

STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF McAllen

The McAllen Planning and Zoning Commission convened in a Regular Meeting on Tuesday June 20, 2023, at 3:33p.m. at the McAllen City Hall, 3<sup>rd</sup> Floor Commission Chambers Room, 1300 Houston Avenue, McAllen, Texas.

<b>Present:</b>	<b>Gabriel Kamel</b>	<b>Vice Chairperson</b>
	<b>Jose Saldana</b>	<b>Member</b>
	<b>Emilio Santos Jr.</b>	<b>Member</b>
	<b>Marco Suarez</b>	<b>Member</b>
	<b>Erica De la Garza</b>	<b>Member</b>
	<b>Aaron Rivera</b>	<b>Member</b>
 <b>Absent:</b>	 <b>Michael Fallek</b>	 <b>Chairperson</b>
 <b>Staff Present:</b>	 <b>Austin Stevenson</b>	 <b>Assistant City Attorney III</b>
	<b>Michelle Rivera</b>	<b>Assistant City Manager</b>
	<b>Edgar Garcia</b>	<b>Planning Director</b>
	<b>Luis Mora</b>	<b>Deputy Director</b>
	<b>Jose Humberto De la Garza</b>	<b>Development Coordinator</b>
	<b>Omar Sotelo</b>	<b>Senior Planner</b>
	<b>Rodrigo Sanchez</b>	<b>Senior Planner</b>
	<b>Kaveh Forghanparast</b>	<b>Planner III</b>
	<b>Katia Sanchez</b>	<b>Planner II</b>
	<b>Samuel Nunez</b>	<b>Planner II</b>
	<b>Adriana Solis</b>	<b>Planner II</b>
	<b>Eduardo Garza</b>	<b>Planner I</b>
	<b>Porfirio Hernandez</b>	<b>Planner Technician II</b>
	<b>Jessica Puga</b>	<b>Planner Technician I</b>
	<b>Bilkis Martinez</b>	<b>Development Engineer</b>
	<b>Magda Ramirez</b>	<b>Administrative Assistant</b>

**CALL TO ORDER** – Vice Chairperson Mr. Gabriel Kamel

**PLEDGE OF ALLEGIANCE**

**INVOCATION**-. Ms. Erica De La Garza

**1) MINUTES:**

- a) Approval/disapproval of the minutes for the June 6, 2023 meeting.

The minutes for the regular meeting held on June 6, 2023 was approved as submitted by Mr. Emilio Santos Jr. Seconding the motion was Mr. Jose Saldana which carried unanimously with 6 members present and voting.

**2) PUBLIC HEARING:**

- a) **CONDITIONAL USE PERMITS:**

- 1) Request of Ricardo Ramos, on behalf of The Vineyard Wine Lounge, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a Boutique Wine Shop at Lot 10, Block 3, Club Addition Amended Subdivision, Hidalgo County, Texas; 125 East Pecan Boulevard. **(CUP2023-0062)**

Mr. Eduardo Garza stated that the subject property is located on the north side of Pecan Boulevard approximately 293 feet east of North 1<sup>st</sup> Street. The property is zoned C-3L (light commercial) District. The adjacent zoning is R-1 (single-family residential) District to the north, C-2 (neighborhood commercial) District to the east, R-3A (multifamily residential) District and C-1 (office building) District to the south, and C-2 (neighborhood commercial) District and C-3L (light commercial) District to the west. Surrounding land uses include residential homes, Cathey Middle School, Watermill Express, Blue Robyn Tattoos, and vacant land. A boutique wine shop is permitted in a C-3L District with a conditional use permit and in compliance with requirements.

This is the first Conditional Use Permit request for this property. The Conditional Use Permit request application was submitted on May 04, 2023.

The applicant is proposing to operate a boutique wine shop with proposed hours of operation from 10 AM - 9 PM, Monday through Saturday, the business will also offer a weekly Wine Education Class. According to the submitted floor plan layout, there are five tables, five wine shelves, and two coolers.

Inspections from the Fire and Health Department are pending. The establishment must also meet the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of the abovementioned business 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 a residential zone/use to the north and a school to the northeast;
- 2) The abovementioned business 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 Pecan Boulevard;
- 3) The abovementioned business 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 square footage of the suite, 9 parking spaces are required; 14 parking spaces are provided on site.
- 4) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances.



