

## AGENDA

### PLANNING & ZONING COMMISSION REGULAR MEETING

TUESDAY, NOVEMBER 17, 2020 - 3:30 PM

MCALLEN CITY HALL, 1300 HOUSTON AVENUE

CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR

Web: <https://zoom.us/join> or phone: (346) 248-7799

Meeting ID: 672 423 1883

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

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

#### 1) MINUTES:

- a) Minutes for Regular Meeting held on October 20, 2020
- b) Minutes for Regular Meeting held on November 3, 2020
- c) Minutes for Special Meeting held on November 9, 2020

#### 2) PUBLIC HEARING

##### a) CONDITIONAL USE PERMITS:

- 1. Request of Sandra A. Tamez, for a Conditional Use Permit, for one year, for a Portable Food Concession Stand (Snow Cone Stand) at Lot 1 except the East 497 ft.-South 510 ft. and West 188 ft.-South 379.26 ft. and North 20 ft. and 0.19 acres and West 188 ft.-South 160 ft.-North 597 ft., Plaza Del Norte Subdivision, Hidalgo County, Texas, 3312 North 10th Street. **(CUP2020-0113)**
- 2. Request of Vincent G. Huebinger on behalf of Verizon Wireless, for a Conditional Use Permit, for life of the use, for a personal wireless service facility, at a 800 sq. ft. lease area, a 30 ft. wide access and utility/fiber easement and a 10 ft. wide utility/fiber easement out of a called Tract 1 and Tract 2, Part of Lots 177 and 184 of the La Lomita Irrigation & Construction Company Subdivision, and out of Lot 27 McAllen First Suburban Citrus Groves Subdivision, Hidalgo County, Texas, 2551 South Ware Road. **(CUP2020-0114)**
- 3. Request of David Gosalvez III, for a Conditional Use Permit, for Life of the Use, For A Portable Building Greater Than 10'X12', at Lot 1, Monaco Plaza Subdivision, Hidalgo County, Texas; 604 North McColl Road. **(CUP2020-0107) (Tabled 11/03/20)**

**b) REZONING:**

1. Rezone from R-3T (multifamily residential townhouse) District to R-1 (single-family residential) District: 5.0 acres out of Lot 257, John H. Shary Subdivision, Hidalgo County, Texas; 1600 North Taylor Road. **(REZ2020-0040)**
2. Rezone from R-1 (single-family residential) District to R-2 (duplex-fourplex residential) District: Lot 1, Block 2, Altamira Subdivision, Hidalgo County, Texas; 2633 Austin Avenue. **(REZ2020-0041)**

**3) CONSENT:**

- a) Villatorre Estates at Almon Subdivision; 3308 Yellowhammer Avenue- Riverside Development Services, LLC (Final) **(SUB2020-0080)** JHE
- b) J. Leal Subdivision; 10800 7 Mile Road- Jesus Leal (Final) **(SUB2020-0078)** QHA

**4) SUBDIVISIONS:**

- a) Home Sweet Home Subdivision; 16601 North Eubanks Road- Rosa Linda Reyes (Preliminary) **(SUB2020-0084)** SEA
- b) STEC Tres Lagos Subdivision; 6801 7 Mile Line- Michael A. Hernandez (Preliminary) **(SUB2020-0083)** M&H
- c) Martinez Subdivision; 300 North 22nd Street- Javier Martinez (Preliminary) (SUB2020-0077) RDE

**5) INFORMATION ONLY:**

- a) City Commission Actions: November 9, 2020

**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 & Public Hearing on Tuesday, October 20, 2020 at 3:33 p.m. in the McAllen City Hall City Commission Room at 1300 Houston Avenue, McAllen, Texas.

<b>Present:</b>	<b>Pepe Cabeza de Vaca</b> <b>Daniel Santos</b> <b>Michael Hovar</b> <b>Rogelio Cervantes</b> <b>Michael Fallek</b> <b>Gabriel Kamel</b>	<b>Chairperson</b> <b>Vice-Chairperson</b> <b>Member</b> <b>Member</b> <b>Member</b> <b>Member</b>
<b>Absent:</b>	<b>Jose Saldana</b>	<b>Member</b>
<b>Staff Present:</b>	<b>Victor Flores</b> <b>Michelle Rivera</b> <b>Edgar Garcia</b> <b>Luis Mora</b> <b>Rodrigo Sanchez</b> <b>Omar Sotelo</b> <b>Berenice Gonzalez</b> <b>Jose De La Garza</b> <b>Kaveh Forghanparast</b> <b>Liliana Garza</b> <b>Iris Alvarado</b> <b>Juan Martinez</b> <b>Bilkis Olazaran Martinez</b> <b>Martina Mejia</b> <b>Felipe Hernandez</b> <b>Porfirio Hernandez</b> <b>Mario Escamilla</b> <b>Claudia Mariscal</b>	<b>Assistant City Attorney</b> <b>Assistant City Manager</b> <b>Director</b> <b>Deputy Director</b> <b>Senior Planner</b> <b>Senior Planner</b> <b>Planner III</b> <b>Planner III</b> <b>Planner II</b> <b>Planner II</b> <b>Planner I</b> <b>Development Coordinator</b> <b>Engineering Department (Virtual)</b> <b>Traffic Department (virtual)</b> <b>Fire Department</b> <b>Planning Technician II</b> <b>Planning Technician I</b> <b>Administrative Secretary</b>

**CALL TO ORDER- Pepe Cabeza de Vaca, Chairperson**

**Meeting held via Teleconference and Video Conference.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION- Mr. Rogelio Cervantes**

**1) MINUTES:**

**a) Minutes for Regular Meeting held on October 6, 2020**

Skipped minutes

**2) PUBLIC HEARING**

**a) CONDITIONAL USE PERMITS:**

1. Request of Jesus F. Davila on behalf of Oak Texas Bar & Grill, for a Conditional Use Permit, for one year, for a bar at Lot 1, Valerie Subdivision, Hidalgo County, Texas, 7001 North 10th Street. (CUP2020-0106)

Ms. Alvarado stated that the property is located on the north side of Robin Avenue, approximately 90 ft. west of 10th Street and is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions and surrounding land uses include commercial businesses, restaurants, bars, residences. A bar is allowed in a C-3 zone with a conditional use permit and in compliance with requirements.

The tenant of this property, applied for a building permit on January 13, 2020 to operate a restaurant. The conditions state that if the use changes the applicant will be subject to a conditional Use permit if the use requires it. The Planning department requested an audit on July 29, 2020 after continuous calls to Code Enforcement and 311 concerning operations during COVID-19 restrictions. Staff received the audit on September 27, 2020 indicating the alcohol sales supersede food sales.

The owner of building, is now applying for the Conditional Use Permit and is proposing to operate a bar & grill, from the approximately 2800 sq. ft. existing building. The proposed hours of operation are from 11:00 A.M. to 2:00 A.M. daily.

The Health Department inspected the establishment and found the place to be in compliance to continue the CUP process. Fire Department inspection for the proposed bar is pending. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is within 400 ft. of R-3T District to the southwest of the property;
- 2) The abovementioned businesses must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The location fronts 10th Street and does not generate traffic into residential areas;
- 3) The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. The proposed bar requires 32 parking spaces, and 120 parking spaces for the adjacent businesses to operate collectively. There are currently 65 parking spaces available. The applicant will obtain a parking agreement from Trenton View. All parking spaces must comply with Section 138-400 of the Ordinance and must be clearly striped and pavement surface shall be maintained free of litter, debris, loose gravel, cracks and potholes before final inspection of building permit.
- 4) The abovementioned businesses must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including,

when necessary, the installation of fences and hedges, and the reorientation of entrances.;

5) The abovementioned businesses should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street;

6) The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;

7) The abovementioned businesses 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 director of planning. This number cannot exceed the number provided for in existing city ordinances.

Staff recommends disapproval of the request with the condition that the applicant obtains a parking agreement due to non-compliance with requirement #3 (parking) of Section 138-118(4) of the Zoning Ordinance. If approved, the Conditional Use Permit must comply with conditions noted.

Chairperson Cabeza de Vaca wanted to confirm that the packet stated approval and Ms. Alvarado confirmed that it was changed to disapproval due to a home. Ms. Alvarado stated that the parking agreement was submitted. Chairperson Cabeza de Vaca asked if there was anyone present in opposition in the proposed Conditional Use Permit there were none. Mr. Jesus Davila 2500 Whitewing Avenue, McAllen Tx, the applicant was present and Chairperson asked if Mr. Davila was aware of the conditions and Mr. Davila confirmed.

Being no discussion, Mr. Michael Fallek moved to disapprove with a favorable recommendation. Mr. Rogelio Cervantes seconded the motion, which was approved with six members present and voting.

Mr. Gabriel Kamel was present and voted.

2. Request of Nepthali Zozaya on behalf of Anchor Church., for a Conditional Use Permit, for one year, for an Institutional Use (church) at Lot 3, Re-Subdivision of Lots 1, 2, 3, Williams Subdivision, Hidalgo County, Texas, 3008 North 23rd Street. (CUP2020-0104)

Ms. Alvarado stated that the property is located 90 ft. north of Daffodil Avenue and west of N. 23rd Street. It is zoned C3L (light commercial) District. The adjacent zoning is C-3 (general business) District to the north and west, R-1 (single family residential) District to the east, C1 (office building) District to the south. Surrounding land uses include single-family residences, business offices, and retail stores. An institutional use is permitted in an C3L District zone with a conditional use permit and in compliance with requirements.

The applicant is proposing to operate a church from existing building. The building is 2,650 sq. ft. the applicant proposes to use the building for church services. There will be a sanctuary with a stage and 8 rows with 70 seats total, a fellowship hall, two restrooms, two rooms, and two offices. It is scheduled to operate on Wednesdays from 7:00 PM - 9:00 PM, Sundays all day.

Based on the number of seats in the main sanctuary, number of offices, and rooms 31 parking spaces are required, of which 2 parking spaces must be accessible with one parking space having an 8 ft. aisle. The parking requirement set forth in section 138-395 of the zoning ordinance require 50 parking spots for the businesses to operate at the same time. There is an existing parking lot with 113 parking spaces.

The Fire Department is pending completion and the Health department found no violations. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to all conditions of the permit. The proposed use must also comply with the zoning ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property fronts North 23rd Street;
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of parking along street, especially in residential areas. Based on the seating area of 70 seats in the main sanctuary, classrooms and offices 31 parking spaces are required; 113 parking spaces are provided. The parking must be clear of potholes and be properly striped per city requirements.
- 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 main building shall be determined by the Building Inspections Department and shall maintain the existing seating capacity for the main sanctuary; and
- 7) Sides adjacent to commercially and residentially zoned or use property shall be screened by a 6 ft. opaque fence. A buffer is provided on the east the property.

Staff recommends approval of the request, for one year, subject to compliance with requirements in Section 138-118 and Section 138-400 of the Zoning Ordinance, and Building Permits and Fire Department requirements.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the proposed Conditional Use Permit, there were none. Chairperson asked if the applicant was present, Mr. Nepthali Zozaya 1231 Mayfair Street San Juan, TX was present. Chairperson Cabeza de Vaca asked Mr. Zozaya if he understood the conditions from staff and Mr. Zozaya confirmed

Being no discussion, Mr. Gabriel Kamel moved to approved. Mr. Daniel Santos seconded the motion, which was approved with six members present and voting.

3. Request of Enrique Martinez Jr., for a Conditional Use Permit, for one year, for a nightclub at Lots 1 and 2, Main International Subdivision, Hidalgo County, Texas, 6000 North 10th Street. (CUP2020-0101)

Ms. Garza stated that the property is located on the east side of North 10th Street at Hawk Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north and west, and A-O (agricultural and open space) District to the east and south. Surrounding land uses include offices, retail, restaurants, cell tower, single family residential, and apartment. A nightclub is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

The initial conditional use permit was approved for this establishment by the Planning and Zoning Commission on January of 1991 and has been renewed annually. At the January 6, 2004 Planning and Zoning Commission meeting, a condition was placed on the approval that there be no parking permitted on the west side of North 10th Street, and has been maintained as a condition of the permit approvals. The last permit was approved by the Planning and Zoning Commission on August 20, 2019.

The applicant is proposing to continue operating a bar (Hillbilly's) from the existing 7,200 sq. ft. building. The hours of operation would continue to be from 8:00 p.m. to 2:00 a.m. Wednesday thru Saturday.

The Fire Department has inspected the bar and the property is in compliance. The Health Department is still pending inspection. The police activity report is still pending, which indicates service calls from October 2019 to present. The Planning Department has received no complaints regarding this use. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

The property line of the lot of any of the abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is not within 400 ft. of the above mentioned land uses;

The abovementioned businesses must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The establishment has direct access to North 10th Street and does not generate traffic into residential areas;

The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. Based on a building capacity of 332 persons, 83 parking spaces are required and are provided as per site plan.

The abovementioned businesses must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances.

The abovementioned businesses should do everything possible and be designed to discourage

criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street.

The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.

The abovementioned businesses 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 director of planning. This number cannot exceed the number provided for in existing city ordinances.

Staff recommended approval of the request, for one year, subject to compliance with requirements in Section 138-118(4) of the Zoning Ordinance, Health and Fire Department requirements, and maintaining the condition of no parking on the west side of North 10th Street.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition for the proposed Conditional Use Permit, there was none. Applicant was not present.

Mr. Gabriel Kamel abstained from the item.

Being no discussion, Mr. Daniel Santos moved to approved. Mr. Rogelio Cervantes seconded the motion, which was approved with five members present and voting.

4. Request of Vincent G. Huebinger on behalf of Verizon Wireless, for a Conditional Use Permit, life of the use, for a personal wireless service facility, at the South 163.2 ft. of Lots 8 and 9, Block 5, Palm Heights Addition Subdivision, Hidalgo County, Texas, 665 Beech Avenue. (CUP2020-0091)

Chairperson Cabeza de Vaca stated that the item was tabled and Mr. Michael Hovar moved to remove from table and Mr. Michael Fallek seconded the motioned.

Ms. Garza stated that the subject property is located on the southwest corner of Beech Avenue and N. 6th Street and has a zoning classification of C-3 (general business) District. Surrounding zoning is C-3 to the north, west, and east, R-1 (single family residential) District and R-2 (duplex-fourplex residential) District to the north. Land uses in the area include Ric Brown Family Funeral Home to the east, retail/office to the east, single family and duplex residential to the north, and railroad track to the south. A personal wireless service facility is allowed in a C-3 (general business) District with a Conditional Use Permit and in compliance with requirements.

There is an existing business, Superior Alarms, that has a personal communication tower on site that has been there for several years. There is no Conditional Use Permit on file with the City for the existing tower.

The applicant, on behalf of Verizon Wireless, is proposing to add a new 38 ft. by 16 ft. Personal Wireless Service Facility on the west side of the existing building on site and co-locate their antennas on the existing tower structure on site. Verizon Wireless wishes to take advantage of the existing tower to install their antennas and equipment rather than build a new tower nearby. The

proposal will need to meet all minimum setbacks and building permit requirements. Federal Aviation Administration (FAA) approval must be obtained prior to beginning construction. In addition, the request must comply with requirements set forth in Section 138-118(11) of the zoning ordinance as follows:

a. Maximum height of pole or tower structure of 80 feet within commercial zones or within 200 feet of an existing residential structure;

- o The existing tower is 110 ft. and applicant is proposing to decrease it by 10 ft., the proposed height of the tower will be 100 ft. with a 5 ft. lightning rod on top; overall height of tower structure will be 105 ft. Verizon's antennas are proposed at 80 ft. and will not protrude over 20 ft. from the tower.

b. Maximum height of pole or tower structure of 120 feet within industrial zones for measuring distance purposes, the leasehold interest area boundary or compound area boundary, whichever is greater shall be utilized;

- o The applicant is not located within an industrial zone;

c. Only one pole or tower structure-allowed per lot or tract within a commercial or industrial zone;

- o There is an existing tower structure on property;

d. The applicant shall attempt to locate the proposed facility on an existing structure, or base station, as per subsections k—m of this section. If collocation of the proposed wireless facility is not possible (as per subsections k—m of this section) then the applicant for a personal wireless service facility must submit at least two alternative designs for antenna and supporting structure, pole or tower design (including the equipment shelter, as per subsection h, below) that is treated with an architectural material (e.g., "stealth" design) so as to conform to the predominant architectural environment in the area of the facility. Such "stealth" personal wireless service facility shall blend into its proposed surroundings such as a tree, flag pole or other feature, to be approved. When a tree-type stealth design is used, one live and growing tree of the same variety or species one-half the height of the proposed tower shall be planted at the time of installation;

- o The applicant is co-locating on existing tower;

e. Minimum spacing between poles and tower structures within commercial or industrial zones of 1,000 feet measured in a direct line of another tower;

- o The applicant is co-locating on existing tower on site;

f. Minimum setback of one-half the street right-of-way from front property line, ten feet from side yard and ten feet from rear, unless greater requirements as noted on subdivision plat;

- o There is already an existing tower on site;

g. A masonry wall shall be required as a buffer if pole or tower structure is located within the front or side yard, or adjacent to a residential use or zone;

- o A 6 ft. chain link fence is being proposed around the 38 ft. by 16 ft. facility area;

h. The transmission equipment structure installed at the base of the proposed tower shall be not greater than 180 square feet and constructed to conform to the predominant architectural environment;

i. A landscaped buffer area to soften the visual impact shall commence along the perimeter of the lease area or the property line. At least one row of shrubs shall be installed as well as trees as appropriate shall be included. Materials shall be of a variety which can be expected to grow to form a continuous hedge at least six feet in height within two years of planting;

j. The pole or tower structure will be constructed or installed with the capabilities of locating thereon additional personal wireless service facilities when tower or pole is greater than 80 feet in height. The applicant agrees to cooperate with other personal wireless service facility providers in collocating additional facilities on permitted support structures;

- o The applicant is co-locating on existing tower;

k. A permittee shall exercise good faith in collocating with other providers and sharing the permitted structure, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities as opposed to a competitive conflict or financial burden). Such good faith shall include sharing technical information to evaluate the feasibility of co-location. In the event a dispute arises as to whether a permittee has exercised good faith in accommodation other users, the city may require a third party technical study at the expense of either or both the applicant and permittee;

- o The applicant is co-locating on existing tower;

l. All conditional use applicants shall demonstrate good-faith, reasonable efforts in developing a collocation alternative for their proposed personal wireless service facility site, which efforts shall be documented to the city and shall include, but not be limited to, providing technical details sufficient to determine co-locations efforts. If the applicant asserts that co-location is not possible, the applicant must provide, in addition to the foregoing, an affidavit in a form provided by the city stating that all efforts to collocate the personal wireless facility at an existing facility have been exhausted and that there is no possibility of co-location on the existing towers;

- o The applicant is co-locating on existing tower;

m. Failure to comply with the collocation requirements of this section may result in the denial of a permit request or revocation of an existing permit;

n. If any applicant provides false or misleading information on their application, or in the application process to obtain a permit for a personal wireless facility, then their application may be denied or revoked at the expense of the applicant or the permittee;

o. If property is leased, term of conditional use permit shall be co-terminus with that term of lease of property;

p. Construction of tower and equipment facilities shall meet applicable building codes and wind loads;



q. Notwithstanding the above conditions, to the extent an applicant is fully qualified as an eligible facilities request under Section 6409, in the event of a conflict between the above conditions in this subsection and those criteria and conditions in section 138-1.A., above, and the 2014 Infrastructure Order, then section 138-1.A., and the 2014 Infrastructure Order control, subject to the city reservation of rights, as set forth in the preface to section 138-1.A.

Staff recommends approval of the request subject to Section 138-118(11) of the zoning ordinance, compliance with co-location conditions, FAA approval, and building permit requirements.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the proposed Conditional Use Permit, there was none. Chairperson stated that at the previous meeting there was a citizen in opposition but was not there this time, he asked what was new with that citizen. Mr. Garcia explained that the applicant sent some information to the citizen but the applicant and staff did not hear back from the concerned citizen. Chairperson Cabeza de Vaca also recalled from the previous meeting that there may have been an issue with the height of the antenna. Mr. Garcia stated that after reviewing the request with the Legal Department it was confirmed that the antenna an accessory use which will be attached. Mr. Hovar asked for clarification if Legal Department found that there was no need to reduce the height based on the classification of being an accessory would not be in violation of our existing ordinance, attorney Victor Flores confirmed.

After a brief discussion, Mr. Michael Hovar moved to approved. Mr. Rogelio Cervantes seconded the motion, which was approved with six members present and voting.

#### **b) REZONING:**

1. Rezone from C-4 (commercial-industrial) District to R-3A (multifamily residential apartment) District: 44.996 acres out of Section 230, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 13501 North Shary Road. (REZ2019-0034)

Mr. Forghanparast stated that the property is located on the west side of North Shary Road, approximately 2,340 ft. south of the intersection of North Shary Road and Tres Lagos Boulevard. The tract is an irregularly shaped lot with 1,510.35 ft. of frontage along North Shary Road, consisting of 44.996 acres.

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

The adjacent zoning is C-4 (commercial-industrial) District to the north and west and R-1 (single-family residential) District to the northeast, south, and southwest. The properties to the east of the subject property are outside the city limits.

The property is currently vacant. Surrounding land uses are single-family residences and vacant land.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Auto Urban Single Family and City Parks, which are comparable to R-1 (single-family residential) and A-O (agricultural and open space) Districts respectively.

Most of the tracts along North Shary Road are not developed. The tract was annexed into the city

and initially zoned R-1 (single-family residential) District in 2014. A rezoning request to C-4 (commercial-industrial) District was approved in 2015.

The requested zoning does not conform to the Auto Urban Single Family and City Parks land use designation as indicated on the Foresight McAllen Comprehensive Plan. However, the rezoning request provides opportunities for a variety of housing types throughout the city that responds to the residents' economic and social lifestyles. The requested zoning is following the proposed zoning master plan submitted by the applicant in 2019.

The maximum density in R-3A (multifamily residential apartments) District is 29 three-bedroom units (1,500 sq. ft.) per acre to 54 studio apartment units (800 sq. ft.) per acre. Therefore, the maximum number of units for the subject property is approximately 1,304 three-bedroom units to 2,429 studio units.

A recorded subdivision plat and approved site plan are required prior to building permit issuance.

Staff has not received any calls or emails in opposition to the rezoning request.

Staff recommends approval of the rezoning request to R-3A (multifamily residential apartment) District.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the proposed rezoning, there was none.

Being no discussion, Mr. Daniel Santos moved to approved. Mr. Gabriel Kamel seconded the motion, which was approved with six members present and voting.

Chairperson Cabeza de Vaca jumped to 2) B) 3) Rezoning 6801 Tres Lago Boulevard

2. Rezone from R-1 (single-family residential) District to C-4 (commercial-industrial) District: 4.448 acres out of Section 227, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 7001 Monte Cristo Road. (REZ2019-0035)

Mr. Forghanparast stated that the property is located at the southeast corner of side of Monte Cristo Road, approximately 5,480 ft. west of the intersection of Monte Cristo Road and North Shary Road. The irregularly shaped tract has 120.30 ft. of frontage along Monte Cristo Road and a lot size of 4.448 acres.

The applicant is requesting to rezone the property to C-4 (commercial-industrial) District for commercial use. A feasibility plan has not been submitted.

The adjacent zoning is C-4 (commercial-industrial) District to the northeast, west, and south, and R-1 (single-family residential) District to the southeast. The properties on the north side of Monte Cristo Road are outside the City limits.

The property is currently vacant. Surrounding land uses are Texas A&M University and vacant land.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as

City Parks, which is comparable to A-O (agricultural and open space) District.

Most of the tracts along Monte Cristo Road are not developed. The tract was annexed into the city and initially zoned R-1 (single family residential) District in 2014.

The requested zoning does not conform to City Parks land use designation as indicated on the Foresight McAllen Comprehensive Plan. However, the rezoning request provides opportunities for a variety of commercial types for Tres Lagos development. The requested zoning is following the proposed zoning master plan submitted by the applicant in 2019.

A recorded subdivision plat and approved site plan are required prior to building permit issuance.

Staff has not received any calls or emails in opposition to the rezoning request.

Staff recommends approval of the rezoning request to C-4 (commercial-industrial) District.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the proposed rezoning, there was none. Mr. Fallek asked how wide the strip on the flag lot, Mr. Forghanparast stated based on the survey it was about 50 feet. Mr. Michael Hovar asked that was for access to that lot. Staff stated that the engineer was present and would be able to answer any questions. Mr. Fred Kurth of Melden & Hunt explained that strip was a gas line easement that was preversing the property and when they did the initial zoning it was not included correctly.

After a brief discussion, Mr. Michael Hovar moved to approved. Mr. Daniel Santos seconded the motion, which was approved with six members present and voting.

3. Rezone from R-3A (multifamily residential apartment) District to R-1 (single-family residential) District: 32.533 acres out of Section 230, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 6801 Tres Lagos Boulevard. (REZ2019-0038)

Mr. Forghanparast stated that the property is approximately located 470 ft. west of North Shary Road, 1,830 ft. south of the intersection of North Shary Road and Tre Lagos Boulevard. The irregularly shaped tract has no frontage currently and comprises 32.533 acres.

The applicant is requesting to rezone the property to R-1 (single-family residential) District in order to construct single-family residences. A feasibility plan has not been submitted.

The adjacent zoning is R-3A (multifamily residential apartment) District to the east, R-1 (single-family residential) District to the north and west, and C-4 (commercial-industrial) District to the south.

The property is currently vacant. Surrounding land uses is single-family residences and vacant land.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Urban Single Family and City Parks, which are comparable to R-1 (single-family residential) and A-O (agricultural and open space) Districts respectively.

The development trend for this area along Tres Lagos Boulevard is single family residential. The

tract was annexed into the city and initially zoned R-1 (single-family residential) District in 2014. The City Commission approved an application to rezone the property to R-3A on February 23, 2015.

The requested zoning conforms to the Urban Single Family land use designation as indicated on the Foresight McAllen Comprehensive Plan. The proposed development will be in proximity to compatible uses, IDEA Public School and Texas A&M University, since institutional uses are located within residential neighborhoods. The requested zoning is following the proposed zoning master plan submitted by the applicant in 2019.

The submitted survey depicts a drain ditch right-of-way dedication on the east side of the subject property which is not included in this rezoning request.

The maximum density in R-1 (single-family residential) District is 8 dwelling units per acre. Therefore, the maximum number of units for the subject property is approximately 280 single-family houses.

A recorded subdivision plat and approved site plan are required prior to building permit issuance.

Staff has not received any calls or emails in opposition to the rezoning request.

Staff recommends approval of the rezoning request to R-1 (single-family residential) District.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the proposed rezone, there was none.

Being no discussion, Mr. Gabriel Kamel moved to approved. Mr. Michael Hovar seconded the motion, which was approved with six members present and voting.

Chairperson Cabeza de Vaca went back to 2) B) 2) 7001 Monte Cristo Road.

4. Rezone from R-1 (single-family residential) District to R-3A (multifamily residential apartment) District: 0.053 acres out of Section 230, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 13901 North Shary Road. (REZ2020-0034)

The property is located on the west side of North Shary Road, approximately 2,270 ft. south of the intersection of North Shary Road and Tres Lagos Boulevard. The tract is an irregular-shaped lot with 870.99 ft. of frontage along North Shary Road and consisting of 0.053 acres.

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

The adjacent zoning is R-1 (single family residential) District to the northwest and C-4 (commercial-industrial) District to the north, east, and south. The properties to the east of the subject property are outside the city limits.

The property is currently vacant. Surrounding land uses are single-family residences and vacant land.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as City Parks, which is comparable to A-O (agricultural and open space) District.

The development trend for this area along Tres Lagos Boulevard is single-family residential. The tract was annexed into the city and initially zoned R-1 (single-family residential) District in 2014.

The requested zoning does not conform to the City Parks land use designation as indicated on the Foresight McAllen Comprehensive Plan. However, the rezoning request provides opportunities for a variety of housing types throughout the city that responds to the residents' economic and social lifestyles. The proposed development will be in proximity to compatible uses, a public charter school and a university, since institutional uses are located within residential neighborhoods. The requested zoning is part of a larger rezoning request to R-3A (multifamily residential apartment) District and is following the proposed zoning master plan submitted by the applicant in 2019.

The maximum density in R-3A (multifamily residential apartments) District is 29 three-bedroom units (1,500 sq. ft.) per acre to 54 studio apartment units (800 sq. ft.) per acre. Therefore, the maximum number of units for the subject property is approximately 1 three-bedroom units to 2 studio units.

Section 110-49 (a) Vegetation Ordinance requires a masonry screen eight ft. in height where a commercial, industrial, or multifamily use has a side or rear property line in common with a single-family use or zone.

A recorded subdivision plat and approved site plan are required prior to building permit issuance.

Staff has not received any calls or emails in opposition to the rezoning request.

Staff recommends approval of the rezoning request to R-3A (multifamily residential apartments) District.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition for the proposed rezone, there was none.

Being no discussion, Mr. Gabriel Kamel moved to approved. Mr. Rogelio Cervantes seconded the motion, which was approved with six members present and voting.

5. Rezone from C-4 (commercial-industrial) District to C-3 (general business) District: 1.083 acres out of Lot 100, La Lomita & Irrigation Construction Company Subdivision, Hidalgo County, Texas; 4920 North Ware Road(MID). (REZ2020-0033)

Mr. Forghanparast stated that staff recommends items 2)B)5), 2)B)6), and 2)B)7) to be tabled.

Mr. Gabriel Kamel motioned for all three items to be tabled after getting approval from City Attorney, and Mr. Daniel Santos seconded the motion.

The property is an interior tract that is located along North Ware Road, approximately 320 ft. north of Buddy Owens Boulevard.

The applicant is requesting to rezone the property to C-3 (general business) District, and it will be

part of a larger tract for development of commercial use.

The adjacent zoning is R-1 (single-family residential) District to the north and east, C-3 (general business) District to the west, C-4 (commercial industrial) District to the east, and C-2 (neighborhood commercial) District to the south.

The property is currently a paving company by the name of Foremost Paving, Inc. Surrounding land uses are single-family residences, Zarah's Meat Market, Valero, a commercial plaza with office buildings including Villanueva Construction, J.R. Constriction, Erickson Construction, and Rubio and Associates, PLLC.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Suburban Commercial, which is comparable to C-3 District.

The development trend for the area along North Ware Road is commercial use.

The property was zoned A-O (agriculture and open space) District during comprehensive zoning in May 1979. The subject property and adjacent commercial properties were rezoned from A-O District to C-4 District in 1999. The adjacent tracts to the west were rezoned to C-3 District in 1999. The requested rezoning is enlarging the existing C-3 District area by 1.083 acres.

The requested zoning conforms to the Suburban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan. The proposed zoning is consistent with the development and rezoning trends for this area.

A recorded subdivision plat and approved site plan are required prior to building permit issuance.

There have been no calls received in opposition to the request.

Staff recommends approval of the rezoning request to C-3 (general business) District.

6. Rezone from R-1 (single-family residential) District to R-3A (multifamily residential apartment) District: 2.221 acres out of Lot 100, La Lomita & Irrigation Construction Company Subdivision, Hidalgo County, Texas; 4920 North Ware Road(REAR). (REZ2020-0035)

This item was tabled as per staff recommendation.

The tract is located along North 34th Street approximately 120 feet north of Water Lily Avenue.

The applicant is requesting to rezone the property to R-3A (multifamily residential apartment) District, and it will be part of a larger tract for development of residential apartment use. A feasibility plan has not been submitted.

The adjacent zoning is R-1 (single-family residential) District to the north, east, and south, and C-4 (commercial industrial) District to the west.

The property is currently a paving company by the name of Foremost Paving, Inc. Surrounding land uses are single-family residences, and Zinnia Park.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Suburban Commercial, which is comparable to C-3 District.

The development trend for the area along North 34th Street is residential use.

The property was zoned A-O (agriculture and open space) District during comprehensive zoning in May 1979. The subject property was rezoned from A-O District to R-1 District in 2015. There have been no other rezoning requests for the subject property since that time. The adjacent property to the west was rezoned to C-4 (commercial industrial) District in 1999 for a paving company. The adjacent single family residential subdivisions were rezoned to R-1 (single family residential) District between 1996 and 2001. The requested rezoning is enlarging a proposed rezoning to R-3A District area by 2.221 acres.

The requested zoning does not conform to the Suburban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan. However, the proposed zoning is to be part of a larger proposed apartment development use.

A recorded subdivision plat and approved site plan are required prior to building permit issuance. Connections and the access to the streets will be discussed during the subdivision review process.

Required park land dedication or a fee in lieu of land comprising \$700 per dwelling unit is required prior to recording a subdivision plat.

There have been no calls received in opposition to the request.

Staff recommends approval of the rezoning request to R-3A (multifamily residential apartment) District.

7. Rezone from C-4 (commercial industrial) District to R-3A (multifamily residential apartment) District: 7.116 acres out of Lot 100, La Lomita & Irrigation Construction Company Subdivision, Hidalgo County, Texas; 4920 North Ware Road (MID REAR). (REZ2020-0036)

This item was tabled as per staff recommendation.

The property is an interior tract that is located along North Ware Road, approximately 320 ft. north of Buddy Owens Boulevard.

The applicant is requesting to rezone the property to R-3A (multifamily residential apartment) District, and it will be part of a larger tract for development of residential apartment use. A feasibility plan has not been submitted.

The adjacent zoning is R-1 (single-family residential) District to the north, east, and south, and C-4 (commercial industrial) District to the west.

The property is currently a paving company by the name of Foremost Paving, Inc. Surrounding land uses are single-family residences, and Zinnia Park, and vacant land.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Suburban Commercial, which is comparable to C-3 District.

The development trend for the area along North Ware Road is commercial use.

The property was zoned A-O (agriculture and open space) District during comprehensive zoning in May 1979. The subject property and adjacent commercial properties were rezoned from A-O District to C-4 District in 1999. The requested rezoning is enlarging a proposed rezoning to R-3A District area by 7.116 acres.

The requested zoning does not conform to the Suburban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan. However, the proposed zoning is to be part of a larger proposed apartment development use.

A recorded subdivision plat and approved site plan are required prior to building permit issuance. Connections and the access to the streets will be discussed during the subdivision review process.

Required park land dedication or a fee in lieu of land comprising \$700 per dwelling unit is required prior to recording a subdivision plat.

There have been no calls received in opposition to the request.

Staff recommends approval of the rezoning request to R-3A (multifamily residential apartment) District.

8. Rezone from R-2 (duplex-fourplex residential) District to R-3A (multifamily residential apartments) District: 21.18 acres out of Lot 14, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 11200 North La Lomita Road. (REZ2020-0026) (Table 09/16/20) (Remained Tabled 10/06/20)

Item remained tabled. No actions required.

The subject property consists of 21.18 acres with a frontage of 699 ft. along La Lomita Road.

The applicant is requesting to rezone the property to R-3A (single-family residential) District. An application for a subdivision for the subject property under the name of Stonebriar at Trinity Oaks Subdivision in order to establish unattached duplex units has been submitted and received approval in preliminary form on June 2, 2020 by the Planning and Zoning Commission.

The adjacent zoning is R-1 (single-family residential) District to the north, east, and west, R-4 (mobile homes) District to the northeast, R-2 (duplex-fourplex residential) District to the south, and A-O (agriculture and open space) District to the east.

The property is currently vacant. Surrounding land uses are single-family residences, and vacant lots.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Urban Single Family, which is comparable to R-1 District.

The development trend for the area along La Lomita Road is single family residential

The property was zoned A-O District during comprehensive zoning in May 1979.



On January 23, 2006, The City Commission Board approved a rezoning request from A-O District to R-2 District.

The requested zoning does not conform to the Urban Single Family land use designation as indicated on the Foresight McAllen Comprehensive Plan. The proposed zoning is not consistent with the development and rezoning trends for this area.

A recorded subdivision plat and approved site plan are required prior to building permit issuance.

There have been no calls received in opposition to the request.

PLANNING AND ZONING COMMISSION MEETING OF SEPTEMBER 16, 2020:

At the Planning and Zoning Commission meeting of September 16, 2020, the applicant was present. No one appeared in opposition to the rezoning request. The Board unanimously voted to table the rezoning request in order to allow the applicant time to consider the option of a Planned Unit Development. There were six members present and voting.

PLANNING AND ZONING COMMISSION MEETING OF OCTOBER 06, 2020:

At the Planning and Zoning Commission meeting of October 06, 2020, the applicant was present. No one appeared in opposition to the rezoning request. The Board unanimously voted to table the rezoning request in order to allow the applicant time to consider the option of a Planned Unit Development. There were four members present and voting.

Staff recommends disapproval of the rezoning request to R-3A (multifamily residential apartments) District

9. Rezone from R-2 (duplex-fourplex residential) District to R-1 (single family residential) District: 18.82 acres out of Lot 14, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 11300 North La Lomita Road. (REZ2020-0027) (Tabled 09/16/20) (Remained Tabled 10/06/20)

Item remained tabled. No actions required.

The property is a tract that fronts La Lomita Road and has a frontage of 621 ft. along La Lomita Road.

The applicant is requesting to rezone the property to R-1 (single-family residential) District. An application for a subdivision for the subject property under the name of Stonebriar at Trinity Oaks Subdivision for single-family residences has been submitted and received approval in preliminary form on June 2, 2020 by the Planning and Zoning Commission.

The adjacent zoning is R-1 (single-family residential) District to the east, and west, R-2 (duplex-fourplex residential) District to the north, and A-O (agriculture and open space) District to the south and east.

The property is currently vacant. Surrounding land uses are single-family residences, and vacant lots.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as

Urban Single Family, which is comparable to R-1 District.

The development trend for the area along La Lomita Road is single family residential

The property was zoned A-O District during comprehensive zoning in May 1979.

On January 23, 2006, The City Commission Board approved a rezoning request from A-O District to R-2 District.

The requested zoning conforms to the Urban Single Family land use designation as indicated on the Foresight McAllen Comprehensive Plan. The proposed zoning is consistent with the development and rezoning trends for this area.

A recorded subdivision plat and approved site plan are required prior to building permit issuance.

There have been no calls received in opposition to the request.

#### PLANNING AND ZONING COMMISSION MEETING OF SEPTEMBER 16, 2020:

At the Planning and Zoning Commission meeting of September 16, 2020, the applicant was present. No one appeared in opposition to the rezoning request. The Board unanimously voted to table the rezoning request in order to allow the applicant time to consider the option of a Planned Unit Development. There were six members present and voting.

#### PLANNING AND ZONING COMMISSION MEETING OF OCTOBER 06, 2020:

At the Planning and Zoning Commission meeting of October 06, 2020, the applicant was present. No one appeared in opposition to the rezoning request. The Board unanimously voted to table the rezoning request in order to allow the applicant time to consider the option of a Planned Unit Development. There were four members present and voting.

Staff recommends approval of the rezoning request to R-1 (single family residential) District

### **3) SUBDIVISIONS:**

- a) Avanti Legacy Valor Heights Subdivision; 220 South 1st Street- Frank A. Smith Sales, Inc. (Final) (SUB2020-0074) CE

Mr. De La Garza stated that the property was located South 2nd Street: 40 ft. from centerline for 80 ft. of ROW Paving: 65 ft. Curb & gutter: both sides South 1st Street: 30 ft. from centerline existing for 50 ft. of ROW Paving: 32 ft. Curb & gutter: Both sides. Monies must be escrowed if improvements are not built prior to recording. Beaumont Avenue: 25 from centerline for 50 ft. of ROW Paving: 32 ft. Curb & gutter: Both sides Monies must be escrowed if improvements are not built prior to final. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. South 1st Street setback: 25 ft. or greater for easements or approved site plan. Beaumont Avenue setback: 25 ft. or line with existing structures but no less than the Ordinance requirements. South 2nd Street: 40 ft. or greater for easements. Rear setback: In accordance with Zoning Ordinance or greater for easements or approved site plan. Sides setbacks: In accordance with Zoning Ordinance or greater for easements or approved site plan. Corner setback: In accordance with Zoning Ordinance, or greater for easements or approved site plan. Garage: 18 ft. except where greater setback is required, greater setback applies. All setbacks are subject to

increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on South 2nd Street, west side of South 1st Street and south side of Beaumont Avenue. Revise plat note as shown above. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along west side of South 1st Street. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses and along the south property line. Please revise plat note as shown above prior to final. Engineer has requested a variance to provide a 8 ft. wooden fence instead of the required 8ft. masonry wall along the south property line. The variance will be presented before the Zoning Board of Adjustments and Appeals on their October 21, 2020 meeting. If variance is approved, plat note will have to be revised accordingly prior to recording. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along. Site plan must be approved by the Planning and Development Departments prior to Building Permit issuance. Common Areas, private streets/drives must be maintained by the lot owners and not the City of McAllen Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Lots fronting public streets. Minimum lot width and lot area Existing: R-3A Proposed: R-3A P&Z approved rezoning to R-3A April 7, 2020 C.C. approved rezoning to R-3A April 27, 2020 P&Z approved rezoning to R-3A April 7, 2020 C.C. approved rezoning to R-3A April 27, 2020 Park Fee of \$700 per dwelling unit to be paid prior to recording. Subdivision is subject to Park Land Advisory Board review to determine land dedication or fee prior to final. Pending review by the Parkland Dedication Advisory Board and CC. Variance was considered and approved by City Commission on September 14, 2020 As per Traffic Dept., Trip Generation approved; TIA is not required. Must comply with City's Access Management Policy Abandonment for existing utility easements by separate instrument/document will need to be finalized prior to recording.

Staff recommends approval of the subdivision in final form subject to conditions noted, abandonment being recorded and approval of the 8ft masonry wall variance by the zoning board of adjustments and appeals.

Chairperson Cabeza de Vaca wanted clarification on the variance for the 8ft masonry wall, Mr. De La Garza explained that the variance request was for an 8ft wood fence rather than an 8ft masonry wall that will have to be approved the Zoning Board of Adjustments and Appeals and if it does get approved it will affect the wording on the plat prior to recording. Mr. Fallek was concerned with the variance and approving it, but City Attorney Victor Flores stated that it was just a final, the applicant would still have to comply with the regulations, this is just noting to the commission that they would have to get that variance if not they cannot continue. Chairperson confirmed that this was just to notify of variance.

Being no discussion, Mr. Gabriel Kamel moved to approved. Mr. Rogelio Cervantes seconded the motion, which was approved with six members present and voting.

- b) Renaissance Subdivision; 4901 North 23rd Street- Sonia Denise Ramirez (Final)  
(SUB2020-0073) STIG

Mr. De La Garza stated that the packet presented had some items that were not compliant but the

items have been addressed and gave chairperson the document that indicated the items that were in compliance.

Mr. De La Garza stated that the property was located on N. 23rd Street: 20 ft. dedication for 60 ROW required from centerline for 120 ft. ROW Paving: By the state Curb & gutter: By the state Show ROW from centerline and total ROW after accounting for any ROW dedication. Wisteria Avenue: 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides Show ROW on both sides of centerline N/S interior street: 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides. Street name must be changed to "North 24th Street" comply with City street names, prior to final Show radius for cul-de-sac to assure compliance. 800 ft. Block Length 600 ft. Maximum Cul-de-Sac. Revise plat to show ROW radius or diameter on the map. As per Fire Department, minimum paving diameter shall be 96 ft. face-to-face with 10 ft. ROW back of curb around cul-de -sac paving area. Revised plat shows 57 ft. radius, face to face diameter is 96 ft. ROW: 24 ft. Paving: 20 ft. Alley/service drive easement required for commercial properties. Service Drive Easement cannot dead-end. As per Public Works Department, a turnaround must be provided. Front setbacks Lots 1-23: 10 ft. or greater for easements, Lot 24: 60 ft. or greater for easements or approved site plan. Rear setbacks: Lots 1-23: 10 ft. or greater for easements, Lot 24: In accordance with the zoning ordinance or greater for approved site plan or easements. Interior Sides setbacks: Lots 1 23: In accordance with the zoning ordinance or greater for easements, Lot 24: In accordance with the zoning ordinance or greater for easements or approved site plan. Corner setbacks: Lots 1 & 12: 10 ft. or greater for easements along Wisteria Avenue. Lot 24: 10 ft. or greater for approved site plan or easements along Wisteria Avenue. Garage: Lots 1-23: 18 ft. except where greater setback is required, greater setback applies. Lot 25 (Detention Pond): A plat note indicating that "No building or other structures shall be erected in Lot 25 (Detention Pond), which shall be used exclusively as a detention area" must to be added prior to final. 5 ft. wide minimum sidewalk required on N. 23rd Street and 4 ft. wide minimum sidewalk required on Wisteria Avenue and both sides of interior street. 5 ft. minimum wide sidewalk required on North 23rd Street as per Engineering Department. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and on the south side of Lots 1 and 12. Please revise plat note as shown above. 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 other Development Departments for Lot 24 prior to building permit issuance. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Common Areas, Private Streets/drives must be maintained by the lot owners and not the City of McAllen. An additional plat notes in regards to the maintenance of Lot 25 (Detention Pond) might have to be added prior to recording as per Engineering Department. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies if this is a public subdivision. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Lots fronting public streets. Minimum lot width and lot area Park Fee of \$700 per dwelling unit/lot to be paid prior to recording. Based on 23 lots x \$700 = \$16,100 due prior to recording. As per Traffic Department, Trip Generation approved, no TIA required. Remove "lot layout" reference below subdivision name. Show radius or diameter of cul-de-sac to assure compliance. Lot 25 (Detention Pond): A plat note indicating that "No building or other structures shall be erected in Lot 25 (Detention Pond), which shall be used exclusively as a detention area" must to be added prior to final. Need to show easement on either side of electric transmission line.

All lots must be buildable after accounting for easements.

Staff recommends approval of the subdivision in final form.

Being no discussion, Mr. Gabriel Kamel moved to approved. Mr. Rogelio Cervantes seconded the motion, which was approved with six members present and voting.

- c) 1712 Cedar Subdivision; 1712 Cedar Avenue- Tomas Gutierrez (Preliminary) (SUB2020-0065) RDE

Mr. De La Garza stated that the property is located on Cedar Avenue: 50 ft. ROW Paving: 32 ft. Curb & gutter: Both sides Monies must be escrowed if improvements are not built prior to recording (if applicable). ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Front setbacks: 25 ft. or greater for easements. Rezoning from C-3 to R-3T will be presented before P&Z on 11/2/20 and C.C. on 11/23/20. Rezoning process must be finalized prior to final to determine setbacks. Rear setbacks: 10 ft. or greater for easements. Please revise plat note as shown above. Rezoning from C-3 to R-3T will be presented before P&Z on 11/2/20 and C.C. on 11/23/20. Rezoning process must be finalized prior to final to determine setbacks. Interior Sides: In accordance with the Zoning Ordinance or greater for easements. Rezoning from C-3 to R-3T will be presented before P&Z on 11/2/20 and C.C. on 11/23/20. Rezoning process must be finalized prior to final to determine setbacks. Corner: Alley: 10 ft. or greater for easements. Please add plat note as shown above. Garage: 18 ft. except where greater setback is required; greater setback applies. Please add plat note as shown above. Rezoning from C-3 to R-3T will be presented before P&Z on 11/2/20 and C.C. on 11/23/20. Rezoning process must be finalized prior to final to determine setbacks. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on Cedar Avenue. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. Please add plat note as shown above. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses and along west and north property line. Please revise plat note as shown above prior to final. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Rezoning from C-3 to R-3T will be presented before P&Z on 11/2/20 and C.C. on 11/23/20. Rezoning process must be finalized prior to final to determine if site plan review by the Development Departments will require prior to building permit issuance. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Common Areas, any private streets/drives must be maintained by the lot owners and not the City of McAllen Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies if public subdivision is proposed. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Minimum lot width and lot area. Rezoning from C-3 to R-3T will be presented before P&Z on 11/2/20 and C.C. on 11/23/20. Rezoning process must be finalized prior to final to determine minimum lot area and width. Lots fronting public streets. Existing zoning: C-3 Proposed zoning: R-3T Rezoning from C-3 to R-3T will be presented before P&Z on 11/2/20 and C.C. on 11/23/20. Rezoning process must be finalized prior to final. Rezoning Needed Before Final Approval. Rezoning from C-3 to R-3T will be presented before P&Z on 11/2/20 and C.C. on 11/23/20. Rezoning process must be

finalized prior to final to determine setbacks. Park Fee of \$700 per dwelling unit/lot to be paid prior to recording. Plat submitted shows one lot; therefore, \$700 must be paid prior to recording. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Must comply with City's Access Management Policies Subdivision name might be revised prior to final to "North McAllen Lot 11B, Block 40B"

Staff recommends approval of the subdivision in preliminary form subject to conditions noted, and drainage and utilities approval.

