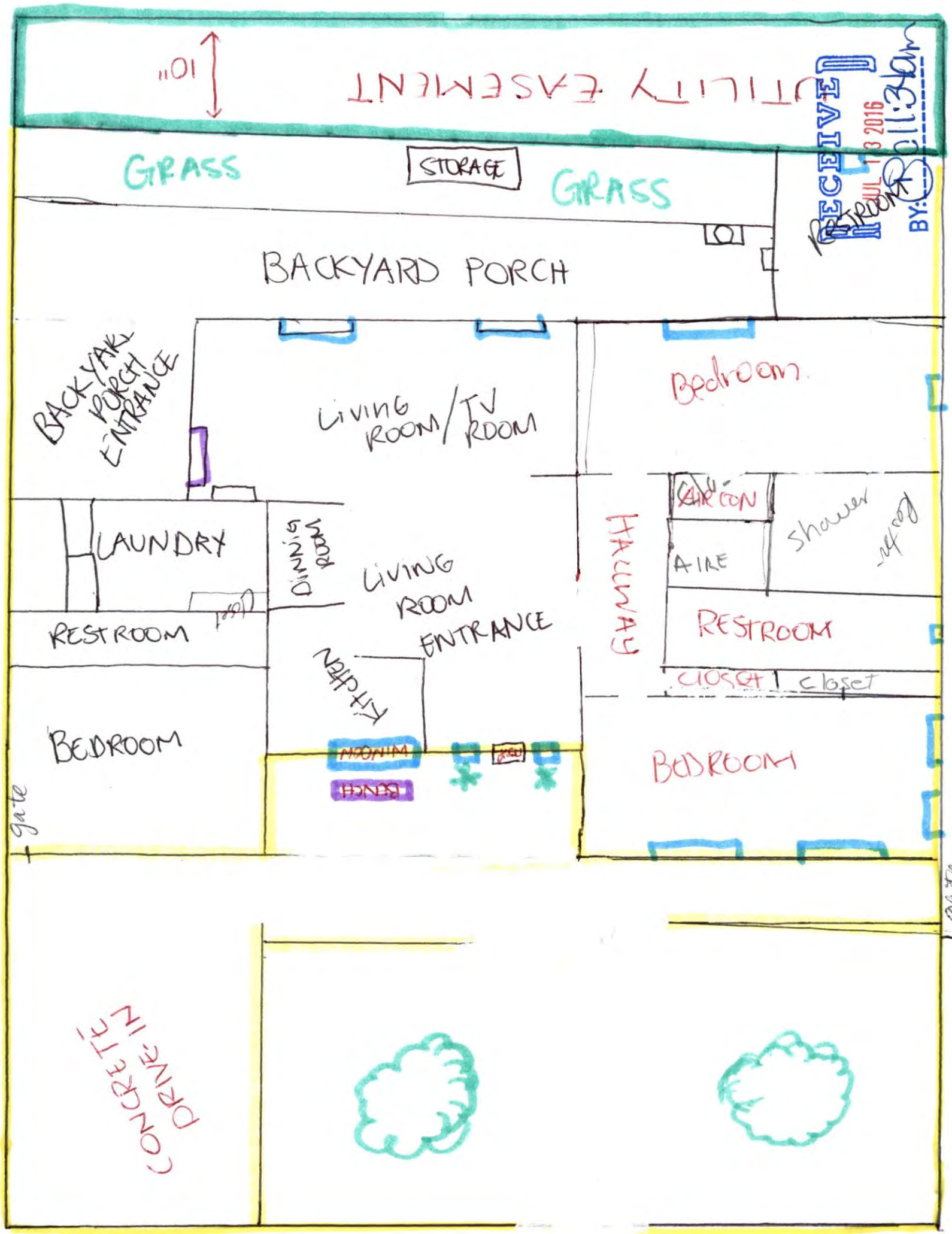
BUYER'S NAME: MARIA CANTU *Maria C Cantu*
GRISELDA CASTRO

RECEIVED
JUL 13 2016
BY: BC 11:34am

FLOOD ZONE: By GRAPHICAL PLOTTING Community Panel No. 480343 0005 C
Map Rev: Nov. 2, 1982

☐ Zone "A" – This is to certify that this property is in a flood prone area.