- 5) The abovementioned business 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 business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
- 7) The abovementioned 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 Director of Planning. This number cannot exceed the number provided for in existing city ordinances.

If approval is granted, the establishment must comply with all other Zoning Ordinance, Building Code, and Fire Department requirements

Staff did not receive any phone calls, emails, or letters in opposition to this request.

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

Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed conditional use permit request. There was none.

Being no discussion, Mr. Marco Suarez moved to disapprove with favorable recommendation. Mr. Jose Saldana seconded the motion, which was disapproved with favorable recommendation with six members present and voting.

- 2) Request of Rolando Limon, on behalf of Arbol de Fe Esperanza y Amor, for a Conditional Use Permit, for Life of the Use, and adoption of an ordinance, for an Institutional Use (church) at Lot 1, Town & Country Subdivision, Hidalgo County, Texas; 4300 North 2nd Street. **(CUP2023-0064)**

Mr. Eduardo Garza stated that the subject property is located along the north side of Quamasia Avenue approximately 150 feet west of North 2<sup>nd</sup> Street (Colonel Rowe Boulevard). The property is zoned C-3L (light commercial) District. The adjacent zoning is R-3T (multifamily residential townhouse) District to the north, R-3A (multifamily residential apartment) District to the east and west, C-3 (general business) to the south, and R-1 (single-family residential) District to the northwest. Surrounding land uses include residential homes, apartments, and Mr. Gatti's Pizza. An Institutional Use is permitted in a C-3L District with a Conditional Use Permit and in compliance with requirements.

This is the first Conditional Use Permit request for this property. The Conditional Use Permit request application was submitted on May 02, 2023.

There is an existing 12,948 sq. ft. (as per appraisal district) building which was previously the site for La Cabana Sinaloense. The applicant is proposing to operate a church with a main sanctuary

area and 3 areas that will be used as classrooms for the youth of different age groups. The days and hours of the services of the church will be on Sunday from 11:00 AM to 2:00 PM and Monday from 7:00 PM – 9:00 PM. Based on the 96 seats proposed in the sanctuary area, 24 parking spaces are required; 261 parking spaces are provided on site.

The Fire Department has been in contact with the applicant; however, a Fire Inspection is still pending. Should the Conditional Use Permit be approved, the applicant would be required to sign the certificate acknowledging and agreeing to the conditions of the permit. The church must comply with the Zoning Ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The business has frontage on Quamasia Avenue with access onto North 2nd Street, a principal arterial.
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on the seating area of 96 seats in the sanctuary, 24 parking spaces are required; 261 parking spaces are provided on site.
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits.
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities.
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas.
- 6) The numbers of persons within the building shall be restricted to the existing seating capacity for the building.
- 7) Sides adjacent to commercially and residentially zoned or used properties shall be screened by a 6 ft. opaque fence.

If approval is granted to this request, the applicant must still comply with all other Zoning Ordinance and Building Code requirements that will be requested during the building permit process.

Staff did not receive any phone calls, letters, or emails in opposition to this request.

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

Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed conditional use permit request. There was one:

Citizen Mr. Michael Rabinowitz (1000 East Vermont Avenue, McAllen, Texas), representing JBWW Limited, stated his concerns are the proximity of the church property and how it may affect the businesses in serving alcohol. They do not want to lose tenants and they can continue to lease to business that do sale alcohol.

Vice Chairperson Mr. Gabriel Kamel stated that each case that is presented will be handled at the



time of request and with what the board and commission recommend and approve.

After a brief discussion, Mr. Suarez moved to approve. Mr. Emilio Santos Jr. seconded the motion, which was approved with six members present and voting.

- 3) Request of Miguel Carlos Macias Padilla, for a Conditional Use Permit, for one year, for an Institutional Use (beauty school), at Lots 11 & 12, Block 1, South Main Street Subdivision, Hidalgo County, Texas; 1912 & 1916 South Main Street. **(CUP2023-0066)**

Mr. Eduardo Garza stated that the subject property is located on the northwest corner of South Main Street and Toronto Avenue. The property is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, east, and south and R-1 (single family residential) District to the west. Surrounding land uses include residential homes, Regency Jewelers, Prestige, and La Plaza Mall. An Institutional Use (beauty school) is permitted in a C-3 District with a Conditional Use Permit.