Being no discussion, Mr. Rogelio Cervantes moved to approved. Mr. Gabriel Kamel seconded the motion, which was approved with six members present and voting.

d) Bella Vista Ranch Subdivision; 7017 North Taylor Road Rear- Jorge A. Bautista (Preliminary) (SUB2020-0069) SEA

Mr. De La Garza stated that the property is located on N. 56th Street: 35 ft. ROW dedication for 70 ft. ROW Paving: 50 ft. Curb & gutter: both sides Indicate the total and dedicated ROW on North 56th St. Please clarify "alley" reference on the west side of centerline for North 56th Street. Escrow monies if improvements not built prior to plat recording Property does not front directly onto North 56th Street. Engineer must clarify how they are proposing to have frontage to a street as required by ordinance. Currently property fronts onto a 40 ft. United irrigation District right-of-way along the west property line. This must be clarified prior to final. Easterly adjacent 1-acre property appears to be landlocked. Engineer must revise plat to not landlock property prior to final. E/W street with minimum 50 ft. ROW and 32 ft. of paving might be required to comply with lot frontage requirement. Front: Proposed 20 ft. or greater for easements or approved site plan; or in line with the average setbacks of existing structures, whichever is greater Engineer must clarify use to determine setbacks prior to final but it will be not less than the required by the Zoning Ordinance. Rear: Proposed 10 ft. or greater for easements. Engineer must clarify use to determine setbacks prior to final but it will be not less than the required by the Zoning Ordinance. Interior Sides: Proposed in accordance with the Zoning Ordinance or greater for easements. Corner. 10 ft. or greater for easements. Please add plat note prior to final. Garage: 18 ft. except where greater setback is required; greater setback applies. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on North 56th Street. Please add plat note as shown above. Requirement might change prior to final depending on any design changes. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses 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. No curb cut, access, or lot frontage permitted along Common Areas, any private streets/drives must be maintained by the lot owners and not the City of McAllen. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies if a public subdivision is proposed. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Minimum lot width and lot area. Lots fronting public streets. Property has 143.6 ft. of frontage onto a 40 ft. United Irrigation District right-of-way. Property does not meet the minimum frontage requirement of 50 ft. to a street. Plat will have to be revised prior to final to comply with minimum requirements. Existing zoning: ETJ Proposed zoning: ETJ (Residential) Property is currently in

ETJ. If annexation is requested, processes including initial zoning, will have to be finalized prior to final. Rezoning Needed Before Final Approval. Property is currently in ETJ. If annexation is requested, processes including initial zoning, will have to be finalized prior to final. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Property is currently in ETJ. If annexation is requested, the amount of \$700 will have to be paid prior to recording. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Must comply with City's Access Management Policy. As per plat submitted October 2, 2020, landlocked properties exist. Plat will have to be revised to assure that no landlocked properties exist. Engineer has indicated that they are discussing requirements with United Irrigation District (UID) for access onto the 40 ft. UID right-of-way adjacent to North 56th Street. An internal street with minimum 50 ft. ROW and 32 ft. of paving might be required to be installed to assure compliance with lot frontage requirements for landlocked property to the east of Lot 1 prior to final. If annexation is requested, process will have to be finalized prior to final.

Staff recommends disapproval of the plat in preliminary form.

Chairperson stated that 56<sup>th</sup> is not a street that goes all the way through, and that there was not a way that the subdivision cannot front 56<sup>th</sup> Street. Ms. Berenice Gonzalez stated that 56<sup>th</sup> is halfway improved. Chairperson stated that he was concerned that 56<sup>th</sup> not being a street because if it is not then the property may be landlocked. Mr. De La Garza stated that there is a property on the East side that is combined with the proposed property and on the north side it can be accessed through an easement but it not in compliance with city regulations. Staff is recommending disapproval so that the engineer could address the access agreement with the irrigation district.

Being no discussion, Mr. Michael Hovar moved to disapproved. Mr. Michael Fallek seconded the motion, which was approved with six members present and voting.

- e) Nemont Estates Subdivision; 13800 North 29th Street- Nemont Estates, Limited Partnership (Preliminary) (SUB2020-0064) MAS

Mr. De La Garza stated that the property is located on N. 29th Street (Rooth Road): 82.90 ft. ROW dedication for 100 ft. ROW Paving: 65 ft. Curb & gutter: Both sides Must show centerline to determine if any ROW dedication is required prior to final. Please show ROW on both sides of centerline and total ROW after accounting for any ROW dedication required prior to final. Please label the "19.08 ft." reference on the North 29th Rd. Monies must be escrowed if improvements are not built prior to final. North 25th Lane: 30 ft. dedication for 30 ft. from centerline for 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides Monies must be escrowed if improvements are not built prior to final. Please label the "30.00 ft." reference on North 25th Lane prior to final. Label centerline to determine if any ROW dedication is required prior to final. Show ROW on both sides of centerline and total ROW after accounting for any ROW dedication needed prior to final. North 25th Lane location subject to change prior to final to verify alignment. Linva Avenue (Internal E/W street): 50 ft. ROW Paving: 32 ft. Curb & gutter: Both sides Monies must be escrowed if improvements are not built prior to final. Engineer must clarify if subdivision is public or private prior to final for staff review. Street names might be revised prior to final. A temporary turnaround might be required if North 2th Lane is not built prior to recording. Engineer must clarify this prior to final. 800 ft. maximum block length allowed; submitted plat shows a block length of approximately 1,150 ft. for Linva Avenue (Internal E/W street). Plat must be revised prior to final to comply with requirements or submit a variance request. Front: 25 ft. or greater for easements. Rear: 10 ft. or greater for easements. Interior Sides: 6 ft. or greater for easements. Please revise plat as shown above.

Corner: 10 ft. or greater for easements. Please add plat note as shown above prior to final. Garage: 18 ft. except wherever a greater setback is required, greater setback applies. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on east side of North 29th Street (Rooth Road), west side of North 25th Lane, and both sides of interior streets. Please revise plat note as shown above. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along North 29th Street and North 25th Lane. Please revise plat note as shown above. 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. No curb cut, access, or lot frontage permitted along North 29th Street (North Rooth Road) and North 25th Lane. Please add plat note as shown above prior to final. Common Areas, any private streets, and any detention areas must be maintained by the lot owners and not the City of McAllen Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. 110-72 for public subdivisions. Engineer must clarify if proposed subdivision is private or public prior to final. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. HOA document will be recorded simultaneously with plat. Minimum lot width and lot area. Lots fronting public streets. Existing: ETJ Proposed: ETJ (single-family residential) If annexation is requested, process must be finalized prior to final. Initial zoning/rezoning process must be finalized prior to final if property is annexed. Rezoning Needed Before Final Approval If annexation is requested, process must be finalized prior to final. Initial zoning/rezoning process must be finalized prior to final if property is annexed. Land dedication in lieu of fee. Property currently in ETJ. If property were to be annexed to the City of McAllen prior to recording, park fees and Park Land Dedication Advisory Board review might be required. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Property currently in ETJ. If property were to be annexed to the City of McAllen prior to recording, park fees and Park Land Dedication Advisory Board review might be required. Pending review by the Parkland Dedication Advisory Board and CC. Property currently in ETJ. If property were to be annexed to the City of McAllen prior to recording, park fees and Park Land Dedication Advisory Board review might be required. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Must comply with City's Access Management Policy As per Fire and Traffic Department, please submit gate detail if private subdivision is proposed prior to final. Also, a second access might be required prior to final. If annexation is requested, annexation and initial zoning must be finalized prior to final. Please clarify/revise vicinity map to determine location of E/W 1/4-mile collector prior to final.

Staff recommends approval of the subdivision in preliminary form subject to conditions noted and utilities and drainage approvals.

Being no discussion, Mr. Gabriel Kamel moved to approved in preliminary based on staff recommendations. Mr. Rogelio Cervantes seconded the motion, which was approved with six members present and voting.

- f) Nolana Crossing, Lot 3A Subdivision; 3700 North 27th 1/2 street- Lashante Enterprises, Inc. (Preliminary) (SUB2020-0067) BIG



Ms. Gonzalez stated that the property is located on W. Kerria Avenue: 60 ft. ROW Paving: 40 ft. Curb & gutter: both sides Revise plat accordingly since Kerria Avenue cannot dead-end. N. 27th Street: 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides Revise plat accordingly due to an existing 10 ft. ROW dedication not being identified on plat which was required by Fire Department for Nolana Crossing Subdivision. N. 27 1/2 Street: 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides 800 ft. Block Length 600 ft. Maximum Cul-de-Sac Revise plat to provide a cul-de-sac at the east end since Kerria Avenue cannot dead-end ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties All setbacks are subject to increase for easements or approved site plan 4 ft. wide minimum sidewalk required on N. 27 1/2 Street, both sides of Kerria Avenue and N. 27th Street. Revise plat as noted above Perimeter sidewalks must be built or money escrowed if not built at this time. 4 ft. wide minimum sidewalk required on N. 27 1/2 Street, both sides of Kerria Avenue and N. 27th Street. Revise plat as noted above, Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses, and along N. 27th Street. Revise plat as noted above 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses and along N. 27th Street. Nolana Crossing Subdivision has a note which requires an 8 ft. masonry wall along N. 27th St. some restrictions may require Nolana Crossing Plat to be vacated. Clarification pending prior to final approval Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along N. 27th St. Site plan must be approved by the Planning and other Development Departments prior to building permit issuance. Common Areas, private streets, service drives, etc. must be maintained by the lot owners and not the City of McAllen Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies for public subdivisions. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Lots fronting public streets. Minimum lot width and lot area Park Fee of \$700 per lot-dwelling unit to be paid prior to recording. Based on 24 lots/dwelling units' x \$700 = a park fee of \$16,800 is due prior to recording. If the number of lot changes, park fees will be revised accordingly. Trip Generation required by Traffic Department to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Must comply with City's Access Management Policy Revise plat as needed due to Nolana Crossing Subdivision providing a 10 ft. dedication of additional ROW along N. 27th for a T head located at the north end of the street. This dedication is not reflected on this plat. The removal of some restrictions established by Nolana Crossing Subdivision may trigger the need to vacate it. Nolana Crossing plat shows a 10 ft. utility easement dedicated by plat which are not identified on this plat Abandonment of the 10 ft. utility easement needs to be done by separate instrument/process and not by plat, prior to final. Revise plat accordingly since the proposed layout for Kerria Avenue is not acceptable as it dead-ends without a cul-de-sac ROW between Lots 16 & 17 needs to be addressed prior to final. Nolana Crossing Subdivision provides for a T head along N. 27th St. Pending clarification on whether N. 27th Street will be extended? or will there be a wall? -as required by Nolana Crossing Subdivision- to be established prior to final approval

Staff recommends approval of the subdivision in preliminary form, subject to conditions noted, utilities and drainage approvals.

Being no discussion, Mr. Gabriel Kamel moved to approved in preliminary form. Mr. Michael Hovar seconded the motion, which was approved with six members present and voting.

- g) De La Torre Subdivision; 612 North 8th Street- Rafael Idelfonso De La Torre (Preliminary) (SUB2020-0066) MAS

Ms. Gonzalez stated that the property is located on S. 8th Street: 50 ft. ROW Paving: 40 ft. Curb & gutter: Both sides Revise street name on plat as shown above Galveston Avenue: Dedication as needed on the south side of lot for 50 ft. ROW Paving: 32 ft. Curb & gutter: Both sides Align with street to the west Revise plat accordingly prior to final 800 ft. Block Length 600 ft. Maximum Cul-de-Sac Any cul-de-sac must provide for minimum 96 ft. paving face-to-face with minimum 8 ft. ROW back of curb. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Front setback: 20 ft. or greater for easements or in line with average of existing buildings setbacks, whichever is greater Revise plat as noted above Rear setback: 10 ft. or greater for easements Sides: 6 ft. or greater for approved site plan or easements Revise plat as noted above. Corner setbacks: To be established as needed prior to final approval, but not less than ordinance requirement. Garage: 18 ft. except where greater setback is required, greater setback applies. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on S. 8th Street. Also, on Galveston Avenue as required, prior to final. Revise Note #5 on plat as noted above. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses 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. No curb cut, access, or lot frontage permitted along. Site plan must be approved by the Planning and other Development Departments prior to building permit issuance. Common Areas, Private Streets must be maintained by the lot owners and not the City of McAllen Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies for Public subdivisions. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies for Public subdivisions. Lots fronting public streets and minimum lot width and lot area. Existing zoning: R-2 Proposed zoning: R-2. Park Fee of \$700 per dwelling unit/lot to be paid prior to recording. If 4 units are proposed x \$700 = \$2,800 due prior to recording. Fees will be revised accordingly if number of units change. Per Traffic Department, Trip Generation is required to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Must comply with City's Access Management Policy. Revise plat with ROW paving, etc. for Galveston Avenue prior to final. Engineer to submit ownership map to assure no landlock property exists

Staff recommends approval of the subdivision in preliminary form, subject to conditions noted, utilities, and drainage approvals.

Being no discussion, Mr. Gabriel Kamel moved to approved. Mr. Michael Hovar seconded the motion, which was approved with six members present and voting.

- h) Barcelona Subdivision; 1820 South Bentsen Road- New Millenium L. Investments, Inc. (Revised Preliminary) (SUB2020-0034) SE

Mr. De La Garza stated that the property is located on South Bentsen Road: 10 ft. dedication for 40 ft. from centerline for 80 ft. of ROW Paving: 52 ft. Curb & gutter: Both sides Monies must be escrowed if improvements are not built prior to recording. Colbath Road: 18.5 ft. dedication for 40 ft. from centerline for 80 ft. ROW Paving: 52 ft. Curb & gutter: Both sides Monies must be escrowed if improvements are not built prior to recording. Revise street name to "Colbath Road" on plat, vicinity map and wherever is applicable prior to final. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Private service drive easement to provide city services required. It will be maintained by the property owners, not the City of McAllen. It will be on the site plan and also on the plat as may be needed, prior to recording. Plat note will be required to be noted on the plat regarding the service drive, prior to recording. South Bentsen Road setbacks: 40 ft. or greater for approved site plan or easements. Colbath Road setbacks: 40 ft. or greater for approved site plan or easements. Rear setbacks: 10 ft. or greater for easements or approved site plan. Engineer submitted a letter on September 4, 2020, requesting a variance for 6 ft. instead of the required 10 ft. setback required on the rear (west side). P&Z approved the subdivision in revised preliminary form at the meeting of October 6, 2020 without the variance and requiring the 10 ft. rear setback. Engineer has submitted a proposed site plan for reconsideration of the requested 6 ft. instead of the required 10 ft. setback required on the rear (west side). Interior Side setbacks: In accordance with the Zoning Ordinance or greater for easements or approved site plan. Revise plat as shown above. Corner setbacks: See setbacks for North Bentsen Road and Colbath Road. Revise plat as shown above. Garage: 18 ft. or greater for approved site plan or easements. Revise plat as shown above. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on South Bentsen Road and Colbath Road. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along Colbath Road. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses and along north side property. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along. Site plan must be approved by the Planning and Development departments prior to Building permit issuance. Common Areas, private streets/drives must be maintained by the lot owners and not the City of McAllen Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Lots fronting public streets and minimum lot width and lot area. Existing zone: R-3A Proposed zone: R-3A. Rezoning to R-3A approved by Planning and Zoning on November 19, 2019. Rezoning to R-3A approved by the City Commission on December 12, 2019 Park Fee of \$700 per dwelling unit to be paid prior to recording. As per parks Department, Park fees will apply at a rate of \$700 per dwelling unit. Total amount of fees is \$14,000 ( $\$700 \times 20 = \$14,000$ ). Fees may vary depending on the proposed amount of dwelling units. As per Traffic Department, Trip Generation has been waived. No TIA required. Must comply with City's Access Management policy

Staff recommends approval of the subdivision in revised preliminary from subject to conditions noted, utilities approval, and clarification on requested variance. The fire department did not recommend approval on the variance after studies were conducted.

Captain Felipe Hernandez of City of McAllen Fire department was present and explained that the department conducted a preliminary study on those measurements and the 10 feet are needed with the tactics used and 6 feet would crowd them and make the latter too steep. Mr. Omar Cano with Supreme Engineering asked if 8 feet would give ample space and Captain Hernandez explained that the 10 feet is necessary especially when utilizing charged hoses or rescuing a person in full bunker gear.

Being no discussion, Mr. Gabriel Kamel moved to approved in revised preliminary with a disapproval of the variance request. Mr. Michael Hovar seconded the motion, which was approved with six members present and voting.

- i) Bentsen Park Subdivision; 5200 North Bentsen Road- So TX Partners, LLC. (Revised Preliminary) (SUB2020-0009) SDI

Mr. De La Garza stated that this subdivision was in final review. Mr. De La Garza stated that the property is located on North Bentsen Road: 50 ft. from centerline for 100 ft. ROW. Paving: 65 ft. Curb & gutter: Both sides. Please show ROW on both sides of centerline prior to recording. Must escrow monies if improvements are not constructed prior to final. North 42nd Street: 50 ft. ROW Paving: 32 ft. Curb & gutter: Both sides. Barricade at the north end of the street as needed. Street name must be revised prior to recording. Will be extended north when the adjacent property develops. Other interior streets: 50 ft. ROW Paving: 32 ft. Curb & gutter: Both Sides Barricade at the north end of easternmost N-S street as may be applicable Entry Street from North Bentsen Road: 60 ft. ROW Paving: 40 ft. Curb & gutter: Both Sides. Front setbacks: 25 ft. or greater for easements, Rear setbacks: 10 ft. except 25 ft. for double fronting lots or greater for easements. Please revise wording prior to final. Interior Side setbacks: 6 ft. or greater for easements. Corner setbacks: 10 ft. or greater for easements. Garage: 18 ft. except where greater setback is required, grater set back applies. Please revise wording prior to recording. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on North Bentsen Road, and both sides of all interior streets. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses, and along North Bentsen Road. 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. No curb cut, access, or lot frontage permitted along North Bentsen Road. Common Areas, any private streets/drives must be maintained by the lot owners and not the City of McAllen. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section will be 110-72 if it's a public subdivision. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Subdivision will be recorded simultaneously with plat. Lots fronting public streets. Minimum lot width and lot area. Park Fee of \$700 per dwelling unit/lot to be paid prior to recording. Per Parks Department, plat shows 33 lots. Park fees apply at rate of \$700 per dwelling unit and payable prior to plat recording. In this case fees come to \$23,100. Per Traffic Department, trip generation has been waived due to development not exceeding 100 trips. Must comply with City's Access Management Policy

Staff recommends approval of option #3 of the subdivision in final form subject to conditions noted.

Chairperson Cabeza de Vaca asked why staff recommended option 3 and Mr. De La Garza stated that option 1 did not comply with the 50-foot frontage.

Being no discussion, Mr. Rogelio Cervantes moved to approved option 3. Mr. Daniel Santos seconded the motion, which was approved with six members present and voting.

**4) INFORMATION ONLY:**

a) City Commission Actions: October 12, 2020

Mr. Garcia stated there were 4 different rezoning in the Tres Lagos area and were approved. Another rezoning from a C3O to a C-3 was recommended disapproval and City Commission disapproved. Two Conditional Use Permit one for automotive service which was approved and another for Chaparral was also approved.

**ADJOURNMENT:**

There being no further business to come before the Planning & Zoning Commission, Mr. Michael Hovar adjourned the meeting at 5:01 p.m., and Mr. Daniel Santos seconded the motion, which carried unanimously with five members present and voting.

---

Chairperson, Pepe Cabeza de Vaca

ATTEST: \_\_\_\_\_  
Claudia Mariscal, Secretary

STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF McAllen

The McAllen Planning and Zoning Commission convened in a Regular Meeting & Public Hearing on Tuesday, November 3, 2020 at 3:39 p.m. in the McAllen City Hall City Commission Room at 1300 Houston Avenue, McAllen, Texas.

<b>Present:</b>	<b>Pepe Cabeza de Vaca</b> <b>Michael Hovar</b> <b>Rogelio Cervantes</b> <b>Michael Fallek</b>	<b>Chairperson</b> <b>Member</b> <b>Member</b> <b>Member</b>
<b>Absent:</b>	<b>Daniel Santos</b> <b>Gabriel Kamel</b> <b>Jose Saldana</b>	<b>Vice-Chairperson</b> <b>Member</b> <b>Member</b>
<b>Staff Present:</b>	<b>Victor Flores</b> <b>Michelle Rivera</b> <b>Edgar Garcia</b> <b>Luis Mora</b> <b>Rodrigo Sanchez</b> <b>Omar Sotelo</b> <b>Berenice Gonzalez</b> <b>Kaveh Forghanparast</b> <b>Liliana Garza</b> <b>Hebert Camacho</b> <b>Carlos Garza</b> <b>Juan Martinez</b> <b>Bilkis Olazaran Martinez</b> <b>Martina Mejia</b> <b>Felipe Hernandez</b> <b>Porfirio Hernandez</b> <b>Claudia Mariscal</b>	<b>Assistant City Attorney</b> <b>Assistant City Manager</b> <b>Director</b> <b>Deputy Director</b> <b>Senior Planner</b> <b>Senior Planner</b> <b>Planner III</b> <b>Planner II</b> <b>Planner II</b> <b>Planner I</b> <b>Planner I</b> <b>Development Coordinator</b> <b>Engineering Department (Virtual)</b> <b>Traffic Department (virtual)</b> <b>Fire Department</b> <b>Planning Technician II</b> <b>Administrative Secretary</b>

**CALL TO ORDER- Pepe Cabeza de Vaca, Chairperson**

**Meeting held via Teleconference and Video Conference.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION- Mr. Rogelio Cervantes**

**1) MINUTES:**

**a)** Minutes for Regular Meeting held on October 6, 2020

The minutes for the regular meeting held on October 6, 2020 were approved as submitted. The motion to approve was made by Mr. Michael Fallek. Mr. Michael Hovar seconded the motion, which carried unanimously with five members present and voting.

**b)** Minutes for Regular Meeting held on October 20, 2020

Minutes not ready. No action required.

## 2) PUBLIC HEARING

### a) CONDITIONAL USE PERMITS:

1. Request of Lucia J. Cantu, for a Conditional Use Permit, for one year, for a Portable Food Concession Stand. (Snow Cone Stand) at Lot 1, Lopez Wheels Subdivision, Hidalgo County, Texas; 801 North 23rd Street. (CUP2020-0110)

Mr. Camacho stated that the property is located on the west side of North 23<sup>rd</sup> Street at the intersection of Hackberry Avenue. The property is zoned C-3 (general business) District. The adjacent zoning is C-3 to the north, south and east, R-2 (duplex- fourplex) District to the west. Surrounding land uses include single-family residences, triplex, duplex, retail stores, restaurants, car lots and vacant land. A portable food concession stand is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.

A Conditional Use Permit was approved for one year for an Automotive Service and Repair by the Planning and Zoning Commission on 2004 and was renewed the following year; however, construction was never finalized until 2007 when a CUP was requested for life of the use for an Automotive Service and Repair. In 2007, the initial CUP for a portable food concession stand was approved and was renewed by the same applicant until 2009. In 2011 the current applicant applied for the first time and has been renewed until 2018, the permit was not renewed in 2019, therefore, it has to come before the Planning and Zoning Commission.

The applicant is proposing to use the existing 10 ft. by 13 ft. Portable food concession stand that is already in place and will be maintaining its current footprint, with the proposed hours of operation, Monday through Sunday from 2:00 pm through 9:00 pm. Portable food concession stand requires 4 parking spaces, 23 parking spaces are provided. Lopez Tires & Wheels requires 19 parking spaces based on square footage. Based on parking requirements both businesses can operate at the same time.

The Fire and Health Department have completed their inspections and found the establishment to be in compliance. As per Section 138-400 of the Zoning Ordinance, Parking lot must be properly striped and free of potholes. The portable building must also meet the requirements set forth in Section 138-118(9) of the Zoning Ordinance as follows:

- 1) The proposed use shall not be located in a residentially zoned area. Lopez Wheels subdivision is zoned C-3
- 2) Stand must be inspected by building inspection department and meet applicable building codes.
- 3) Must have paved off-street parking available over and above what is required for the business to which it is adjacent; four parking spaces are required
- 4) Portable building must be anchored to the ground properly;
- 5) Must meet setback requirements of the zoning district in which it is located; and

- 6) Water and sewer facilities shall be required to the tract and may be required to the proposed used.

Staff recommends approval of the request, for one year, subject to compliance with requirements from Section 138-118(9) & Section 138-400 of the Zoning Ordinance, Building Permit, Health and Fire Department requirements.

Chairperson asked if there was anyone present in opposition of the proposed Conditional Use Permit, there were none.

Being no discussion, Mr. Michael Fallek moved to approve with conditions noted. Mr. Rogelio Cervantes seconded the motion, which was approved with four members present and voting.

2. Request of Karla G. Villareal Chapa, for a Conditional Use Permit, for one year, for a bar at Lot 1, Nolana West Subdivision, Hidalgo County, Texas; 2200 Nolana Avenue, Suites 2216 & 2218. (CUP2020-01111)

Mr. Camacho stated that the property is located on the northeast corner of North 23<sup>rd</sup> Street and Nolana Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions, R-3A (multifamily apartments) District to the south and C-4 (commercial industrial) District to the north. Surrounding land uses include commercial businesses, offices, restaurant, New Life Family Church and McAllen's Public Library. A bar is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

The initial Conditional Use Permit for this property was approved for a bar on 2015 with a variance to the distance requirement. The last Conditional Use Permit for this location was approved on December 9, 2019 with a variance to the distance requirement by City Commission.

The applicant is proposing to continue operating a bar (Club Retro) from the combined suites (2216 & 2218) with an area of approximately 2,600 sq. ft. The hours of operation would continue to be from 7:00 p.m. to 2:00 a.m. Thursday through Sunday.

The Fire and Health Department has inspected the bar and the property is in compliance. The police activity report for service calls from October 2019 to present is attached. The Planning Department has received no complaints regarding this use. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned businesses must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. from residential zones/uses, New Life Family Church and McAllen's Public Library;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic



onto residential sized streets. The establishment is located on two major arterials, Nolana Avenue and North 23<sup>rd</sup> Street, and does not generate traffic into residential areas;

- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. The proposed 2,600 sq. ft. bar would require 26 parking spaces. For every business to run simultaneously in the commercial plaza, 289 parking spaces would be required; there are 291 parking spaces provided on site;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. Occupancy load is 160 people.

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

Chairperson asked if there was anyone present in opposition of the propose Conditional Use Permit, there was none.

Being no discussion, Mr. Michael Hovar moved to disapprove with a favorable recommendation. Mr. Rogelio Cervantes seconded the motion, which was approved with four members present and voting.

3. Request of Hugo A. Cuevas, for a Conditional Use Permit, for life of the use, for a Parking Facility at Lot 2, Rosa Linda Subdivision, Hidalgo County, Texas; 3616 Harvey Drive. (CUP2020-0109)

Mr. Camacho stated that the property is located on the north side of Harvey Drive, approximately 160 ft. east of North Ware road, and is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions and R-3A (multifamily apartments) District to the south. Surrounding land uses include single-family residences, apartments complexes, The Light of the World Church and vacant land. A parking facility is allowed in the R-1 zone with a Conditional Use Permit and in compliance with requirements.

The property is currently vacant. A Rezoning case was submitted for the property to change from R-1 zone to R-2, in 2016. The application got withdrawn. In the same meeting, there was opposition of the request. The conditional use permit was submitted on September 25, 2020. No Building permit is on record. No ROW permit has been submitted. The Alley to the north of the subject

property recently got abandoned (Ordinance No.2020-28) giving the 10 ft. dedication to property owners to the south of the alley.

The applicant is proposing to construct a parking lot for an existing apartment complex located west of the subject property. The applicant owns both of the lots, however the parking lot will cover only a portion of the subject property. A 22 ft. wide by 100 ft. long parking with 10 stalls is being proposed. No curbs cut are being proposed, the entrance and exit will be from an existing alley.

Should the Conditional Use Permit be approved, the applicant would be required to sign the application acknowledging and agreeing to all conditions of the permit. The parking facility must comply with landscaping, buffer and right of way requirements. The proposed must also meet the requirements set forth in Section 138-118(6) of the Zoning Ordinance and specific requirements as follows:

- 1) The sides adjacent to residentially zoned property are to be screened by a six-foot opaque fence. A 6 ft. opaque fence is required on the north and east side of the property
- 2) The paved area is landscaped in compliance with the off-street parking and loading ordinance and landscape ordinance. The required landscaping for the parking lot is 874 sq. ft. with trees required as follows: 2 – 2 1/2" caliper, or 1 – 4" caliper, 1 – 6" caliper or 4 palm trees (palm trees cannot exceed 80% of total tree requirement). Each parking space must also be within 50 ft. of a landscape area with a tree;
- 3) Residential areas shall be protected as far as possible against heavy traffic and against through traffic of all kinds, including traffic generated by commercial, industrial or other incompatible land uses.
- 4) Parking should not encroach into side yard setbacks when residential uses are adjacent;
- 5) The parking area shall be adjacent to the primary use. The parking area is adjacent to the primary use;
- 6) The parking area shall provide sufficient lighting to eliminate dark areas to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
- 7) No form of pollution shall emanate beyond the immediate property line of the permitted use;
- 8) The Planning and Zoning Commission may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this section and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, suitable landscaping, and additional improvements such as curbing and sidewalks.

Staff recommended approval of the request, life of the use, subject to compliance with requirements in Section 138-118(6) of the Zoning Ordinance, Building Departments, Engineering Department ROW requirements and Landscape requirements.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the proposed Conditional Use Permit, Mr. Miguel Santos 3608 Harvey along with others were present. Mr. Santos was the spokesperson for the group concerned with the proposed property for conditional use permit. Mr. Santos stated that the tenants in the apartments located near the parking lot dump trash, use it for garage sales, and used it a car sales lot. Mr. Garcia stated that if the conditional use permit is passed that it has conditions the applicant has to follow. Mr. Santos' main concern was that the tenants do not comply with ordinances. Ms. Rivera spoke and stated that the neighbors had gone to City Commission to voice their concerns about illegal dumping, illegal parking and placed cameras to provide surveillance. Ms. Rivera also stated that they are working to help clean up the neighborhood. Mr. Fallek asked what the fencing requirements if the permit was approved, Mr. Camacho explained that fencing is required on the north side and the east side because it is single family use with a 6-foot cedar fence. Chairperson Cabeza de Vaca asked to speak to the applicant Hugo Cuevas and stated that he is the owner for the past three years and was not unaware of the issues the neighbors were having. He said he wanted to improve the property to help with illegal dumping, and enhance the neighborhood. He explained that he wanted to pave about 10 spaces and add some green area for park use. Mr. Fallek stated that he felt that improving the parking may help with the neighborhood and the issues with tenants at the apartments will continue to be there. Mr. Fallek suggested to approve a lesser term of the permit rather than a Life of the Use.

Mr. Hovar asked about the fence and when an 8-foot fence is required, Mr. Sotelo explained that an 8 foot is required for apartment use or duplexes.

After a brief discussion, Mr. Michael Fallek moved to approve a 2-year Conditional Use Permit. Mr. Michael Hovar seconded the motion, which was approved with four members present and voting.

4. Request of Claudia V. Reyna, for a Conditional Use Permit, for one year, for a Home Occupation (Daycare), at Lot 13, Brookwood Subdivision Unit 1, Hidalgo County, Texas; 3909 Xanthisma Avenue. (CUP2020-0108)

Mr. Camacho stated that the property is located on the south side of Xanthisma Avenue, approximately 460 ft. east of North 41<sup>st</sup> Street, and is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions. Surrounding land uses include single-family residences. A day care is allowed in the R-1 zone with a Conditional Use Permit and in compliance with requirements.

The initial conditional use permit was approved for this establishment by the Planning and Zoning Commission on April of 2002 and has been renewed annually until 2018. The last permit was issued on October 24, 2018. Applicant fail to renew on 2019, the permit expired on October 15 of 2019, hence the submittal of a new application.

The applicant is proposing to operate a home day care from the existing 1,200 sq. ft. residence. The hours of operation would be from 6:00 a.m. to 7:00 p.m. Monday through Friday. The applicant is proposing one additional employee on site for the care of 12 children.

The Fire and Health Department has inspected the property and found the establishment to be in compliance. Should the Conditional Use Permit be approved, the applicant would be required to sign the application acknowledging and agreeing to all conditions of the permit. The proposed must also meet the requirements set forth in Section 138-118(1) of the Zoning Ordinance and specific

requirements as follows:

1. Meet the requirements of the Department of Human Services;
2. Provide a fenced in area for outside play of children. A fenced area is provided on site;
3. Provide paved area adjacent to street for pickup and delivery of children. The existing driveway accommodates the two required parking spaces needed for the residential home and required space for the pick-up and drop off of the children;
4. Area used for the day care facility should be clearly secondary to the use of the structure;
5. Person who applies for permit must reside at location for which the permit is granted. The applicant resides at this location;
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; Xanthisma Avenue is not in a cul-de-sac; no other daycare exists on this street;
8. Day care facilities shall not be located on a half street or a street that is accessed by a half street; Xanthisma Avenue is not a half street or a street accessed by a half street;
9. Day care facilities that care for more than 12 children shall not be permitted in a residential zoning district. The applicant is proposing to care for up to 12 children;
10. No signs are permitted; No signs are proposed;
11. No more than one additional employee that does not reside on the premises is permitted. The applicant is proposing one additional employee.
12. The property owner shall sign the application or the applicant shall provide a letter of authorization from the property owner. The Applicant is the owner.

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

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the proposed Conditional Use Permit, there was none.

Being no discussion, Mr. Michael Fallek moved to approve. Mr. Rogelio Cervantes seconded the motion, which was approved with four members present and voting.

5. Request of David Gosalvez III, for a Conditional Use Permit, for life of the use, for a portable building greater than 10'x12', at Lot 1, Monaco Plaza Subdivision, Hidalgo County, Texas; 604 North McColl Road. (CUP2020-0107)

Mr. Forghanparast stated that staff recommends to table the item. Mr. Michael Hovar motioned to table the item. Mr. Michael Fallek seconded the motion, which was approved with four members present and voting.

The subject property is located on the north side of Fir Avenue, 130 ft. west of North McColl Road. It has 149 ft. of frontage and a depth of 222 ft. for a lot size of 33,152 sq. ft. Monaco Plaza Subdivision was recorded on April 23, 1991, and the plaza building was built in 1991 according to the Appraisal District records.

The property is zoned C-3 (general business) District, and the adjacent zoning is C-3 (general business) District to the north, east, and west and R-4 (mobile home and modular home) District to the south. Surrounding land uses include offices, retail stores, mobile homes, and apartments. A portable building is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements

The applicant is proposing to utilize a portable building, measuring approximately 8.5 ft. x 48 ft., as an MRI facility in the parking lot on the east side of the property to use as a supporting facility for his chiropractic office, known as Chiro Sync. The Fire Department has conducted their inspection, and found the establishment to be in compliance. The portable building must also meet the requirements set forth in Section 138-118(3) of the Zoning Ordinance as follows:

- 1) Portable buildings must not be used for living quarters. The portable building will be used as a medical office only;
- 2) Must be located in such a manner as to have access to a public right-of-way within 200 ft. The property has access to Fir Avenue and North McColl Road;
- 3) The proposed use and adjacent businesses shall comply with the off-street parking and loading ordinance. Based on the square footage, five additional parking spaces are required for the proposed portable building. The plaza has 97 parking spaces currently. The submitted site plan depicts that the portable building might displace 6 parking spaces. The site plan checklist for Monaco Plaza shows that the required number of parking spaces was 50 in 1991;
- 4) Must provide garbage and trash collection and disposal;
- 5) Must be connected to an approved water distribution and sewage disposal system;
- 6) No form of pollution shall emanate beyond the immediate property line of the permitted use; and
- 7) Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use.

Staff recommends approval of the request, for one year, subject to Section 138-118(3) of the Zoning Ordinance and Fire Department requirements.

b) REZONING:

1. Rezone from C-4 (commercial-industrial) District to C-3 (general business) District: 1.083 acres out of Lot 100, La Lomita & Irrigation Construction Company Subdivision, Hidalgo County, Texas; 4920 North Ware Road(MID). (REZ2020-0033) (Tabled 10/20/20)

Mr. Michael Hovar motioned to remove the item from the table. Mr. Rogelio Cervantes seconded the motion, which was approved with four members present and voting.

Mr. Garza stated that the property is an interior tract that is located along North Ware Road, approximately 320 ft. north of Buddy Owens Boulevard.

The applicant is requesting to rezone the property to C-3 (general business) District, and it will be part of a larger tract for development of commercial use.

The adjacent zoning is R-1 (single-family residential) District to the north and east, C-3 (general business) District to the west, C-4 (commercial industrial) District to the east, and C-2 (neighborhood commercial) District to the south.

The property is currently a paving company by the name of Foremost Paving, Inc. Surrounding land uses are single-family residences, Zarah's Meat Market, Valero, a commercial plaza with office buildings including Villanueva Construction, J.R. Constriction, Erickson Construction, and Rubio and Associates, PLLC.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Suburban Commercial, which is comparable to C-3 District.

The development trend for the area along North Ware Road is commercial use.

The property was zoned A-O (agriculture and open space) District during comprehensive zoning in May 1979. The subject property and adjacent commercial properties were rezoned from A-O District to C-4 District in 1999. The adjacent tracts to the west were rezoned to C-3 District in 1999. The requested rezoning is enlarging the existing C-3 District area by 1.083 acres.

The requested zoning conforms to the Suburban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan. The proposed zoning is consistent with the development and rezoning trends for this area.

A recorded subdivision plat and approved site plan are required prior to building permit issuance.

There has been one call received in opposition to the request.

PLANNING AND ZONING COMMISSION MEETING OF OCTOBER 20, 2020:

At the Planning and Zoning Commission meeting of October 20, 2020, the applicant was not present. No one appeared in opposition to the rezoning request. The Board unanimously voted to table the rezoning request. There were four members present and voting.

Staff recommends approval of the rezoning request to C-3 (general business) District.

Chairperson asked if anyone was present in opposition of the proposed rezone, and there was none.

Being no discussion, Mr. Michael Fallek moved to approve. Mr. Michael Hovar seconded the motion, which was approved with four members present and voting.

2. Rezone from R-1 (single-family residential) District to R-3A (multifamily residential apartment) District: 2.221 acres out of Lot 100, La Lomita & Irrigation Construction Company Subdivision, Hidalgo County, Texas; 4920 North Ware Road(REAR). (REZ2020-0035) (Tabled 10/20/20)

Mr. Michael Hovar motioned to remove the item from the table. Mr. Rogelio Cervantes seconded the motion, which was approved with four members present and voting.

Mr. Garza stated that the tract is located along North 34th Street approximately 120 feet north of Water Lily Avenue.

The applicant is requesting to rezone the property to R-3A (multifamily residential apartment) District, and it will be part of a larger tract for development of residential apartment use. A feasibility plan has not been submitted.

The adjacent zoning is R-1 (single-family residential) District to the north, east, and south, and C-4 (commercial industrial) District to the west.

The property is currently a paving company by the name of Foremost Paving, Inc. Surrounding land uses are single-family residences, and Zinnia Park.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Suburban Commercial, which is comparable to C-3 District.

The development trend for the area along North 34th Street is residential use.

The property was zoned A-O (agriculture and open space) District during comprehensive zoning in May 1979. The subject property was rezoned from A-O District to R-1 District in 2015. There have been no other rezoning requests for the subject property since that time. The adjacent property to the west was rezoned to C-4 (commercial industrial) District in 1999 for a paving company. The adjacent single family residential subdivisions were rezoned to R-1 (single family residential) District between 1996 and 2001. The requested rezoning is enlarging a proposed rezoning to R-3A District area by 2.221 acres.

The requested zoning does not conform to the Suburban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan. However, the proposed zoning is to be part of a larger proposed apartment development use.

A recorded subdivision plat and approved site plan are required prior to building permit issuance. Connections and the access to the streets will be discussed during the subdivision review process.

Required park land dedication or a fee in lieu of land comprising \$700 per dwelling unit is required prior to recording a subdivision plat.

There has been one call received in opposition to the request.

PLANNING AND ZONING COMMISSION MEETING OF OCTOBER 20, 2020:

At the Planning and Zoning Commission meeting of October 20, 2020, the applicant was not present. No one appeared in opposition to the rezoning request. The Board unanimously voted to table the rezoning request. There were four members present and voting.

Staff recommends approval of the rezoning request to R-3A (multifamily residential apartment) District.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the proposed rezone, Ms. Georgia Tarver 3405 Violet Avenue was present. Ms. Tarver was concerned with the traffic and quality of tenants for the proposed apartments. Mr. Mario Reyna with Melden & Hunt was present and stated that he was representing Esperanza Homes and their goal was to provide high end apartments. He also explained that the applicant sent out letters to the surrounding residences so that they could get feedback about concerns and once they heard the citizens' concerns they are trying to develop the project with their concerns in mind. Ms. Gloria Ruiz 3404 Violet Avenue was also present and stated that she was concerned with traffic and where the trash will be located. Mr. Reyna showed a site plan and explained their plan of development.

Mr. Rogelio Cervantes abstained from this item.

After a brief discussion, Mr. Michael Hovar moved to approve. Mr. Michael Fallek seconded the motion, which was approved with four members present and voting.

3. Rezone from C-4 (commercial industrial) District to R-3A (multifamily residential apartment) District: 7.116 acres out of Lot 100, La Lomita & Irrigation Construction Company Subdivision, Hidalgo County, Texas; 4920 North Ware Road (MID REAR). (REZ2020-0036) (Tabled 10/20/20)

Mr. Michael Hovar motioned to remove the item from the table. Mr. Michael Fallek seconded the motion, which was approved with four members present and voting.

Mr. Garza stated that the property is an interior tract that is located along North Ware Road, approximately 320 ft. north of Buddy Owens Boulevard.

The applicant is requesting to rezone the property to R-3A (multifamily residential apartment) District, and it will be part of a larger tract for development of residential apartment use. A feasibility plan has not been submitted.

The adjacent zoning is R-1 (single-family residential) District to the north, east, and south, and C-4 (commercial industrial) District to the west.

The property is currently a paving company by the name of Foremost Paving, Inc. Surrounding land uses are single-family residences, and Zinnia Park, and vacant land.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Suburban Commercial, which is comparable to C-3 District.

The development trend for the area along North Ware Road is commercial use.



The property was zoned A-O (agriculture and open space) District during comprehensive zoning in May 1979. The subject property and adjacent commercial properties were rezoned from A-O District to C-4 District in 1999. The requested rezoning is enlarging a proposed rezoning to R-3A District area by 7.116 acres.

The requested zoning does not conform to the Suburban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan. However, the proposed zoning is to be part of a larger proposed apartment development use.

A recorded subdivision plat and approved site plan are required prior to building permit issuance. Connections and the access to the streets will be discussed during the subdivision review process.

Required park land dedication or a fee in lieu of land comprising \$700 per dwelling unit is required prior to recording a subdivision plat.

There has been one call received in opposition to the request.

#### PLANNING AND ZONING COMMISSION MEETING OF OCTOBER 20, 2020:

At the Planning and Zoning Commission meeting of October 20, 2020, the applicant was not present. No one appeared in opposition to the rezoning request. The Board unanimously voted to table the rezoning request. There were four members present and voting.

Staff recommends approval of the rezoning request to R-3A (multifamily residential apartment) District.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the proposed rezone

Mr. Rogelio Cervantes abstained from this item.

After a brief discussion, Mr. Michael Hovar moved to approve. Mr. Michael Fallek seconded the motion, which was approved with four members present and voting.

4. Rezone from R-2 (duplex-fourplex residential) District to R-3A (multifamily residential apartments) District: 21.18 acres out of Lot 14, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 11200 North La Lomita Road. (REZ2020-0026) (Tabled 09/16/20) (Remained Tabled 10/06/20) (Remained Tabled 10/20/20)

Chairperson Cabeza de Vaca stated that item 4 and 5 have been withdrawn. No actions required.

The subject property consists of 21.18 acres with a frontage of 699 ft. along La Lomita Road.

The applicant is requesting to rezone the property to R-3A (single-family residential) District. An application for a subdivision for the subject property under the name of Stonebriar at Trinity Oaks Subdivision in order to establish unattached duplex units has been submitted and received approval in preliminary form on June 2, 2020 by the Planning and Zoning Commission.

The adjacent zoning is R-1 (single-family residential) District to the north, east, and west, R-4

(mobile homes) District to the northeast, R-2 (duplex-fourplex residential) District to the south, and A-O (agriculture and open space) District to the east.

The property is currently vacant. Surrounding land uses are single-family residences, and vacant lots.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Urban Single Family, which is comparable to R-1 District.

The development trend for the area along La Lomita Road is single family residential

The property was zoned A-O District during comprehensive zoning in May 1979.

On January 23, 2006, The City Commission Board approved a rezoning request from to A-O District to R-2 District.

The requested zoning does not conform to the Urban Single Family land use designation as indicated on the Foresight McAllen Comprehensive Plan. The proposed zoning is not consistent with the development and rezoning trends for this area.

A recorded subdivision plat and approved site plan are required prior to building permit issuance.

There have been no calls received in opposition to the request.

#### PLANNING AND ZONING COMMISSION MEETING OF SEPTEMBER 16, 2020:

At the Planning and Zoning Commission meeting of September 16, 2020, the applicant was present. No one appeared in opposition to the rezoning request. The Board unanimously voted to table the rezoning request in order to allow the applicant time to consider the option of a Planned Unit Development. There were six members present and voting.

#### PLANNING AND ZONING COMMISSION MEETING OF OCTOBER 06, 2020:

At the Planning and Zoning Commission meeting of October 06, 2020, the applicant was present. No one appeared in opposition to the rezoning request. The Board unanimously voted to table the rezoning request in order to allow the applicant time to consider the option of a Planned Unit Development. There were four members present and voting.

#### PLANNING AND ZONING COMMISSION MEETING OF OCTOBER 20, 2020:

At the Planning and Zoning Commission meeting of October 20, 2020, the applicant was present. No one appeared in opposition to the rezoning request. The Board unanimously voted to table the rezoning request in order to allow the applicant time to consider the option of a Planned Unit Development. There were four members present and voting.

Staff recommends disapproval of the rezoning request to R-3A (multifamily residential apartments) District.

5. Rezone from R-2 (duplex-fourplex residential) District to R-1 (single family residential) District: 18.82 acres out of Lot 14, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 11300 North La Lomita Road. (REZ2020-0027) (Tabled 09/16/20) (Remained Tabled 10/06/20) (Remained Tabled 10/20/20)

Withdrawn, not actions needed.

The property is a tract that fronts La Lomita Road and has a frontage of 621 ft. along La Lomita Road.

The applicant is requesting to rezone the property to R-1 (single-family residential) District. An application for a subdivision for the subject property under the name of Stonebriar at Trinity Oaks Subdivision for single-family residences has been submitted and received approval in preliminary form on June 2, 2020 by the Planning and Zoning Commission.

The adjacent zoning is R-1 (single-family residential) District to the east, and west, R-2 (duplex-fourplex residential) District to the north, and A-O (agriculture and open space) District to the south and east.

The property is currently vacant. Surrounding land uses are single-family residences, and vacant lots.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Urban Single Family, which is comparable to R-1 District.

The development trend for the area along La Lomita Road is single family residential

The property was zoned A-O District during comprehensive zoning in May 1979.

On January 23, 2006, The City Commission Board approved a rezoning request from to A-O District to R-2 District.

The requested zoning conforms to the Urban Single Family land use designation as indicated on the Foresight McAllen Comprehensive Plan. The proposed zoning is consistent with the development and rezoning trends for this area.

A recorded subdivision plat and approved site plan are required prior to building permit issuance.

There have been no calls received in opposition to the request.

#### PLANNING AND ZONING COMMISSION MEETING OF SEPTEMBER 16, 2020:

At the Planning and Zoning Commission meeting of September 16, 2020, the applicant was present. No one appeared in opposition to the rezoning request. The Board unanimously voted to table the rezoning request in order to allow the applicant time to consider the option of a Planned Unit Development. There were six members present and voting.

#### PLANNING AND ZONING COMMISSION MEETING OF OCTOBER 06, 2020:

At the Planning and Zoning Commission meeting of October 06, 2020, the applicant was present. No one appeared in opposition to the rezoning request. The Board unanimously voted to table the rezoning request in order to allow the applicant time to consider the option of a Planned Unit Development. There were four members present and voting.

#### PLANNING AND ZONING COMMISSION MEETING OF OCTOBER 20, 2020:

At the Planning and Zoning Commission meeting of October 20, 2020, the applicant was present.

No one appeared in opposition to the rezoning request. The Board unanimously voted to table the rezoning request in order to allow the applicant time to consider the option of a Planned Unit Development. There were four members present and voting.

Staff recommends approval of the rezoning request to R-1 (single family residential) District

6. Rezone from C-3 (general business) District to R-3T (multifamily residential townhouse) District: the East 1/3 of Lots 11 and 12, Block 40, North McAllen Addition, Hidalgo County, Texas; 1712 Cedar Avenue. (REZ2020-0037)

Mr. Forghanparast stated that the property is located on the north side of Cedar Avenue, approximately 93 ft. east of the intersection of North Bicentennial Boulevard and Cedar Avenue. The tract has 46.67 ft. of frontage along Cedar Avenue with a depth of 100.00 ft. for a tract size of 4,667 sq. ft.

The applicant is requesting to rezone the subject property to R-3T (multifamily residential townhouse) District to build a townhome. A subdivision plat for the subject property under the name of 1712 Cedar Subdivision to create one lot was approved in preliminary form on October 20, 2020, by the Planning and Zoning Commission.

The adjacent zoning is R-2 (duplex-fourplex residential) District to the east and C-3 (general business) District to the north, west, and south.

The subject property is currently vacant. Surrounding land uses are single-family and duplex-fourplex residences, JJ's Party House, a warehouse, and vacant land.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Urban Residential Mixed which is comparable to R-2 (duplex-fourplex residential) and R-3T (multifamily residential townhouse) Districts.

The development trend for this area along Cedar Avenue is residential and commercial. The subject property was zoned C-3 (general business) District during comprehensive zoning in 1979. There have been no other rezoning requests since then.

The requested zoning conforms to the Urban Residential Mixed land use designation as indicated on the Foresight McAllen Comprehensive Plan. The rezoning request will also provide opportunities for a variety of housing types throughout the city that responds to the residents' economic and social lifestyles.

The maximum density in R-3T (multifamily residential townhouse) District is 20 units per acre. Therefore, the maximum number of units for the subject property is approximately 2 townhouses.

Section 110-49 (a) Vegetation Ordinance requires a masonry screen eight ft. in height where a commercial, industrial, or multifamily use has a side or rear property line in common with a single-family use or zone. Where such use has 200 feet or less in common with any residential use or zone, the buffer shall be eight feet in height but may be cedar planks.

A recorded subdivision plat and approved site plan are required prior to building permit issuance. Required park land dedication or a fee in lieu of land comprising \$700 per dwelling unit is required

prior to recording a subdivision plat.

Staff has not received any calls or emails in opposition to the rezoning request.

Staff recommends approval of the rezoning request to R-3T (multifamily residential townhouse) District.

Chairperson asked if there was anyone present in opposition of the proposed rezone, there was none.