☐ Zone "B" – This is to certify that this property is not in a flood prone area. However limits between the 100 year and 500 year flood are subject to flooding with average



RECEIVED
JUL 13 2016
BY: 11:34am

NOTICE
HOME BUSINESS
For
This Property
CUP2016-0106
City of McAllen Planning Dept 681-1250
www.mcallen.net
400

Planning Department

Memo

TO: Planning & Zoning Commission

FROM Julianne Rankin, Director of Planning

DATE: August 9, 2016

SUBJECT: **City Commission Actions of August 8, 2016**

REZONINGS:

1. Rezone from C-3L (light commercial) District to R-3A (multifamily residential apartment) District: 4.30 acres out of Lot 367, John H. Shary Subdivision, Hidalgo County, Texas; 6320 North Taylor Road.
- City Commission tabled, pending action by Planning & Zoning Commission

2. Rezone from C-1 (office building) District to C-2 (neighborhood commercial) District: 1.60 acres out of Lot 2, southeast ¼, Section 9, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas; 401 Pecan Boulevard.
- Planning & Zoning Commission recommended disapproval
- City Commission disapproved

3. Rezone from R-1 (single family residential) District to R-3T (multifamily residential townhouse) District: 2.40 acres out of Lot 2, southeast ¼, Section 9, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas; 401 Pecan Boulevard (rear).
- Planning & Zoning Commission recommended disapproval
- City Commission disapproved

CONDITIONAL USE PERMITS:

1. Request of Steve Ahlenius, for a Conditional Use Permit, for life of the use, for an institutional use at Lots 11 and 12, Block 4, North McAllen Subdivision, Hidalgo County, Texas; 700 North Main Street.
- Planning & Zoning Commission recommended approval
- City Commission approved

2. Request of Juha T. Tulla, for a Conditional Use Permit, for life of the use, for a guest house at Lot 6, Block 11, Primrose Terrace Unit No. 6 Subdivision, Hidalgo County, Texas; 1713 Tulip Avenue.
- Planning & Zoning Commission recommended approval
- City Commission approved

3. Request of JACR, LLC dba Gamehaus Gastropub, for a Conditional Use Permit, for five years, for a bar, at Lots 13 and 14, Nolana Terrace Subdivision, Hidalgo County, Texas; 2109 Nolana Avenue.

- Planning & Zoning Commission recommended disapproval
- City Commission disapproved

ORDINANCES:

1. Providing for the abandonment of an alley that lies east of Lots 7 and 8, Block 5, Cathay Court Subdivision and the west of Lot 140, Betty Rose Subdivision, and runs north of Dallas Avenue, but retain a utility easement in place, Hidalgo County, Texas; 315 East Dallas Avenue.

- Planning & Zoning Commission recommended approval
- City Commission approved

2. Consideration for an ordinance amending the Code of Ordinances of the City of McAllen at Chapter 138 ("Zoning"), ("Amendments") by amending the number of votes required to overrule a recommendation of the Planning and Zoning Commission; providing for an effective date; providing for publication; providing for severability, and ordaining other provisions related to the subject matter hereof.

- City commission approved

SUMMARY:

The City's Zoning Ordinance contains a provision that, "a vote of three-fourths of all of the members of the board of commissioners is required to overrule a recommendation of the planning and zoning commission (P&Z) that the proposed amendment, supplement or change be denied." During the year, several rezoning and conditional use permit items have been tabled and remained tabled for more than one meeting due to lack of a full board being present at a regular meeting.

At the City Commission meeting of July 7, 2016, Mayor Darling commented on considering a change to this provision when voting on a zoning matter or conditional use permit denied by P & Z, where there isn't written protest such as a valid petition submitted. A recommendation was made that the denial by P & Z of a zoning amendment or conditional use permit could be overruled by a 75% majority of those City Commissioners present at the meeting.

This amendment provides for the 75% majority of those members present at the public hearing to overrule a negative recommendation of the planning and zoning commission that the proposed amendment, supplement or change be denied when there isn't a valid written protest and the applicant hasn't requested to be heard by a full board.

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	P	P	P	P	A	P	P	A	A									
Mark Wright	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P									
Pepe Cabeza de Vaca	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Michael Hovar			P	P	A	P	P	P	P	A	A	A	P	A	A									
Brent Baldree			P	P	P	P	P	P	P	A	P	P	A	P	P									
Daniel Santos				P	P	A	P	P	P	P	P	P	P	P	P									
Robert Luciano					P	P	P	P	P	P	P	P	P	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

JULY 2016

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

AUGUST 2016

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

SEPTEMBER 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5 HOLIDAY	6	7 D - 10/4 & 10/5	8	9	10
11	12 A - 10/4 & 10/5	13	14 N - 10/4 & 105	15	16	17
18	19	20	21 D 10/18 & 10/19	22	23	24
25	26 A 10/18 & 10/19	27	28 HPC N 10/18 & 10/19	29	30	

OCTOBER 2016

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

NOVEMBER 2016

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

DECEMBER 2016

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

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.