Being no discussion, Mr. Michael Fallek moved to approve. Mr. Michael Hovar seconded the motion, which was approved with four members present and voting.

7. Rezone from C-1 (office building) District to R-1 (single-family residential) District: Lots 11 and 12, Block 1, Renken's Addition, Hidalgo County, Texas; 619 North 9th Street. (REZ2020-0038)

Mr. Forghanparast stated that the property is located at the southwest corner of Gumwood Avenue and North 9th Street. The tract consists of two lots and has 100 ft. of frontage along North 9th Street with a depth of 140 ft. for a tract size of 14,000 sq. ft.

The applicant is requesting to rezone the subject property to R-1 (single-family residential) District in order to build a single-family residence. A feasibility plan has not been submitted.

The adjacent zoning is R-1 (single-family residential) District to the north, east, and south, and C-3 (general business) District to the west.

The subject property is currently vacant. Surrounding land uses include single-family residences, Subway restaurant, retail stores, offices, Pro Auto Credit Cars, and vacant land.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Auto Urban Commercial which is comparable to C-3 (general business) District.

The development trend for this area along North 9th Street is residential. The subject property was zoned R-1 (single-family residential) District during comprehensive zoning in 1979. A rezoning request to C-1 (office building) District for the subject property was approved by the City Commission on September 9, 1996.

The requested zoning does not conform to the Auto Urban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan; however, the request constitutes a downzoning that is consistent with the surrounding single-family residential zoning and land use.

Staff has not received any calls or emails in opposition to the rezoning request.

Staff recommends approval of the rezoning request to R-1 (single-family residential) District.

Chairperson asked if there was anyone in opposition of the proposed rezone, there was none.

After a brief discussion, Mr. Michael Hovar moved to approve. Mr. Rogelio Cervantes seconded

the motion, which was approved with four members present and voting.

8. Rezone from R-2 (duplex-fourplex residential) District to R-3A (multifamily residential apartment) District: the East 6 ft. of Lot 4, and all of Lot 5, Block 7, Larkspur Subdivision Unit No. 1 & Larkspur Subdivision Unit No. 2, Hidalgo County, Texas; 1607 Nolana Avenue. (REZ2020-0039)

Mr. Forghanparast stated that the property is located on the south side of Nolana Avenue, 91.41 ft. west of the intersection of North 16th Street and Nolana Avenue. The tract has 96 ft. of frontage along Nolana Avenue and a depth of 120 ft. for a tract size of 11,520 sq. ft.

The applicant is requesting to rezone the subject property to R-3A (multifamily residential apartment) District to build a duplex residence proposed to be detached from an existing duplex on the subject property. A feasibility plan has not been submitted.

The adjacent zoning is R-1 (single-family residential) District to the south and R-2 (duplex-fourplex residential) District to the north, east, and west.

The current land use of the subject property is a duplex residence. Surrounding land uses include single and multifamily residences, International museum of Art and Science (IMAS), and Frost Bank.

The Foresight McAllen Comprehensive Plan designates the future land use for the subject property as Urban Multifamily which is comparable to R-2 (duplex-fourplex residential) and R-3 (multifamily residential) Districts.

The development trend for this area along Nolana Avenue is duplex-fourplex residences. The subject property was zoned R-2 (duplex-fourplex residential) District during the comprehensive zoning in 1979. There have been no other rezoning requests since then.

The applicant had originally applied for a variance request to build a separate residential structure on the subject property on July 28, 2020. Section 138-356 (7) of the Zoning Ordinance states that only one primary residential structure may be erected on an R-1, R-2, or R-3T zoning district lot. At the Zoning Board of Adjustment and Appeals meeting of September 17, 2020, following the Assistant City Attorney's advice, the Board unanimously voted to table the variance request in order to allow clarification by the staff to whether rezoning may be the appropriate approach for this request. The City Attorney's office later clarified that in order to build multiple residential structures on a lot, the applicant needs to request a rezoning to R-3A (multifamily residential apartment) District and a variance would not be sufficient. Therefore, the applicant withdrew the variance request and submitted the current rezoning application on October 6, 2020.

The requested zoning conforms to the Urban Multifamily land use designation as indicated on the Foresight McAllen Comprehensive Plan. However, the rezoning request is not consistent with the single-family and duplex-fourplex character of the neighborhood. If the request is approved, it may encourage other property owners to apply for a rezoning to R-3A (multifamily residential apartment) District as well, which will increase the density and traffic in the area along Nolana Avenue.

The maximum density in R-3A (multifamily residential apartment) District is 29 three-bedroom units (1,500 sq. ft.) per acre to 54 studio apartment units (800 sq. ft.) per acre. Therefore, the maximum

number of units for the subject property is approximately 7 three-bedroom units to 13 studio units, including the two existing residences on the subject property if the property owner maintains them.

An approved site plan is required prior to building permit issuance.

Staff has not received any calls or emails in opposition to the rezoning request.

Staff recommends disapproval of the rezoning request to R-3A (multifamily residential apartment) District.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the proposed rezone, there was none. Chairperson asked to speak to the applicant. Mr. Jim Moffitt was present and stated that he did not want attach the new proposed duplex to the existing structure which is why he is requesting spot zoning. Mr. Hovar asked why the applicant did not want to subdivide because it made sense to do that. City attorney Victor Flores asked if the multi residence will fit on the property and Mr. Garcia confirmed.

Mr. Michael Fallek abstained from this item.

After a brief discussion, Mr. Michael Hovar moved to disapprove. Mr. Rogelio Cervantes seconded the motion, which was approved with four members present and voting.

**c) SUBDIVISION:**

1. A Resubdivision of the West 1/2 of Lot 22, Block 25, Balboa Acres Subdivision, Hidalgo County, Texas; 3408 Covina Avenue (SUB2020-0052)

Ms. Gonzalez stated that the property is located at Covina Avenue: 60 ft. ROW. Paving: Approx. 38 ft. existing Curb & gutter: both sides ROW: 20 ft. Paving: existing conditions remain. Alley/service drive easement required for commercial properties. Front setbacks: 25 ft. Rear setbacks: In accordance with the Zoning Ordinance or grater for easements. Side setbacks: In accordance with the Zoning Ordinance or grater for easements. Garage setback: 18 ft. except where greater setback is required, greater setback applies All setbacks are subject to increase for easements or approved site plan. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Lots fronting public streets. Minimum lot width and lot area: Survey for the west half of Lot 22, Block 25 shows 50 ft. width. Existing zoning: R-1 Proposed zoning: R-1 Park Fee of \$700 per lot to be paid prior to recording. Per Traffic Department Trip Generation is waived. No TIA required. Comments: Existing plat notes remain the same. Public hearing required for the re-subdivision of the lot. Must comply with other department requirements prior to recording as may be applicable

Staff recommends approval of the resubdivision in final form.

Chairperson asked if there was anyone in opposition of the resubdivision, there was none.

Being no discussion, Mr. Michael Hovar moved to approve. Mr. Michael Fallek seconded the motion, which was approved with four members present and voting.

2. A Resubdivision of the East 1/2 of Lot 22, Block 25, Balboa Acres Subdivision, Hidalgo County, Texas; 3410 Covina Avenue (SUB2020-0053)

Ms. Gonzalez stated that the property was located Covina Avenue: 60 ft. ROW. Paving: 38 ft. existing Curb & gutter: Both sides ROW: 20 ft. Paving: existing conditions remain. Alley/service drive easement required for commercial properties. Front setbacks: 25 ft. Rear setbacks: In accordance with the Zoning Ordinance or greater for easements. Side setbacks: In accordance with the Zoning Ordinance or greater for easements. Garage setback: 18 ft. except where greater setback is required, greater setback applies. All setbacks are subject to increase for easements or approved site plan. Lots fronting public streets and Minimum lot width and lot area: Survey for the east half of Lot 22, Block 25 shows a 50 ft. width. Existing zoning: R-1 Proposed zoning: R-1 Park Fee of \$700 per lot to be paid prior to recording Per Traffic Department Trip Generation is waived. No TIA required. Existing plat notes remain the same. Public hearing required for the subdivision of the lot. Must comply with other department requirements prior to recording as may be applicable.

Staff recommends approval of the subdivision in final form.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the resubdivision, there was none.

Being no discussion, Mr. Rogelio Cervantes moved to approve. Mr. Michael Hovar seconded the motion, which was approved with four members present and voting.

### **3) SITE PLAN:**

- a) Revised Site Plan Approval for Lot 4B, North McAllen Shopping Center Lots 4A & 4B Subdivision; 7301 North 7th Street. (SPR2020-0005)

Ms. Liliana Garza stated that the property is located on the west side of North 7th Street, approximately 238 ft. north of Trenton Road. The property is vacant and is zoned C-3 (general business) District. Surrounding zoning is C-3 to the north, south and west, and A-O (agricultural and open space) to the east.

The applicant originally proposed to construct a 5,450 sq. ft. building for a restaurant and drive thru located on the north side of the property. The site plan was approved by Planning and Zoning Commission on April 7, 2020.

The applicant is now proposing to construct a 4,656 sq. ft. building with 45 outdoor dining seats for a restaurant and drive thru use located at the south side of the property. The plat states that a site plan must be approved by the Planning & Zoning Commission prior to building permit issuance.

The proposed restaurant will be 4,656 square feet with 45 outdoor dining seats, which requires 56 parking spaces. Three of the provided parking spaces must be accessible, one of which must be van accessible with an 8 ft. wide aisle. Based on the restaurant area (4,656 sq. ft.) and patio dining seating (45 seats), 56 parking spaces are required; 56 parking spaces are being proposed. Three access points to the site are being proposed; one of which is a 24 ft. wide curb cut and two of which are 26 ft. wide curb cuts along N. 7th Street. Traffic Department has indicated that stacking for eleven vehicles is required for the drive-thru area. Based on an updated emailed (10/28/20) site plan that is now showing a proposed Fire Department Connection (FDC), fire department approves



the site plan with the condition that at this time the requirement of fire protection systems must be installed to include but not limit to an automatic fire sprinkler system. Required landscaping is 4,265 sq. ft. with trees required as follows: 15 -2 ½" caliper trees, or 8- 4" caliper trees, or 4- 6" caliper trees, or 30 palm trees. A minimum 10 ft. wide landscape strip is required inside the property line along N. 7th Street. Fifty percent of the landscaping must be visible in front areas, and each parking space must be within 50 ft. of a landscaped area with a tree, as required by ordinance. A 6 ft. buffer is required around the dumpster if visible from the street. No structures are permitted over easements. All setbacks will be in compliance with the plat note requirements and the zoning ordinance.

Staff recommends approval of the site plan subject to the conditions noted by Traffic Department, Public Works Department and Fire Department requirements, paving and building permit requirements, and the subdivision and zoning ordinances.

Being no discussion, Mr. Michael Hovar moved to approve with conditions noted. Mr. Michael Fallek seconded the motion, which was approved with four members present and voting.

#### **4) CONSENT:**

- a) Dale' Shine At Business 83 Subdivision; 2301 Highway 83- The Fritts LP and Spurgeon W. Brown and Brownie's Oil Co. (Final) (SUB2020-0081) M&H

The property is located on W. Business Highway 83: 50 ft. ROW from centerline required for 100 ROW Paving: By the state Curb & gutter: By the state S. 23rd Street: Approximately 16.2 ft. ROW dedication required for 50 ft. ROW from centerline for 100 ft. ROW Paving: By the state Curb & gutter: By the state Austin Avenue: 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides 800 ft. Block Length ROW: Existing 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties Existing 20 ft. alley; must be paved Front: W. Business Highway 83: 50 ft. or greater for easements or site plan S. 23rd Street: 50 ft. or greater for easements or approved site plan; proposing 40 ft. or greater for easements Austin Avenue: 30 ft. or greater for easements or approved site plan Rear: In accordance with the zoning ordinance, or greater for easements or site plan Sides: In accordance with the zoning ordinance, or greater for easements or site plan Corner: See setbacks for W. Business Highway 83 and S. 23rd Street. All setbacks are subject to increase for easements or approved site plan. Setbacks for existing structures remain however, any new additions and /or new construction shall comply with setbacks as noted. 5 ft. wide minimum sidewalk required on S. 23rd Street, W. Business Highway 83 and 4 ft. sidewalk required along Austin Avenue. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. 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 other Development Departments prior to building permit issuance. Common Areas, Private Streets must be maintained by the lot owners and not the City of McAllen Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Lots fronting public streets Minimum lot width and lot area Existing: I-1 Proposed: I-1 Trip Generation to determine if TIA is required, prior to final plat. Trip Generation has been approved, no TIA required. Comments: Must comply with City's Access Management Policy Site plan required by Traffic Department, Fire Department and Public Works to see access location and street light layout, dumpster location, and fire hydrant layout Include abandonment doc # for 17 ft. railroad easement vol. 609 page 115 H.C.D.R. shown

on the plat, prior to final. Plat submitted August 28, 2020 is still missing the railroad easement abandonment document information which is required prior to final approval. Engineer submitted a revised survey which no longer shows the railroad easement; therefore, no need for abandonment process

Staff recommends approval of the subdivision in final form.

Being no discussion, Mr. Michael Fallek moved to approve with conditions noted. Mr. Michael Hovar seconded the motion, which was approved with four members present and voting.

## **5) SUBDIVISIONS:**

### **Chairperson went to Item C.**

- a) The Medici Subdivision; 5801 North Bentsen Road- Sharyland ISD (Preliminary) (SUB2020-0075) M&H

Ms. Gonzalez stated that the property is located on Dove Avenue: Dedication for 75 ft. from centerline required for 150 total ROW. Paving: min. 65 ft. Curb & gutter: both sides. Revise plat to show legal description for the property on the south side of Dove Avenue. Show centerline and existing ROW on both sides. Show ROW dedication by prior plat and also existing ROW on both sides to determine if dedication is required. Bentsen Road: 100 ft. total ROW. Paving: 65 ft. Curb & gutter: Both sides. Show ROW dedication for Bentsen Road from Sharyland I.S.D. Junior High School Subdivision. Also show centerline and ROW on both sides, etc. Goldcrest Avenue (private), Eagle Avenue (private), N. 44th Lane (private), N. 45th Lane (private): 50 ft. ROW Paving: 32 ft. Curb & gutter: Both sides N. 45th Street & Flamingo Avenue: 60 ft. ROW. Paving: 40 ft. Curb & gutter: Both sides Revise plat accordingly. If subdivision is private, provide gate detail to finalize ROW dedication, requirements, etc. Revise plat to reflect correct street names instead of now blank. What is the offset between Falcon Avenue and existing street between Lots 1 & 58? centerline to centerline. 20 ft. pavement face to face on both sides of island required for private subdivisions. 800 ft. Block Length N. 45th Lane exceeds the 800 ft. block length without a stub-out street, revise plat accordingly or provide variance letter as needed. 600 ft. Maximum Cul-de-Sac. Plat needs to be revised accordingly since it exceeds the 600 ft. without a cul-de-sac or provide variance letter prior to final \* Front: 25 ft. or greater for easements Rear setbacks: 10 ft. or greater for easements, except 25 ft. for double fronting lots. Side setbacks: 6 ft. or greater for easements. Proposing 5 ft. or greater for easements. Plat needs to be revised accordingly to reflect 6 ft. or provide variance letter for P&Z board review. Side Corner setbacks: 10 ft. or greater for easements. Garage setback: 18 ft. except where greater setback is required, greater setback applies. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on N. Bentsen Road, Dove Avenue, and both sides of all interior streets. Revise plat as noted above. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along N. Bentsen Rd. and Dove Ave. Plat needs to be revised as it references N. 33rd St. and Ware Rd. 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. No curb cut, access, or lot frontage permitted along N. Bentsen Road and Dove Avenue. Revise plat to reflect N. Bentsen Rd. Common Areas, private services drives, etc. must be maintained by the lot owners and not the City of McAllen.

Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies for public subdivisions. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Lots fronting public streets and minimum lot width and lot area. Existing zoning: A-O Proposed zoning: R-1. Rezoning Needed Before Final Approval. Current zoning is A-O. Rezoning application to R-1 not in file yet. Park Fee of \$700 x dwelling unit/lot x 58 units proposed = \$40,600 to be paid prior to recording. If number of lots changes, fees will be revised accordingly. Per Traffic Department, need to submit a Trip Generation to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Must comply with City's Access Management Policy Need to clarify if subdivision is private or public. If private, need to show on plat "A private subdivision..." reference. Also if subdivision is public, reference Section 110-72 for maintenance of common areas. If subdivision is private, Section 134-168 applies as part of the required HOA note. Gate details required for review if this subdivision is private. Revise plat to show street names for (two entrance streets) Need to submit HOA to verify maintenance prior to recording. What's the width of the property retained by Sharyland I.S.D. between this plat and District ROW to the north?

Staff recommends approval of the subdivision in preliminary form, subject to conditions noted, utilities and drainage approvals.

Being no discussion, Mr. Rogelio Cervantes moved to approve subject to conditions noted. Mr. Michael Hovar seconded the motion, which was approved with four members present and voting.

- b) Iglesias Subdivision; 4400 Pecan Boulevard- Alvaro Iglesias (Preliminary) (SUB2020-0072)  
MAS

Mr. De La Garza stated that property is located on Pecan Boulevard (FM 495): 20 ft. dedication for 60 ft. from centerline for 120 ft. total ROW Paving: By the state Curb & gutter: By the state. Please show total ROW on both sides of centerline and total ROW after accounting for any ROW dedication prior to final. North Bentsen Road: 10 ft. of dedication for 50 ft. from centerline for 100 ft. total ROW. Paving: 65 ft. Curb & gutter: Both sides Monies must be escrowed if improvements are not built prior to recording. Please show total ROW on both sides of centerline and total ROW after accounting for any. ROW dedication prior to final. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties Front setbacks: Pecan Boulevard: 60 ft. or greater for easements or approved site plan. North Bentsen Road: 50 ft. or greater for easements or approved site plan. Please revise plat note as shown above. Rear setbacks: In accordance with the Zoning Ordinance or greater for easements or approved site plan. Please revise plat note as shown above. Interior Side setbacks: In accordance with the Zoning Ordinance or greater for easements or approved site plan. Please revise plat note as shown above. Corner setback: See setbacks above. Please revise plat note as shown above. All setbacks are subject to increase for easements or approved site plan. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required along west side of North Bentsen Road. 5 ft. wide minimum sidewalk required along north side of Pecan Boulevard (FM 495) as per Engineering Department Please revise plat note as shown above prior to final. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses

and along north property line where abutting to residential zone/use. Please revise plat note as shown above prior to final. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along Pecan Boulevard (FM 495) Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Common Areas, any private streets/drives must be maintained by the lot owners and not the City of McAllen Developer/Homeowner's Existing zoning: C-1 Proposed zoning: C-1 Engineer must clarify use prior to final. If a rezoning is required, rezoning must be finalized prior to final. Rezoning Needed Before Final Approval Engineer must clarify use prior to final. If a rezoning is required, rezoning must be finalized prior to final. Minimum lot width and lot area. Lots fronting public streets. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Must comply with City's Access Management Policy. As per Utilities and Public Works Department, please submit site plan for review prior to final. Engineer must clarify use prior to final.

Staff recommends approval of the subdivision in preliminary form, subject to conditions noted, and drainage and utilities approval.

Being no discussion, Mr. Michael Fallek moved to approve with conditions noted. Mr. Michael Hovar seconded the motion, which was approved with four members present and voting.

- c) Frontera Peak Subdivision; 1701 Frontera Road- Xavier E. Morales and Karli Marie Maldonado (Preliminary) (SUB2020-0071) G&M

Ms. Gonzalez stated that the property is located on Frontera Road: 20 ft. dedication required for 40 ft. from centerline for 80 ft. total ROW. Paving: min. 52 ft. Curb & gutter: Both sides Revise plat accordingly to show required dedication, show also ROW from centerline to new property line after accounting for dedication. Ownership map needed to assure no landlocked property exists or need for additional streets, prior to final. 800 ft. Block Length 600 ft. Maximum Cul-de-Sac. Front setback: 45 ft. or greater for easements, or in line with the average setback of existing structures, whichever is greater. Revise plat as noted above. Remove reference to setback line from plat Rear setback: 10 ft. or greater for easements. Revise plat as noted above. Remove setback line reference from plat Side setbacks: Proposing 6 ft. or greater for easements Revise plat as noted above Garage setbacks: 18 ft. except where greater setback is required, greater setback applies. Revise plat as noted above. All setbacks are subject to increase for easements or approved site plan. Other setbacks as applicable prior to final if additional streets are required. 4 ft. wide minimum sidewalk required on Frontera Road. Revise plat as noted above. Other streets as applicable, prior to final. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. Need note on plat as noted above. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Note required on plat as noted above, revise accordingly. Perimeter buffers must be built at time of Subdivision Improvements. \* Lots fronting public streets Minimum lot width and lot area Existing: R-1 Proposed: R-1 \* Park Fee of \$700 per dwelling unit/lot to be paid prior to recording Must comply with City's Access Management Policy Revise plat to show dedication for 40 ft. from centerline, show also new property line from centerline after accounting for required dedication. Revise plat to include setbacks Note. Revise plat to include 8 ft. masonry wall and 6 ft. opaque buffer notes on plat. Need ownership map to assure no landlocked properties exist prior to final.

Staff recommends approval of the subdivision in preliminary form, subject to conditions noted, utilities and drainage approvals.

Being no discussion, Mr. Rogelio Cervantes moved to approve with conditions noted. Mr. Michael Hovar seconded the motion, which was approved with four members present and voting.

Chairperson went to item D.

- d) 2nd and Dove Subdivision; 201 Dove Avenue- Alonzo Cantu (Preliminary) (SUB2020-0076)  
CLH

Ms. Gonzalez stated that this property is located on Dove Avenue. Interior E/W Street: 60 ft. ROW Paving: 40 ft. Curb & gutter: both sides Variance letter received proposing a street with 30 ft. ROW and 30 ft. pavement back to back. Dove Avenue: Dedication required for 75 ft. from centerline for total 150 ft. ROW. Paving: min. 65 ft. Curb & gutter: both sides Variance letter received asking to not provide additional ROW dedication. Plat submitted shows 100 ft. existing ROW, and 46 ft. ROW from centerline; it appears approximately 29 ft. are required. Plat shows 20 ft. dedication; why do lot lines continue into 20 ft. ROW? Clarify how are the 20 ft. shown in plat dedicated, show document number information. North Col. Rowe Boulevard (N. 2nd Street): Dedication for 60 ft. from centerline required for total of 120 ft. ROW Paving: min. 65 ft. Curb & gutter: both sides Dove Avenue: Dedication required for 75 ft. from centerline for total 150 ft. ROW. Paving: min. 65 ft. Curb & gutter: both sides Variance letter received asking to not provide additional ROW dedication. Plat submitted shows 80 ft. existing ROW, and 40 ft. ROW from centerline; 20 ft. of additional ROW dedication are required. 800 ft. Block Length 600 ft. Maximum Cul-de-Sac ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Existing 20 ft. alley ROW along the south and west of property dedicated by subdivision to the south. Variance request letter to convert a portion of the 20 ft. alley ROW into a 30 ft. street ROW. Front setback: Proposed 18 ft. at front entry garage. Rear setback: 10 ft. in accordance with the zoning ordinance, or greater for approved site plan or easements. Interior Side setbacks: In accordance with the zoning ordinance, or greater for approved site plan or easements. Corner setback: 10 ft. or greater for easements. If detention areas become lots, it will also apply to these lots. Garage setback: 18 ft. except where greater setback is required, greater setback applies. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on Dove Avenue, North Col. Rowe Blvd. (N. 2<sup>nd</sup> Street), and both sides of all interior streets, and entrance street from Dove Avenue. Revise plat as noted above prior to final Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along Dove Avenue and N. Col Rowe (N. 2nd Street). Revise plat as noted above 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. No curb cut, access, or lot frontage permitted along North Col. Rowe Boulevard (N. 2<sup>nd</sup> Street) and Dove Avenue. Per Traffic Department, no connection to N. Col. Rowe Boulevard (N. 2nd Street) allowed due to spacing requirements of a principal arterial of 360 ft. not being met. Site plan must be approved by the Planning and other Development Departments prior to building permit issuance. Common Areas, private service drives, etc. must be maintained by the lot owners and not the City of McAllen Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies for public subdivisions. Homeowner's

Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Lots fronting public streets Minimum lot width and lot area. Engineer submitted a variance letter to not comply with the minimum lot area requirement of 2,000 sq. ft. Proposed layout shows Lots 2-12 have 1,580 sq. ft., Lot 13 has an area of 1,863 sq. ft. and Lots 16-21 1,705 sq. ft. to be presented to Zoning Board of Adjustments. \* Existing: R-1 Proposed: R-3T Rezoning from R-1 to R-3T was approved by Planning and Zoning Board at the August 4, 2020 meeting. City Commission approved the rezoning request at the August 10, 2020 meeting. Rezoning Needed Before Final Approval Rezoning from R-1 to R-3T was approved by Planning and Zoning Board at the August 4, 2020 meeting. City Commission approved the rezoning request at the August 10, 2020 meeting. Park Fee of \$700 per dwelling unit/lot to be paid prior to recording. 21 lots are proposed x \$700 = \$14,700 due prior to recording. Need to submit Trip Generation to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Must comply with City's Access Management Policy. Revise plat to eliminate lot line extending into area being dedicated for Dove Avenue ROW. Lot line should not be shown as bold as subdivision boundaries. Note required on plat for minimum 25x25 sight obstruction easement at all street intersections. Engineer presented variances to not dedicate additional ROW on Dove Avenue, N. 2nd St. (Col. Rowe Blvd.) and to convert the existing 20 ft. alley into a 30 ft. interior street. Engineer also submitted a variance letter to not comply with the minimum lot area requirement of 2,000 sq. ft. Proposed layout shows Lots 2-12 have 1,580 sq. ft., Lot 13 has an area of 1,863 sq. ft. and Lots 16-21 1,705 sq. ft. to be presented to Zoning Board of Adjustments. If a gate is proposed in an interior public street, a license agreement may apply Variance request letter to convert a portion of the 20 ft. alley ROW into a 30 ft. street ROW to be finalized prior to final approval. Gated exit to 2nd Street (N. Col. Rowe) is proposed to be used as an emergency exit only, and for City's Public Works Department.

Staff recommends approval of the subdivision in preliminary form subject to the conditions noted, utilities, and drainage approvals and clarification on the requested variances.

Chairperson wanted clarification on the variance which one was to convert the alley to a 30-foot street and two separate ones for the right of way on Dove and Col. Road. Mr. Fallek also asked about the variance of the interior street. Mr. Fallek wanted clarification on the turnaround of the interior street. Mr. Cloro Hinojosa Engineer explained that the render was extended additional 10 feet to 40feet so that drivers can make 3 point turnarounds and some of the units will have driveways that will help the turnaround. Mr. Hovar asked if the turnarounds are capable when cars are parked parallel. Mr. Fallek asked if fire department has signed off on this change and Ms. Gonzalez advised that board that Captain Hernandez was present. Captain Hernandez stated that they reviewed the site plan and suggested an emergency gate off of Second street to allow service. Mr. Fallek asked if City services approved of this suggested and Ms. Gonzalez confirmed that City services reviewed it and will have an access code as well. Mr. Fallek also asked about the variances of the Right of Way on Second Street and Dove and if they have been approved, and Ms. Gonzalez stated that Mr. Cloro Hinojosa will explain. Mr. Hinojosa explained that one of the exhibits provided showed the 25 additional feet of Right of Way extending to the West of the intersection of Dove and Second Street and the additional Right of Way goes through the existing houses. Ms. Martina Mejia from the Traffic Department was present and explained that access from Second Street has not been approved, a variance letter has to be submitted to Engineering Department because it does not meet the CC requirements from the intersection, Second Street is principal arterial and it requires 360 feet corner clearance.

Being no discussion, Mr. Michael Hovar moved to approve with pending variances. Mr. Rogelio

Cervantes seconded the motion, which was approved with four members present and voting.

Chairperson moved to item E.

- e) Verdin Heights Subdivision; 7401 North Bentsen Road- Sergio Guzman (Revised Preliminary) (SUB2020-0057) SEC

Mr. De La Garza stated that the property is located on North Bentsen Road: 30 ft. of dedication required for 50 ft. from centerline for 100 ft. ROW Paving 65 ft. Curb & gutter: Both Sides Monies must be escrowed if improvements are not built prior to recording. Must label centerline to verify if any ROW dedication is required prior to final. Engineer submitted a letter requesting a variance on September 25, 2020 to dedicate only 20 ft. instead of the required 30 ft. North 48th Street: 30 ft. dedication for 30 from centerline for 60 ft. ROW Paving: 40 ft. Curb & gutter: Both Sides Monies must be escrowed if improvements are not built prior to recording. Must label centerline to verify if any additional ROW dedication is required prior to final. Interior streets: 50 ft. ROW Paving: 32 ft. Curb & gutter: Both Sides Streets names are subject to change prior to final. Provide temporary turn around and/or barricade on the west end of proposed Umar Avenue and Verdin Avenue as may be applicable. Provide temporary turn around and/or barricade on the north end of proposed North 45th Street as may be applicable. 810 block length is being proposed by the Engineer; maximum block length allowed is 800 ft. Engineer submitted a letter requesting a variance on September 25, 2020 to allow an 810 ft. instead of the maximum allowed 800 ft. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties Front setback: 25 ft. or greater for easements. Rear setback: 10 ft. or greater for easements except 25 ft. for double fronting lots. Engineer submitted a letter requesting a variance on September 25, 2020 to allow 10 ft. or greater for easements on the rear setback for double fronting lots (Lots 27-31) instead of the required 25 ft. setback or greater for easements. Interior Side setback: 6 ft. or greater for easements. Corner setback: 10 ft. or greater for easements. Garage setback: 18 ft. except where greater setback is required, greater setback applies. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on North Bentsen Road, North 48th Street, and both sides of all interior streets. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses, and along North Bentsen Road and North 48th Street. Please add plat note as shown above prior to final. 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. No curb cut, access, or lot frontage permitted along North Bentsen Road and North 48<sup>th</sup> Street. Common Areas, any private Streets must be maintained by the lot owners and not the City of McAllen Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies for public subdivisions Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. HOA Document is required to be recorded simultaneously with subdivision plat. Minimum lot width and lot area. Lots fronting public streets. Existing zoning: A-O Proposed zoning: R-1 Rezoning request approved by the Planning and Zoning Board on October 6, 2020, and by the City Commission on October 26, 2020. Completed Land dedication in lieu of fee. As per Parks Department, subdivision will be subject to review by the Park Land Dedication Advisory Board Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per Parks Department, subdivision will be subject to review by the Park Land Dedication Advisory Board As per Traffic Department, Trip Generation required to

determine if TIA is required, prior to final plat. Must comply with City's Access Management Policy. Please add North 48th Street, and reference North" on Bentsen Road. Also, please add scale for location map prior to final. Please verify with Traffic Department if a Master Plan is required prior to final. Pavement improvements for North 48th Street might be required to be built prior to recording as per Traffic and Public Works Department.

Staff recommends approval of the subdivision in revised preliminary form subject to conditions noted, and utilities and drainage and clarification on variances requested.

Chairperson Cabeza de Vaca stated that variance is to align with the other subdivisions. Mr. Mora stated that the right of way lines up with the one of the South. Plantation Gap Phase I is the only subdivision that does not have a 100-foot Right of way all the other subdivisions do. Chairperson went through the variance letter.

After a brief discussion, Mr. Michael Fallek moved to approve with variances two. Mr. Michael Hovar seconded the motion, which was approved with four members present and voting.

f) Taylor View Subdivision; 1600 North Taylor Road- DG & GG Investments (Revised Preliminary) (SUB2018-0019) SEC

Ms. Gonzalez stated that the property is located on N. Taylor Road: 10 ft. dedication for 40 ft. from centerline for 80 ft. ROW Paving: 52 ft. - 65 ft. Curb & gutter: both sides. Must escrow monies for improvements if not built prior to recording Pecan Ave.: 60 ft. ROW Paving: 40 ft. Curb & gutter: both sides 800 ft. Block Length: 600 ft. Maximum Cul-de-Sac Engineer has submitted a revised plat which exceeds the 600 ft. in length, variance letter required and/or revise plat accordingly. Front setbacks: Proposed 25 ft. Required front setback for R-3T is 10 ft. Rear setback: 10 ft. or greater for easements. Interior Sides: In accordance with the Zoning Ordinance, or greater for easements. Corner side setback: 10 ft. Garage setback: 18 ft. except where greater setback is required, greater setback applies. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on N. Taylor Road, and both sides of Pecan Ave. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses 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. No curb cut, access, or lot frontage permitted along N. Taylor Road. Revise Note #11 - misspelling of Taylor Rd. Common Areas, Private Streets must be maintained by the lot owners and not the City of McAllen Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies for public subdivisions Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Lots fronting public streets: Pecan Ave. is proposed to be private. Minimum lot width and lot area: Existing zoning: R3-T Proposed zoning: R-1 Rezoning Needed Before Final Approval: Engineer revised application the proposed use for this subdivision to R-1 on October 19, 2020. Park Fee of \$700 per dwelling unit to be paid prior to recording. Based on 21 lots, a park fee of \$14,700 (\$700 x 21) must be paid prior to plat being recorded. Clarify if subdivision will be public or private. Gate Details must be received to assure compliance with City requirements, prior to final. On Note #11 Taylor Rd. is misspelled. Must comply with City's Access Management Policy, including spacing requirements along N. Taylor Road. Subdivision will have to go before P&Z



Board for review in revised preliminary form to present new layout which currently exceeds 600 ft. in length, variance letter will be required and/or plat will have to be revised prior to final. Need variance letter for Pecan Avenue as it exceeds 600 ft. in length. Cul-de-sac needs to be min. 96 ft. in diameter per Fire Department requirements, revise plat accordingly.

Staff recommends approval of the subdivision in revised preliminary form subject to conditions noted.

Being no discussion, Mr. Michael Hovar moved to approve revised preliminary form. Mr. Rogelio Cervantes seconded the motion, which was approved with four members present and voting.

Break at 6:01pm

Resumed at 6:05pm

Went to item A.

## **6) DISCUSSION:**

- a) Consideration and possible action on ordinance amending front-yard parking regulations.

Background: The McAllen Code of Ordinances prohibits parking in front yards. However, there has been uncertainty as to the scope of the prohibition.

Proposed Ordinance: The proposed ordinance still prohibits front-yard parking, but provides more detail to understand what parking is allowed and what parking is prohibited. It specifically allows for permeable pavers and Hollywood driveways (two strips of pavement for tires).

Recommendation: The Ordinance Review Committee and staff recommend approval of the ordinance

Chairperson asked for an explanation on Hollywood driveways and Mr. Garcia stated that it is only two strips of pavement. Mr. Fallek asked cars on blocks will be allowed and Ms. Rivera explained that the city is trying to avoid citizens from driving on the grass. The goal is to eliminate four pavers in the front yard.

Mr. Fallek asked if it was noted to City Commission that the language for the request is not sufficient.

Being no discussion, Mr. Rogelio Cervantes moved to approve. Mr. Michael Hovar seconded the motion, which was approved with four members present and voting.

## **7) INFORMATION ONLY:**

- a) City Commission Actions: October 26, 2020

Mr. Garcia stated that 5 rezonings were approved in the Tres Lagos area, but disapproved a rezoning from C-30 to C-3 301 North Ware and now are considering location of liquor stores and vape shops. The rezone R-1 to C3 for Juniors Supermarket was approved. For Conditional Use Permits for KO Social Club 5525 W Expressway was approved and the cell tower on Beech and

St. Johns were all approved.

**ADJOURNMENT:**

There being no further business to come before the Planning & Zoning Commission, Mr. Michael Hovar adjourned the meeting at 6:25 p.m., and Mr. Rogelio Cervantes seconded the motion, which carried unanimously with five members present and voting.

---

Chairperson, Pepe Cabeza de Vaca

ATTEST: \_\_\_\_\_  
Claudia Mariscal, Secretary

STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF McAllen

The McAllen Planning and Zoning Commission convened in a Regular Meeting & Public Hearing on Tuesday, November 9, 2020 at 12:04 p.m. in the Executive Conference Room at 311 North 15th Street, McAllen, Texas.

<b>Present:</b>	<b>Pepe Cabeza de Vaca</b> <b>Daniel Santos</b> <b>Michael Hovar</b> <b>Rogelio Cervantes</b> <b>Gabriel Kamel</b> <b>Michael Fallek</b>	<b>Chairperson</b> <b>Vice- Chairperson</b> <b>Member</b> <b>Member</b> <b>Member</b> <b>Member</b>
<b>Absent:</b>	<b>Jose B. Saldana</b>	<b>Member</b>
<b>Staff Present:</b>	<b>Michelle Rivera</b> <b>Edgar Garcia</b> <b>Jose De La Garza</b> <b>Claudia Mariscal</b>	<b>Assistant City Manager</b> <b>Planning Director</b> <b>Planner III</b> <b>Administrative Secretary</b>

**CALL TO ORDER – Pepe Cabeza de Vaca, Chairperson**

**PLEDGE OF ALLEGIANCE**

**INVOCATION- Rogelio Cervantes**

**1) SUBDIVISIONS:**

- a) Vacate and Resubdivision of Phase One Office Park Subdivision to Avanti Legacy Valor Heights Subdivision; 220 South 1st Street -Frank A. Smith Sales, Inc. (Revised Final) (SUB2020-0074) CE

Mr. De La Garza stated that the property is located on South 2nd Street: 40 ft. from centerline for 80 ft. of ROW Paving: 65 ft. Curb & gutter: both sides South 1st Street: 30 ft. from centerline existing for 50 ft. of ROW Paving: 32 ft. Curb & gutter: Both sides. Monies must be escrowed if improvements are not built prior to recording. Beaumont Avenue: 25 from centerline for 50 ft. of ROW Paving: 32 ft. Curb & gutter: Both sides Monies must be escrowed if improvements are not built prior to final. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. South 1st Street: 25 ft. or greater for easements or approved site plan. Beaumont Avenue: 25 ft. or line with existing structures but no less than the Ordinance requirements. South 2nd Street: 40 ft. or greater for easements. Rear setback: In accordance with Zoning Ordinance or greater for easements or approved site plan. Sides setbacks: In accordance with Zoning Ordinance or greater for easements or approved site plan. Corner setback: In accordance with Zoning Ordinance, or greater for easements or approved site plan. Garage setback: 18 ft. except where greater setback is required, greater setback applies. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on South 2nd Street, west side of South 1st Street and south side of Beaumont Avenue. Revise plat note as shown above. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses

and along west side of South 1st Street. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses and along the south property line. Please revise plat note as shown above prior to final. Engineer has requested a variance to provide an 8 ft. wooden fence instead of the required 8 ft. masonry wall along the south property line. The variance will be presented before the Zoning Board of Adjustments and Appeals on their October 21, 2020 meeting. If variance is approved, plat note will have to be revised accordingly prior to recording. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along. Site plan must be approved by the Planning and Development Departments prior to Building Permit issuance. Common Areas, private streets/drives must be maintained by the lot owners and not the City of McAllen. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording Lots fronting public streets. Minimum lot width and lot area Existing zoning: R-3A Proposed zoning: R-3A P&Z approved rezoning to R-3A April 7, 2020 C.C. approved rezoning to R-3A April 27, 2020 Park Fee of \$700 per dwelling unit to be paid prior to recording. Subdivision is subject to Park Land Advisory Board review to determine land dedication or fee prior to final. Pending review by the Parkland Dedication Advisory Board and CC. Variance was considered and approved by City Commission on September 14, 2020 As per Traffic Dept., Trip Generation approved; TIA is not required. Must comply with City's Access Management Policy Abandonment for existing utility easements by separate instrument/document will need to be finalized prior to recording.

Staff recommends approval of the subdivision in revised final form subject to conditions noted, and abandonment being recorded.

Being no discussion, Mr. Gabriel Kamel moved to approve with conditions noted. Mr. Rogelio Cervantes seconded the motion, which was approved with five members present and voting.

There being no further business to come before the Planning & Zoning Commission, Mr. Rogelio Cervantes adjourned the meeting at 12:07p.m. Mr. Daniel Santos seconded the motion, which carried unanimously with five members present and voting.

---

Chairperson, Pepe Cabeza de Vaca

ATTEST: \_\_\_\_\_  
Claudia Mariscal, Secretary

## Memo

**TO:** Planning and Zoning Commission

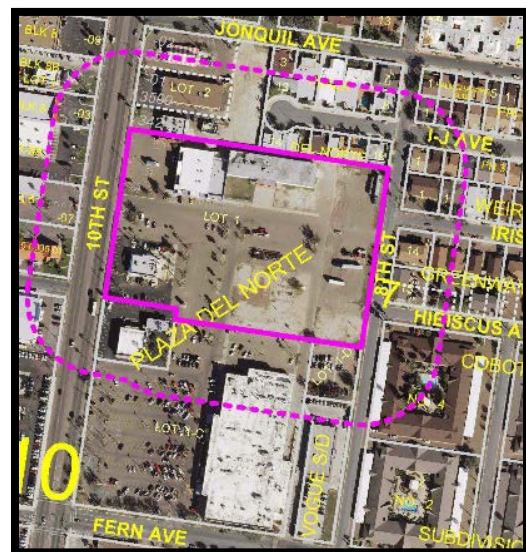
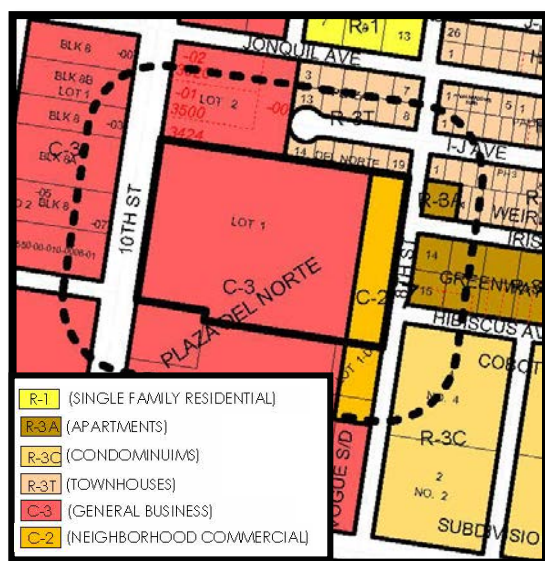
**FROM:** Planning Staff

**DATE:** November 13, 2020

**SUBJECT:** REQUEST OF SANDRA A. TAMEZ, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A PORTABLE FOOD CONCESSION STAND (SNOW CONE STAND) AT LOT 1 AT LOT 1 EXCEPT THE EAST 497 FT.-SOUTH 510 FT. AND WEST 188 FT.-SOUTH 379.26 FT. AND NORTH 20 FT. AND 0.19 ACRES AND WEST 188 FT.-SOUTH 160 FT.-NORTH 597 FT., PLAZA DEL NORTE SUBDIVISION, HIDALGO COUNTY, TEXAS, 3312 NORTH 10TH STREET. (CUP2020-0113)

### BRIEF DESCRIPTION:

The property is located on the east side of North 10<sup>th</sup> Street, approximately 580ft. north of Fern Avenue. The property is zoned C-3 (general business) District and the east 100 ft. is zoned C-2 (neighborhood commercial) District. The adjacent zoning is C-3 to the north, south and west, R-3T (multifamily-townhouse residential) District to the north, and R-3A (multifamily-apartments) District to the east. Surrounding land uses include to retail stores, restaurants, and multi-family residences. A portable food concession stand is permitted in a C-3 District with a Conditional Use Permit and in compliance with requirements.



**HISTORY:**

The initial Conditional Use Permit was approved for an 8 ft. by 12 ft. portable building on this property on May 18, 2004 by the Planning & Zoning Commission. However, the initial permit was not renewed and the building was removed. On March 5, 2013 a new request, for a portable food concession stand was approved, for one year, by the Planning & Zoning Commission. There was an approval, applied, for one year, on February 17, 2015 to a different applicant for a portable food concession stand. However, the applicant left and on August 4, 2015, a new tenant received approval, for one year, on August 4, 2015 for a portable food concession stand.

**ANALYSIS:**

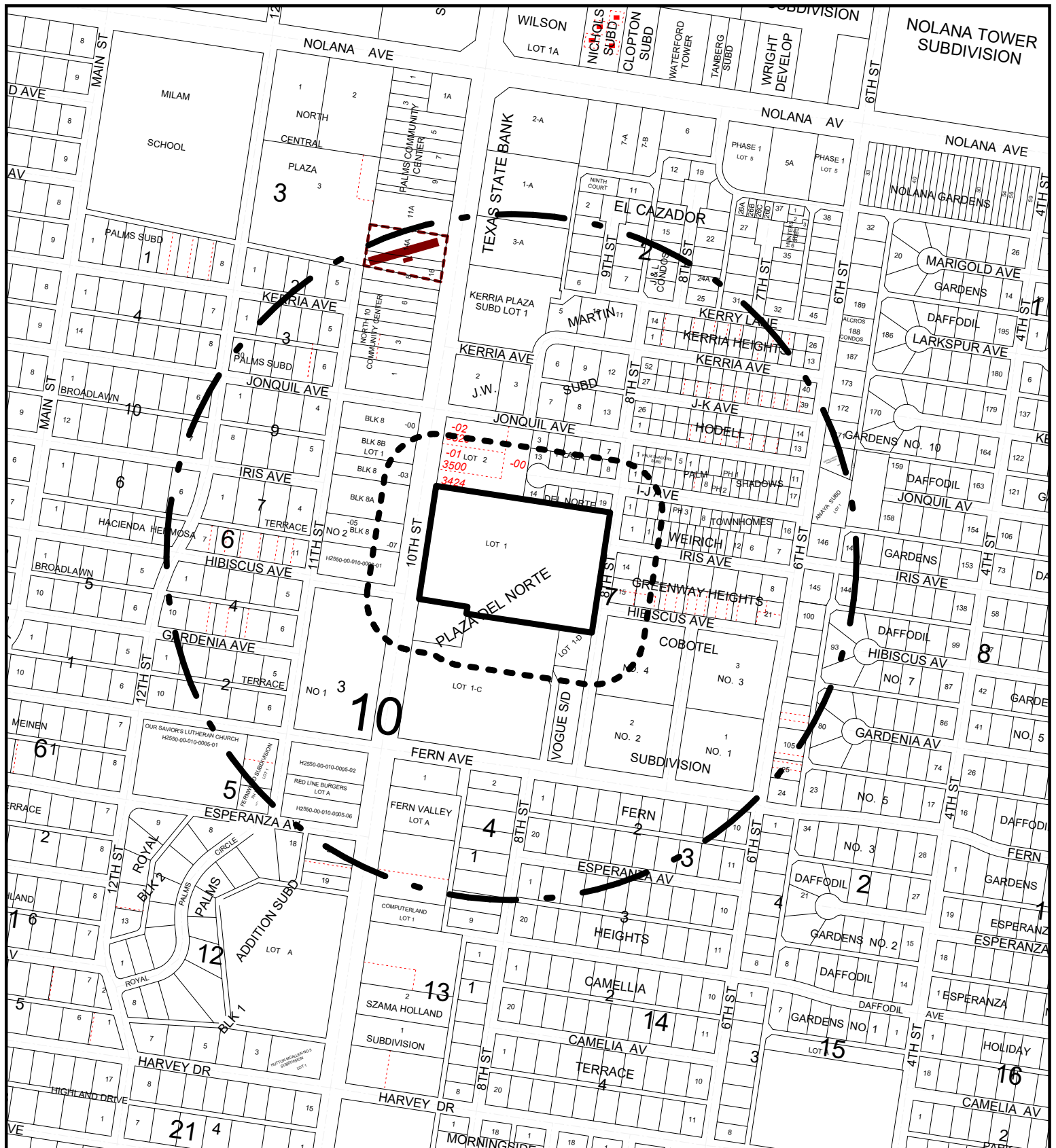
There is currently a 10 ft. by 12 ft. vacant portable food concession stand on an undeveloped portion of the property. There is a new applicant proposing to operate the portable food concession stand; therefore, it must be considered by the Planning and Zoning Commission as a new request. The applicant is proposing to operate between Monday through Sunday from 1:00 pm through 1:00 pm. Portable food concession stand requires 4 parking spaces, and parking must comply with Section 138-400 of the Ordinance.

The Fire and Health Department are still pending their inspections. Conditional Use Permit will not be issued until both Fire and Health Department resolve their inspections. As per Section 138-400 of the Zoning Ordinance, parking lot must be properly striped and free of potholes. The portable building must also meet the requirements set forth in Section 138-118(9) of the Zoning Ordinance as follows:

- 1) The proposed use shall not be located in a residentially zoned area. The property is zoned C-3
- 2) Stand must be inspected by building inspection department and meet applicable building codes.
- 3) Must have paved off-street parking available over and above what is required for the business to which it is adjacent; four parking spaces are required
- 4) Portable building must be anchored to the ground properly;
- 5) Must meet setback requirements of the zoning district in which it is located; and
- 6) Water and sewer facilities shall be required to the tract and may be required to the proposed used.

**RECOMMENDATION:**

Staff recommends approval of the request, for one year, subject to compliance with requirements from Section 138-118(9) & Section 138-400 of the Zoning Ordinance, Building Permit, Health and Fire Department requirements.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

**AREA MAP**



**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

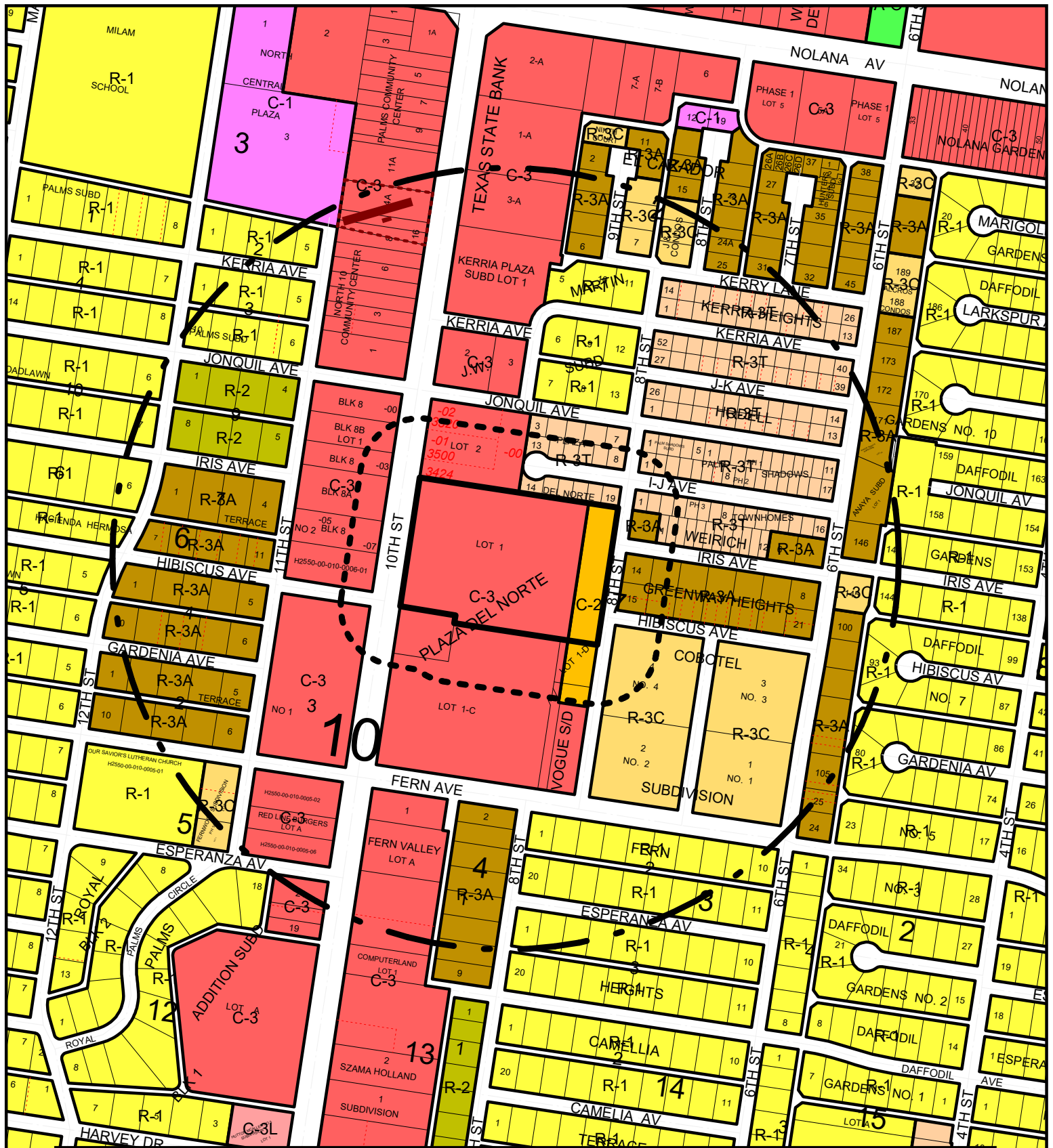
**1/4 MILE RADIUS**

**ZONING LEGEND**

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

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





# CITY OF McALLEN

PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

AREA MAP



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

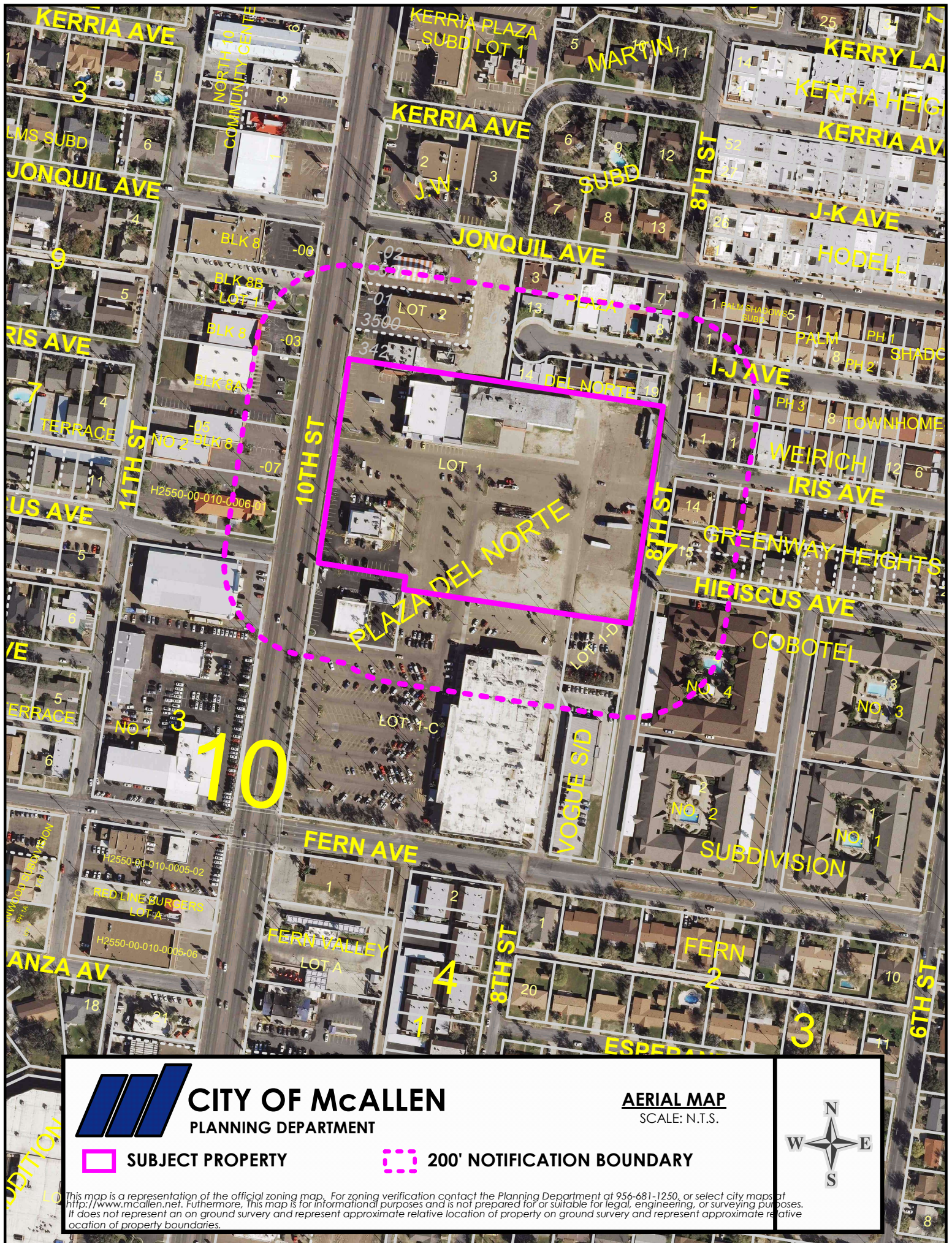
1/4 MILE RADIUS

**ZONING LEGEND**

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

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





**CITY OF McALLEN**  
PLANNING DEPARTMENT

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



**SUBJECT PROPERTY**



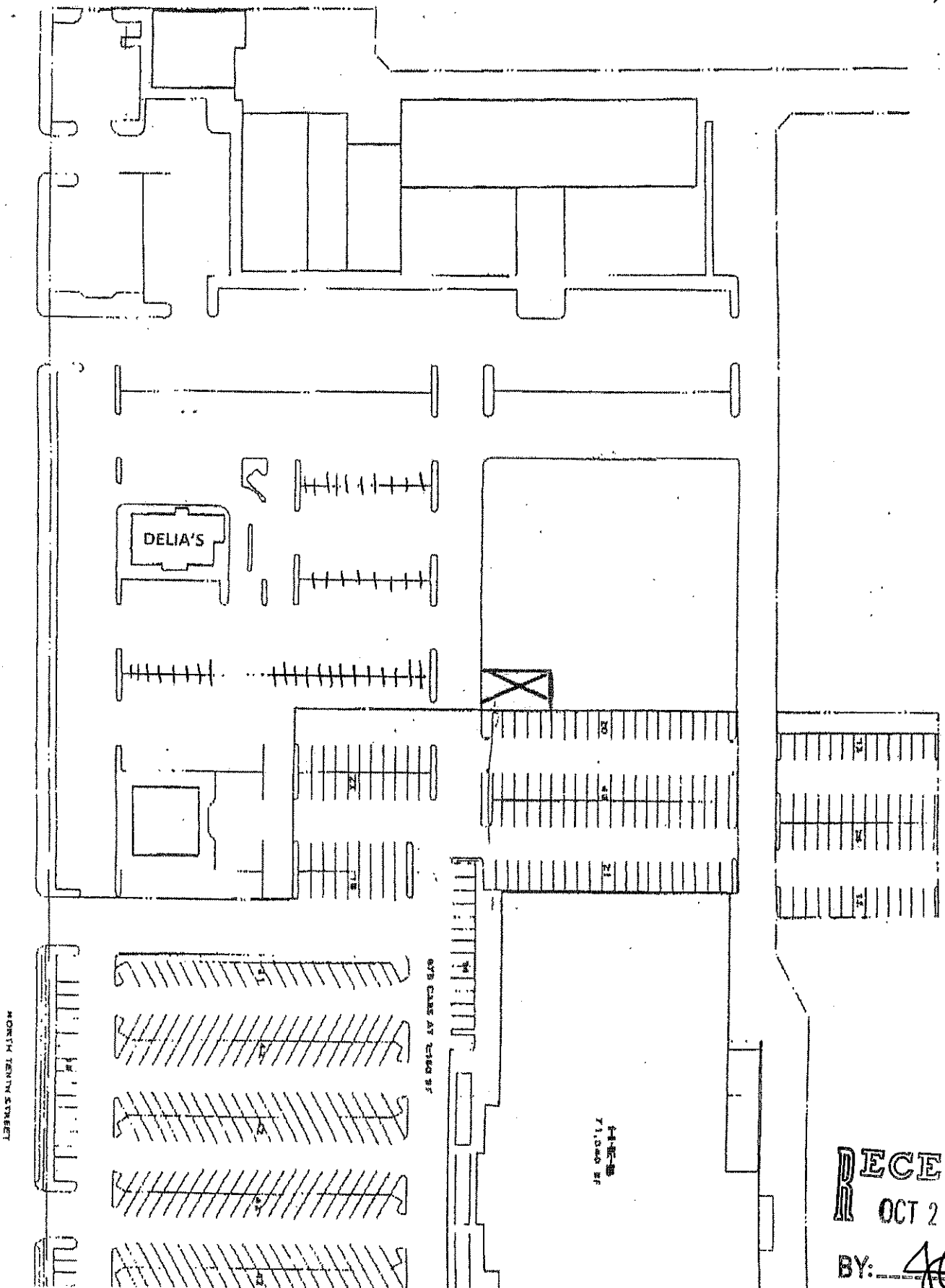
**200' NOTIFICATION BOUNDARY**



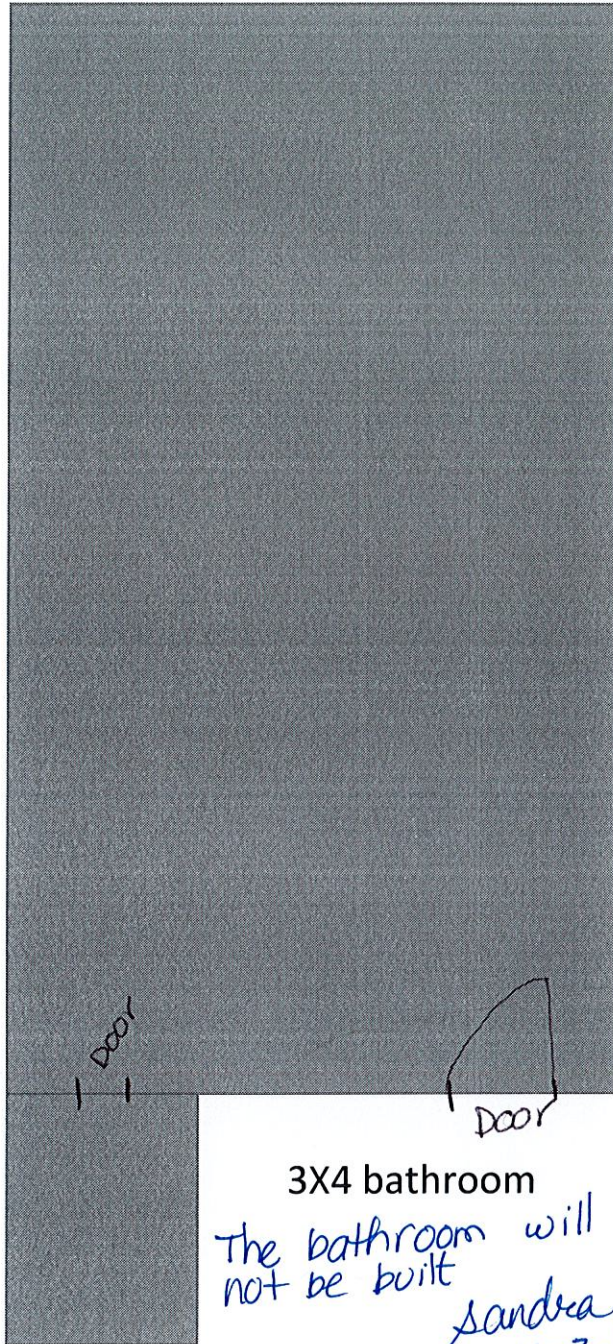
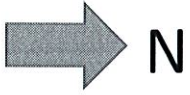
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying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



Lot 1, Plaza del Norte Subdivision



RECEIVED  
OCT 21 2020  
BY: *[Signature]*



10'X12' Building

3X4 bathroom

The bathroom will  
not be built  
Sandra Tamez  
11-3-20

Proposed bathroom construction for los Che Snacks

RECEIVED  
OCT 21 2020  
BY:



## COMMERCIAL LEASE

USE OF THIS FORM BY PERSONS WHO ARE NOT MEMBERS OF THE TEXAS ASSOCIATION OF REALTORS®, INC. IS NOT AUTHORIZED.  
©Texas Association of REALTORS®, Inc. 2014

### 1. PARTIES: The parties to this lease are:

Landlord: **FERN CORPORATION**

; and

Tenant: **SANDRA TAMEZ**

### 2. LEASED PREMISES:

A. Landlord leases to Tenant the following described real property, known as the "leased premises," along with all its improvements (Check only one box):

☐ (1) **Multiple-Tenant Property**: Suite or Unit Number \_\_\_\_\_ containing approximately \_\_\_\_\_ square feet of rentable area in \_\_\_\_\_ (project name) at \_\_\_\_\_ (address) in \_\_\_\_\_ (city), \_\_\_\_\_ (county), Texas, which is legally described on attached Exhibit \_\_\_\_\_ or as follows:

☒ (2) **Single-Tenant Property**: The real property containing approximately \_\_\_\_\_ square feet of rentable area at: **3420 N 10th St** (address) in **McALLEN** (city), **HIDALGO** (county), Texas, which is legally described on attached Exhibit \_\_\_\_\_ or as follows:  
**TRACT OF LAND OUT OF LOT 1, PLAZA DEL NORTE SUBDIVISION**

B. If Paragraph 2A(1) applies:

- (1) "Property" means the building or complex in which the leased premises are located, inclusive of any common areas, drives, parking areas, and walks; and  
(2) the parties agree that the rentable area of the leased premises may not equal the actual or useable area within the leased premises and may include an allocation of common areas in the Property. The rentable area ☐ will ☒ will not be adjusted if re-measured.

### 3. TERM:

A. **Term**: The term of this lease is **12** months and \_\_\_\_\_ days, commencing on: **October 1, 2020** (Commencement Date) and ending on **September 30, 2021** (Expiration Date).

B. **Delay of Occupancy**: If Tenant is unable to occupy the leased premises on the Commencement Date because of construction on the leased premises to be completed by Landlord that is not substantially

October 29, 2020

To: whom it may concern in the City of Mcallen planning department.

From: Los Che Snacks

Sandra Tamez – owner

This is to inform you that Mr.Edelir Garza, owner of Musical Living academy located on Plaza del Norte,3428 N. 10<sup>th</sup> St. Suite 160 phone # 956-221-3145, will allow my employees and me, the owner of los Che Snacks, full access of the bathroom facilities.

Thank you



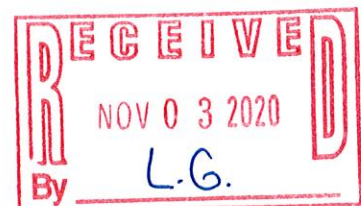
Sandra Tamez

Los Che Snacks



Edelir Garza

Musical Living Academy







NOTICE  
PORTABLE  
BUILDING  
FOR  
THIS PROPERTY  
CUP2020-0113



## Memo

**TO:** Planning and Zoning Commission

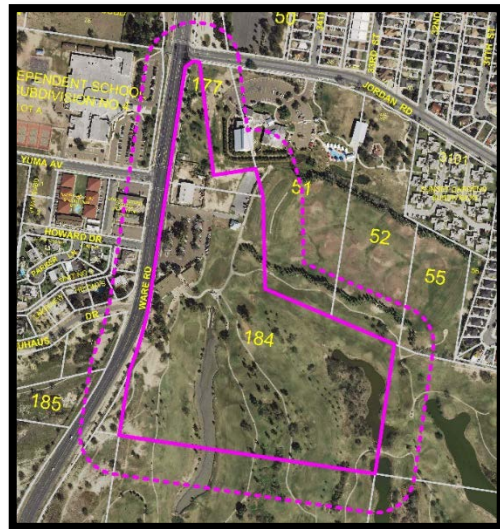
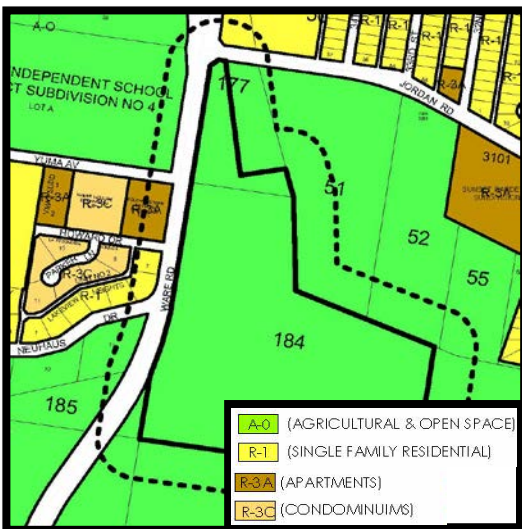
**FROM:** Planning Staff

**DATE:** November 6, 2020

**SUBJECT:** REQUEST OF VINCENT G. HUEBINGER ON BEHALF OF VERIZON WIRELESS, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PERSONAL WIRELESS SERVICE FACILITY, AT A 800 SQ. FT. LEASE AREA, A 30 FT. WIDE ACCESS AND UTILITY/FIBER EASEMENT AND A 10 FT. WIDE UTILITY/FIBER EASEMENT OUT OF A CALLED TRACT 1 AND TRACT 2, PART OF LOTS 177 AND 184 OF THE LA LOMITA IRRIGATION & CONSTRUCTION COMPANY SUBDIVISION, AND OUT OF LOT 27 MCALLEN FIRST SUBURBAN CITRUS GROVES SUBDIVISION, HIDALGO COUNTY, TEXAS, 2551 SOUTH WARE ROAD. (CUP2020-0114).

### BRIEF DESCRIPTION:

The subject property is located on the southeast corner of Jordan Road and Ware Road. The 800 sq. ft. lease area is an interior tract that is part of a parcel that has a zoning classification of A-O (agricultural-open space) District. Surrounding zoning is A-O District to the west, east, and south, R-1 (single family residential) District to the north and west, and R-A (multifamily-apartment residential) District to the west. Land uses in the area include a Palm View Golf Course, Palm View Community Center to the north, Brown Middle School to the west, single family residential and multifamily apartments to the west. A personal wireless service facility is allowed in an A-O (agricultural-open space) District with a Conditional Use Permit and in compliance with requirements.



The 800 sq. ft. lease area in question is described by metes and bounds, and is located on the north portion of the Palm View Golf Course. The communication facility is proposed to be located on the east side of the golf cart maintenance barn. The golf course is owned by the City of McAllen and the property lease agreement with the City will be going simultaneously to the City Commission meeting of December 14, 2020.

**PROPOSAL:**

The applicant is proposing to place an 80 ft. stealth mono-palm with all antennas concealed within the exterior synthetic palm fronds to alleviate any visual obstruction. The proposed mono-palm tower will be located on the east side of the golf cart maintenance barn with a 20 ft. by 40 ft. equipment shelter. The proposal will need to meet all minimum setbacks and building permit requirements. Federal Aviation Administration (FAA) approval must be obtained prior to beginning construction. In addition, the request must comply with requirements set forth in Section 138-118(11) of the zoning ordinance as follows:

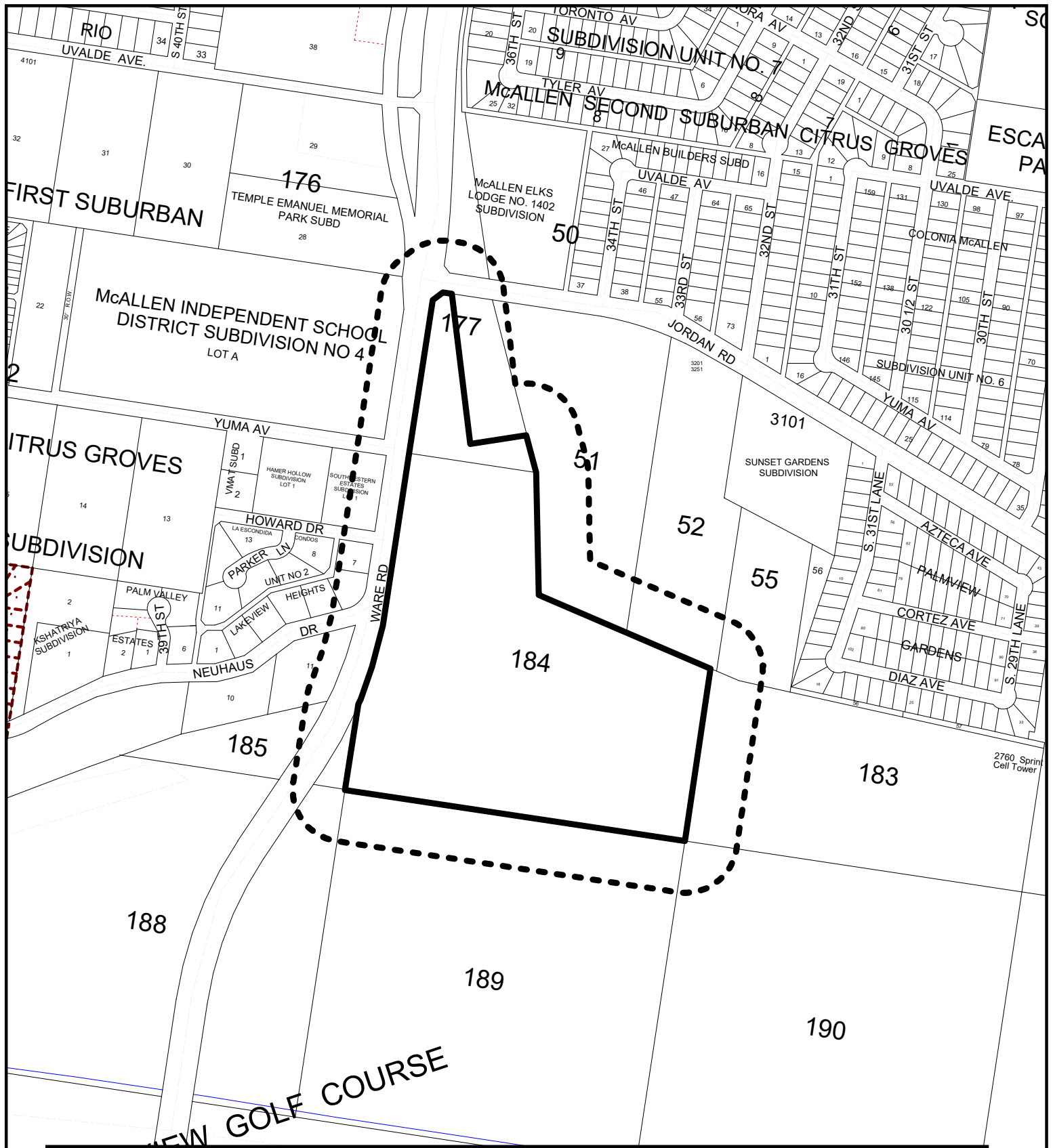
- a. Maximum height of pole or tower structure of 80 feet within commercial zones or within 200 feet of an existing residential structure;
  - o The applicant is proposing to construct an 80 ft. in height mono-palm with the antennas concealed within the exterior synthetic palm fronds.
- b. Maximum height of pole or tower structure of 120 feet within industrial zones for measuring distance purposes, the leasehold interest area boundary or compound area boundary, whichever is greater shall be utilized;
  - o The applicant is not locating within an industrial zone;
- c. Only one pole or tower structure-allowed per lot or tract within a commercial or industrial zone;
  - o There is no other pole structure on property;
- d. The applicant shall attempt to locate the proposed facility on an existing structure, or base station, as per subsections k—m of this section. If collocation of the proposed wireless facility is not possible (as per subsections k—m of this section) then the applicant for a personal wireless service facility must submit at least two alternatives designs for antenna and supporting structure, pole or tower design (including the equipment shelter, as per subsection h, below) that is treated with an architectural material (e.g., "stealth" design) so as to conform to the predominant architectural environment in the area of the facility. Such "stealth" personal wireless service facility shall blend into its proposed surroundings such as a tree, flag pole or other feature, to be approved. When a tree-type stealth design is used, one live and growing tree of the same variety or species one-half the height of the proposed tower shall be planted at the time of installation;
  - o Collocation for proposal is not possible. To alleviate any visual obstruction, the design will be a stealth mono-palm with antennas concealed within the palm fronds;
- e. Minimum spacing between poles and tower structures within commercial or industrial zones of 1,000 feet measured in a direct line of another tower;
  - o There are no co-locatable towers within 1,000 feet;
- f. Minimum setback of one-half the street right-of-way from front property line, ten feet from side yard and ten feet from rear, unless greater requirements as noted on subdivision plat;
  - o The monopole is meeting minimum setbacks;
- g. A masonry wall shall be required as a buffer if pole or tower structure is located within the front or side yard, or adjacent to a residential use or zone;
- h. The transmission equipment structure installed at the base of the proposed tower shall be not greater than 180 square feet and constructed to conform to the predominant architectural environment;



- i. A landscaped buffer area to soften the visual impact shall commence along the perimeter of the lease area or the property line. At least one row of shrubs shall be installed as well as trees as appropriate shall be included. Materials shall be of a variety which can be expected to grow to form a continuous hedge at least six feet in height within two years of planting;
- j. The pole or tower structure will be constructed or installed with the capabilities of locating thereon additional personal wireless service facilities when tower or pole is greater than 80 feet in height. The applicant agrees to cooperate with other personal wireless service facility providers in collocating additional facilities on permitted support structures;
- k. A permittee shall exercise good faith in collocating with other providers and sharing the permitted structure, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities as opposed to a competitive conflict or financial burden). Such good faith shall include sharing technical information to evaluate the feasibility of co-location. In the event a dispute arises as to whether a permittee has exercised good faith in accommodation other users, the city may require a third party technical study at the expense of either or both the applicant and permittee;
- l. All conditional use applicants shall demonstrate good-faith, reasonable efforts in developing a collocation alternative for their proposed personal wireless service facility site, which efforts shall be documented to the city and shall include, but not be limited to, providing technical details sufficient to determine co-locations efforts. If the applicant asserts that co-location is not possible, the applicant must provide, in addition to the foregoing, an affidavit in a form provided by the city stating that all efforts to collocate the personal wireless facility at an existing facility have been exhausted and that there is no possibility of co-location on the existing towers;
- m. Failure to comply with the collocation requirements of this section may result in the denial of a permit request or revocation of an existing permit;
- n. If any applicant provides false or misleading information on their application, or in the application process to obtain a permit for a personal wireless facility, then their application may be denied or revoked at the expense of the applicant or the permittee;
- o. If property is leased, term of conditional use permit shall be co-terminus with that term of lease of property;
- p. Construction of tower and equipment facilities shall meet applicable building codes and wind loads;
- q. Notwithstanding the above conditions, to the extent an applicant is fully qualified as an eligible facilities request under Section 6409, in the event of a conflict between the above conditions in this subsection and those criteria and conditions in section 138-1.A., above, and the 2014 Infrastructure Order, then section 138-1.A., and the 2014 Infrastructure Order control, subject to the city reservation of rights, as set forth in the preface to section 138-1.A.

**RECOMMENDATION:**

Staff recommends approval of the request subject to Section 138-118(11) of the zoning ordinance, compliance with co-location conditions, FAA approval, and building permit requirements.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP




**LEGEND**  
SCALE: N.T.S.

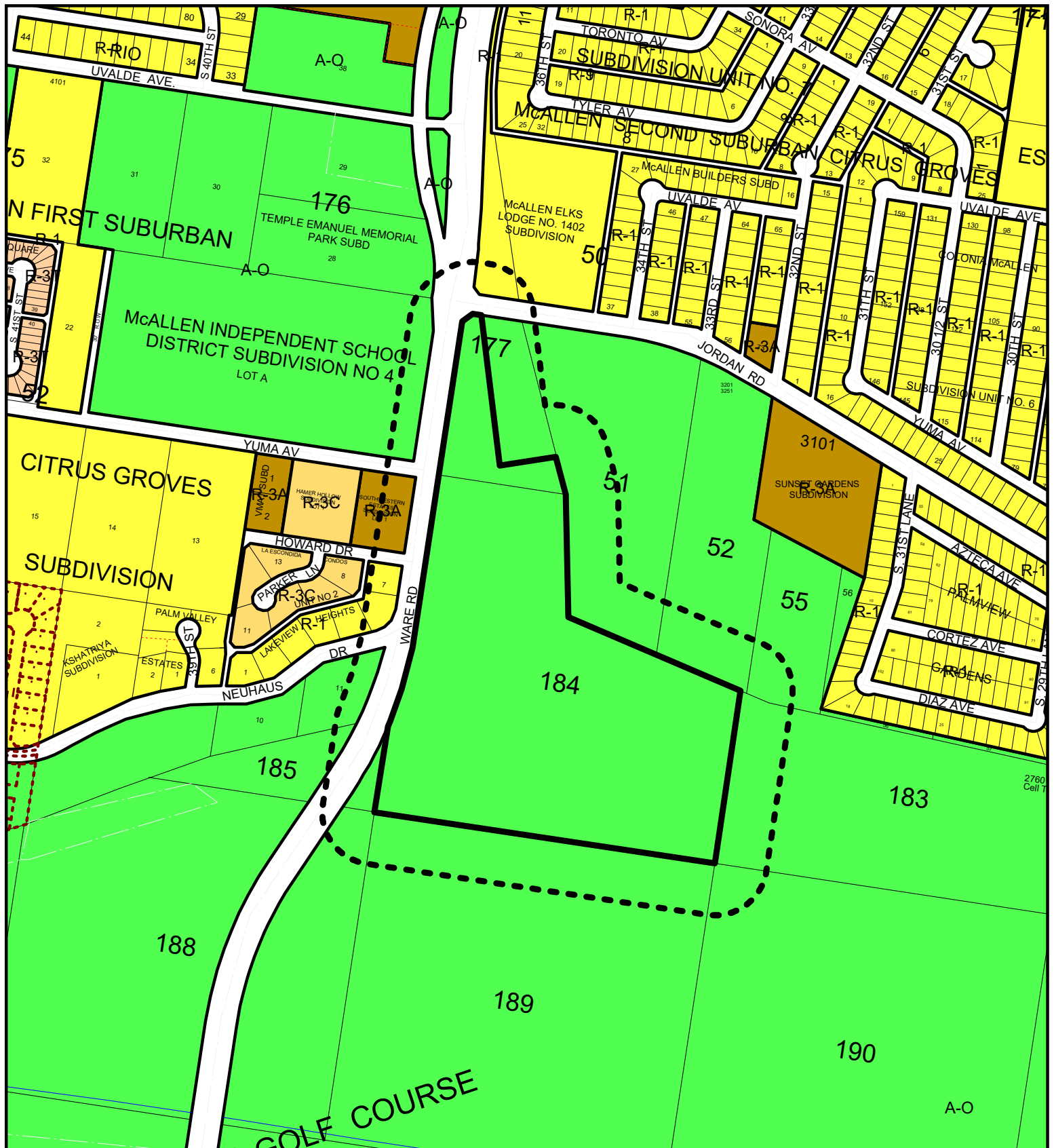
 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**

**ZONING LEGEND**

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

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



# **CITY OF McALLEN** PLANNING DEPARTMENT

## **AREA MAP**



**SUBJECT PROPERTY**

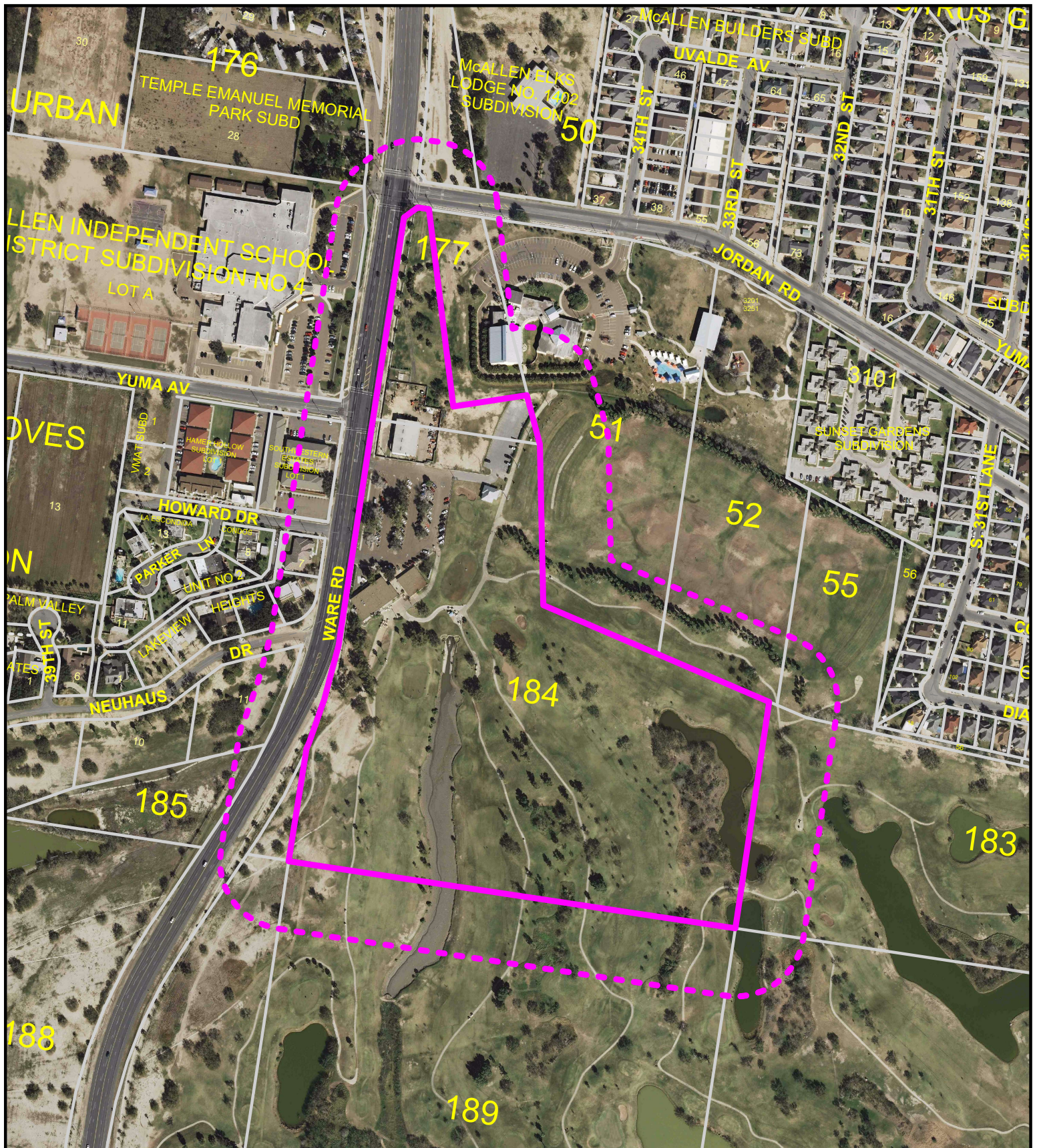
**200 FT. NOTIFICATION BOUNDARY**

### **ZONING LEGEND**

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

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





**CITY OF McALLEN**  
PLANNING DEPARTMENT

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



**SUBJECT PROPERTY**

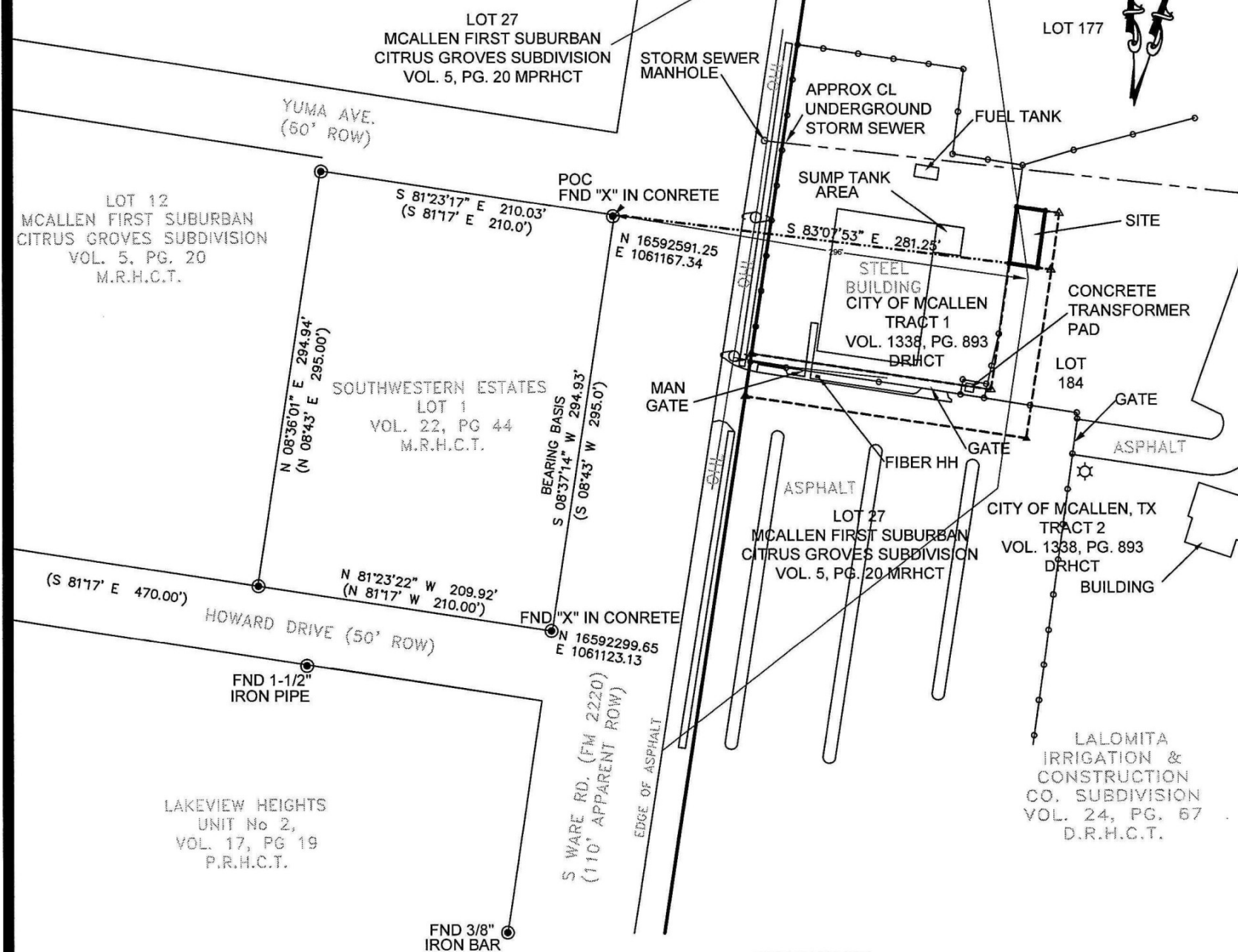
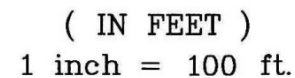


**200' NOTIFICATION BOUNDARY**



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





AN 800 SQUARE FOOT LEASE AREA, A 30 FOOT WIDE ACCESS AND UTILITY/FIBER EASEMENT AND A 10 FOOT WIDE UTILITY/FIBER EASEMENT OUT OF A CALLED TRACT 1 AND TRACT 2 IN DEED TO THE CITY OF MCALLEN, TEXAS, RECORDED IN VOLUME 1338, PAGE 893 DEED RECORDS HIDALGO COUNTY, TEXAS (DRHCT), PART OF LOTS 177 AND 184 OF THE LALOMITA IRRIGATION & CONSTRUCTION CO. SUBDIVISION RECORDED IN VOLUME 24, PAGE 67 DRHCT, AND OUT OF LOT 27 MCALLEN FIRST SUBURBAN CITRUS GROVES SUBDIVISION, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, RECORDED IN VOLUME 5, PAGE 20 MAP RECORDS HIDALGO COUNTY, TEXAS (MRHCT).

1.) EASEMENT DEED TO HIDALGO COUNTY DRAINAGE DISTRICT NUMBER ONE DOCUMENT NO. 1933-7719 DEED RECORDS HIDALGO COUNTY, TEXAS (DRHCT) (BLANKET).  
2.) EASEMENT DEED TO THE UNITED STATES OF AMERICA DOCUMENT NO. 1940-13841 DRHCT (BLANKET).  
3.) HIGHWAY RIGHT OF WAY EASEMENT TO THE COUNTY OF HIDALGO VOLUME 1257, PAGE 511 DRHCT (DOES NOT AFFECT).

*N.T.S.*



○ = 1/2" IRON BAR FOUND UNLESS OTHERWISE NOTED.  
 ● = SET 1/2" IRON BAR w/ SOLIS-KANAK CAP  
 △ = SET 60D NAIL w/ SOLIS-KANAK DISK UNLESS OTHERWISE NOTED  
 ▲ = SET MAG NAIL w/ DISK SOLIS-KANAK DISK UNLESS OTHERWISE NOTED  
 ( ) = DENOTES BEARINGS & DISTANCES PER RECORD

this property described above appears on the Federal Emergency Management Agency Flood Insurance Rate Map: FIRM 4803430010C, Effective date November 2, 1982. This property lies in Zone "B" Areas between limits of the 100 year flood and 500 year flood; or certain areas subject to 100 year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. No warranty expressed or implied is made regarding the accuracy of the National Flood Insurance Program Map.

SITE NAME:	<u>PALM VIEW GC</u>
OWNER/LESSOR NAME:	<u>CITY OF MCALLEN</u>
SITE ADDRESS:	<u>2710 S WARE ROAD</u> <u>MCALLEN, TEXAS 78501</u>

LATITUDE: 26°11'05.24" N LONGITUDE: 98°15'52.46" W  
GROUND ELEVATION: 107.7' AMSL  
Latitude North : 26° 11' 05.24" 26° 11' 04.28"  
Longitude West: 98° 15' 52.46" 98° 15' 51.50"

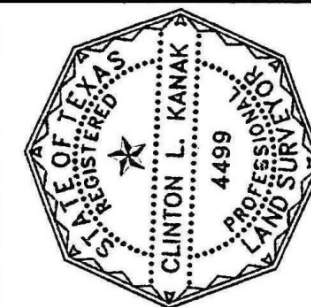
SYSTEM :	GEODETIC	GEODETIC
DATUM TRANS:	NAD 1983	NAD 1927
ELLIPSOID :	WGS 84	CLARK 1866

- 1) All elevations are mean sea level. ( North American Vertical Datum of 1988 )
- 2) Metes and Bounds description prepared this date.
- 3) This survey was performed with the benefit of an Abstractor's Certificate prepared by Precise Land Records dated the 5th day of June, 2020.
- 4) Bearings based on Texas State Plane Coordinates South Zone (NAD 83).

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY TO VERIZON WIRELESS AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS IN INTEREST THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1B, CONDITION II

Christen Z. Karns

CLINTON L. KANAK, R.P.L.S.  
REGISTERED PROFESSIONAL LAND SURVEYOR No. 44999



*Solis-Kanak & Associates, Inc.*

**Professional Surveyors**  
FIRM LICENSE NO. 10140200

17500 FM 306

CANYON LAKE, TX 78133

CANYON LAKE, TX 76133  
(830) 935-4011 FAX (830) 935-4012



JOB NUMBER: 20-0063

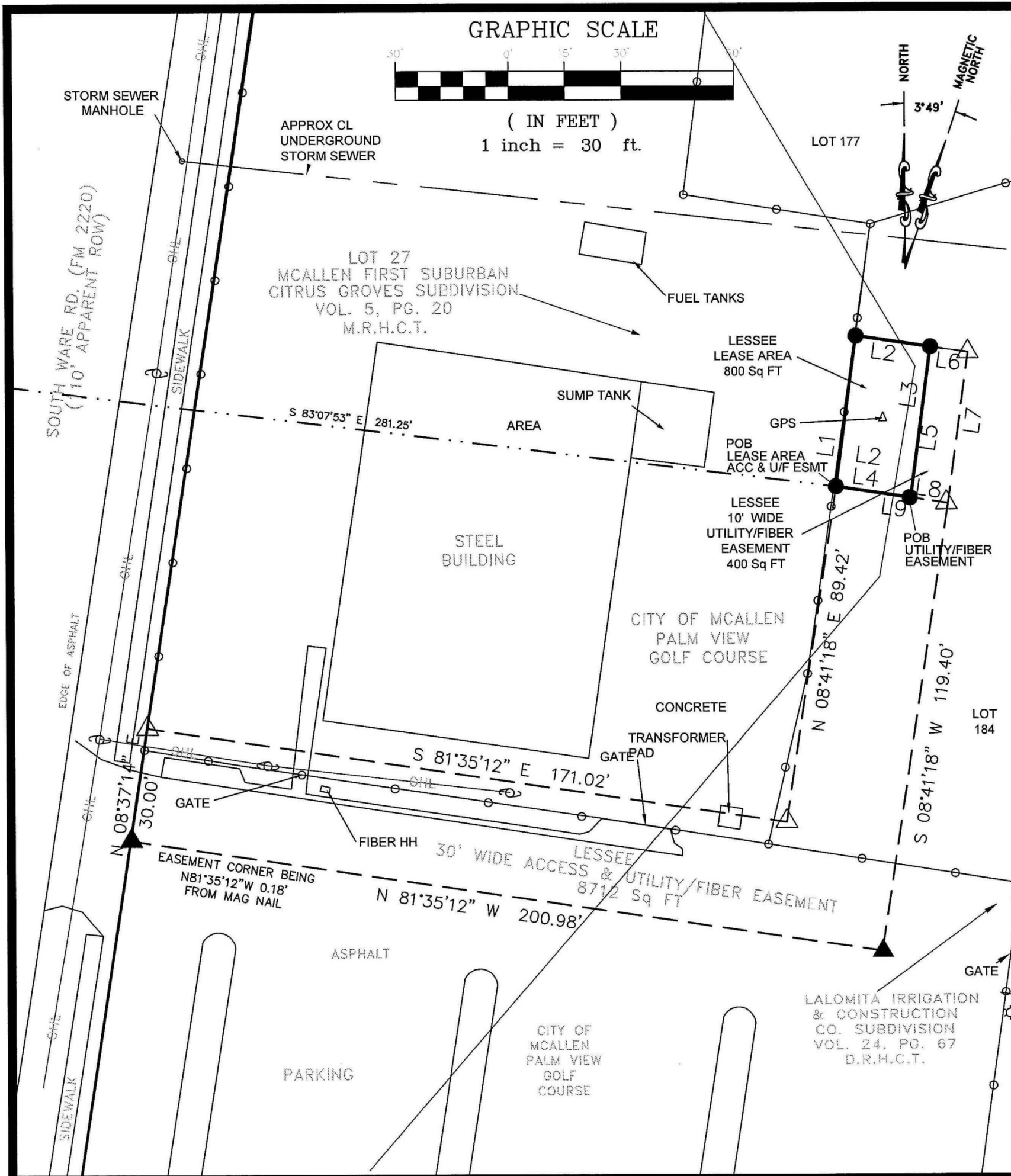
DATE: 09-16-20  
REV. 1: 10-02-20  
SUBJECT TO  
& FLOOD ZONE

DRAWN BY: J.H.

**SHEET NO.**  
**1 of 2**

**PALM VIEW GC**  
**MCALLEN**  
**HIDALGO COUNTY, TX**





**Lessee  
Lease Area  
Palm View GC**

Field notes for an 800 square foot lease area out of a called Tract 1 and Tract 2 in deed to The City of McAllen, Texas, recorded in Volume 1338, Page 893 Deed Records Hidalgo County, Texas (DRHCT), part of Lots 177 and 184 LaLomita Irrigation & Construction Co. Subdivision recorded in Volume 24, Page 67 DRHCT and Lot 27 McAllen First Suburban Citrus Groves Subdivision, an Addition to the City of McAllen, Hidalgo County, Texas, recorded in Volume 5, Page 20 Map Records Hidalgo County, Texas (MRHCT), and being more particularly described by metes and bounds as follows with all bearings being based on Texas State Plane Coordinates South Zone (NAD 83):

Commencing: at a found "X" in concrete (N 16592591.25, E 1061167.34) lying at the intersection of the west right-of-way (ROW) line of S. Ware Rd. (110' apparent ROW, aka FM 2220) and the south ROW line of Yuma Ave. (60' ROW), marking the northeast corner of Lot 1 of Southwestern Estates recorded in Volume 22, Page 44 MRHCT, from which a found "X" in concrete (N 16592299.65, E 1061123.13) lying at the intersection of the west ROW line of said S. Ware Rd. and the north ROW line of Howard Drive (50' ROW) marking the southeast corner of said Lot 1 bears S 08° 37' 14" W (Bearing Basis), 294.93 feet (called S 08° 43' W, 295.0 feet) and being S 81° 23' 17" E, 210.03 feet (called S 81° 17' E, 210.0 feet), from a found 1/2" iron bar lying on the south ROW line of said Yuma Ave. marking the northwest corner of said Lot 1;

Thence: S 83° 07' 53" E, 281.25 feet, across said S. Ware Rd., into said City of McAllen tracts, to a set 1/2" iron bar with cap (Solis-Kanak) for the southwest corner and the Place of Beginning of the herein described tract;

Thence: N 07° 47' 27" E, 40.00 feet, along the west line of the herein described tract, to a set 1/2" iron bar with cap (Solis-Kanak) for the northwest corner of the herein described tract;

Thence: S 81° 32' 54" E, 20.00 feet, along the north line of the herein described tract, to a set 1/2" iron bar with cap (Solis-Kanak) or the northeast corner of the herein described tract;

Thence: S 07° 47' 27" W, 40.00 feet, along the east line of the herein described tract, to a set 1/2" iron bar with cap (Solis-Kanak) for the southeast corner of the herein described tract;

Thence: N 81° 32' 54" W, 20.00 feet, along the south line of the herein described tract, to the Place of Beginning and containing 800 square feet of land.

**Lessee  
Access and Utility/Fiber Easement  
Palm View GC**

Field notes for a 30 foot wide access and utility/fiber easement out of a called Tract 1 and Tract 2 in deed to The City of McAllen, Texas, recorded in Volume 1338, Page 893 Deed Records Hidalgo County, Texas (DRHCT), part of Lots 177 and 184 LaLomita Irrigation & Construction Co. Subdivision recorded in Volume 24, Page 67 DRHCT and Lot 27 McAllen First Suburban Citrus Groves Subdivision, an Addition to the City of McAllen, Hidalgo County, Texas, recorded in Volume 5, Page 20 Map Records Hidalgo County, Texas (MRHCT), and being more particularly described by metes and bounds as follows with all bearings being based on Texas State Plane Coordinates South Zone (NAD 83):

Commencing: at a found "X" in concrete (N 16592591.25, E 1061167.34) lying at the intersection of the west right-of-way (ROW) line of S. Ware Rd. (110' apparent ROW, aka FM 2220) and the south ROW line of Yuma Ave. (60' ROW), marking the northeast corner of Lot 1 of Southwestern Estates recorded in Volume 22, Page 44 MRHCT, from which a found "X" in concrete (N 16592299.65, E 1061123.13) lying at the intersection of the west ROW line of said S. Ware Rd. and the north ROW line of Howard Drive (50' ROW) marking the southeast corner of said Lot 1 bears S 08° 37' 14" W (Bearing Basis), 294.93 feet (called S 08° 43' W, 295.0 feet) and being S 81° 23' 17" E, 210.03 feet (called S 81° 17' E, 210.0 feet), from a found 1/2" iron bar lying on the south ROW line of said Yuma Ave. marking the northwest corner of said Lot 1;

Thence: S 83° 07' 53" E, 281.25 feet, across said S. Ware Rd., into said City of McAllen tracts, to a set 1/2" iron bar with cap (Solis-Kanak) for the southwest corner of an 800 square foot lease area (LA) surveyed this same date and the upper north line of the herein described tract, to the Place of Beginning of the herein described tract;

Thence: S 81° 32' 54" E, along the south line of said LA and the upper north line of the herein described tract at 20.00 feet passing a set 1/2" iron bar with cap (Solis-Kanak) marking the southeast corner of said LA and the southwest corner of a 10 foot wide utility/fiber easement (UFE) surveyed this same date and continuing along the upper north line of the herein described tract and the south line of said UFE for a total distance of 30.00 feet, to a set 60d nail with disk (Solis-Kanak) for the northeast corner of the herein described tract and the southeast corner of said UFE;

Thence: S 08° 41' 18" W, 119.40 feet, along the east line of the herein described tract, to a set mag nail with disk (Solis-Kanak) for the southeast corner of the herein described tract;

Thence: N 81° 35' 12" W, 200.98 feet, along the south line of the herein described tract, to the southwest corner of the herein described tract lying on the east ROW line of said S. Ware Rd., being N 81° 35' 12" W, 0.18 feet, from a set mag nail with disk (Solis-Kanak) for reference;

Thence: N 08° 37' 14" E, 30.00 feet, along the east ROW line of said S. Ware Rd. and the lower west line of the herein described tract, to a set 60d nail with disk (Solis-Kanak) for the lower northwest corner of the herein described tract;

Thence: S 81° 35' 12" E, 171.02 feet, along the lower north line of the herein described tract, to a set 60 nail with disk (Solis-Kanak) for an interior corner of the herein described tract;

Thence: N 08° 41' 18" E, 89.42 feet, along the upper west line of the herein described tract, to the Place of Beginning and containing 8712 square feet of land.

**Lessee  
Utility/Fiber Easement  
Palm View GC**

Field notes for a 10 foot wide utility/fiber easement out of a called Tract 1 and Tract 2 in deed to The City of McAllen, Texas, recorded in Volume 1338, Page 893 Deed Records Hidalgo County, Texas (DRHCT), part of Lots 177 and 184 LaLomita Irrigation & Construction Co. Subdivision recorded in Volume 24, Page 67 DRHCT and Lot 27 McAllen First Suburban Citrus Groves Subdivision, an Addition to the City of McAllen, Hidalgo County, Texas, recorded in Volume 5, Page 20 Map Records Hidalgo County, Texas (MRHCT), and being more particularly described by metes and bounds as follows with all bearings being based on Texas State Plane Coordinates South Zone (NAD 83):

Commencing: at a found "X" in concrete (N 16592591.25, E 1061167.34) lying at the intersection of the west right-of-way (ROW) line of S. Ware Road (110' ROW, aka FM 2220) and the south ROW line of Yuma Ave. (60' ROW), marking the northeast corner of Lot 1 of Southwestern Estates recorded in Volume 22, Page 44 MRHCT, from which a found "X" in concrete (N 16592299.65, E 1061123.13) lying at the intersection of the west ROW line of said S. Ware Rd. and the north ROW line of Howard Drive (50' ROW) marking the southeast corner of said Lot 1 bears S 08° 37' 14" W (Bearing Basis), 294.93 feet (called S 08° 43' W, 295.0 feet) and being S 81° 23' 17" E, 210.03 feet (called S 81° 17' E, 210.0 feet), from a found 1/2" iron bar lying on the south ROW line of said Yuma Ave. marking the northwest corner of said Lot 1;

Thence: S 83° 07' 53" E, 281.25 feet, across said S. Ware Rd., into said City of McAllen tracts, to a set 1/2" iron bar with cap (Solis-Kanak) for the southwest corner of an 800 square foot lease area (LA) and the upper northeast corner of a 30 foot wide access and utility/fiber easement (AUFE) surveyed this same date;

Thence: S 81° 32' 54" E, 20.00 feet, along the south line of said LA and the upper north line of said AUFE, to a set 1/2" iron bar with cap (Solis-Kanak) for the southeast corner of said LA and the southwest corner and the Place of Beginning of the herein described tract;

Thence: N 07° 42' 27" E, 40.00 feet, along the east line of said LA and the west line of the herein described tract, to a set 1/2" iron bar with cap (Solis-Kanak) for the northeast corner of said LA and the northwest corner of the herein described tract;

Thence: S 81° 32' 54" E, 10.00 feet, along the north line of the herein described tract, to a set 60d nail with disk (Solis-Kanak) for the northeast corner of the herein described tract;

Thence: S 07° 47' 27" W, 40.00 feet, along the east line of the herein described tract, to a set 60d nail with disk (Solis-Kanak) for the northeast corner of said AUFE and the southeast corner of the herein described tract;

Thence: N 81° 32' 54" W, 10.00 feet, along the upper north line of said AUFE and the south line of the herein described tract, to the Place of Beginning and containing 400 square feet of land.

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 07°47'27" E	40.00'	L6	S 81°32'54" E	10.00'
L2	S 81°32'54" E	20.00'	L7	S 07°47'27" W	40.00'
L3	S 07°47'27" W	40.00'	L8	N 81°32'54" W	10.00'
L4	N 81°32'54" W	20.00'	L9	S 81°32'54" E	30.00'
L5	N 07°47'27" E	40.00'			

**PALM VIEW GC**  
**MCALLEN**  
**HIDALGO COUNTY, TX**

**Solis-Kanak & Associates, Inc.**  
**Professional Surveyors**  
FIRM LICENSE NO. 10140200  
17500 FM 306  
CANYON LAKE, TX 78133  
(830) 935-4011 FAX (830) 935-4012



JOB NUMBER: 20-0063

DATE: 09-16-20

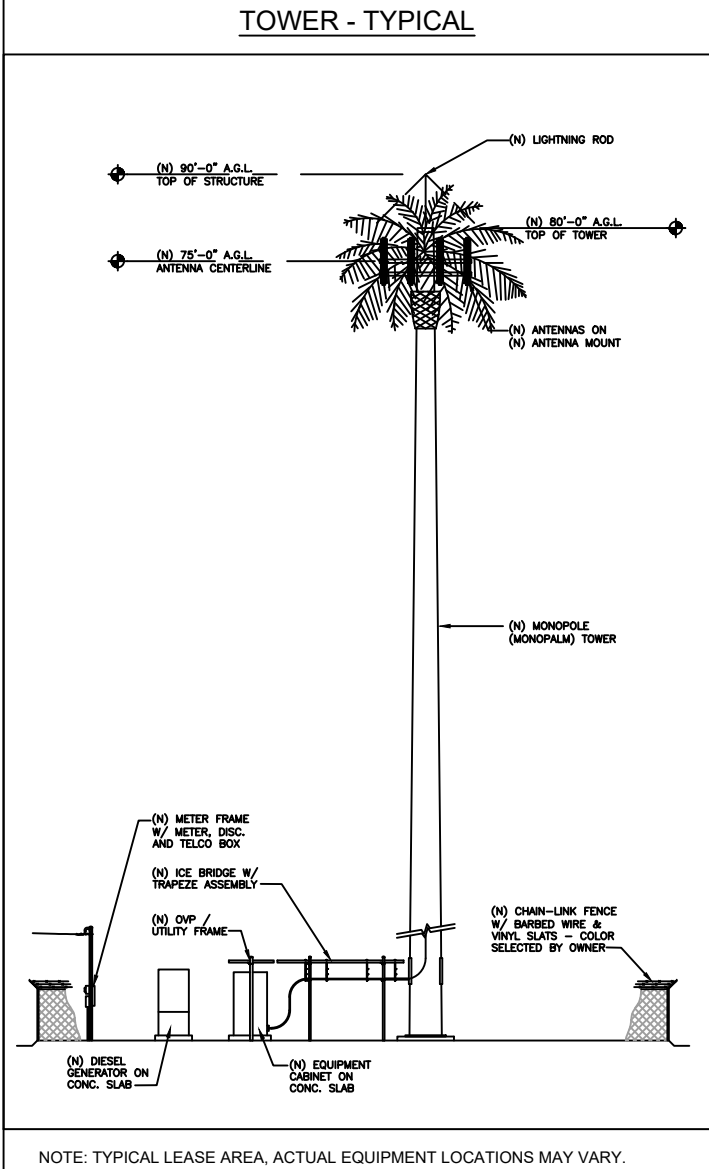
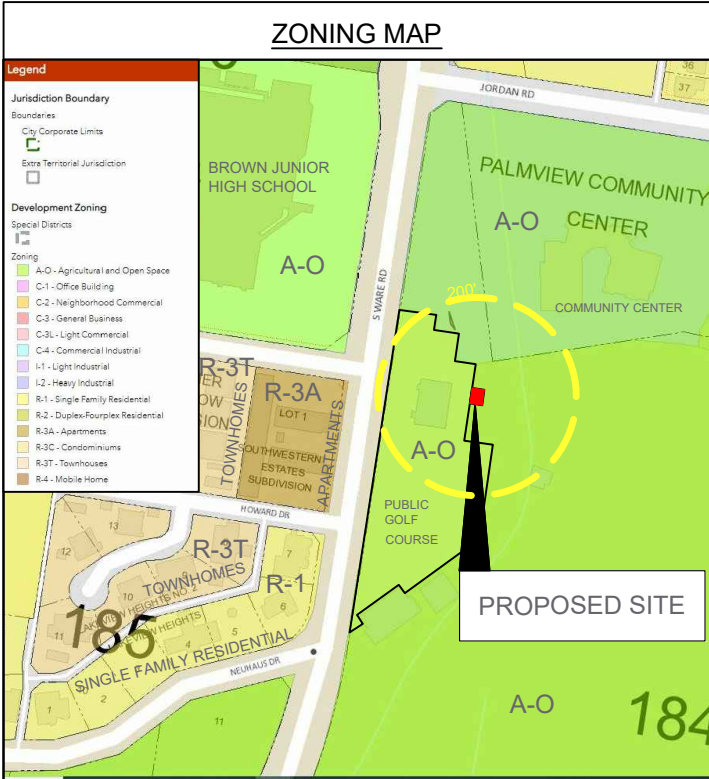
REV. 1: 10-02-20

SUBJECT TO  
& FLOOD ZONE

DRAWN BY: J.H.

**SHEET NO.**  
**2 of 2**





**CONDITIONAL USE PERMIT**

**SITE INFORMATION**

JURISDICTION: CITY OF MCALLEN, TEXAS  
HIDALGO, COUNTY

Latitude - 26° 11' 05.24" N  
Longitude -98° 15' 52.46" W  
OCCUPANCY: (U - UTILITY)  
ELEVATION: 110.4' AMSL  
CURRENT LAND USE: PUBLIC GOLF COURSE  
LAND USE: PUBLIC GOLF COURSE/TELECOM SITE  
ZONING: A-O (AGRICULTURE)

**PROJECT TYPE**

80' STEALTH MONOPOLE TOWER SITE  
(NEW CONSTRUCTION - TOWER)

**DATE**

OCTOBER 12, 2020

**SITE ADDRESS**

2701 S. WARE RD.  
CITY OF MCALLEN, TEXAS 78503  
(911 ADDRESS TBD)

**LEGAL DESCRIPTION**

MCALLEN SUB CITRUS GROVES 183-185  
& LTS 188-190 LA LOMITA 148.62 AC.  
MCALLEN, TEXAS

**SITE NAME:**

VERIZON WIRELESS - PALMVIEW GC  
- SITE LOCATED IN 'A-O' ZONING  
AGRICULTURE

**DEVELOPER**

VERIZON WIRELESS  
6696 TRI COUNTY PKWY  
SCHERTZ, TEXAS 78154  
PHONE: (210) 488-2623  
CONTACT: LUCAS CONDOR

**LAND OWNER:**

CITY OF MCALLEN  
1521 GALVESTON AVE.  
MCALLEN, TX 78501-5235

**CONTACT INFORMATION**

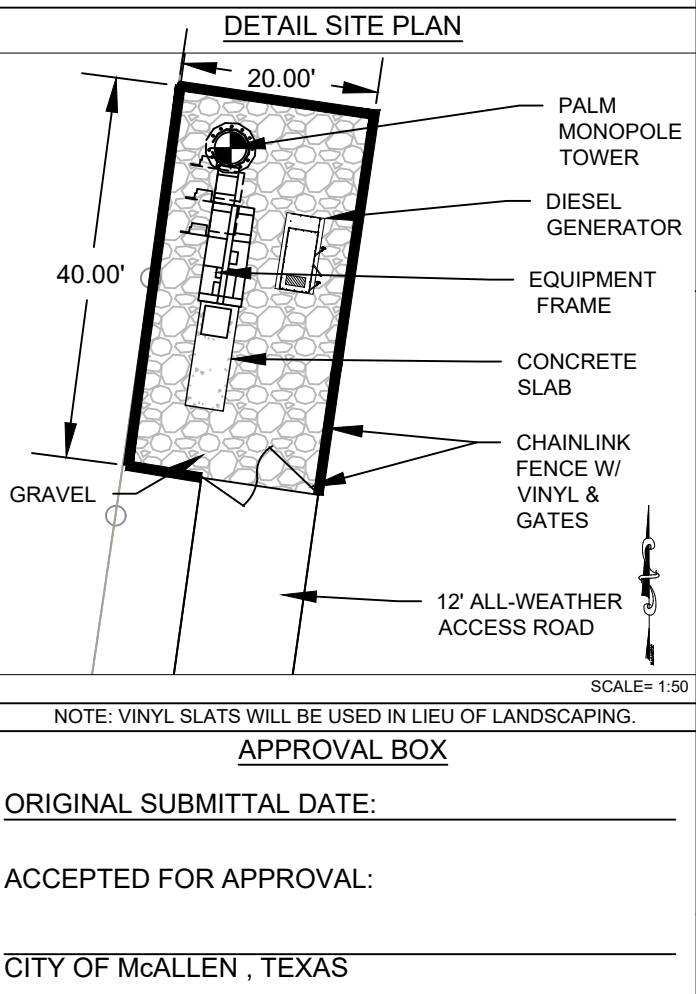
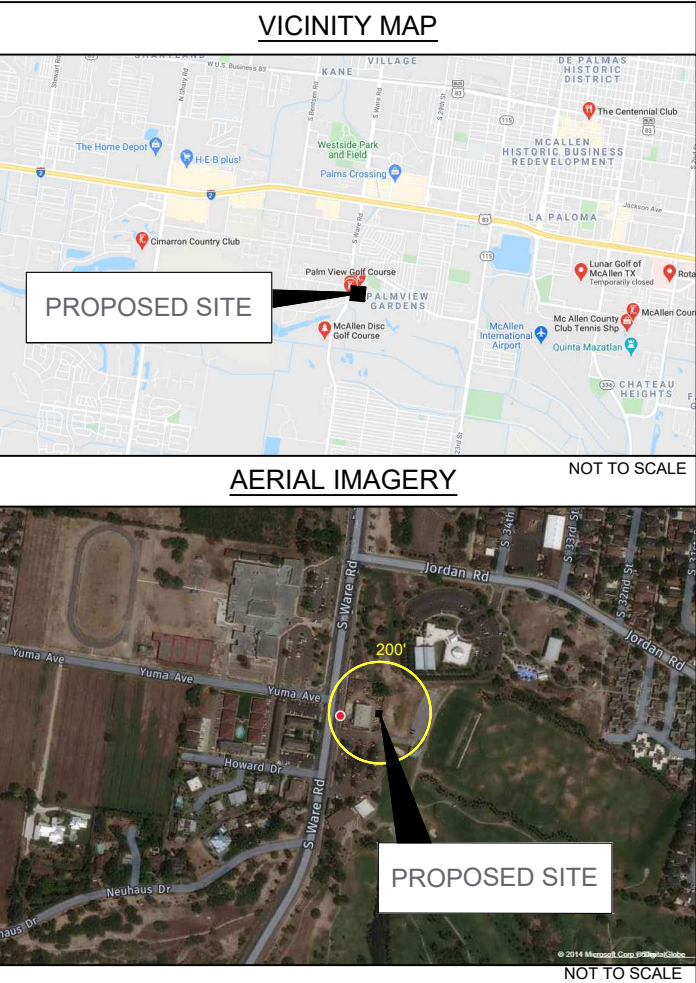
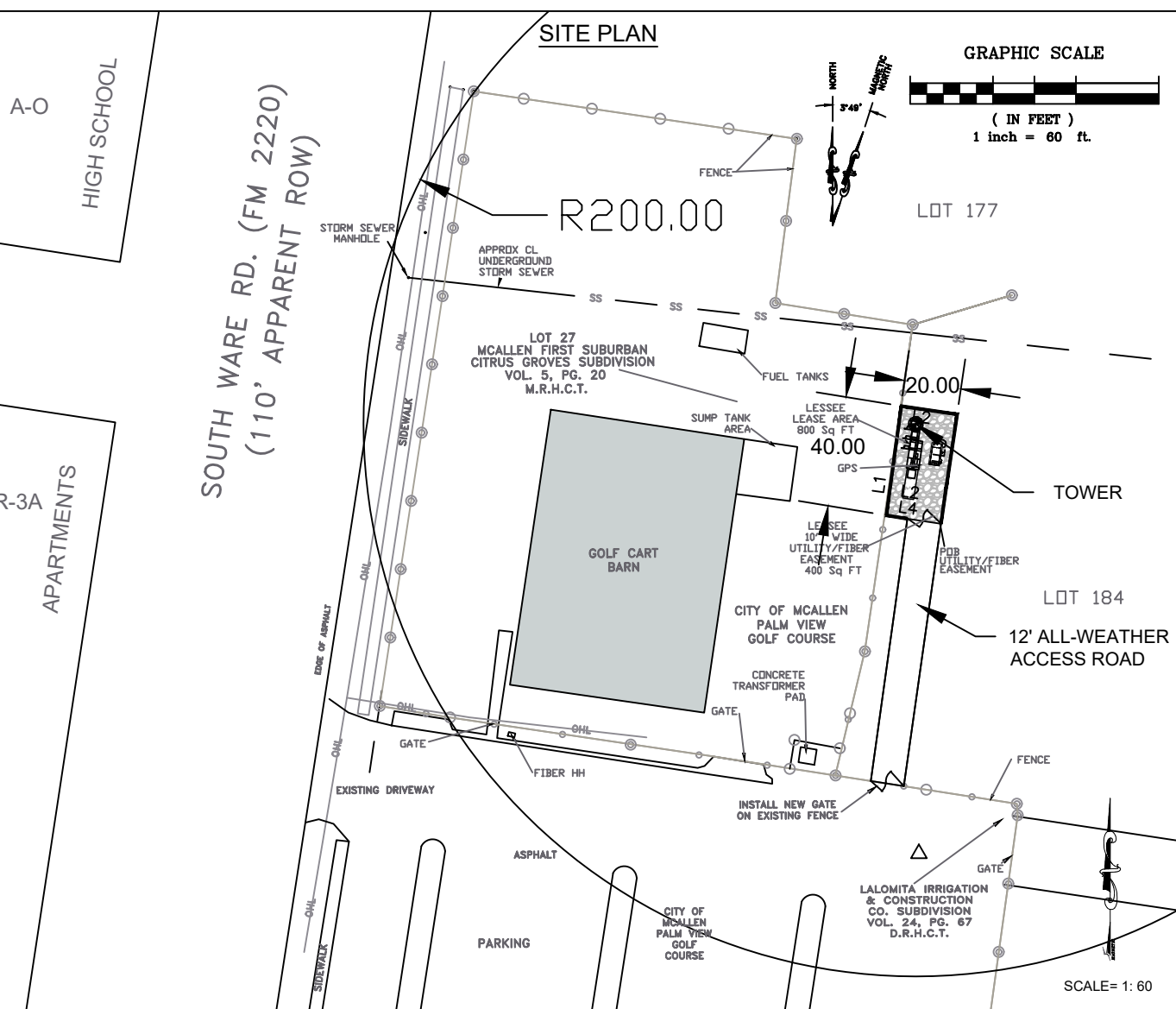
VINCENT GERARD & ASSOCIATES  
1715 S. CAPITAL OF TEXAS HWY  
AUSTIN, TEXAS 78746  
PHONE: (512) 328-2693  
SUITE 207  
CONTACT VINCE HUEBINGER

(NOT FOR CONSTRUCTION)

**ZONING SITE PLAN**

PER SECTION 138-118 (11) 200' SETBACK PER SURVEY TO RESIDENTIAL ZONED TRACTS SOUTH FROM TOWER PER SURVEYOR.

AN IDENTIFICATION SIGN FOR EACH SERVICE PROVIDER RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF A WTF AT THE SITE, NOT LARGER THAN TWO SQUARE FEET, SHALL BE POSTED AT A LOCATION FROM WHICH IT CAN BE EASILY READ FROM OUTSIDE THE PERIMETER OF THE WTF, AND SHALL PROVIDE THE NAME, ADDRESS, AND EMERGENCY NUMBER OF THE RESPONSIBLE SERVICE PROVIDER.



# **Verizon Wireless Communication Facility**

## **Engineering Necessity Case – Palmview\_GC**

Prepared by Shelia Bendele

October 2020





---

# Project Need Overview

The primary objective for this project is to improve service quality on the south of the McAllen downtown/convention center business district as well as the residential areas near the golf course. This new site will provide increased coverage and capacity which will allow for greater throughput and reliability in the area.

Our engineering data shows that this area is trending toward data capacity limits. The existing sites, McAllen\_Convention\_Center and McAllen\_DT need to have some of the area it covers moved onto another site to allow it to keep performing well. This new site, Palmview\_GC, does an good job of moving traffic onto a more localized site, better able to serve this area.

Additional details and explanations follow in this presentation.

---

# Introduction:

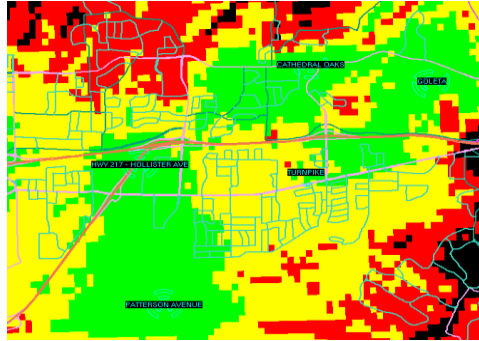
Coverage and/or capacity deficiencies are the two main drivers that prompt the need for a new wireless communications facility (WCF). Most WCF provide a mixture of both capacity and coverage for the benefit of the end user.

**Coverage** describes the existence or lack of wireless service in an area. The request for improved service often comes from our customers or emergency services personnel that have no service or poor service. Coverage used to refer to the ability to make or place a call in vehicles, however, as usage patterns have shifted, coverage is now determined based on whether or not sufficient WCF exist to provide a reliable signal inside of buildings and residential areas, as well. Historically, when wireless was still in its infancy, coverage was the primary means to measure the effectiveness of the network in a given area.

**Capacity** is the metric used to determine if sufficient wireless resources exist and is now the primary means to measure how a community's wireless needs are being addressed. "Five bars" no longer means guaranteed coverage and capacity because each WCF has a limited amount of resources to handle voice calls, data connections and data volume. When these limits are reached and the WCF becomes overloaded (meaning there is more demand than signal to service it), the user experience quickly degrades preventing customers from making/receiving calls or getting applications to run. A WCF short on capacity could also make internet connections time out or delay information to emergency response personnel

---

# Explanation of Wireless Coverage



Coverage is best shown via coverage maps. RF engineers use tools that take into account terrain, vegetation, building types, and WCF specifics to model the existing coverage and prediction what we expect to see with the addition of a proposed WCF.

---

# Explanation of Wireless Capacity



Capacity is the amount of resources that a WCF has to service customer demand. Verizon utilizes sophisticated programs and customer feedback to monitor current usage trends and to forecast future needs. Because it takes an average of 2-3 years to complete a WCF, we have to start the process of adding a new WCF several years in advance of when the WCF will be needed.

Location, Location, Location. A good capacity WCF needs to be in the center of a user population which insures that traffic is evenly distributed around the WCF. A typical WCF is configured into three sectors (like a pie cut into three pieces), with each slice (sector) having 33% of the WCF resources. If one sector is under-utilized, it's resources can not necessarily be diverted to another sector. Therefore, optimal performance is only obtained when all three sectors have an even traffic distribution.

---

# Wireless Data Growth

Each year Verizon sees large increases in how much data its customers need. As the resolution of the pictures we send increases, the quality of the video we watch improves and the complexity of the applications grow, we commonly see tremendous growth year-over-year

Machine to Machine communications will also increase the data burden on wireless networks, as over the next five (5) years more and more services that improve our safety and make our lives easier will be available over the wireless infrastructure , such as:

- Cars that notify 911 when an airbag deploys.
- “Driverless” cars needing traffic data and maps to reach your destination as quickly as possible.
- Medical monitors that will alert us should a loved one neglect taking their prescription drugs.
- Home alarms that notify you when your child arrives home from school.
- Smart street lights that notify the city when they are not working.
- City garbage cans that let people know when they need to be emptied.
- Tracking watches will aid in finding lost Alzheimer patients.

---

# Radio Emission Safety

## A common question received is “Are the radio emissions safe?”

Verizon goes to great effort to ensure that all of its projects meet the standards established by the FCC to ensure safety of the public and its employees. The links below are to three reputable organizations that have performed extensive reviews of the science available on this subject and have good educational articles on the results of their research.

World Health Organization

<http://www.who.int/peh-emf/about/WhatisEMF/en/index1.html>

American Cancer Society

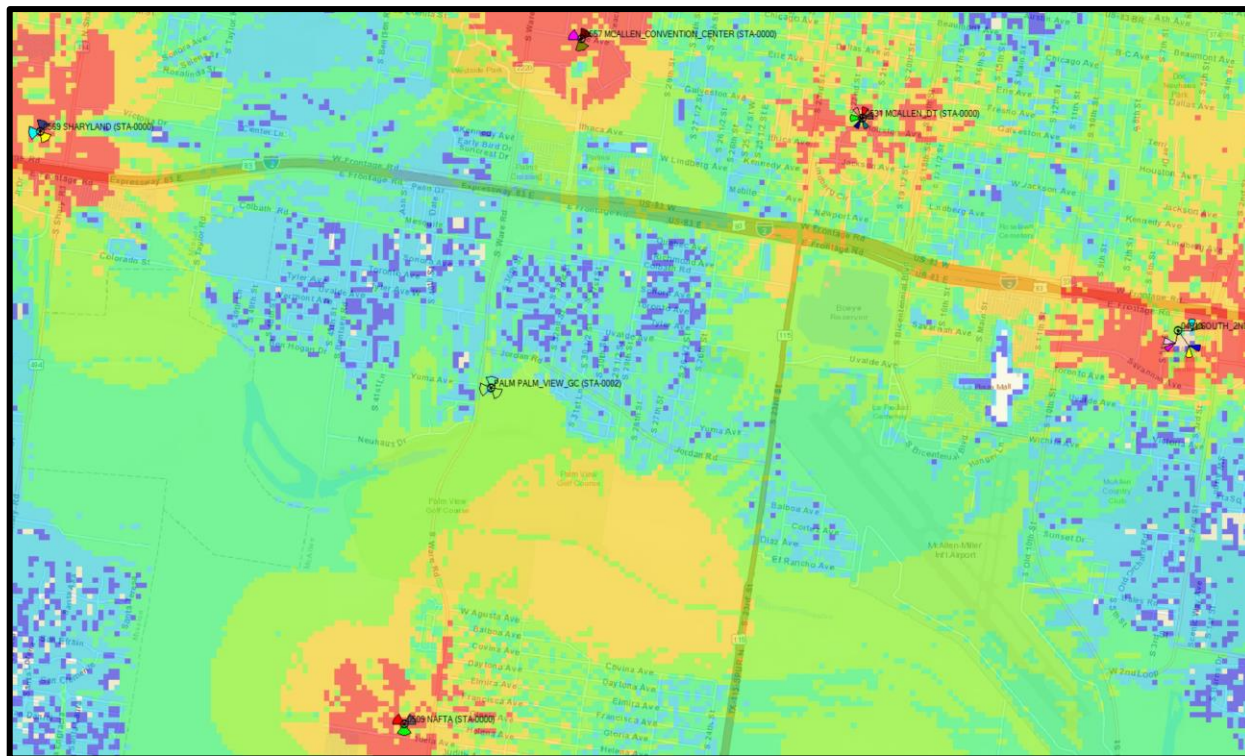
<https://www.cancer.org/cancer/cancer-causes/radiation-exposure/cellular-phone-towers.html>

FCC Radio Frequency Safety

<https://www.fcc.gov/general/radio-frequency-safety-0>

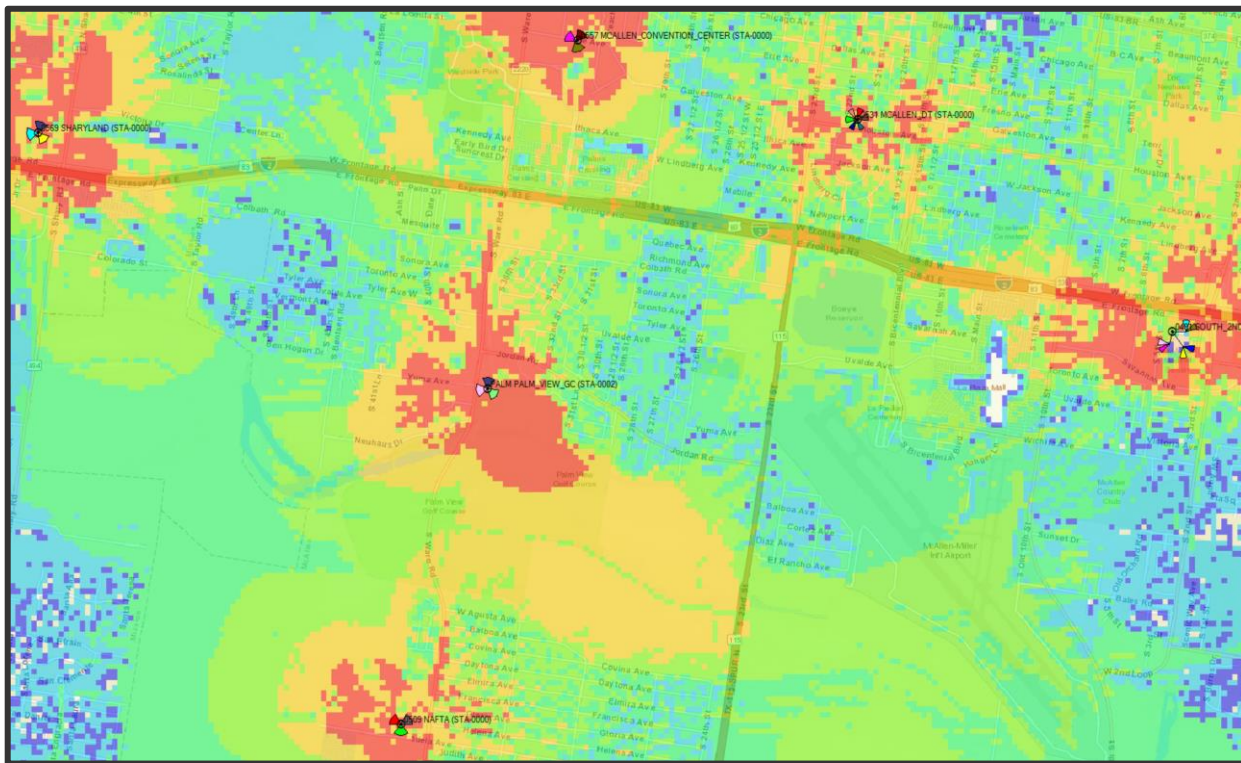
# Current Coverage

Current coverage near the proposed Palmview\_GC site



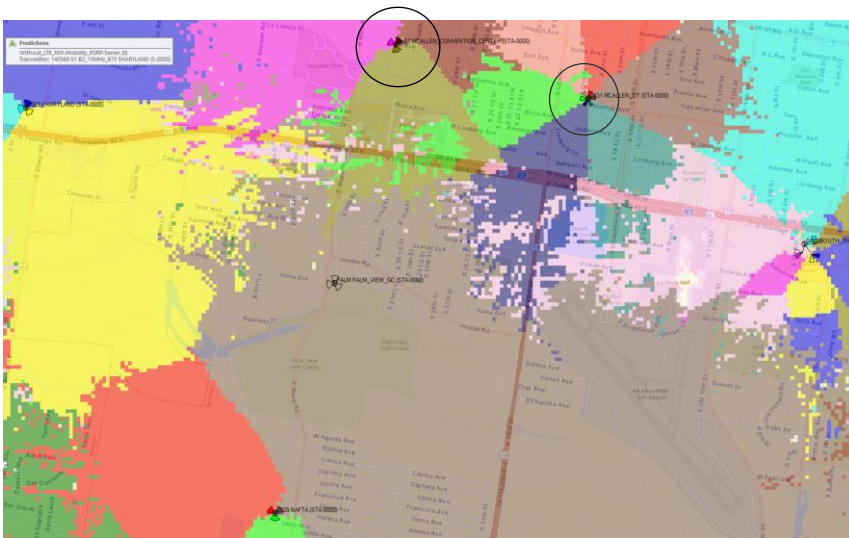
# Proposed Coverage

Although this site is proposed primarily to offload capacity from the McAllen\_Convention\_Center and McAllen\_DT sites in the business district along I-83, an added benefit is improved coverage in the residential and golf course area around the proposed Palm\_View\_GC site, improving data throughput.



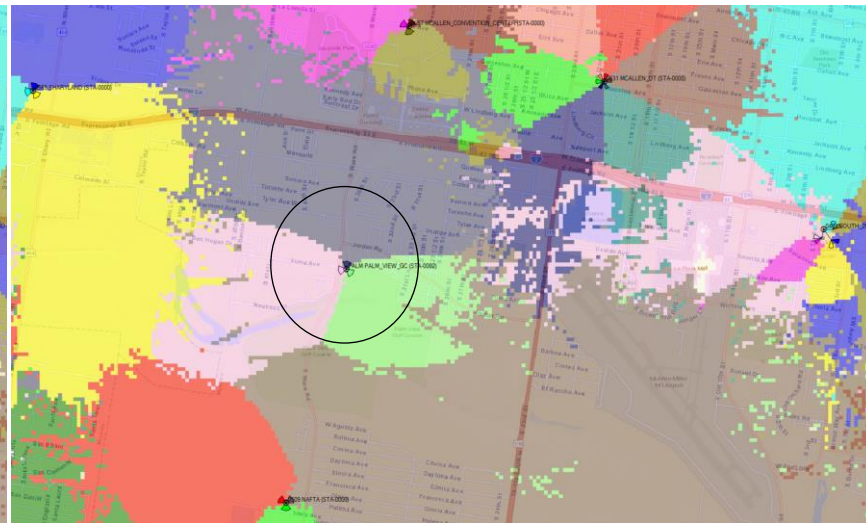


\_\_\_\_\_



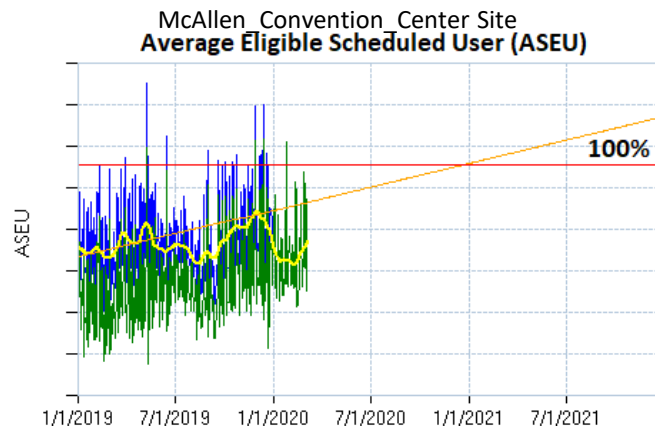
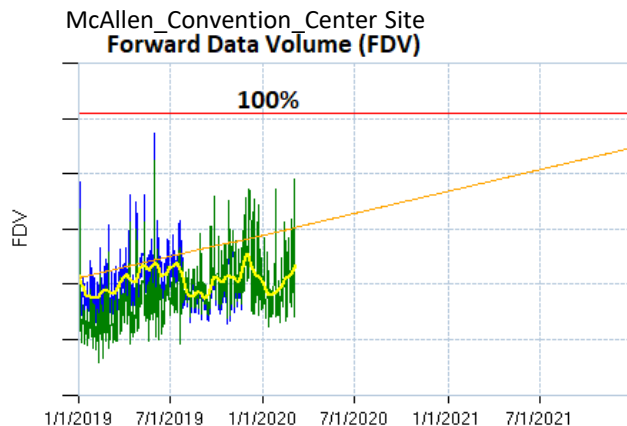
## Best Server without Palm\_View\_GC

The proposed site footprint on the right will improve both capacity and coverage in the highlighted area. The plots above show the best servers or sectors that cover this area with each sector shown in a different color. The left map shows what sectors currently cover this area with the projected overloaded sectors circled. The right map shows the area this new site will cover. This project will improve service by providing necessary capacity to support the growth we are seeing in 4G data traffic. The area around the proposed site will see much better service. If the site is not built the area circled on the left map will see data speeds and new 4G voice service start to degrade as the site overloads.



### Best Server with Palm View GC Site

# Capacity Projection



**Summary:** The existing McAllen\_Convention\_Center site will not be able to support the traffic in the area it covers in the future as shown above by the orange trend line meets the red exhaustion threshold. When this occurs 4G data speeds slow to unacceptable levels. The McAllen\_DT site is nearing this limit as well.

**Details:** The graphs above show FDV (Forward Data Volume) which is a measurement of the customer data usage that this sector currently serves and the Average Eligible Scheduled User (ASEU) which is the average number of users trying to access services at the same time. The blue line shows the daily data use on this sector of the wireless facility site. The orange line is a projection based on the last years usage to show when we expect to see our customers begin to see their data speeds begin to slow down. The red line is the limit where the sector becomes exhausted and service starts to degrade. The point in time where we see the orange line go above the red line is when we will start seeing service begin to degrade. Service will quickly degrade after that point as usage continues to grow.

To aid in resolving this, we ask to add a 3 sector communications facility as proposed to improve wireless service capacity and coverage in this area by offloading commercial traffic from this growing sector with the proposed site. We are requesting this site in advance to meet customer demand before service is degraded.



# Verizon Wireless

**Verizon is part of  
your community.  
Because we live  
and work there too.**

We believe technology can help solve  
our biggest social problems.

We're working with innovators,  
community leaders, non-profits,  
universities and our peers to  
address some of the unmet  
challenges in education, healthcare  
and energy management.

Learn more about our corporate social  
responsibility at [www.verizon.com](http://www.verizon.com).







5804 Tri County Parkway  
Schertz, TX 78154

To Whom it may concern:

I, Tim Caletka (Principal Const. Engineer-Verizon Wireless) hereby authorize Vincent Gerard & Associates to file and pull all appropriate documents, permits and applications with respect to Verizon permits on our projects. Vincent Gerard & Associates is an authorized agent for Verizon Wireless.

Thank You,

A handwritten signature in blue ink, appearing to read "Tim Caletka", with a horizontal line extending to the right.

Tim Caletka –Sr. Construction Engineer





NOTICE  
PERSONAL  
WIRELESS FACILITY  
FOR  
THIS PROPERTY  
CUP2020-0114



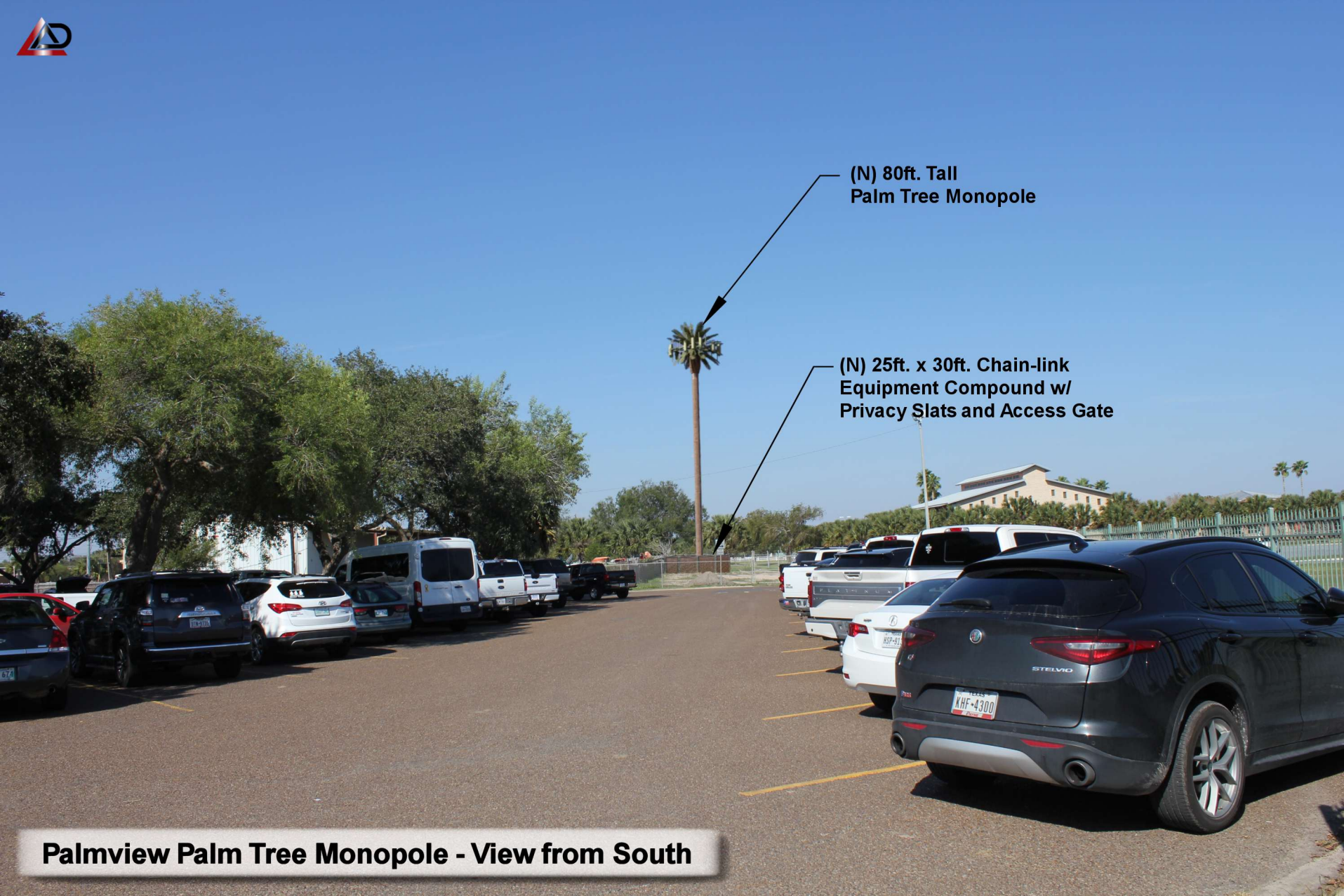


(N) 80ft. Tall  
Palm Tree Monopole

(N) 25ft. x 30ft. Chain-link  
Equipment Compound w/  
Privacy Slats and Access Gate

**Palmview Palm Tree Monopole - View from Southeast**





(N) 80ft. Tall  
Palm Tree Monopole

(N) 25ft. x 30ft. Chain-link  
Equipment Compound w/  
Privacy Slats and Access Gate

**Palmview Palm Tree Monopole - View from South**



## Planning Department

### Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

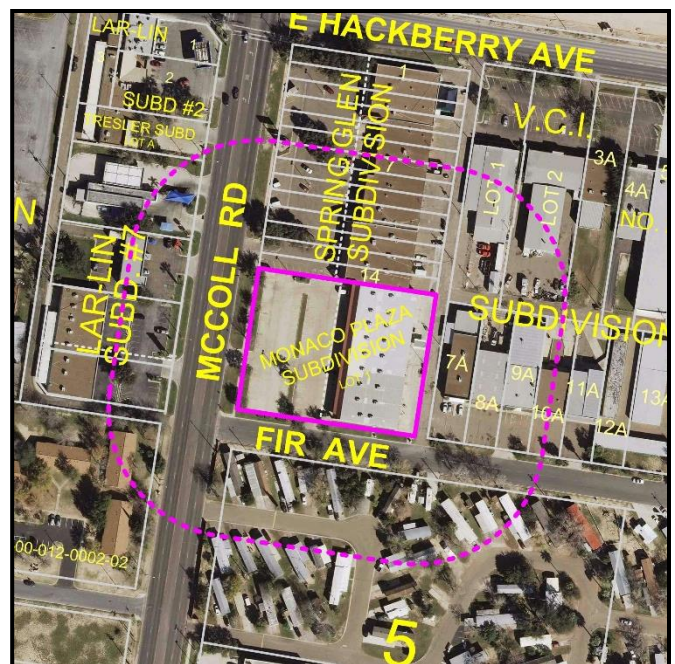
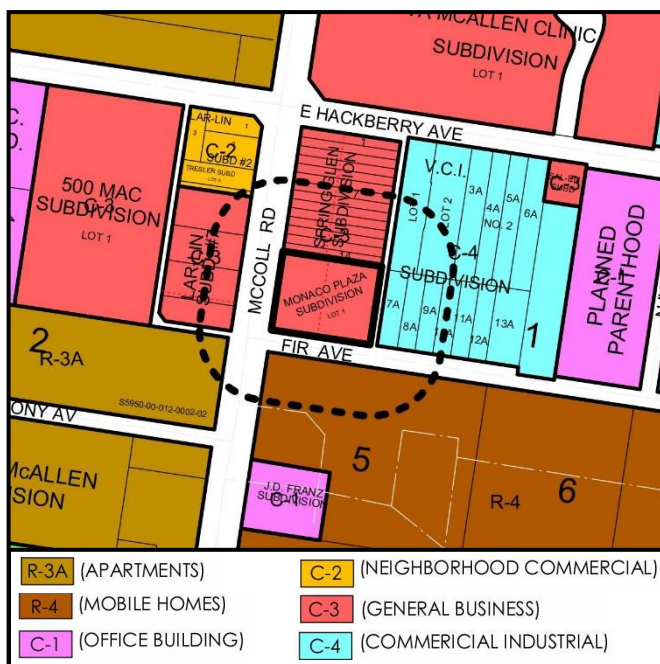
**DATE:** November 12, 2020

**SUBJECT:** REQUEST OF DAVID GOSALVEZ III, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PORTABLE BUILDING GREATER THAN 10'X12', AT LOT 1, MONACO PLAZA SUBDIVISION, HIDALGO COUNTY, TEXAS; 604 NORTH MCCOLL ROAD. (CUP2020-0107)

#### BRIEF DESCRIPTION:

The subject property is located at the intersection of North McColl Road and Fir Avenue. The submitted survey depicts that it has 222.50 ft. of frontage along North McColl Road and a depth of 279 ft. for a lot size of 1.425 acres. Monaco Plaza Subdivision was recorded on April 23, 1991, and the plaza building was built in 1991 according to the Appraisal District records.

The property is zoned C-3 (general business) District, and the adjacent zoning is C-3 (general business) District to the north and east, and R-4 (mobile home and modular home) District to the south. Surrounding land uses include offices, retail stores, mobile homes, and apartments. A portable building is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements



**REQUEST/ANALYSIS:**

The applicant is proposing to utilize a portable building, measuring approximately 8.5 ft. x 48 ft., as an MRI facility in the parking lot on the east side of the property to use as a supporting facility for his chiropractic office, known as Chiro Sync. The Fire Department has conducted their inspection, and found the establishment to be in compliance. The portable building must also meet the requirements set forth in Section 138-118(3) of the Zoning Ordinance as follows:

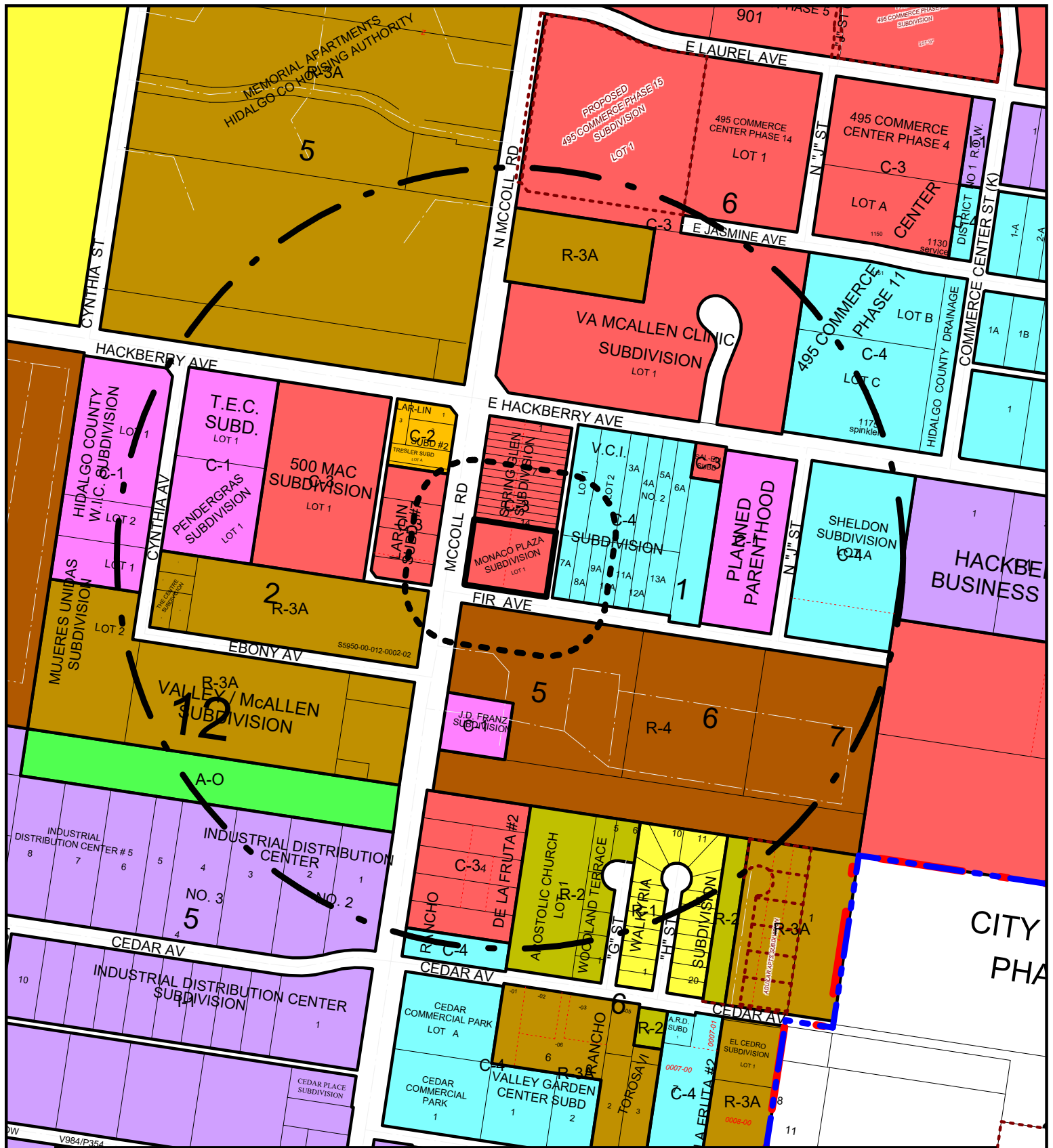
- 1) Portable buildings must not be used for living quarters. The portable building will be used as a medical office only;
- 2) Must be located in such a manner as to have access to a public right-of-way within 200 ft. The property has access to Fir Avenue and North McColl Road;
- 3) The proposed use and adjacent businesses shall comply with the off-street parking and loading ordinance. Based on the square footage, five additional parking spaces are required for the proposed portable building. The plaza has 97 parking spaces currently. The submitted site plan depicts that the portable building might displace 6 parking spaces. The site plan checklist for Monaco Plaza shows that the required number of parking spaces was 50 in 1991;
- 4) Must provide garbage and trash collection and disposal;
- 5) Must be connected to an approved water distribution and sewage disposal system;
- 6) No form of pollution shall emanate beyond the immediate property line of the permitted use; and
- 7) Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use.


**PLANNING AND ZONING COMMISSION MEETING OF NOVEMBER 3, 2020:**

At the Planning and Zoning Commission meeting of November 3, 2020, at the request of staff, the Board unanimously voted to table the request, in order to clarify the area size of the portable building's location. There were four members present and voting.

**RECOMMENDATION:**

Staff recommends approval of the request, for life of the use, subject to Section 138-118(3) of the Zoning Ordinance and Fire Department requirements.






**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

**AREA MAP**



**LEGEND**

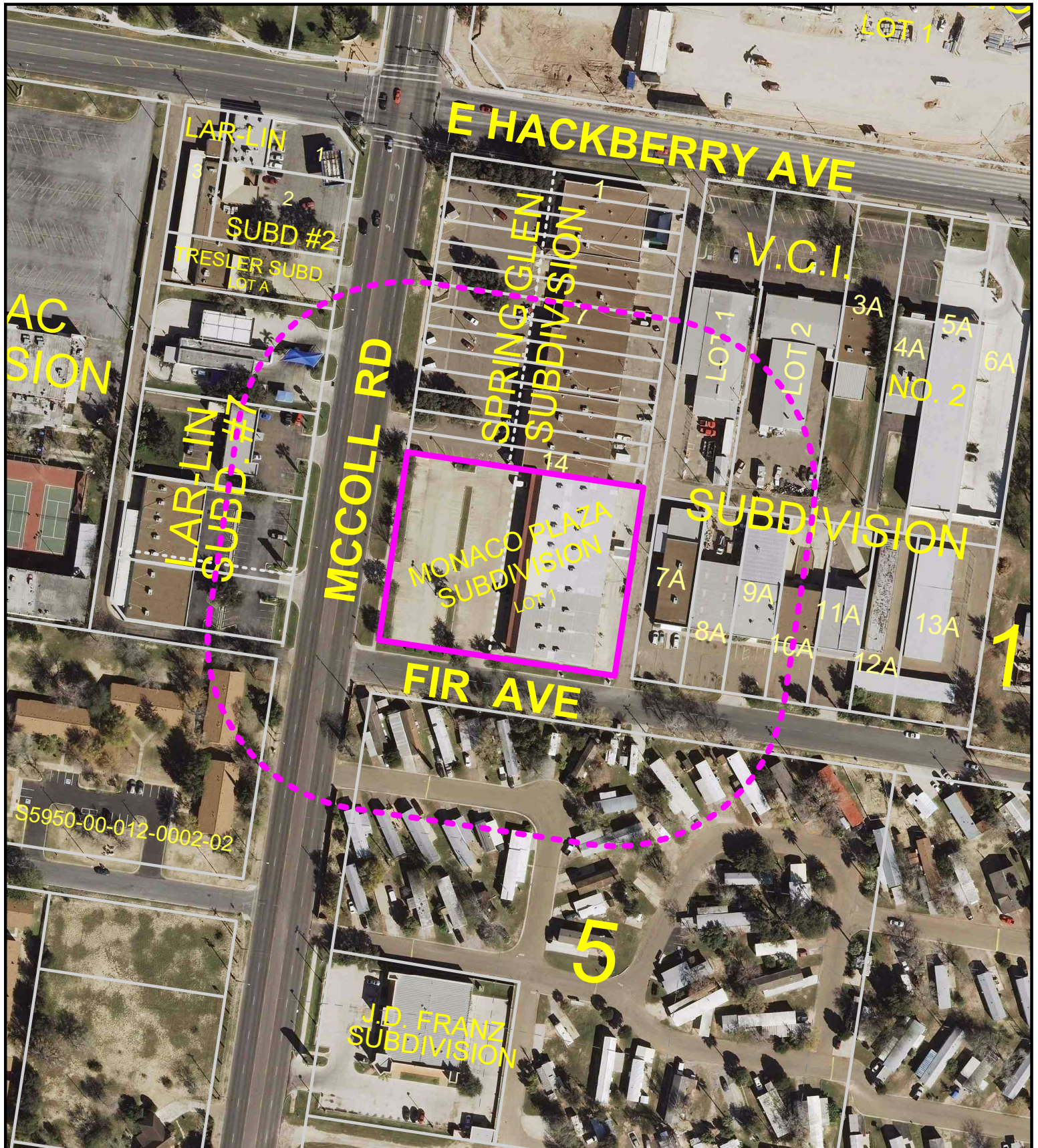
<span style="background-color: #90EE90; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> A-0 (AGRICULTURAL & OPEN SPACE)	<span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-3A (APARTMENTS)	<span style="background-color: #FFB6C1; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-4 (MOBILE HOMES)	<span style="background-color: #FFB6C1; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> C-3 (GENERAL BUSINESS)	<span style="background-color: #D8BFD8; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-1 (LIGHT INDUSTRIAL)
<span style="background-color: #FFFFE0; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-1 (SINGLE FAMILY RESIDENTIAL)	<span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-3C (CONDOMINIUMS)	<span style="background-color: #FFB6C1; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> C-1 (OFFICE BUILDING)	<span style="background-color: #FFB6C1; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> C-3L (LIGHT COMMERCIAL)	<span style="background-color: #D8BFD8; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-2 (HEAVY INDUSTRIAL)
<span style="background-color: #90EE90; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-2 (DUPLEX-FOURPLEX)	<span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-3T (TOWNHOUSES)	<span style="background-color: #FFB6C1; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> C-2 (NEIGHBORHOOD COMMERCIAL)	<span style="background-color: #FFB6C1; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> C-4 (COMMERCIAL INDUSTRIAL)	<span style="background-color: #D8BFD8; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> (SPECIAL DISTRICT)

**LEGEND**

<span style="border: 2px solid black; display: inline-block; width: 15px; height: 10px;"></span> SUBJECT PROPERTY	<span style="border: 2px dashed black; display: inline-block; width: 15px; height: 10px;"></span> 200 FT. NOTIFICATION BOUNDARY	<span style="border: 2px solid black; border-radius: 50%; width: 15px; height: 10px;"></span> 1/4 MILE RADIUS
---	---	---

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





**CITY OF McALLEN**  
PLANNING DEPARTMENT

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



**SUBJECT PROPERTY**

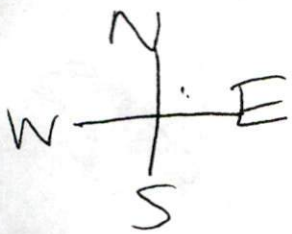


**200' NOTIFICATION BOUNDARY**



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

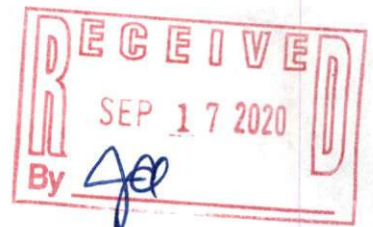




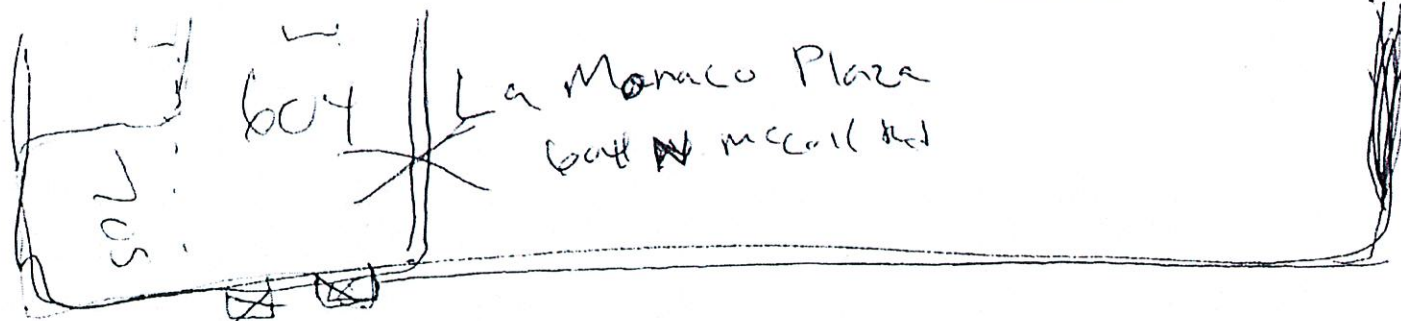
McColl RD



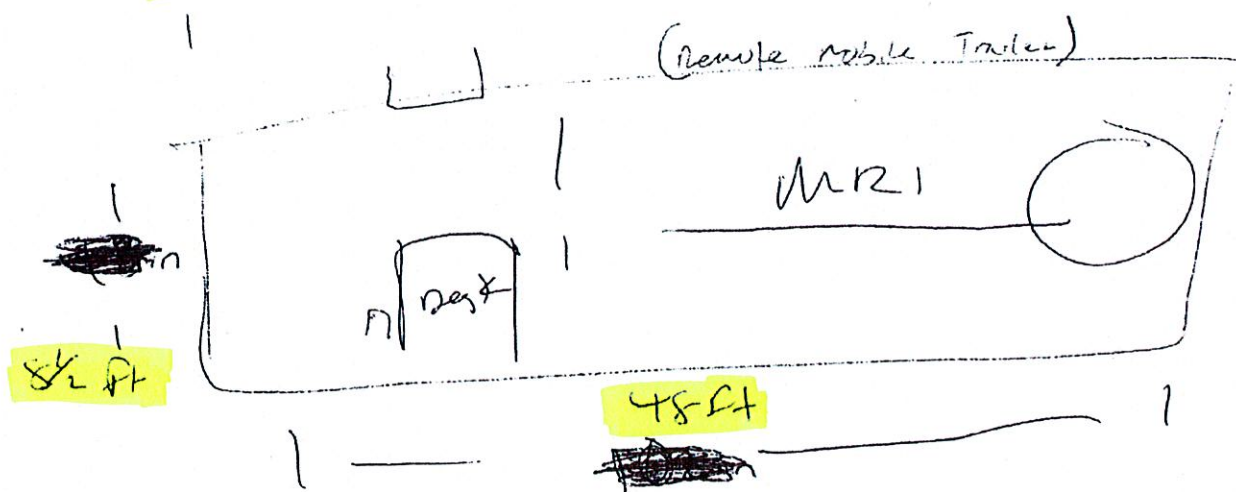
FIR ST.



F  
I  
N  
A  
V  
E



10

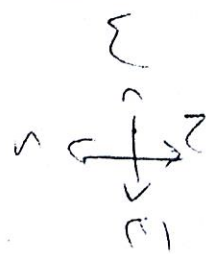


1-18 ft  
property  
line

29.03  
- 10

- 8.50

10.50



RECEIVED  
NOV 12 2020  
BY: *[Signature]*

EXHIBIT 1  
 LOT 1 - 1.425 ACRES  
 ALL OF LOT 1 MONACO PLAZA SUBDIVISION, AN  
 ADDITION TO THE CITY OF McALLEN, HIDALGO  
 COUNTY, TEXAS, VOLUME 27, PAGE 22B IN THE MAP  
 RECORDS OF HIDALGO COUNTY, TEXAS

SPRING GLEN SUBDIVISION  
 VOL. 23, PG. 19, M.R.H.C.

VCI SUBDIVISION  
 VOL. 27, PG. 83A, M.R.H.C.

VCI SUBDIVISION No.2  
 VOL. 27, PG. 109B, M.R.H.C.

LEGEND	
○	CAPPED 1/2" IRON ROD SET
●	IRON ROD FOUND
●	5/8" HIGH IRON ROD FOUND
○	1 INCH PIPE FOUND
○	BEARING BASIS
○	TX STATE PLANE
○	COORDINATES NAD 83
○	TEXAS SOUTH ZONE (4205)
○	WESTERN DATA
○	SYSTEMS NETWORK
○	"X" MARK ON CONCRETE FOUND
○	COTTON PICKER SPINDLE SET
○	CALCULATED POINT
○	PLAT CALL (VOL. 27, PG. 22B M.R.H.C.)
○	MEASURED
○	EXISTING FENCE

SCALE: 1" = 40'  
 BEARING BASIS  
 TX STATE PLANE  
 COORDINATES NAD 83  
 TEXAS SOUTH ZONE (4205)  
 WESTERN DATA  
 SYSTEMS NETWORK

**SURVEYOR'S NOTES:**

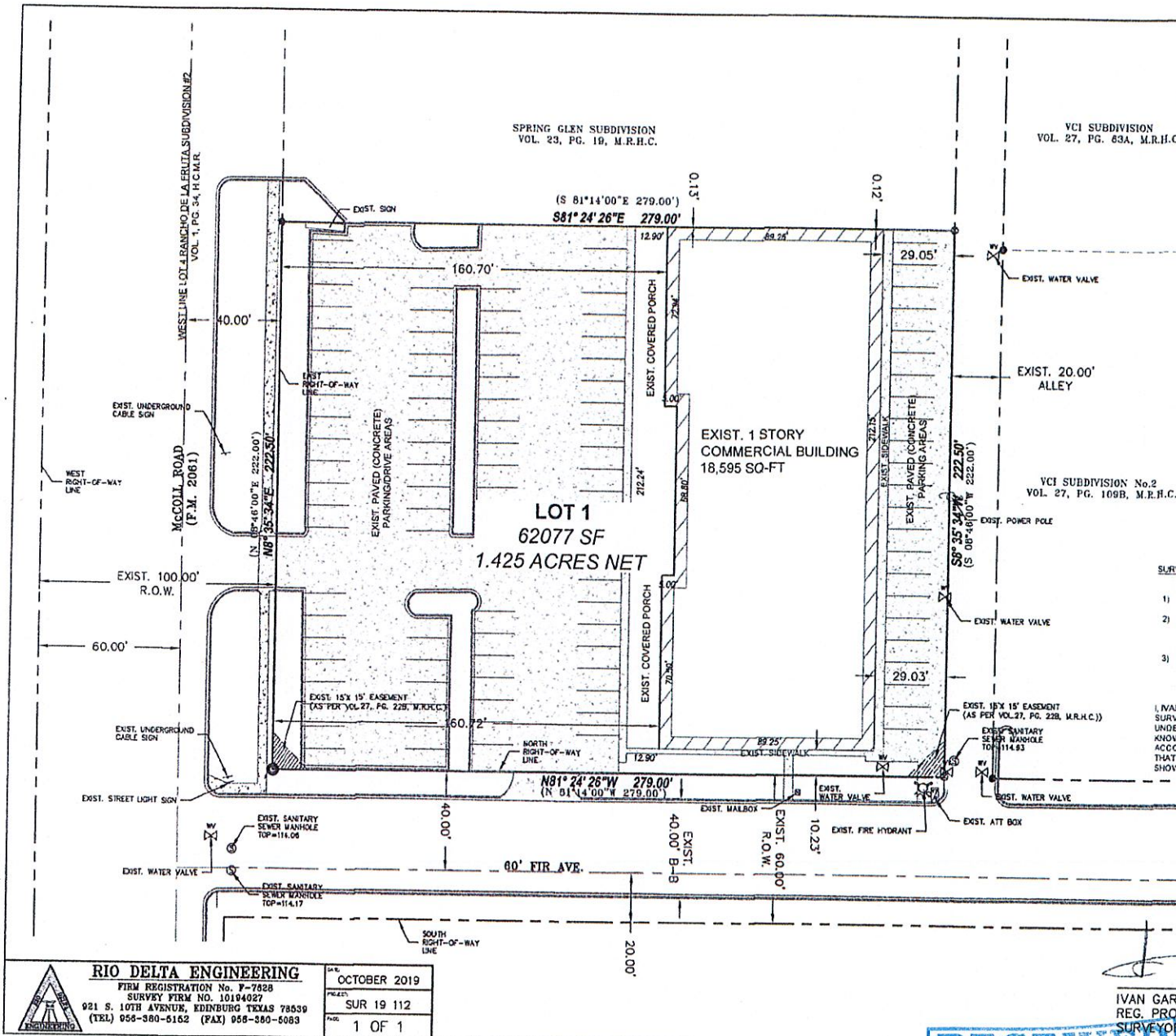
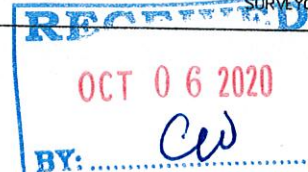
- 1) SURVEY DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
- 2) NO ADDITIONAL RESEARCH WAS PERFORMED BY RIO DELTA ENGINEERING FOR ANY ADDITIONAL EASEMENT(S) OR BUILDINGS LINES WHICH MAY OR MAY NOT AFFECT THE SUBJECT TRACT
- 3) THE PROPERTY SHOWN IS IN ZONE B, INSURANCE RATE MAP COMMUNITY PANEL NO. 4603430005 C, REVISED DATE NOVEMBER 02, 1982.

I, IVAN GARCIA, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE, THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON DURING OCTOBER 2019, UNDER MY DIRECTION AND SUPERVISION, THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, THAT THE PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH MINIMUM STANDARD DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS, THAT THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS OR PROTRUSIONS EXCEPT AS SHOWN



IVAN GARCIA  
 REG. PROFESSIONAL LAND  
 SURVEYOR NO. 6496

10/2/19  
 DATE



**RIO DELTA ENGINEERING**  
 FIRM REGISTRATION No. F-7828  
 SURVEY FIRM NO. 10194027  
 921 S. 10TH AVENUE, DUNNBOURG TEXAS 78539  
 (TEL) 956-380-6162 (FAX) 956-380-6083

DATE: OCTOBER 2019  
 PROJECT: SUR 19 112  
 PAGE: 1 OF 1





D.M. Express

D.M. Express

Chick-fil-A

HI COUNTRY

HI COUNTRY

NOTICE  
PORTABLE  
BUILDING  
FOR  
THIS PROPERTY  
CUP2020-0107

NO  
THRU  
TRAFFIC















## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

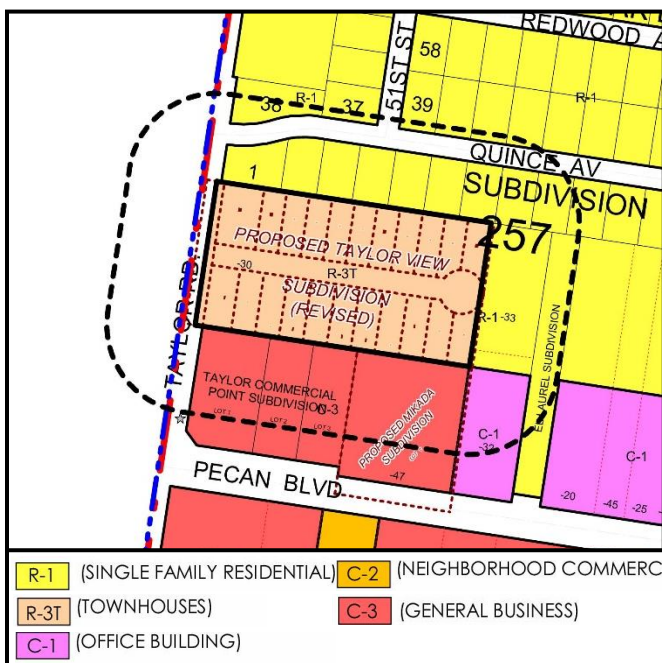
**DATE:** November 12, 2020

**SUBJECT: REZONE FROM R-3T (MULTIFAMILY RESIDENTIAL TOWNHOUSE) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 5.0 ACRES OUT OF LOT 257, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 1600 NORTH TAYLOR ROAD. (REZ2020-0040)**

**LOCATION:** The property is located along the east side of North Taylor Road, approximately 270 ft. north of Pecan Boulevard. The tract has 330 ft. of frontage along North Taylor Road and a depth of 660 ft. for a tract size of 5.0 acres.

**PROPOSAL:** The applicant is requesting to rezone the subject property to R-1 (single-family residential) District in order to build single-family residences. A subdivision plat for the subject property under the name of Taylor View Subdivision to create 22 lots was approved in revised preliminary form on November 3, 2020, by the Planning and Zoning Commission.

**ADJACENT ZONING:** The adjacent zoning is R-1 (single-family residential) District to the north and east, and C-3 (general business) District to the south. The properties on the west side of North Taylor Road are outside the City limits.



LAND USE: The brick house and the swimming pool depicted on the submitted survey have been demolished in 2015, by separate demolition permits submitted in November 2015. However, the carport, the brick & frame room, and the aluminum garage are still existing on the subject property. Surrounding land uses include single-family residences, including Spanish Oak Estates Subdivision consisting of 58 lots, condominiums, commercial plazas, Amigo Pawn & Jewelry store, and vacant land.

COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan designates the future land use for this property as Auto Urban Single Family which is comparable to R-1 (single-family residential) District.

DEVELOPMENT TRENDS: The development trend for this area along North Taylor Road is single-family houses, multifamily residential, and commercial.

HISTORY: The subject property was zoned A-O (agricultural and open space) District during the comprehensive zoning in 1979. A rezoning request to R-3T (multifamily residential townhouse) District for the subject property was approved by the City Commission on June 9, 2008. A subdivision application for the subject property under the name of Taylor View to create 36 townhomes was approved in preliminary form on March 6, 2018, by the Planning and Zoning Commission, which was never finalized. A revised plat depicting 22 lots to create single-family homes was submitted on October 19, 2020, which was approved in revised preliminary form on November 3, 2020, by the Planning and Zoning Commission.

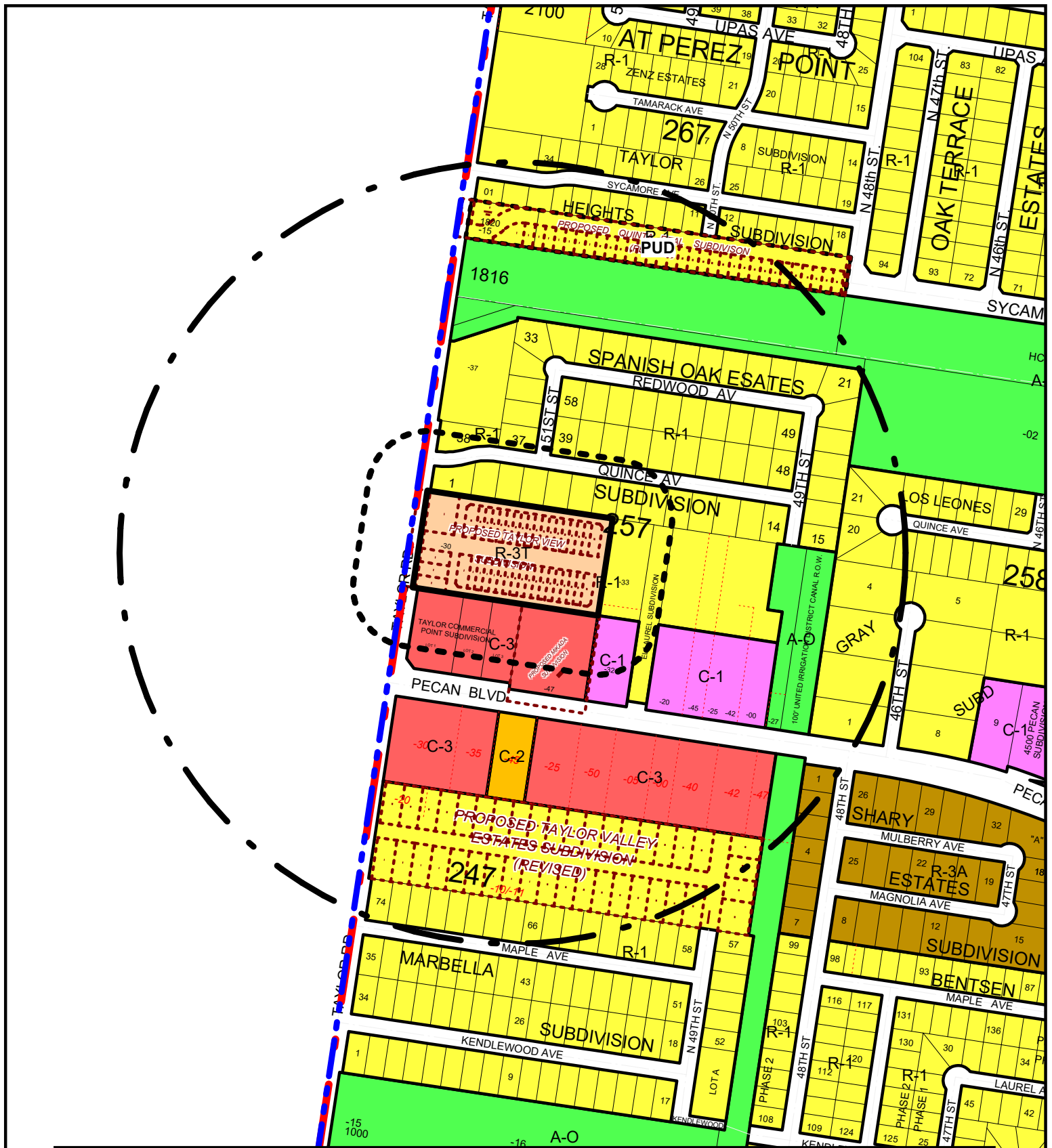
ANALYSIS: The requested zoning conforms to the Auto Urban Single Family land use designation as indicated on the Foresight McAllen Comprehensive Plan.

The maximum density in R-1 (single-family residential) District is 8 dwelling units per acre. Therefore, the maximum number of units for the subject property is approximately 40 single-family residential lots.

A recorded subdivision plat and approved site plan are required prior to building permit issuance. Required park land dedication or a fee in lieu of land comprising \$700 per dwelling unit is required prior to recording a subdivision plat.

Staff has not received any calls or emails in opposition to the rezoning request.

RECOMMENDATION: Staff recommends approval of the rezoning request to R-1 (single-family residential) District.



# **CITY OF McALLEN** PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**

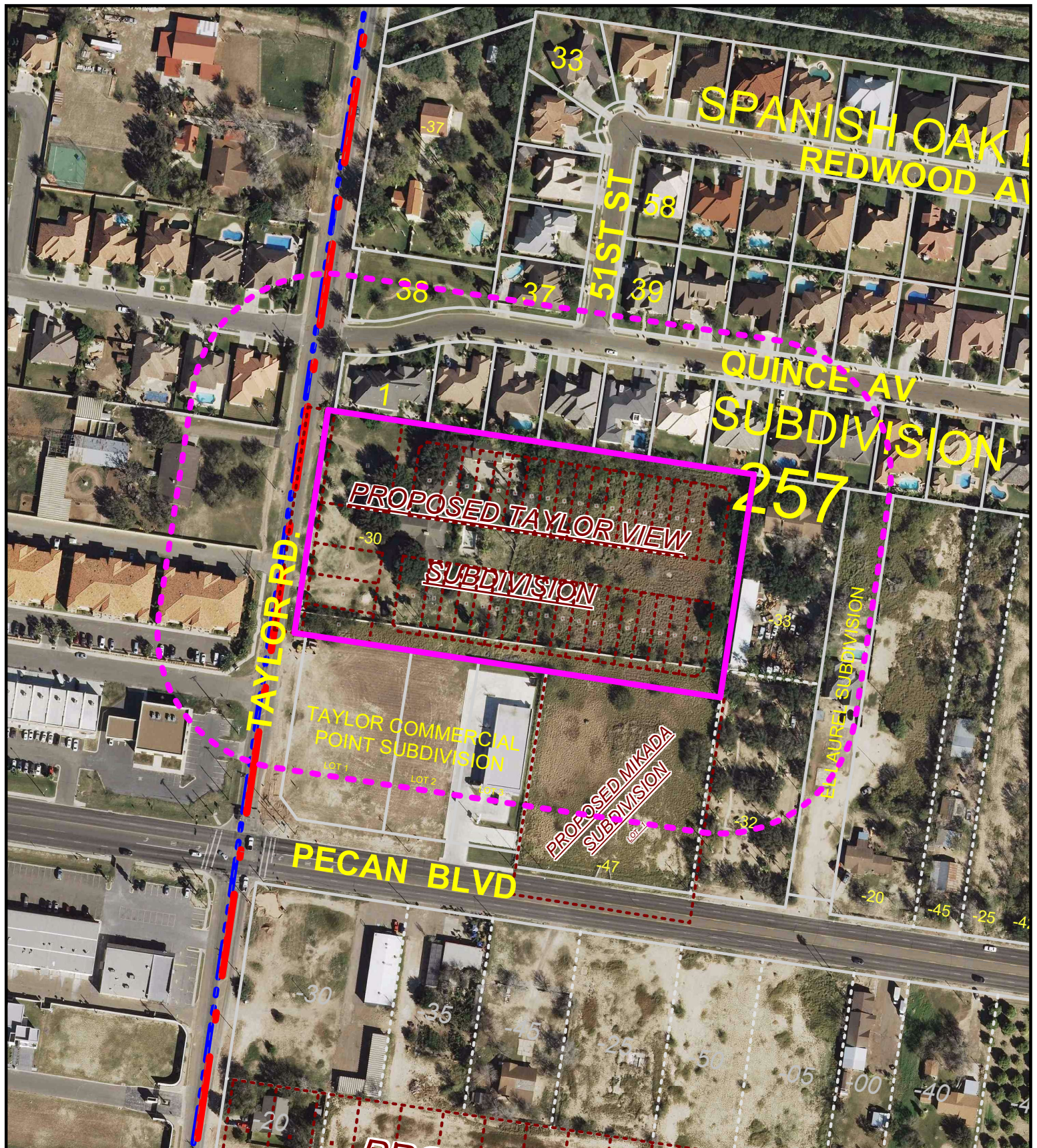


## **ZONING LEGEND**

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

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.mcalen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

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



**SUBJECT PROPERTY**

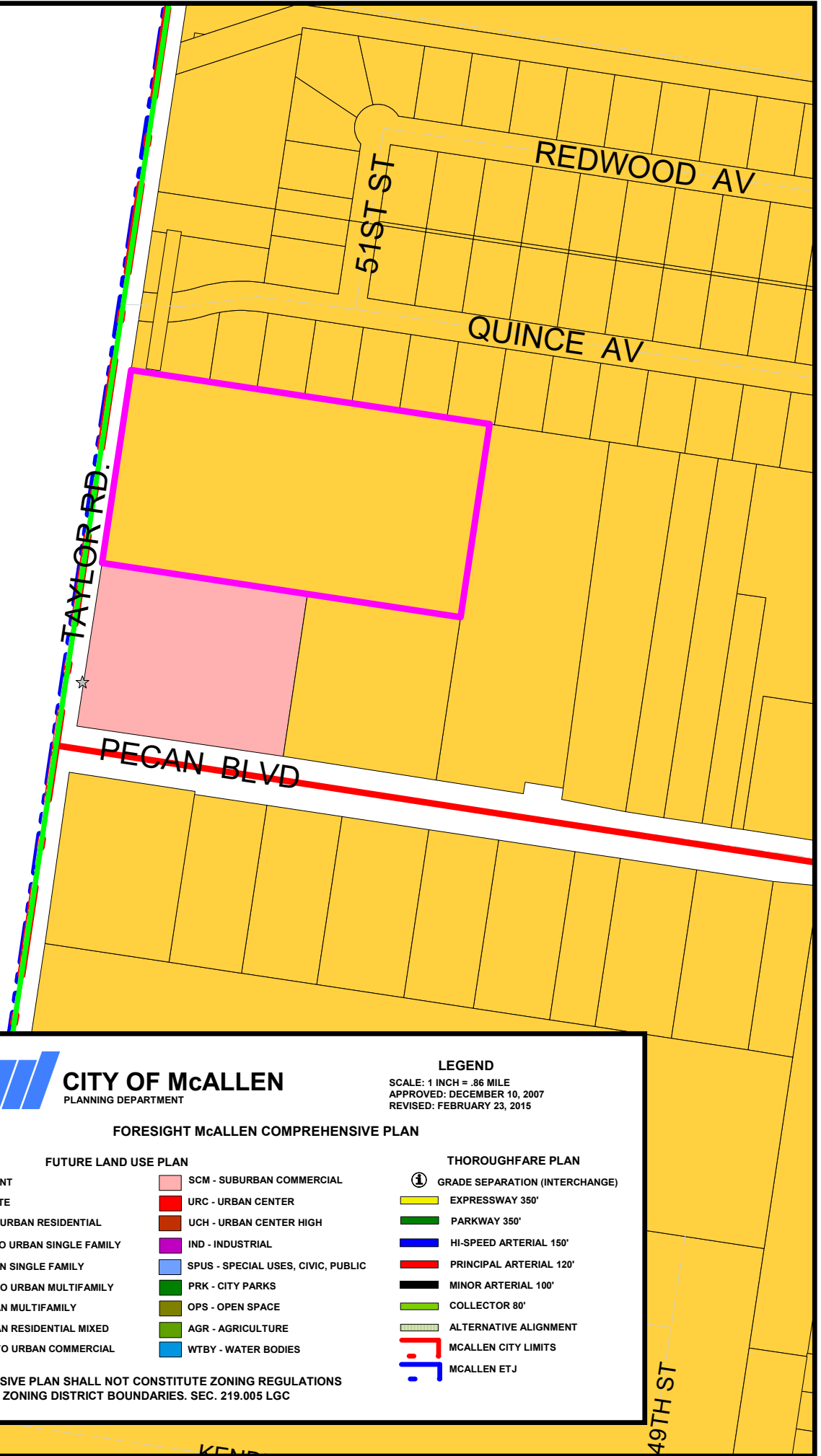


**200' NOTIFICATION BOUNDARY**



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





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**FORESIGHT McALLEN COMPREHENSIVE PLAN**

**FUTURE LAND USE PLAN**

VAC - VACANT	SCM - SUBURBAN COMMERCIAL
EST - ESTATE	URC - URBAN CENTER
SUBR - SUBURBAN RESIDENTIAL	UCH - URBAN CENTER HIGH
AUSF - AUTO URBAN SINGLE FAMILY	IND - INDUSTRIAL
USF - URBAN SINGLE FAMILY	SPUS - SPECIAL USES, CIVIC, PUBLIC
AUMF - AUTO URBAN MULTIFAMILY	PRK - CITY PARKS
UMF - URBAN MULTIFAMILY	OPS - OPEN SPACE
UMX - URBAN RESIDENTIAL MIXED	AGR - AGRICULTURE
AUCM - AUTO URBAN COMMERCIAL	WTBY - WATER BODIES

A COMPREHENSIVE PLAN SHALL NOT CONSTITUTE ZONING REGULATIONS  
OR ESTABLISH ZONING DISTRICT BOUNDARIES. SEC. 219.005 LGC

**LEGEND**

SCALE: 1 INCH = .86 MILE  
APPROVED: DECEMBER 10, 2007  
REVISED: FEBRUARY 23, 2015

**THOROUGHFARE PLAN**

①	GRADE SEPARATION (INTERCHANGE)
	EXPRESSWAY 350'
	PARKWAY 350'
	HI-SPEED ARTERIAL 150'
	PRINCIPAL ARTERIAL 120'
	MINOR ARTERIAL 100'
	COLLECTOR 80'
	ALTERNATIVE ALIGNMENT
	McALLEN CITY LIMITS
	McALLEN ETJ

FAX (956) 631-7362











NOTICE  
REZONING  
FOR  
THIS PROPERTY  
REZ2020-0040



## Planning Department

### Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

**DATE:** November 13, 2020

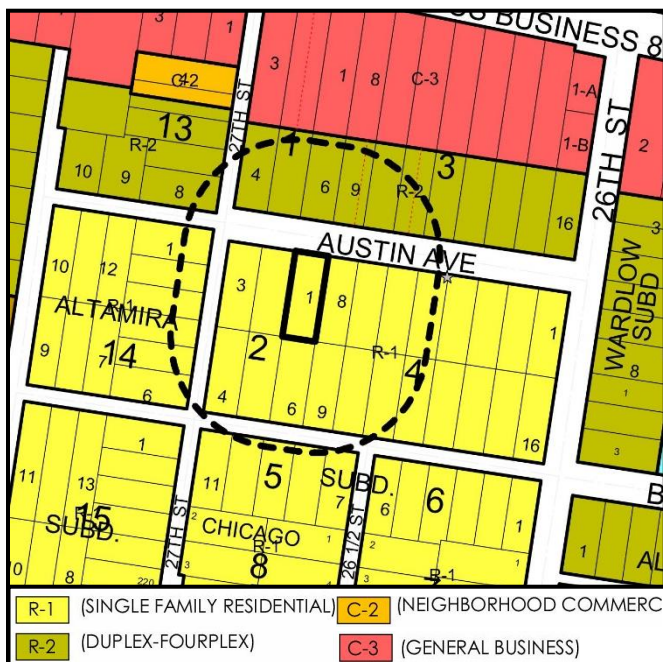
**SUBJECT: REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT: LOT 1, BLOCK 2, ALTAMIRA SUBDIVISION, HIDALGO COUNTY, TEXAS; 2633 AUSTIN AVENUE. (REZ2020-0041)**

**LOCATION:** The property is located on the south side of Austin Avenue, 120 ft. east of South 27<sup>th</sup> Street. The tract has 60 ft. of frontage along Austin Avenue and a depth of 155 ft. for a tract size of 9,300 sq. ft.

**PROPOSAL:** The applicant is requesting to rezone the subject property to R-2 (duplex-fourplex residential) District in order to attach a proposed 1,100 sq. ft. house to the existing single-family residence on the subject property with the current living area of 1,083 sq. ft., essentially making a duplex. A feasibility plan submitted by the applicant is included in the packet.

**ADJACENT ZONING:** The adjacent zoning is R-1 (single-family residential) District to the east, west, and south, and R-2 (duplex-fourplex residential) District to the north.

**LAND USE:** There is a single-family house on the subject property. Surrounding land uses include single-family residences, duplexes, auto services, retail stores, offices, and a daycare.





COMPREHENSIVE PLAN: Foresight McAllen Comprehensive Plan designates the future land use for this property as Auto Urban Single Family which is comparable to R-1 (single-family residential) District.

DEVELOPMENT TRENDS: The development trend for this area along Austin Avenue is single-family residential.

HISTORY: The subject property was zoned R-1 (single-family residential) District during the comprehensive zoning in 1979. There has been no other rezoning request for the subject property since then.

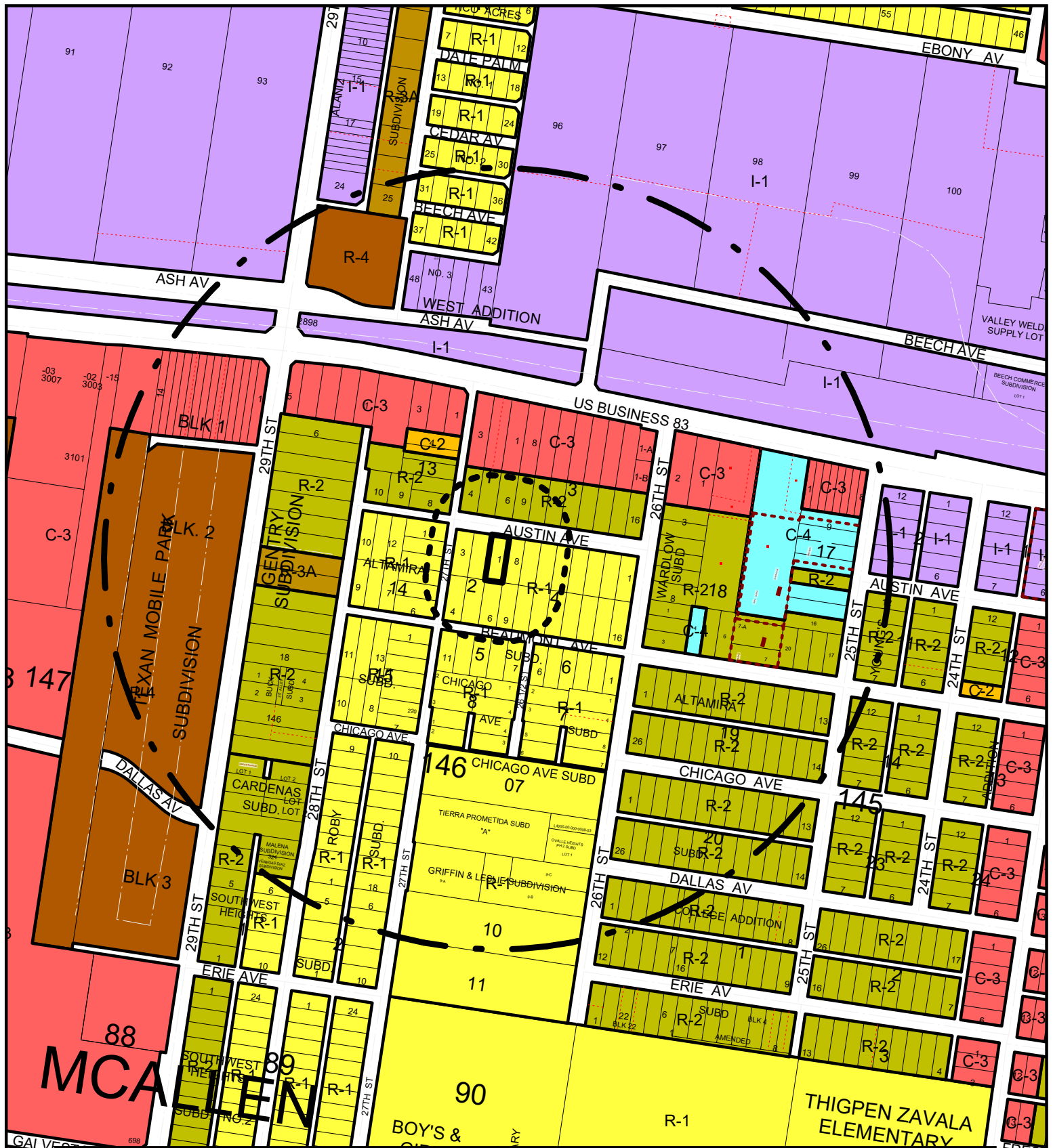
ANALYSIS: The requested zoning does not conform to the Auto Urban Single Family land use designation as indicated on the Foresight McAllen Comprehensive Plan. The established character of the neighborhood is single-family residential. All the properties on the south side of Austin Avenue, between South 26<sup>th</sup> and South 28<sup>th</sup> Street, are zoned R-1 (single-family residential) District, creating a clearly separated block of single-family residences from duplex zone and use.

Although Austin Avenue consists of 60 ft. right-of-way between South 26<sup>th</sup> and South 27<sup>th</sup> Street, only 30 ft. is paved. If the request is approved, it may encourage other property owners to apply for a rezoning to R-2 (duplex-fourplex residential) District as well, which will increase the density and traffic in the area.

Staff has received a phone call in opposition to the rezoning request. The opposition was concerned that the approval of the request may intensify the existing traffic and parking issues in the neighborhood.

RECOMMENDATION: Staff recommends disapproval of the rezoning request to R-2 (duplex-fourplex residential) District.





# **CITY OF McALLEN** PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

**AREA MAP**



**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

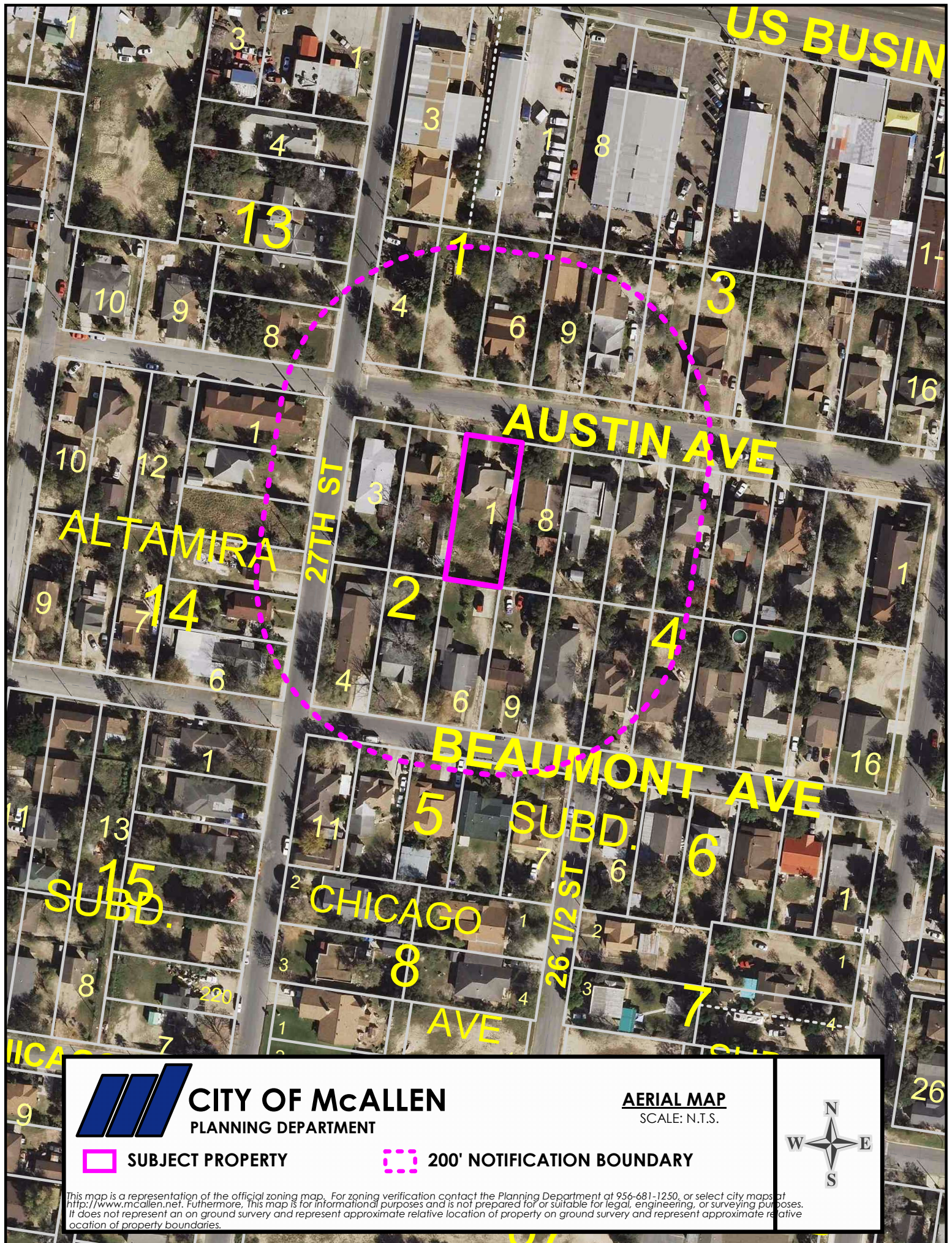
**1/4 MILE RADIUS**

## **ZONING LEGEND**

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

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





**CITY OF McALLEN**  
PLANNING DEPARTMENT

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



**SUBJECT PROPERTY**

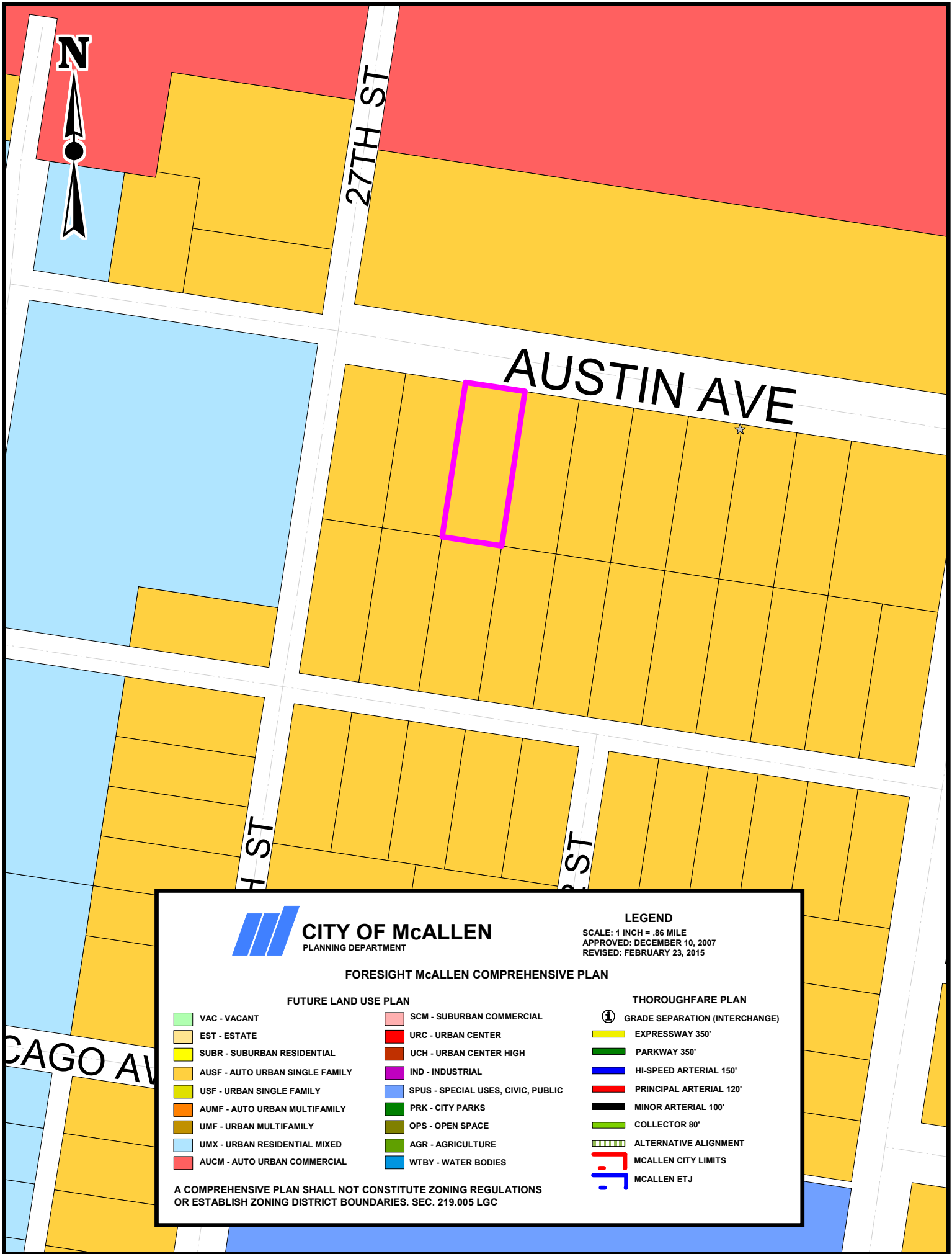


**200' NOTIFICATION BOUNDARY**



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





N

27TH ST

AUSTIN AVE



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**FORESIGHT McALLEN COMPREHENSIVE PLAN**

**FUTURE LAND USE PLAN**

VAC - VACANT	SCM - SUBURBAN COMMERCIAL
EST - ESTATE	URC - URBAN CENTER
SUBR - SUBURBAN RESIDENTIAL	UCH - URBAN CENTER HIGH
AUSF - AUTO URBAN SINGLE FAMILY	IND - INDUSTRIAL
USF - URBAN SINGLE FAMILY	SPUS - SPECIAL USES, CIVIC, PUBLIC
AUMF - AUTO URBAN MULTIFAMILY	PRK - CITY PARKS
UMF - URBAN MULTIFAMILY	OPS - OPEN SPACE
UMX - URBAN RESIDENTIAL MIXED	AGR - AGRICULTURE
AUCM - AUTO URBAN COMMERCIAL	WTBY - WATER BODIES

**LEGEND**

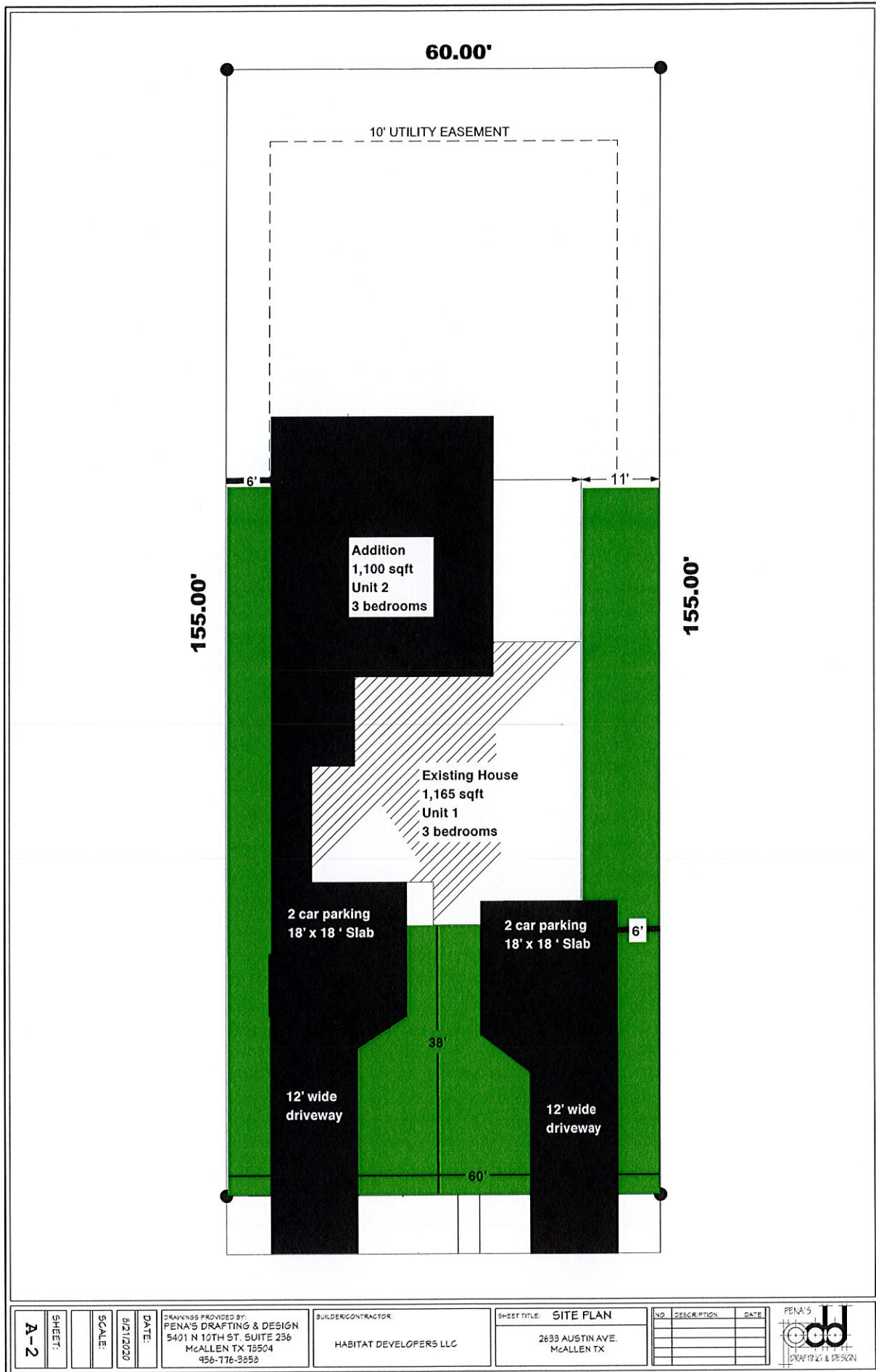
SCALE: 1 INCH = .86 MILE  
APPROVED: DECEMBER 10, 2007  
REVISED: FEBRUARY 23, 2015

**THOROUGHFARE PLAN**

①	GRADE SEPARATION (INTERCHANGE)
EXPRESSWAY 350'	
PARKWAY 350'	
HI-SPEED ARTERIAL 150'	
PRINCIPAL ARTERIAL 120'	
MINOR ARTERIAL 100'	
COLLECTOR 80'	
ALTERNATIVE ALIGNMENT	
McALLEN CITY LIMITS	
McALLEN ETJ	

A COMPREHENSIVE PLAN SHALL NOT CONSTITUTE ZONING REGULATIONS  
OR ESTABLISH ZONING DISTRICT BOUNDARIES. SEC. 219.005 LGC





A-2

SHEET:

SCALE:

DATE:

DATE:

DRAWINGS PROVIDED BY:  
PENA'S DRAFTING & DESIGN  
5401 N 10TH ST. SUITE 236  
MCALLEN TX 78504  
956-776-3858

BUILDER/CONTRACTOR:

HABITAT DEVELOPERS LLC

SHEET TITLE: SITE PLAN

2633 AUSTIN AVE.  
MCALLEN TX

NO	DESCRIPTION	DATE



**RECEIVED**

NOV 13 2020

BY: *CV*







SUB2020-0044



City of McAllen  
Planning Department  
**APPLICATION FOR**

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

**SUBDIVISION PLAT REVIEW**

Project Description	<p>Subdivision Name <u>Villa Torre Estates Subdivision</u> <i>Villa Torre Estates At Almon Subdivision 7/27/20 JA</i></p> <p>Location <u>Yellowhammer Avenue just west of N. 34th Street (south side of Fossum Middle School)</u></p> <p>City Address or Block Number _____</p> <p>Number of lots <u>41</u> Gross acres <u>8.48</u> Net acres <u>8.48</u></p> <p>Existing Zoning <u>A-O</u> Proposed <u>R-1</u> Rezoning Applied For <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date _____</p> <p>Existing Land Use <u>Open</u> Proposed Land Use <u>Single Family</u> Irrigation District # <u>1</u></p> <p><b>Residential Replat</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>Commercial Replat</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>ETJ</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Agricultural Tax Exemption Yes <input type="checkbox"/> No <input type="checkbox"/> Estimated Rollback tax due <u>N/A</u></p> <p>Legal Description <u>8.48 acres out of Lot 57 La Lomita Irrigation and Construction</u></p> <p><u>Company's Subdivision as recorded in Volume 24, Page 68 Deed Records of Hidalgo County</u></p>
	<p><b>Owner</b></p> <p>Name <u>Riverside Development Services, LLC</u> Phone <u>(956) 867-0035 / (956) 331-8987</u></p> <p>Address <u>2606 Zinnia Avenue</u></p> <p>City <u>McAllen</u> State <u>Texas</u> Zip <u>78504</u></p> <p>E-mail <u>taguirreconsulting@me.com &amp; riversidedevelopmentservices@gmail.com</u></p>
	<p><b>Developer</b></p> <p>Name <u>Riverside Development Services, LLC</u> Phone <u>(956) 867-0035 / (956) 331-8987</u></p> <p>Address <u>2606 Zinnia Avenue</u></p> <p>City <u>McAllen</u> State <u>Texas</u> Zip <u>78504</u></p> <p>Contact Person <u>Antonio M. Aguirre, Jr.</u></p> <p>E-mail <u>taguirreconsulting@me.com &amp; riversidedevelopmentservices@gmail.com</u></p>
	<p><b>Engineer</b></p> <p>Name <u>Javier Hinojosa Engineering</u> Phone <u>(956) 668-1588</u></p> <p>Address <u>416 E. Dove Avenue</u></p> <p>City <u>McAllen</u> State <u>Texas</u> Zip <u>78504</u></p> <p>Contact Person <u>Javier Hinojosa, P.E.</u></p> <p>E-mail <u>javhin@rgv.rr.com</u></p>
	<p><b>Surveyor</b></p> <p>Name <u>CVQ Land Surveyors, LLC</u> Phone <u>(956) 618-1551</u></p> <p>Address <u>517 Beaumont Avenue</u></p> <p>City <u>McAllen</u> State <u>Texas</u> Zip <u>78501</u></p> <p>Contact Person: <u>Carlos Vasquez, R.P.L.S.</u> Email: <u>cvq@cvqls.com</u></p>

**RECEIVED**  
JUL 08 2020

BY: *[Signature]* *[Signature]*



## Proposed Plat Submittal

Minimum Developer's Requirements Submitted with Application

- \_\_\_\_\_ \$225 Preliminary Review Fee and \$75 Final Approval Fee
- \_\_\_\_\_ Title Report
- \_\_\_\_\_ 8 1/2" by 11" Original Sealed Survey showing existing structures/ easements or 3 blueline copies
- \_\_\_\_\_ 2' Location Maps
- \_\_\_\_\_ 2 8 1/2" by 11" copies/legible copies of plat with name & north arrow
- \_\_\_\_\_ 6 Folded blueline prints of the proposed plat
- \_\_\_\_\_ 2 Warranty Deeds (Identifying owner on application)
- \_\_\_\_\_ Autocad 2005 DWG file and PDF of plat
- \_\_\_\_\_ 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 unplatted 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 1/2" 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 \_\_\_\_\_ Date 7-8-2020

Print Name Antonio M. Aguirre, Jr.

Owner ☒

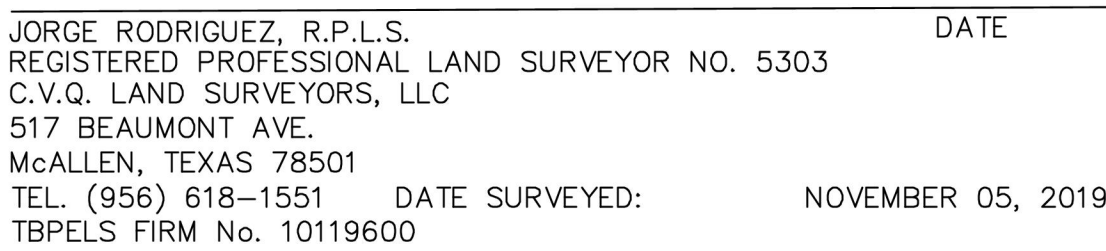
Authorized Agent ☐

09/15









**GENERAL NOTES**

1. THIS FLOOD DESIGNATION FOR THIS PROPERTY IS ZONE "C" WITH ARE "AREAS OF MINIMAL FLOODING". AS PER F.E.M.A.'S FLOOD INSURANCE RATE MAP PANEL NO.: 480343 0400 C
2. MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB AT MID POINT OF THE LOT.
3. MINIMUM BUILDING SETBACK LINES SHALL BE AS FOLLOWS:  
  
FRONT: ..... 25 FEET OR GREATER FOR EASEMENT  
REAR: ..... IN ACCORDANCE WITH THE ZONING ORDINANCE OR GREATER FOR EASEMENT  
INTERIOR SIDE ..... IN ACCORDANCE WITH THE ZONING ORDINANCE OR GREATER FOR EASEMENT  
COURT OR DRIVEWAY ..... 10 FEET OR GREATER FOR EASEMENT  
GARAGE ..... 18 FEET EXCEPT WHERE GREATER SETBACK IS REQUIRED, GREATER SETBACK APPLIES
4. NO STRUCTURES PERMITTED OVER ANY EASEMENTS.
5. A TOTAL OF 0.917 ACRE FEET (39,935 CUBIC FEET) OF STORM WATER DETENTION IS REQUIRED FOR THIS SUBDIVISION. THIS DETENTION WILL BE PROVIDED WITHIN DETENTION AREA LOT "A".
6. BENCHMARK: ELEVATION =115.95 TYPE OF MARK: 30" ALUMINUM PIPE WITH A 3/4" BRASS MONUMENT CAP ON TOP SOUTH EAST CORNER OF THE INTERSECTION OF WARE ROAD AND MILE 5 LINE ROAD (WC 48)
7. A 4 FOOT WIDE MINIMUM SIDEWALK REQUIRED ON BOTH SIDES OF ALL INTERIOR STREETS.
8. SET 1/2" Ø IRON ROD WITH A PLASTIC CAP STAMPED "CYCLIS" ON ALL LOT CORNERS UNLESS OTHERWISE NOTED. RESIDENTIAL AND COMMERCIAL OR INDUSTRIAL ZONES/USES.
9. 6 FOOT OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL, AND INDUSTRIAL ZONES/USES.
10. 8 FOOT MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
11. ALL IRRIGATION EASEMENTS ARE EXCLUSIVE TO HIDALGO COUNTY IRRIGATION DISTRICT #1 AND THE DISTRICT ALLOWS NO OTHER UTILITIES OR USE WITHOUT EXPRESS APPROVAL.
12. NO UTILITY COMPANY OR OTHER PERSON IS ALLOWED TO CROSS ABOVE OR BELOW GROUND ANY DISTRICT EASEMENT OR RIGHT OF WAY WITH LINES, POLES, OPEN DITCHES OR OTHER USE WITHOUT FIRST OBTAINING A CROSSING PERMIT FROM THE DISTRICT.
13. NO PERMANENT STRUCTURE, (EXAMPLE, FENCES OR DRIVEWAY OF ANY CONSTRUCTION) WILL BE ALLOWED TO BE CONSTRUCTED OR EXIST ON ANY DISTRICT EASEMENT OR RIGHT OF WAY WITHOUT WRITTEN APPROVAL BY THE DISTRICT. ANY UNAUTHORIZED STRUCTURE IN THE EASEMENT AREA IS SUBJECT TO REMOVAL.
14. NO UTILITY COMPANY OR OTHER PERSON IS ALLOWED TO CONNECT ANY DISTRICT FACILITY WITHOUT FIRST OBTAINING A PERMIT FROM THE IRRIGATION DISTRICT, ANY CONNECTION NOT AUTHORIZED BY THE DISTRICT IS SUBJECT TO REMOVAL AS PER DECLARATIONS OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR RIVERSIDE DEVELOPMENT SUBDIVISION, RECORDED AS DOCUMENT NO. .... HIDALGO COUNTY, DEED RECORDS, DEVELOPER/HOMEOWNER ASSOCIATION/OWNER, THEIR SUCCESSORS AND/OR ASSIGNEES, AND NOT THE CITY OF MCALLEN SHALL BE RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE AND OTHER REQUIREMENTS OF SECTION 110-72 OF THE CODE OF ORDINANCES OF THE CITY OF MCALLEN, INCLUDING BUT NOT LIMITED TO THE COMMON AREAS, ANY AMENDMENT TO DECLARATIONS THAT CONFLICT WITH THE REQUIREMENTS OF SECTION 110-72 SHALL BE NULL AND VOID.
15. COMMON LOT A, IDENTIFIED AS DETENTION AREA SHALL BE MAINTAINED BY THE DEVELOPER, WHO MAY TRANSFER SUCH MAINTENANCE OBLIGATION TO THE SUBDIVISION HOMEOWNER'S ASSOCIATION, RIVERSIDE DEVELOPMENT SUBDIVISION HOMEOWNER ASSOCIATION, UPON CONVEYANCE OF TITLE TO THE SAME, THEIR SUCCESSORS AND ASSIGNS, AND NOT BY THE CITY OF MCALLEN, NO BUILDINGS OR OTHER STRUCTURES SHALL BE ERECTED IN COMMON LOT A, WHICH SHALL BE USED EXCLUSIVELY AS A DETENTION AREA. AFTER COMMON LOT A TRANSFER OF TITLE TO THE RIVERSIDE DEVELOPMENT SUBDIVISION HOMEOWNER'S ASSOCIATION. THE SUBDIVISION LOT OWNER RATA SHARES OF THE COST OF MAINTENANCE SHALL BE DETERMINED BY THE VILLA TORRE ESTATES SUBDIVISION HOMEOWNER'S ASSOCIATION. FAILING IN SUCH MAINTENANCE OBLIGATIONS, THE CITY OF MCALLEN MAY, BUT SHALL NOT BE REQUIRED TO MAINTAIN THE SAME AT THE LOT OWNER'S COST, WHICH COST MAY BE PAID BY THE CITY OF MCALLEN AGAINST THEIR PROPERTIES. PRIOR TO THE IMPOSITION OF ANY LIEN, THE CITY SHALL FIRST COMPLY WITH NOTICE REQUIREMENTS SIMILAR TO THOSE UNDER EXISTING ORDINANCE SECTION 134-138(D), AS THE SAME MAY BE AMENDED. THE SPECIFIC AND EXCLUSIVE USE OF COMMON LOT A. THE OWNER'S MAINTENANCE OBLIGATION, AND THE CONSEQUENCES OF FAILURE TO MAINTAIN SHALL BE INCORPORATED INTO ANY DEED OR INSTRUMENT OF CONVEYANCE AS A DEED RESTRICTION, RECORDED IN INSTRUMENT NO. .... OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

CURVE DATA						
CURVE	DELTA	RADIUS	TANGENT	ARC LENGTH	CHORD BEARING	CHORD
"A"	05°07'19"	616.07'	27.56'	55.07'	S 86°33'45" E	55.05'
"C1"	02°38'19"	591.07'	13.61'	27.22'	S 84°04'44" E	27.22'
"C2"	02°29'00"	591.07'	12.81'	25.62'	S 86°33'45" E	25.62'
"C3"	02°22'09"	641.07'	13.26'	26.51'	S 86°33'45" E	26.50'
"CA"	02°45'10"	641.07'	15.40'	30.80'	S 84°11'36" E	30.80'
"C5"	23°47'15"	57.00'	12.01'	23.66'	S 46°28'03" W	23.50'
"C6"	55°40'29"	57.00'	30.10'	55.39'	S 86°11'56" W	53.23'
"C7"	74°31'24"	57.00'	43.36'	74.14'	N 28°42'08" W	69.02'
"C8"	86°00'52"	57.00'	53.17'	85.57'	N 67°49'13" E	77.76'
"C9"	47°12'42"	57.00'	24.91'	46.97'	S 11°03'31" E	45.65'
"C10"	14°12'29"	57.00'	7.10'	14.13'	S 31°06'37" E	14.10'
"C11"	06°33'05"	57.00'	3.26'	6.52'	S 19°43'50" E	6.51'
"C12"	03°00'36"	591.07'	15.53'	31.05'	S 84°27'02" E	31.05'
"C13"	02°06'43"	591.07'	10.89'	21.79'	S 86°33'45" E	21.78'
"C14"	02°42'41"	641.07'	15.17'	30.34'	S 86°33'45" E	30.34'
"C15"	02°24'38"	641.07'	13.49'	26.97'	S 83°51'03" E	26.97'

IRREGULAR LOTS			IRREGULAR LOTS		
LOT #	SQ. FT.	ACRES	LOT #	SQ. FT.	ACRES
1	7,539.6	0.173	23	8,052.8	0.185
2	7,407.2	0.170	24	5,984.8	0.137
3	7,283.6	0.167	25	7,266.4	0.167
20	7,123.0	0.163	39	7,267.4	0.167
21	5,778.9	0.133	40	7,137.6	0.164
22	6,863.5	0.158	41	7,036.7	0.162

PRINCIPAL CONTACTS:			
NAME	ADDRESS	CITY & ZIP	PHONE #
OWNER: RIVERSIDE DEVELOPMENT SERVICES, LLC	2606 ZINNIA AVENUE	MCALLEN, TX 78504	(956) 331-8987
ENGINEER: JAVIER HINOJOSA	416 E. DOVE AVENUE	MCALLEN, TX 78504	(956) 668-1588
SURVEYOR: CARLOS VASQUEZ	517 BEAUMONT AVE.	MCALLEN, TX 78501	(956) 618-1551



**TBPELS FIRM NUMBER F-1295**





Reviewed On: 11/13/2020

**SUBDIVISION NAME: VILLATORRE ESTATES AT ALMON SUBDIVISION****REQUIREMENTS****STREETS AND RIGHT-OF-WAYS**

Yellowhammer Avenue: 50 ft. ROW  
 Paving: Submitted plan indicates 40 ft. of paving Curb & gutter: Both sides  
 \*\*Monies must be escrowed if improvements are not built prior to recording.  
 \*\*\* Please revise name to show "Yellowhammer Avenue" instead of "Yellow Hammer Avenue" wherever is applicable prior to recording.  
 \*\*\*\*Cul-de-sac length variance approved by Planning and Zoning Board on the meeting of 9/16/2020 and City Commission on November 9, 2020 with 50 ft. of ROW, 40 ft. of paving and 5 ft. sidewalks and utility easements on both sides of interior street.  
 \*\*\*\*\* "Bus pullout/turnaround" in front of the Detention Area Lot A in lieu of the second access required. Fire Department approved the proposed plat subject to designating the proposed cul-de-sac and "bus pullout/ turnaround" as fire lanes  
 \* 800 ft. Block Length.

Applied

NA

\* 600 ft. Maximum Cul-de-Sac length is allowed; approximately 1,120 ft. is proposed. Engineer must request a variance to the cul-de-sac length prior to final or revise plat to comply with requirements. Engineer proposed 40 ft. of paving proposed with 5 ft. sidewalks and utility easements on both sides of interior street.  
 \*\*\*\*Cul-de-sac length variance approved by Planning and Zoning Board on the meeting of 9/16/2020 and City Commission on November 9, 2020 with 50 ft. of ROW, 40 ft. of paving and 5 ft. sidewalks and utility easements on both sides of interior street.

Applied

**ALLEYS**

ROW: 20 ft. Paving: 16 ft.  
 \*Alley/service drive easement required for commercial properties

NA

**SETBACKS**

\* Front: 25 ft. or greater for easements.  
 \* Rear: 10 ft. or greater for easements.  
 \*\*Please correct plat note as shown above.  
 \* Interior Sides: 6 ft. or greater for easements.  
 \*\*Please revise plat note as shown above.  
 \* Corner: 10 ft. or greater for easements.  
 \* Garage: 18 ft. or except where greater setback is required, greater setback applies.  
 \*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN

Applied

Required

Required

Applied

Applied

Applied

**SIDEWALKS**

4 ft. wide minimum sidewalk required on both sides of all interior streets.

Applied

\* Perimeter sidewalks must be built or money escrowed if not built at this time.

Applied



<b>BUFFERS</b>	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses.	Applied
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses.	Applied
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
<b>NOTES</b>	
* No curb cut, access, or lot frontage permitted along	NA
* Site plan must be approved by the Planning and development Departments prior to building permit issuance.	NA
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* Common Areas, any private streets, and Detention Area Lot A must be maintained by the lot owners and not the City of McAllen	Required
* Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. *****Section 110-72 if public subdivision is proposed.	Required
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **HOA will be recorded simultaneously with plat.	Required
<b>LOT REQUIREMENTS</b>	
* Minimum lot width and lot area.	Compliance
* Lots fronting public streets. **Subdivision proposed to be public.	Compliance
<b>ZONING/CUP</b>	
* Existing: A-O Proposed: R-1 **Rezoning approved by Planning and Zoning Board on August 18, 2020 and by the City Commission on September 14, 2020.	Completed
* Rezoning Needed Before Final Approval **Rezoning approved by Planning and Zoning Board on August 18, 2020 and by the City Commission on September 14, 2020.	NA
<b>PARKS</b>	
* Land dedication in lieu of fee.	NA
* Park Fee of \$700 per dwelling unit/lot. As per submitted plat, 41 lots are proposed (41 X \$700 = \$28,700) will have to be paid prior to recording. If number of proposed lots/dwelling units change, park fees will be adjusted.	Required
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
<b>TRAFFIC</b>	
* As per Traffic Department, Trip Generation approved; no TIA required.	Completed
* As per Traffic Department, Trip Generation approved; no TIA required.	NA



COMMENTS	
<p>Comments: Must comply with City's Access Management Policy ***"Bus pullout/turnaround" in front of the Detention Area Lot A in lieu of the second access required. Fire Department approved the proposed plat subject to designating the proposed cul-de-sac and "bus pullout/ turnaround" as fire lanes. ****Cul-de-sac length variance approved by Planning and Zoning Board on the meeting of 9/16/2020 and City Commission on November 9, 2020 with 50 ft. of ROW, 40 ft. of paving and 5 ft. sidewalks and utility easements on both sides of interior street.</p>	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN FINAL FORM SUBJECT TO CONDITIONS NOTED.	Applied



(FM 2220)

EL TIGRE FOOD STORE NO. 15

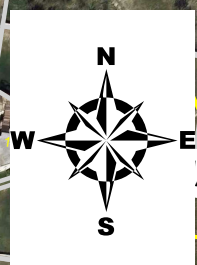
AUBURN AVE

PROPOSED MANIPALM ST. DIVISION

N 33RD

MCALLEN ISD MIDDLE SCHOOL SUBDIVISION

LOCATION



57

PROPOSED VILLA TORRE ESTATES SUBDIVISION

(FM 2220) WARE RD

33RD ST

PASEO DEL NORTE PH 2

XENOPS

PASEO DEL NORTE PH 2

PASEO DEL NORTE PH 1

WARBLER

PASEO DEL NORTE PH 1

ORANGEWOOD

UMAR AVE

TERRACE

N 36TH LN

N 34TH ST

TOUCAN AVE

TEAL AVE

YELLOWHAMMER

XENOPS A

WARBLER

REGENCY

UMAR AV

32ND ST

31ST ST



Sub 2018-0042



City of McAllen  
Planning Department  
**APPLICATION FOR  
SUBDIVISION PLAT REVIEW**

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

Project Description	Subdivision Name <u>J.Leal Subdivision</u> Location <u>The northwest corner of F.M. 681 and North of Trosper Road</u> City Address or Block Number _____ Number of lots <u>1</u> Gross acres <u>0.979</u> Net acres _____ Existing Zoning <u>N/A</u> Proposed <u>Commercial</u> Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____ Existing Land Use <u>Open Land</u> Proposed Land Use <u>Commercial Use</u> Irrigation District # <u>United</u> <b>Residential Replat</b> Yes <input type="checkbox"/> No <input type="checkbox"/> <b>Commercial Replat</b> Yes <input type="checkbox"/> No <input type="checkbox"/> <b>ETJ</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Agricultural Tax Exemption Yes <input type="checkbox"/> No <input type="checkbox"/> Estimated Rollback tax due <u>\$0.00</u> Legal Description <u>A 0.979 acre tract of the east 5.0 acres of the south 30.0 acres of Lot 49-4,</u> <u>West Addition to Sharyland Subdivision, Hidalgo County, Texas.</u>
Owner	Name <u>Jesus Leal</u> Phone <u>(956) 442-6680</u> Address <u>6854 Barnett Drive</u> City <u>Mission</u> State <u>Texas</u> Zip <u>78573</u> E-mail <u>jleal_70@hotmail.com</u>
Developer	Name <u>Jesus Leal</u> Phone <u>(956) 442-6680</u> Address <u>6854 Barnett Drive</u> City <u>Mission</u> State <u>Texas</u> Zip <u>78573</u> Contact Person <u>Jesus Leal</u> E-mail <u>jleal_70@hotmail.com</u>
Engineer	Name <u>Alfonso Quintanilla, P.E.</u> Phone <u>(956) 381-6480</u> Address <u>124 E. Stubbs</u> City <u>Edinburg</u> State <u>Texas</u> Zip <u>78589</u> Contact Person <u>Alfonso Quintanilla, P.E.</u> E-mail <u>alfonsoq@gha-eng.com</u>
Surveyor	Name <u>Alfonso Quintanilla, R.P.L.S.</u> Phone <u>(956) 381-6480</u> Address <u>124 E. Stubbs</u> City <u>Edinburg</u> State <u>Texas</u> Zip <u>78539</u> E-mail <u>alfonsoq@gha-eng.com</u>

Rec # 198338

RECEIVED

MAY 30 2018

BY: SC 9:32am



## Proposed Plat Submittal

Minimum Developer's Requirements Submitted with Application

- ☒ \$225 Preliminary Review Fee and \$75 Final Approval Fee
- ☒ Title Report
- ☒ 8 ½" by 11" Sealed Survey showing existing structures/easements  
or 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 (Identifying owner on application)
- ☒ Autocad DWG file of plat
- ☒ 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 unplatted 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  Date 5-3-18

Print Name \_\_\_\_\_

Owner ☐

Authorized Agent ☐

Rev 03/11





50-3

50-4

TROSPER

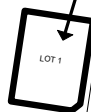
TROSPER ACRES  
50-5

PROPOSED  
J. LEAL  
SUBDIVISION

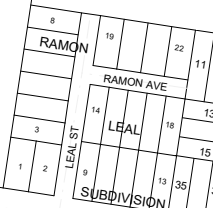
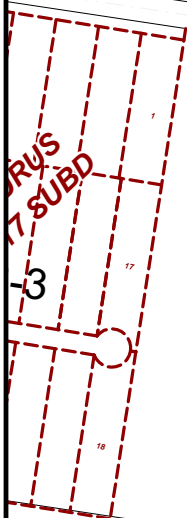
49-3

49-4

49-5



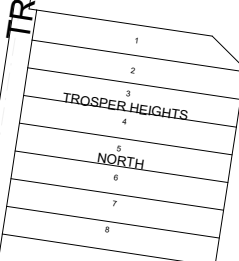
7 MILE LINE (FM 681)



48-4

TROSPER ROAD

48-5



VILLA DE LAS  
FLORES SUBD.  
N 103RD ST

48  
MCALLISTER

47-4

47-5

47-6

JESMER  
LOT 2

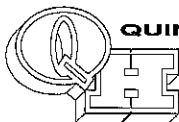
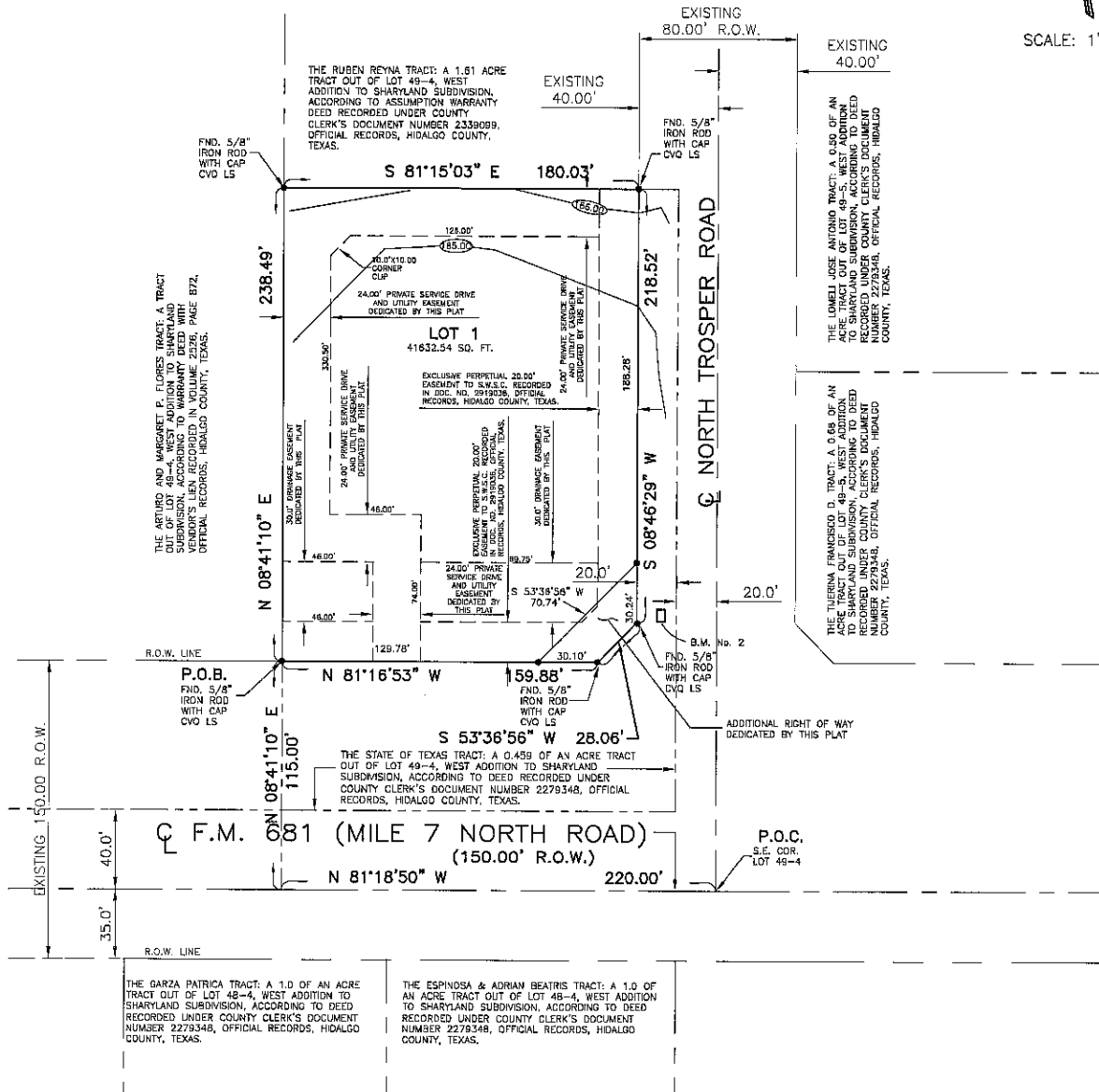


## J. LEAL SUBDIVISION

A 0.979 OF AN ACRE TRACT OF LAND OUT OF LOT 49-4, WEST ADDITION TO SHARYLAND SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 56, MAP RECORDS, HIDALGO COUNTY, TEXAS, AND ACCORDING TO GENERAL WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 2883389, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.



SCALE: 1" = 100'



**QUINTANILLA, HEADLEY AND ASSOCIATES, INC.**

CONSULTING ENGINEERS  
124 E. STUBBS ST.  
EDINBURG, TEXAS 78539  
ENGINEERING REGISTRATION NUMBER F-1513  
SURVEYING REGISTRATION NUMBER 100411--DO

LAND SURVEYORS  
PHONE 956-381-8480  
FAX 956-381-0527  
ALFONSOQ@QHA-ING.COM





Reviewed On: 11/13/2020

**SUBDIVISION NAME: J. LEAL SUBDIVISION****REQUIREMENTS****STREETS AND RIGHT-OF-WAYS**

North Trosper Road: 40 ft. from centerline for 80 ft. ROW

Paving: 52 ft. to 65 ft. Curb &amp; gutter: both sides

\*Must escrow monies if improvements not constructed prior to recording.

F.M. 681 (Mile 7 North Road): 115 ft. from centerline shown on plat for 150 ft. ROW existing

Paving: by the state (minimum 65 ft.) Curb &amp; gutter: by the state

\*Monies must be escrowed if improvements not constructed prior to recording.

Paving \_\_\_\_\_ Curb &amp; gutter \_\_\_\_\_

\* 800 ft. Block Length

\* 600 ft. Maximum Cul-de-Sac

Applied

Applied

Applied

NA

NA

**ALLEYS**

ROW: 24 ft. Paving: 20 ft.

\*Alley/service drive easement required for commercial properties

\*\*Engineer is proposing a 24 ft. service drive easement on the north side of the property that will loop south along west property line. Service drive will have to extend west and north when the properties develop.

\*\*\*Please revise plat note #20 as needed.

Applied

**SETBACKS**

\* Front: F.M. 681 (Mile 7 North Road) - 75 ft. or greater for easements

\*\*Trosper Road- 40 ft. or greater for easements

\* Rear (North property line): 30 ft. or greater for easements

\* Interior West Side: 24 ft. or greater for easements.

\* Corner: See above.

\*\*\*Please revise plat note as shown above.

\* Garage

\*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN

Applied

Applied

Applied

Applied

NA

Applied

**SIDEWALKS**\* 4 ft. wide minimum sidewalk required on North Trosper Road and F.M. 681 (Mile 7 Road).  
\*\*Please remove "to be built during subdivision process as per City of McAllen or escrowed" on plat note #13.

\*\*\*Sidewalk on Mile 7 Road subject to increase to 5 ft. wide as per Engineering Department prior to recording.

\* Perimeter sidewalks must be built or money escrowed if not built at this time.

Applied

Applied



<b>BUFFERS</b>	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses.	Applied
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses.	Applied
**Please remove "Perimeter buffers must be built at the time of subdivision improvements."	
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
<b>NOTES</b>	
* No curb cut, access, or lot frontage permitted along	NA
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	NA
**This would only apply if annexation is requested. If annexation is requested, process would have to be finalized prior to final.	
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	Applied
* Common areas, any private streets must be maintained by the lot owners and not the City of McAllen	Applied
* Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets.	NA
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	NA
<b>ZONING/CUP</b>	
* Existing: ETJ Proposed: ETJ	Applied
* Rezoning Needed Before Final Approval	NA
<b>LOT REQUIREMENTS</b>	
* Minimum lot width and lot area.	Applied
* Lots fronting public streets.	Applied
<b>PARKS</b>	
* Land dedication in lieu of fee.	NA
* Park Fee of \$700 per dwelling unit/lot to be paid prior to recording	NA
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
<b>TRAFFIC</b>	
* As per Traffic Department, Trip Generation approved; no TIA required.	Completed
**As per Traffic Department, Trip Generation approved; no TIA required.	NA
<b>COMMENTS</b>	
Comments: : Must comply with City's Access Management Policy	Applied



RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN FINAL FORM SUBJECT TO CONDITIONS NOTED.	Applied





50-3

50-4

TROSPER ACRES  
50-5

TROSPER ROAD

PROPOSED  
J. LEAL  
SUBDIVISION

49-3

49-4

49-5

7 MILE LINE (FM 681)

LOT 1

RAMON  
LEAL  
SUBDIVISION

JRUS  
17 SUBD

48-4

48-5

TROSPER ROAD

VILLA DE LAS  
FLORES SUD

48  
MCAL

47-4

47-5

47-6

JESMER



Sub 2020-0084

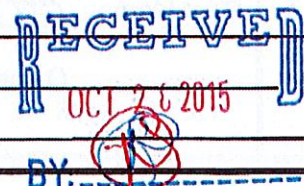
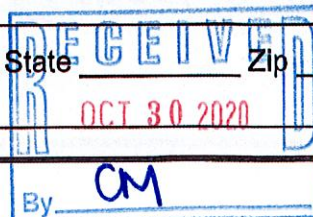


City of McAllen  
Planning Department  
APPLICATION FOR

SUBDIVISION PLAT REVIEW

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

Project Description	Subdivision Name <u>HOME SWEET HOME SUBD.</u>
	Location <u>1/2 MILE NORTH OF MONTE CRISTO ALONG WEST SIDE OF EUBANKS RD.</u>
Owner	City Address or Block Number <u>NOT YET ASSIGNED 6601/11 Eubanks Rd</u>
	Number of lots <u>1</u> Gross acres <u>1.77</u> Net acres <u>1.71</u>
	Existing Zoning <u>N/A</u> Proposed <u>RES.</u> Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date <u>      </u>
	Existing Land Use <u>CRD</u> Proposed Land Use <u>RESIDENT</u> Irrigation District # <u>15</u>
	Residential Replat Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Commercial Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> ETJ Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	Agricultural Tax Exemption Yes <input type="checkbox"/> No <input type="checkbox"/> Estimated Rollback tax due <u>1500<sup>00</sup></u>
	Legal Description <u>1.77 AC. 0/0 LOTS 5 &amp; 6</u>
	Name <u>ROSA LINDA REYES</u> <del>ELIA ROSA RODRIGUEZ</del> Phone <u>381-8878</u>
	Address <u>3323 MINNIE LANE</u> <del>14619 EUBANKS</del> <u>78542</u>
	City <u>EDINBURG</u> State <u>TX</u> Zip <u>78541</u>
E-mail <u>      </u>	
Developer	Name <u>SAME AS OWNER</u> Phone <u>      </u>
	Address <u>      </u>
	City <u>      </u> State <u>      </u> Zip <u>      </u>
	Contact Person <u>      </u>
	E-mail <u>      </u>
Engineer	Name <u>DAVID O. SALINAS</u> Phone <u>682-9081</u>
	Address <u>2221 DAFFODIL AVE.</u>
	City <u>MCALLEN</u> State <u>TX</u> Zip <u>78501</u>
	Contact Person <u>DAVID</u>
	E-mail <u>dsalinas@salinasengineering.com</u>
Surveyor	Name <u>SAME AS REGR.</u> Phone <u>      </u>
	Address <u>      </u>
	City <u>      </u> State <u>      </u> Zip <u>      </u>
	E-mail <u>      </u>





## Proposed Plat Submittal

Minimum Developer's Requirements Submitted with Application

- ☒ \$225 Preliminary Review Fee and \$75 Final Approval Fee
- ☐ Title Report
- ☒ 8 1/2" by 11" Sealed Survey showing existing structures/easements or 3 blueline copies
- ☒ 2 Location Maps
- ☒ 2 8 1/2" by 11" copies/legible copies of plat with name & north arrow
- ☒ 6 Folded blueline prints of the proposed plat
- ☒ 2 Warranty Deeds (Identifying owner on application)
- ☒ Autocad DWG file of plat
- ☐ 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 unplatted 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 1/2" 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

*Eliborio Rodriguez* *Rosa Linda Reyes* 11/18/10

Date

Print Name

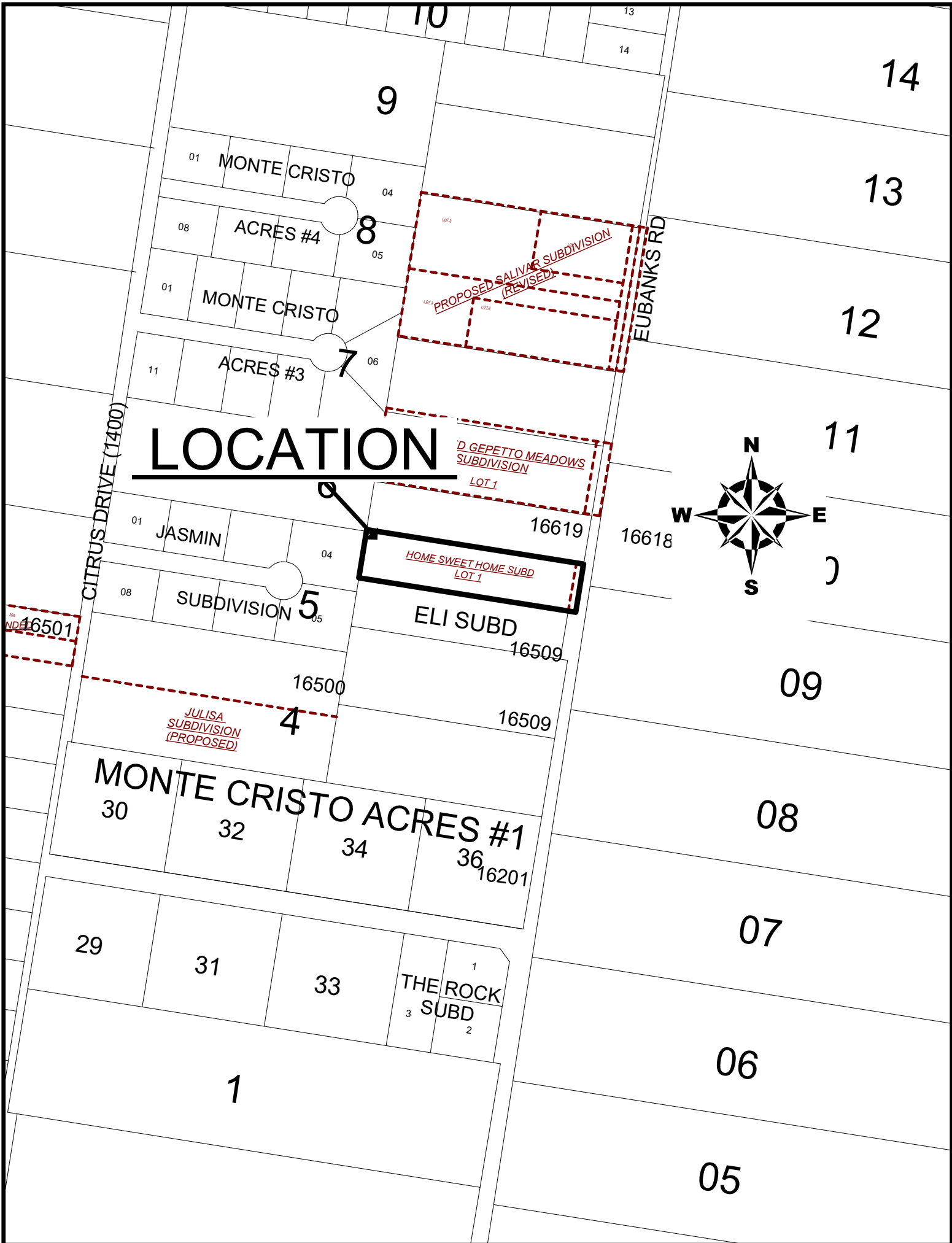
*Eliborio Rodriguez* *Rosa Linda Reyes*

Owner ☐

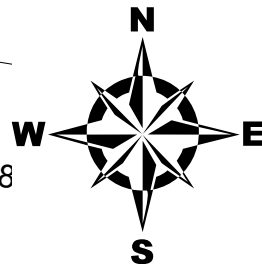
Authorized Agent ☐

Rev 03/11

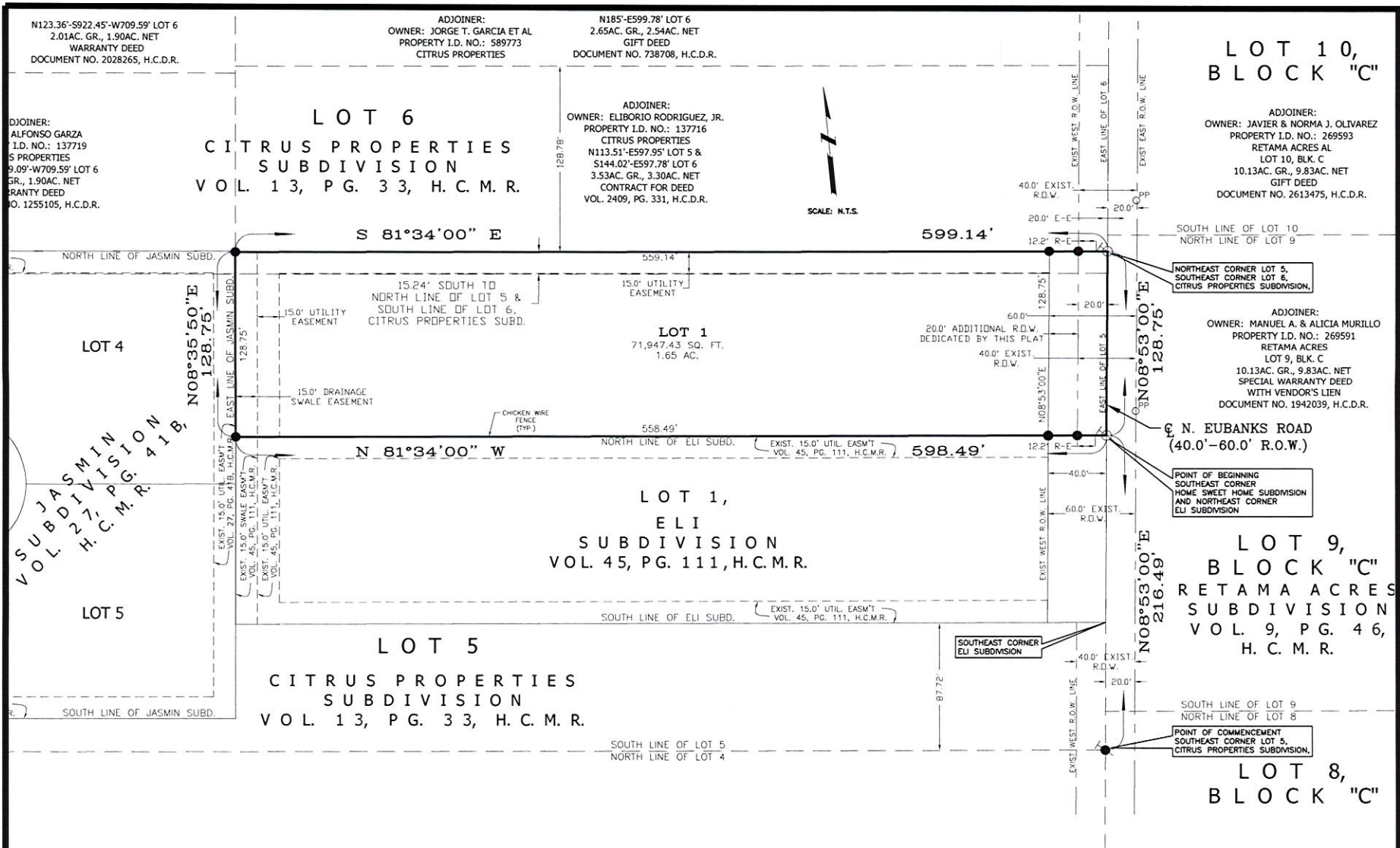




# LOCATION







# HOME SWEET HOME SUBDIVISION

HIDALGO COUNTY, TEXAS.

BEING A 1.77 GROSS ACRE TRACT OF LAND, MORE OR LESS, CARVED OUT OF THAT CERTAIN 5.31 ACRE TRACT OF LAND CONVEYED BY WARRANTY DEED UNTO ELIBORIO RODRIGUEZ, JR., FROM JACK McCLELLAND AND BENITO ESTIMBO, ON JUNE 29, 1995, AS PER THE INSTRUMENT RECORDED IN DOCUMENT NO. 461037, DEED RECORDS OF HIDALGO COUNTY, TEXAS, AND, OUT OF A PORTION OF LOTS 5 AND 6, CITRUS PROPERTIES SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 13, PAGE 23, MAP RECORDS OF HIDALGO COUNTY, TEXAS.

**SEA**  
**SALINAS ENGINEERING & ASSOCIATES**  
(F-6675) (10065700)  
CONSULTING ENGINEERS & SURVEYORS  
2221 DAFFODIL - McALLEN, TEXAS 78501  
(956) 682-9081 (956) 686-1489 (FAX)  
BOX 12100 PARK 35 CIRCLE BLDG. A, SUITE 156, MC-230, AUSTIN, TEXAS 78753 (512) 239-5263

BY: *Cw*





Reviewed On: 11/12/2020

**SUBDIVISION NAME: HOME SWEET HOME****REQUIREMENTS****STREETS AND RIGHT-OF-WAYS**

N. Eubanks Road: 20 ft. ROW dedication required for 40 ft. from centerline for an 80 ft. ROW  
Paving: 52 ft. - 65 ft. Curb & gutter: both sides

\*\*Monies must be escrowed if improvements are not built prior to recording.

Paving \_\_\_\_\_ Curb & gutter \_\_\_\_\_

\* 800 ft. Block Length.

\* 600 ft. Maximum Cul-de-Sac.

Applied

Applied

NA

NA

**ALLEYS**

ROW : 20 ft. Paving: 16 ft.

\*Alley/service drive easement required for commercial properties

NA

**SETBACKS**

\* Front: N. Eubanks Road - 45 ft. or in line with the average setback of existing structures, whichever is greater

\* Rear: 30 ft. for the easements

\* Sides: 6 ft. or greater for easements on the south side  
15 ft. for the easement along the north side

\* Corner:

\* Garage: 18 ft. except where greater setback is required; greater setback applies

\*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN

Applied

Applied

Applied

NA

Applied

Applied

**SIDEWALKS**

\* 4 ft. wide minimum sidewalk required on North Eubanks Road.

\* Perimeter sidewalks must be built or money escrowed if not built at this time.

Compliance

Applied

**BUFFERS**

\* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses.

\* 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.

Applied

Applied

Applied

**NOTES**

\* No curb cut, access, or lot frontage permitted along.

\* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.

NA

NA



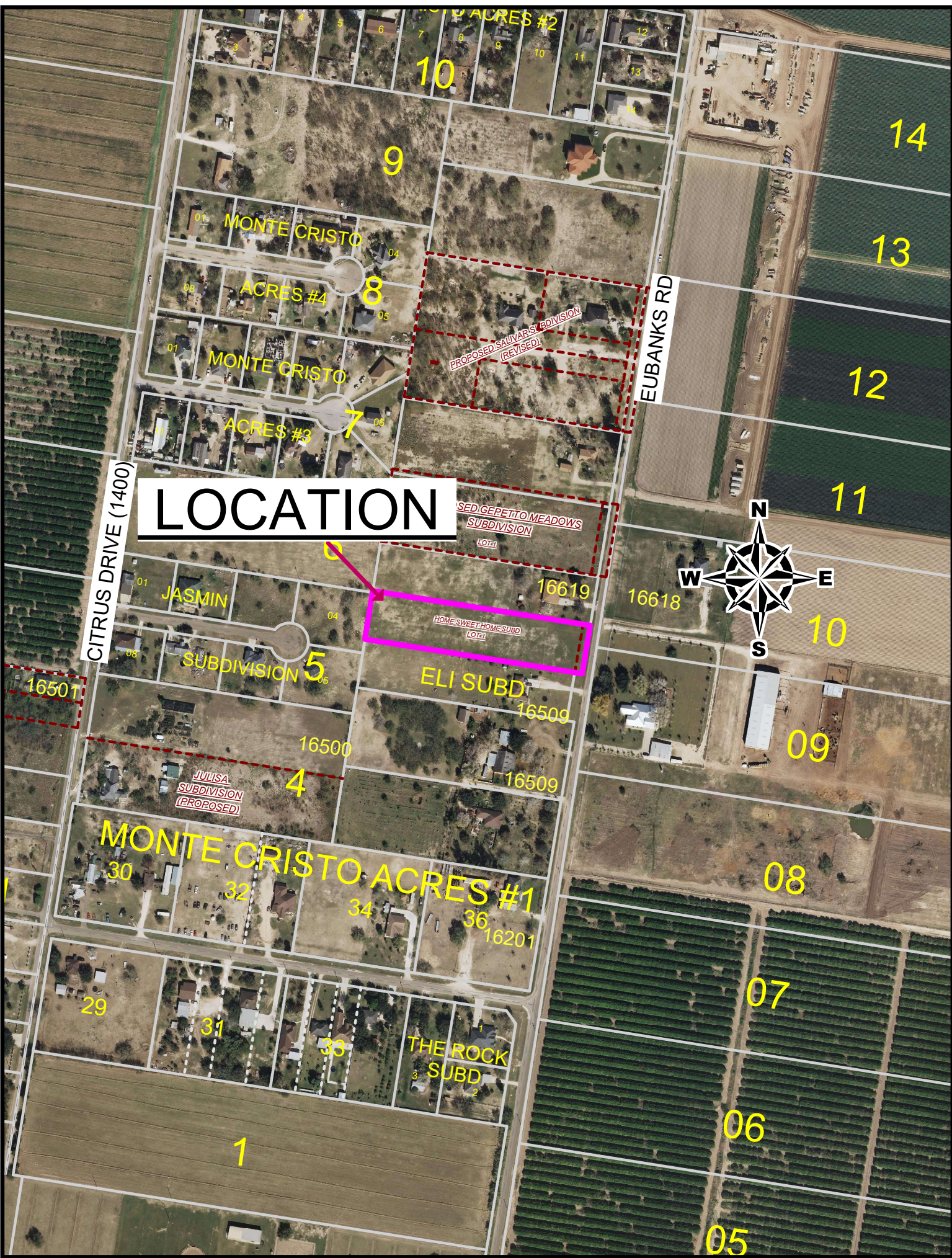
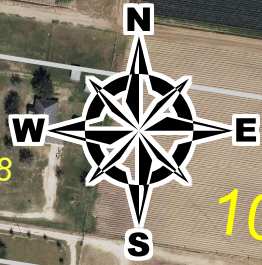
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* Common Areas, Private Streets must be maintained by the lot owners and not the City of McAllen	NA
* Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets.	Applied
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	NA
<b>LOT REQUIREMENTS</b>	
* Minimum lot width and lot area.	Compliance
* Lots fronting public streets.	Compliance
<b>ZONING/CUP</b>	
* Existing: ETJ Proposed: residential (ETJ)	Compliance
* Rezoning Needed Before Final Approval	NA
<b>PARKS</b>	
* Land dedication in lieu of fee.	NA
* Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Property in ETJ.	NA
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
<b>TRAFFIC</b>	
* Trip Generation to determine if TIA is required, prior to final plat.	NA
**Per Traffic, trip Generation waived for a 1 lot residential use.	
* Traffic Impact Analysis (TIA) required prior to final plat.	NA
**Per Traffic, trip Generation waived for a 1 lot residential use. No TIA required.	
<b>COMMENTS</b>	
Comments: Must comply with City's Access Management Policy *Preliminary/Final plat approved by the Planning and Zoning Commission on November 17, 2015. **6 Month Final Extension approved by the Planning and Zoning Commission on November 16, 2016.	Applied
<b>RECOMMENDATION</b>	
Recommendation: STAFF RECOMEMNDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, AND DRAINAGE AND UTILITIES APPROVALS,	Applied



# LOCATION

CITRUS DRIVE (1400)

EUBANKS RD







City of McAllen  
Planning Department  
APPLICATION FOR

SUBDIVISION PLAT REVIEW

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

Project Description	Subdivision Name <u>STEC Tres Lagos Subdivision</u> Location <u>SWC Glasscock &amp; Mile 7 North</u> City Address or Block Number <u>6801</u> Number of lots <u>1</u> Gross acres <u>12.23</u> Net acres <u>10.06</u> Existing Zoning <u>AO</u> Proposed <u>AO</u> Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____ Existing Land Use <u>vacant</u> Proposed Land Use <u>electrical substation</u> Irrigation District # <u>UID</u> Residential Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Commercial Replat Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> ETJ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Agricultural Tax Exempt Yes <input type="checkbox"/> No <input type="checkbox"/> Estimated Rollback tax due _____ Parcel No. <u>502161</u> Tax Dept. Review _____ Legal Description <u>12.23 ac gross (+/-) 10.06 ac. net (+/-) out of Lot 482 John H. Sham Subdivision</u>
Owner	Name <u>Michael A. Hernandez</u> Phone <u>90(956) 381-0981</u> Address <u>701 Benham St.</u> City <u>Kirkland</u> State <u>IL</u> Zip <u>60146-8827</u> E-mail <u>%oruben@meldenandhunt.com</u>
Developer	Name <u>STEC, Inc.</u> Phone <u>(361) 649-3060</u> Address <u>2849 F.M. 447</u> City <u>Nursery</u> State <u>Tx</u> Zip <u>77976</u> Contact Person <u>Dwight Jander</u> E-mail <u>djander@stec.org</u>
Engineer	Name <u>Melden &amp; Hunt, Inc.</u> Phone <u>(956) 381-0981</u> Address <u>115 W. McIntyre St.</u> City <u>Edinburg</u> State <u>TX</u> Zip <u>78541</u> Contact Person <u>Ruben James De Jesus, P.E.</u> E-mail <u>ruben@meldenandhunt.com</u>
Surveyor	Name <u>Melden &amp; Hunt, Inc.</u> Phone <u>(956) 381-0981</u> Address <u>115 W. McIntyre St.</u> City <u>Edinburg</u> State <u>TX</u> Zip <u>78541</u>

RECEIVED

OCT 30 2020

BY: CW

Bbb 10/30/20



## Proposed Plat Submittal

Minimum Developer's Requirements Submitted with Application

- ☒ \$225 Preliminary Review Fee and \$75 Final Approval Fee
- ☒ Title Report
- ☒ 8 ½" by 11" Original Sealed Survey showing existing structures/ easements or 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 (Identifying owner on application)
- ☒ Autocad 2005 DWG file and PDF of plat
- ☒ 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 unplatted 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  Date 10/27/2020

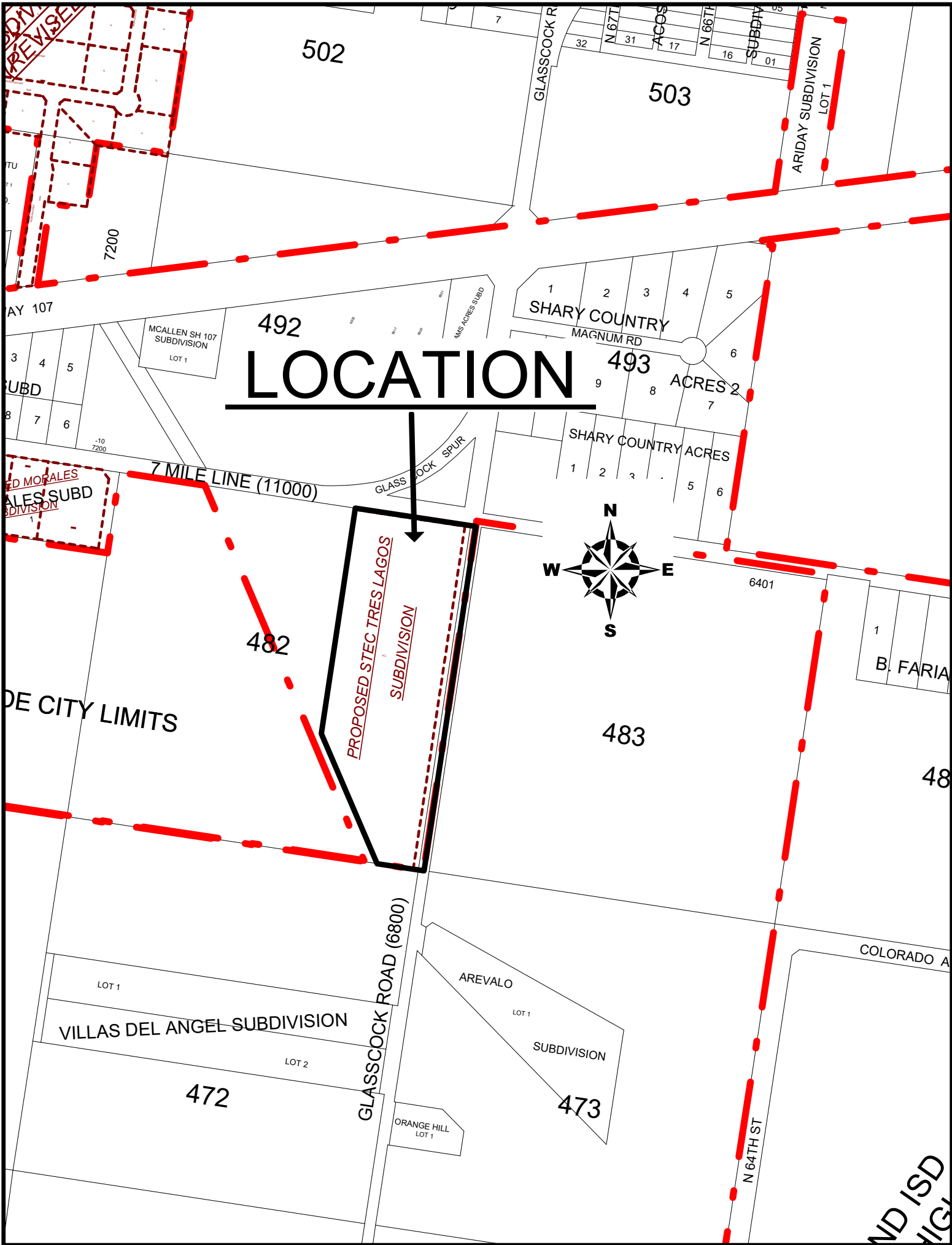
Print Name RUBEN JAMES LE/BUS

Owner ☐

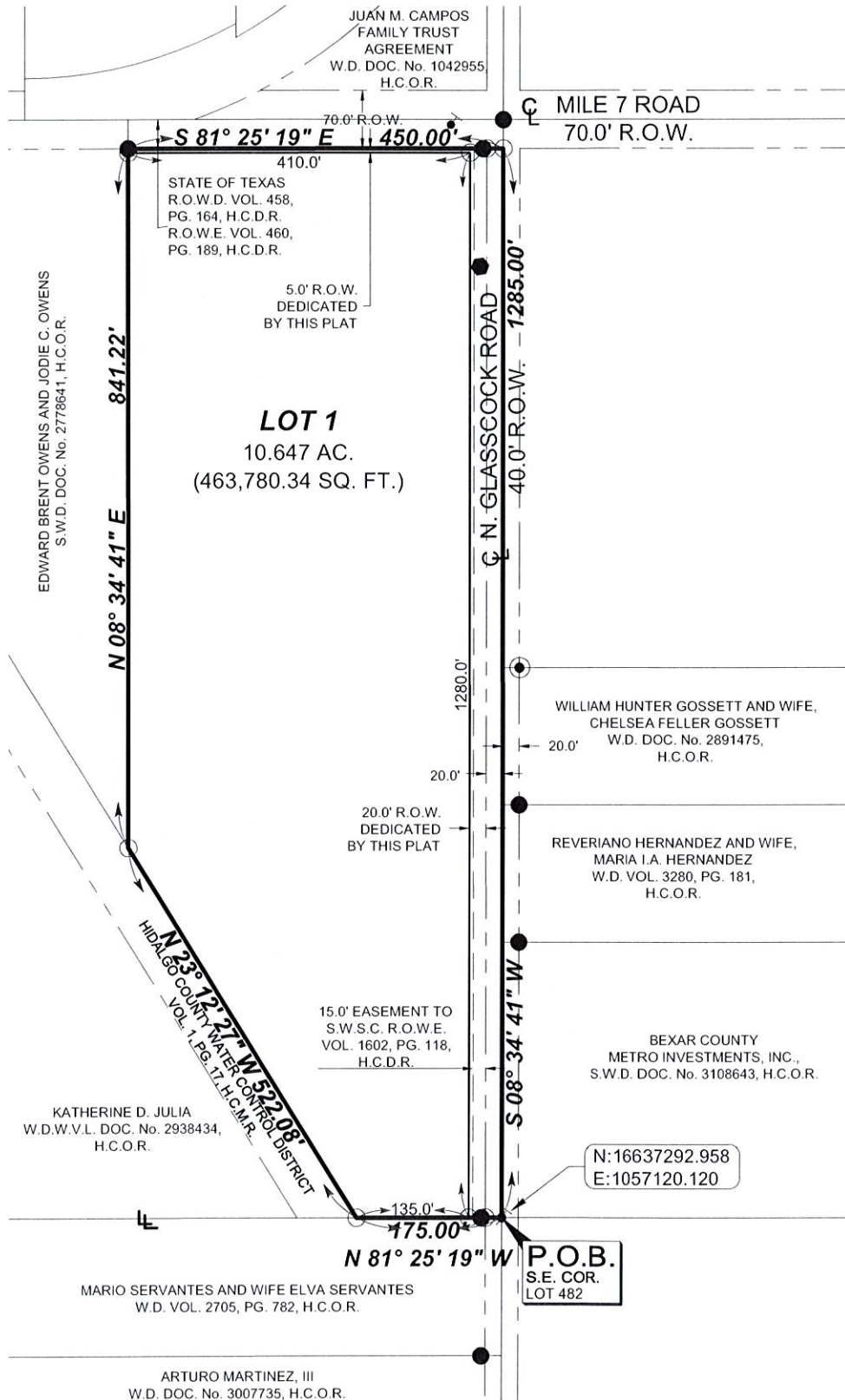
Authorized Agent ☒



# LOCATION



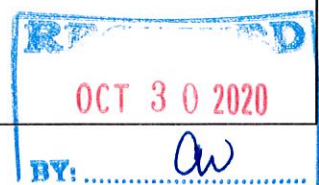




SCALE: 1" = 200'

# PLAT OF **STEC TRES LAGOS SUBDIVISION**

BEING A SUBDIVISION OF 11.874 ACRES OUT OF  
LOT 482, JOHN H. SHARY SUBDIVISION  
VOLUME 1, PAGE 17, HIDALGO COUNTY MAP RECORDS,  
HIDALGO COUNTY, TEXAS







Reviewed On: 11/10/2020

**SUBDIVISION NAME: STEC TRES LAGOS****REQUIREMENTS****STREETS AND RIGHT-OF-WAYS**

North Glasscock Road: 20 ft. dedication for 40 ft. from centerline for 80 ft. total ROW.  
 Paving: 52 ft. Curb & gutter: Both sides  
 \*\*Monies must be escrowed if improvements are not built prior to recording.  
 \*\*\*Please show and label ROW on both sides of centerline and total ROW after accounting for any ROW dedication needed prior to final.  
 \*\*\*\*Please submit copy of document for "15 ft. easement to S.W.S.C. R.O.W.E. Vol. 1602, Pg. 118, HCDR"

Mile 7 Road: 5 ft. dedication for 40 from centerline for 80 ft. total ROW  
 Paving: 52 ft. Curb & gutter: Both sides  
 \*\*Monies must be escrowed if improvements are not built prior to recording.  
 \*\*\*Please show and label ROW on both sides of centerline and total ROW after accounting for any ROW dedication needed prior to final.  
 \*\*\*\*Please submit copy of document for existing ROW.

Paving \_\_\_\_\_ Curb & gutter \_\_\_\_\_

\* 800 ft. Block Length.

\* 600 ft. Maximum Cul-de-Sac.

Non-compliance

Non-compliance

NA

NA

NA

**ALLEYS**

ROW: 20 ft. Paving: 16 ft.  
 \*Alley/service drive easement required for commercial properties

Non-compliance

**SETBACKS**

\* Front: North Glasscock Road: 40 ft. or greater for easements or approved site plan.  
 Mile 7 Road: 40 ft. or greater for easements or approved site plan.  
 \*\*Please revise plat note as shown above prior to final.

\* Rear: In accordance with the Zoning Ordinance or greater for easements or approved site plan.  
 \*\*Please revise plat note as shown above.

\* Sides: In accordance with the Zoning Ordinance or greater for easements or approved site plan.  
 \*\*Please revise plat note as shown above.

\* Corner: See above.

\* Garage.

\*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN

Non-compliance

Non-compliance

Non-compliance

Non-compliance

NA

Applied

**SIDEWALKS**

\* 4 ft. wide minimum sidewalk required on North Glasscock Road and Mile 7 Road.  
 \*\*Please add plat note as shown above.  
 \*\*\*Sidewalks subject to increase prior to final as per Engineering Department.

\* Perimeter sidewalks must be built or money escrowed if not built at this time.

Non-compliance

Applied

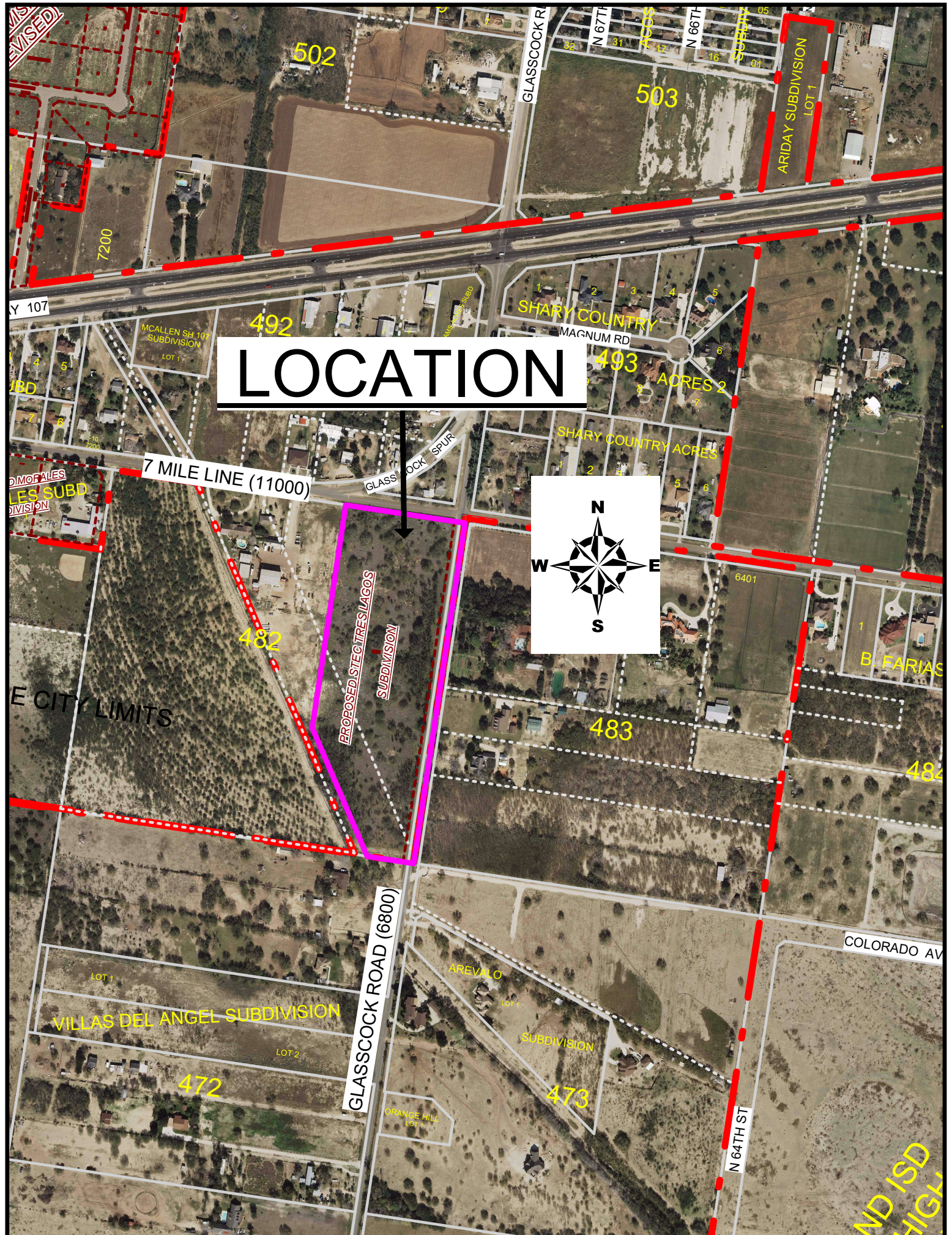


BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses	Applied
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses	Applied
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
NOTES	
* No curb cut, access, or lot frontage permitted along.	TBD
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	Required
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	Applied
* Common Areas, any private streets/drives must be maintained by the lot owners and not the City of McAllen	Applied
* Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets.	NA
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	NA
LOT REQUIREMENTS	
* Minimum lot width and lot area.	Compliance
* Lots fronting public streets.	Compliance
ZONING/CUP	
* Existing: R-1 Proposed: R-1	Applied
* Rezoning Needed Before Final Approval. **CUP for "Railroad Facilities or Utilities Holding a Franchise" approved by Planning and Zoning Board on August 4, 2020 and approved by City Commission on August 27, 2020.	Applied
PARKS	
* Land dedication in lieu of fee.	NA
* Park Fee of \$700 per lot/dwelling unit to be paid prior to recording.	NA
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
TRAFFIC	
* As per Traffic Department, Trip Generation waived for Electrical Substation use.	NA
* As per Traffic Department, Trip Generation waived for Electrical Substation use.	NA
COMMENTS	
Comments: Must comply with City's Access Management Policy ***Please submit copy of document for "15 ft. easement to S.W.S.C. R.O.W.E. Vol. 1602, Pg. 118, HCDR" ***As per Public works and Fire Departments, please submit site plan for staff's review prior to final.	Applied



RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, AND DRAINAGE AND UTILITIES APPROVALS.	Applied









**City of McAllen**  
**Planning Department**  
**APPLICATION FOR**  
**SUBDIVISION PLAT REVIEW**

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

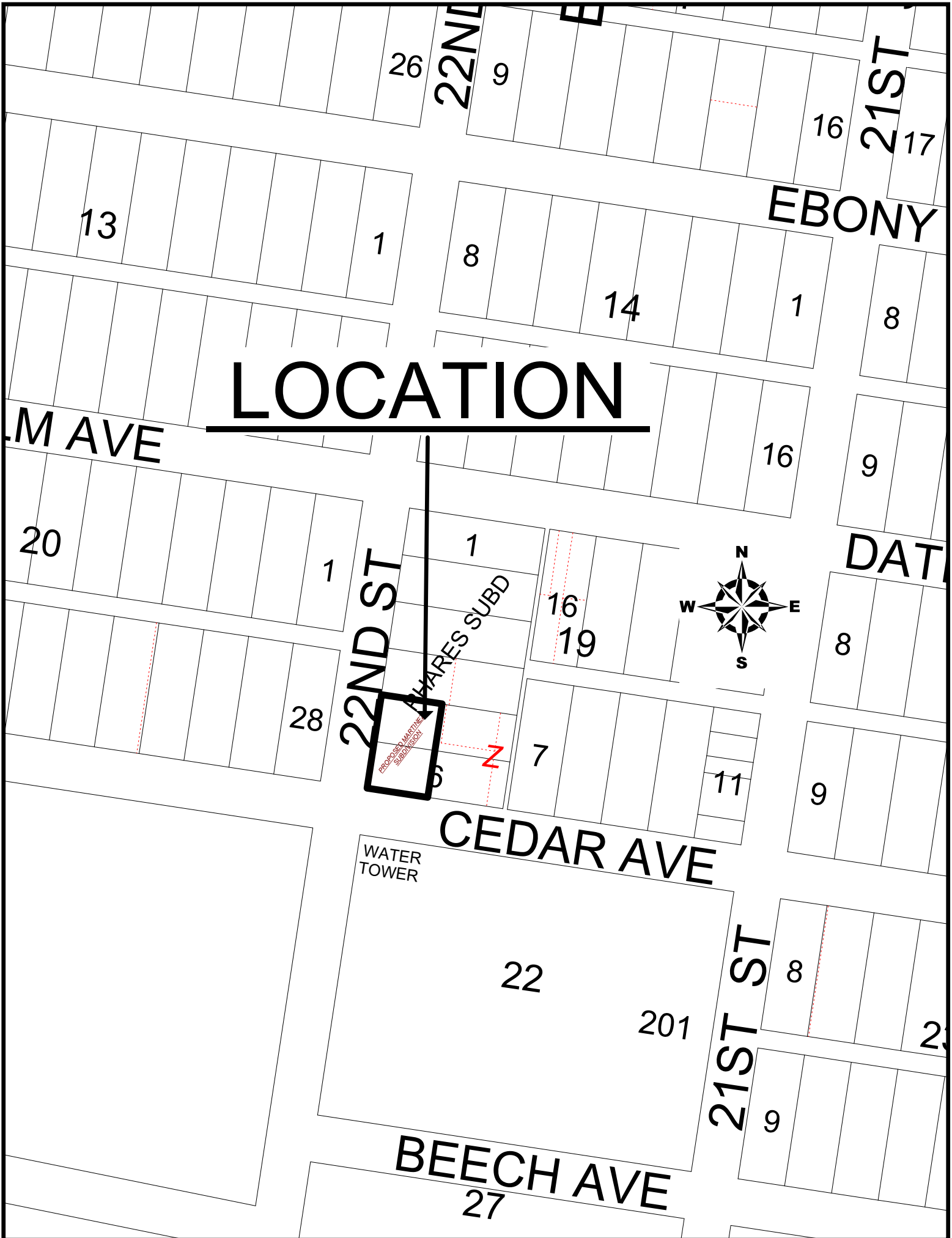
<b>Project Description</b>	Subdivision Name <u>Martinez Subdivision</u> Location <u>the northeast corner of cedar avenue and 22<sup>nd</sup> street</u> City Address or Block Number <u>304 N 22nd street and 2128 Cedar avenue</u> Number of lots <u>1</u> Gross acres <u>0.149</u> Net acres <u>0.149</u> Existing Zoning <u>R-1</u> Proposed <u>R-1</u> Rezoning Applied For <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____ Existing Land Use <u>single family</u> Proposed Land Use <u>R-1</u> Irrigation District # <u>1</u> Residential Replat Yes <input type="checkbox"/> No <input type="checkbox"/> Commercial Replat Yes <input type="checkbox"/> No <input type="checkbox"/> ETJ Yes <input type="checkbox"/> No <input type="checkbox"/> Agricultural Tax Exempt Yes <input type="checkbox"/> No <input type="checkbox"/> Estimated Rollback tax due <u>-0-</u> Parcel No. <u>H0900-00-019-0005-05</u> Tax Dept. Review <u>M</u> <u>H0900-00-019-0005-03</u> <u>H0900-00-019-0005-01</u> Legal Description <u>Being a 0.149 acres tract of land out of and farming</u> <u>Part of the North 34.00 feet of the West 65.00 feet of lot 5,</u> <u>Phares subdivision recorded in Volume 1927, Page 314, M. R. H. C., Texas</u>
<b>Owner</b>	Name <u>Javier Martinez</u> Phone <u>(956) 270-1071</u> Address <u>304 North 22nd Street</u> City <u>McAllen</u> State <u>Texas</u> Zip <u>78501</u> E-mail <u>Javier.Martinez1960@icloud.com</u>
<b>Developer</b>	Name <u>Javier Martinez</u> Phone <u>(956) 270-1071</u> Address <u>304 North 22nd Street</u> City <u>McAllen</u> State <u>Texas</u> Zip <u>78501</u> Contact Person <u>Javier Martinez</u> E-mail <u>Javier.Martinez1960@icloud.com</u>
<b>Engineer</b>	Name <u>Ivan Garcia P.E., R.P.L.S.</u> Phone <u>956 380 5152</u> Address <u>921 S. 10th Ave</u> City <u>Edinburg</u> State <u>Tx</u> Zip <u>78539</u> Contact Person <u>Ivan Garcia P.E., R.P.L.S.</u> E-mail <u>rio delta 2004@yahoo.com</u>
<b>Surveyor</b>	Name <u>Ivan Garcia P.E., R.P.L.S.</u> Phone <u>956 380 5152</u> Address <u>921 S. 10th ave</u> City <u>Edinburg</u> State <u>Tx</u> Zip <u>78539</u>

OCT 22 2020

BY: Beto

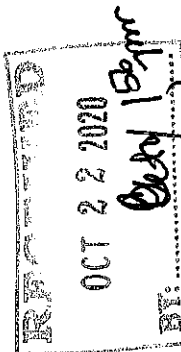


# LOCATION





5, PHARES SUBDIVISION, RECORDED IN VOLUME 1927, PAGE 314, MAP RECORDS OF HIDALGO COUNTY, TEXAS.







# City of McAllen

## SUBDIVISION PLAT REVIEW

Reviewed On: 11/12/2020

**SUBDIVISION NAME: MARTINEZ SUBDIVISION****REQUIREMENTS****STREETS AND RIGHT-OF-WAYS**

N. 22nd Street: 50 ft. ROW  
 Paving: 50 ft. Curb & gutter: both sides  
 Cedar Avenue: 50 ft. ROW  
 Paving: 50 ft. Curb & gutter: both sides  
 \*\*Revise street name as noted above.

\_\_\_\_\_ Paving \_\_\_\_\_ Curb & gutter \_\_\_\_\_

\* 800 ft. Block Length

\* 600 ft. Maximum Cul-de-Sac

Applied

Applied

Applied

Compliance

Applied

**ALLEYS**

ROW: 20 ft. Paving: 16 ft.  
 \*Alley/service drive easement required for commercial properties

NA

**SETBACKS**

\* Front: 25 ft. or greater for easements.  
 \*\*20 ft. required for R-2

\* Rear: 10 ft. or greater for easements

\* Sides: 6 ft. except 10 ft. for easements on the east side of Lots 6 & 7  
 \*\*Revise plat, since there is no Lot 7  
 \*\*\*Label missing?

\* Corner:  
 \*\*To be established prior to final, but no less than the average setback of the existing structures or the established by ordinance.

\* Garage: 18 ft. except where greater setback is required; greater setback applies.

\*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN

Applied

Applied

Non-compliance

TBD

Applied

Applied

**SIDEWALKS**

\* 4 ft. wide minimum sidewalk required on Cedar Avenue and N. 22nd Street.  
 \*\*Revise plat as noted above.

\* Perimeter sidewalks must be built or money escrowed if not built at this time.

Non-compliance

Required

**BUFFERS**

\* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses.

\* 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.

Applied

Compliance

Applied

**NOTES**

\* No curb cut, access, or lot frontage permitted along Cedar Avenue.  
 \*\*Per Traffic Department, access will be off N. 22nd Street.

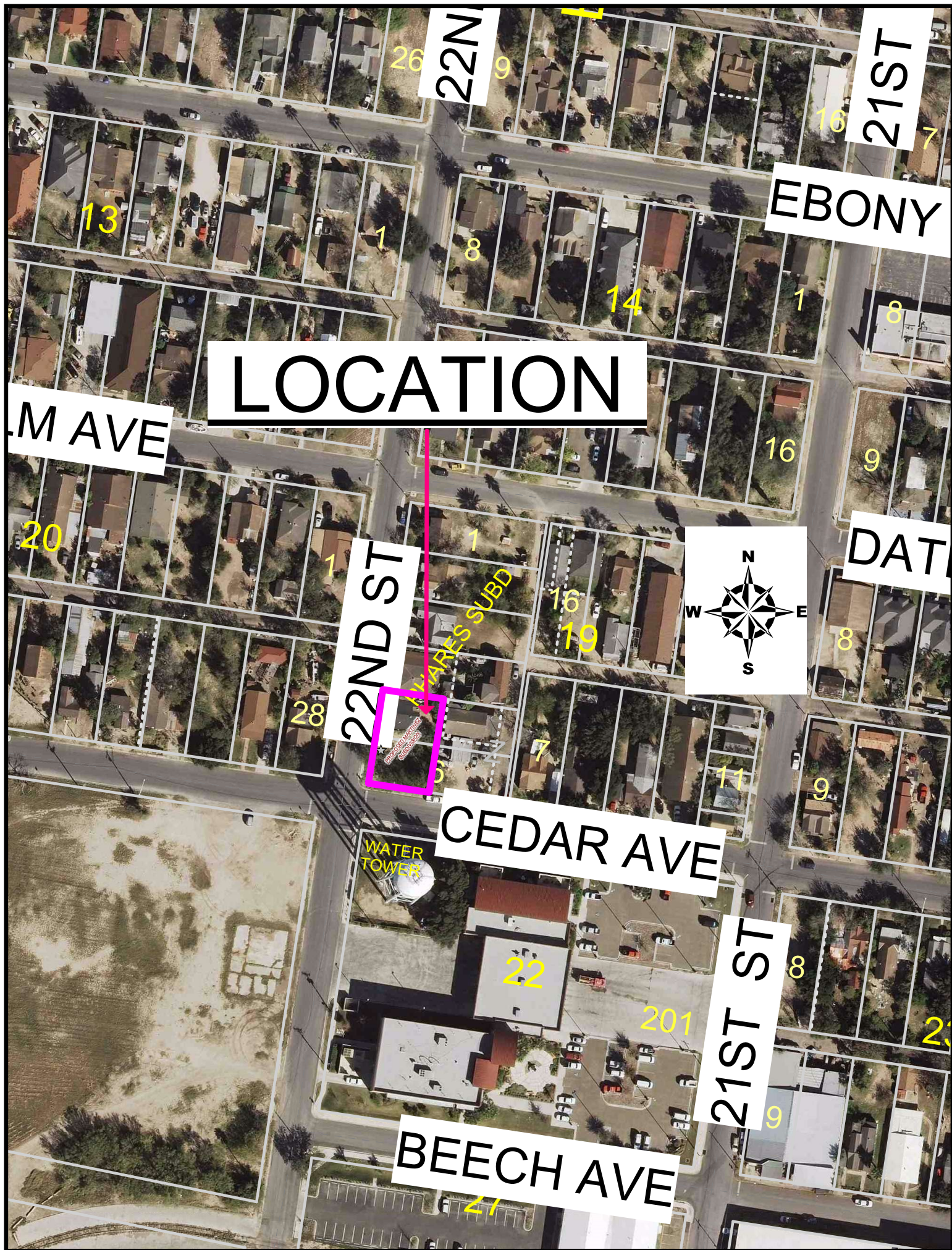
Applied



* Site plan must be approved by the Planning and other Development Departments prior to building permit issuance.	Applied
* Common areas, private service drives, etc. must be maintained by the lot owners and not the City of McAllen	NA
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets.	NA
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	NA
LOT REQUIREMENTS	
* Lots fronting public streets	Non-compliance
**Provide ownership map of east portion to assure no property is "landlocked"	
* Minimum lot width and lot area	Compliance
ZONING/CUP	
* Existing: R-2 Proposed: R-1	TBD
**Existing zoning is R-2, application shows it as R-1 as the existing and proposed zoning.	
***Application needs to be revised/rezoning needed prior to final.	TBD
* Rezoning Needed Before Final Approval	
*Current zoning is R-2 and proposed use according to application is R-1, application may need to be revised.	
***Application needs to be revised/rezoning needed prior to final.	
PARKS	
* Land dedication in lieu of fee	NA
* Park Fee of \$700 per lot to be paid prior to recording	Required
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
TRAFFIC	
* Per Traffic Department, Trip Generation has been waived for one single family home.	NA
* Traffic Impact Analysis (TIA) required prior to final plat.	NA
COMMENTS	
Comments: **Must comply with City's Access Management Policy ***Provide ownership map to assure no properties are landlocked prior to final ****Revise setbacks prior to final *****Public hearing needed for final *****Subdivision name needs to be revised to Phares Subdivision Lot 5A prior to final	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM, SUBJECT TO CONDITIONS NOTED, UTILITIES, AND DRAINAGE APPROVALS.	Applied



21





**Memo**

**TO:** Planning & Zoning Commission  
**FROM:** Edgar I. Garcia, AICP, CNU-A  
**DATE:** November 12, 2020  
**SUBJECT:** City Commission Actions on November 9, 2020

---

**REZONINGS:**

1. Rezone from R-3A to R-1 District: 32.533 acres out of Section 230, Texas-Mexican Railway Company Survey; 6801 Tres Lagos Blvd
  - Planning and Zoning Commission recommended approval
  - City Commission approved as recommended
2. Rezone from R-1 to C-4 District: 4.448 acres out of Section 227, Texas-Mexican Railway Company Survey; 7001 Monte Cristo Road
  - Planning and Zoning Commission recommended approval
  - City Commission approved as recommended
3. Rezone from C-4 to R-3A District: 44.996 acres out of Section 230, Texas-Mexican Railway Company Survey; 13501 North Shary Road
  - Planning and Zoning Commission recommended approval
  - City Commission approved as recommended
4. Rezone from R-1 to R-3A District: 0.053 acres out of Section 230, Texas-Mexican Railway Company Survey; 13901 North Shary Road
  - Planning and Zoning Commission recommended approval
  - City Commission approved as recommended
5. Rezone from C-4 to C-3 District, 1.083 acres out of Lot 100, La Lomita & Irrigation Construction Company Subdivision; 4920 North Ware Road (MID)
  - Planning and Zoning Commission recommended approval
  - City Commission approved as recommended
6. Rezone from C-4 to R-3A District, 7.116 acres out of Lot 100, La Lomita & Irrigation Construction Company Subdivision; 4920 North Ware Road (MID REAR)
  - Planning and Zoning Commission recommended approval
  - City Commission approved as recommended



7. Rezone from C-4 to R-3A District, 2.221 acres out of Lot 100, La Lomita & Irrigation Construction Company Subdivision; 4920 North Ware Road (REAR)
  - Planning and Zoning Commission recommended approval
  - City Commission approved as recommended

#### **CONDITIONAL USE PERMITS:**

1. Request of Jesus F. Davila, for a Conditional Use Permit, for one year, for a bar (Oak Texas Bar & Grill): Lot 1, Valerie Subdivision, 7001 North 10<sup>th</sup> Street
  - Planning and Zoning Commission recommended disapproval with a favorable recommendation
  - City Commission approved as recommended
2. Request of Jared W. Doxey, on behalf of the Church of Jesus Christ of Latter-Day Saints, for a Conditional Use Permit, for life of the use, for an institutional use (church): 10.615-acre tract of land out of Lot 16, Section 13, Hidalgo Canal Company Subdivision; 7301 North 2<sup>nd</sup> Street
  - Planning and Zoning Commission recommended approval
  - City Commission approved as recommended

#### **VARIANCES:**

1. Variance request to the 600 ft. cul-de-sac length requirement at Villa Torre Estates at Almon Subdivision; 3308 Yellowhammer Avenue
  - Planning and Zoning Commission recommended approval
  - City Commission approved as recommended



## 2020 ATTENDANCE RECORD FOR PLANNING AND ZONING COMMISSION MEETINGS

[illegible]

--

[illegible]





# PLANNING DEPARTMENT

311 N 15th Street McAllen, TX 78501  
Phone: 956-681-1250 Fax: 956-681-1279



## 2020 CALENDAR

### Meetings:

- City Commission
- Public Utility Board
- Planning & Zoning Board
- Zoning Board of Adjustment
- HPC - Historic Pres Council
- CENSUS

### Deadlines:

- D- Zoning/CUP Application
- N - Public Notification

\* **Holiday** - Office is closed

### JULY 2020

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

### AUGUST 2020

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

### SEPTEMBER 2020

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

### OCTOBER 2020

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

### NOVEMBER 2020

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

### DECEMBER 2020

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