This is the first Conditional Use Permit request for this property. The Conditional Use Permit request application was submitted on May 02, 2023.

The applicant is proposing to operate a beauty school out of two adjacent two-story suites. The first suite with 2,312 square feet of floor area will consist of a classroom, a restroom, and two storage areas on the first floor and 3 storage rooms on the second floor. The second suite with 2,314 square feet of floor area will consist of a reception area and a workstation hall on the first floor and 2 storage rooms on the second floor. As per Zoning Ordinance Section 138-195 (4) the parking requirements are (5) parking spaces per classroom area and (1.5) parking spaces for each administrative office (reception area), 12 parking spaces are required; 26 parking spaces are provided on site. The parking spaces are provided as part of shared parking for the existing commercial development.

The Fire Department inspection is still pending. Should the Conditional Use Permit be approved, the applicant would be required to sign the certificate acknowledging and agreeing to the conditions of the permit. The proposed use must meet the requirements set forth in Section 138-118 of 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 South Main Street and Toronto Avenue.
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking especially in residential areas. As per the proposed floor plan, 12 parking spaces are required; 26 parking spaces are provided on site. The parking spaces are provided as part of shared parking for the existing commercial development.
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges, or reorientation of entrances and exits;
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;

- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;
- 6) The number of persons within the building shall be restricted to those allowed by the Fire Marshal and Building Official at the time of permit issuance;
- 7) Sides adjacent to a residentially zoned or used property shall be screened by a 6 ft. opaque fence.

If approval is granted, the applicant must still comply with all other Zoning Ordinance and Building Code requirements that will be requested during the building permit process.

Staff has not received any phone calls, letters, or emails in opposition to this request.

Staff recommends approval of the request, for one year, subject to compliance with requirements of the Zoning Ordinance, Building Department, and Fire Department requirements.

Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed conditional use permit request. There was none.

Being no discussion, Mr. Jose Saldana moved to approve. Mr. Aaron Rivera seconded the motion, which was approved with six members present and voting.

- 4) Request of Maria D. Acuna, for a Conditional Use Permit, for one year, and adoption of an ordinance, for an outdoor commercial recreation (soccer fields), at 1.405 acre tract (deed) out of Lot 151, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 501 South Bentsen Road.  
**(CUP2023-0067)**

Mr. Eduardo Garza stated that the property is located at the southeast corner of Erie Avenue and South Bentsen Road and is zoned R-1 (single-family residential) District. The adjacent zoning is A-O (agricultural and open space) District to the north and west, R-1 (single-family residential) District to the north, east, and south, and R-3A (multifamily residential apartment) District to the west across Bentsen Road. Surrounding land uses include single-family residences and vacant land. Currently there are two soccer fields on this property. This facility was originally established in an A-O Zoning District. In 2014 the subject property underwent rezoning through the city initiated A-O rezoning project and was approved for R-1 District.

The initial conditional use permit for this use was approved for one year, on October 10, 2011 by the City Commission with variances and restrictions as follows: A variance to the distance requirement from a residence; allowing only the construction of restrooms on site without subdividing the property, no concession stand or other construction; allowing the usage of the large field and one small soccer field; hours of operation to conclude at 11:00 p.m. during the week; comply with landscaping; allow the use with a Conditional Use Permit in an R-1 zone; and other Zoning Ordinance standards.

On November 5, 2013 the Planning and Zoning Commission disapproved the request, but with a favorable recommendation to grant the variance to the distance requirements subject to the gate being closed when not in operation, security on site, no one allowed in the soccer fields after 11:00 p.m., parking lot lights off when not in operation, and no trespassing to adjacent properties. The City Commission approved the request for one year, on November 25, 2013 with the variances to



the distance requirement and conditions as noted. The permit had been renewed annually until 2017.

The Conditional Use Permit was disapproved in City Commission on February 27, 2017. A surrounding neighbor had been in opposition to the soccer fields for several years, claiming that people would go into her property to get soccer balls that would go over the fence, and that the applicant was not able to address the issues discussed in previous Planning and Zoning Commission and City Commission meetings.

On April 8, 2019, the City Commission approved the CUP for one year with variance to distance requirement, subject to the following conditions required on previous permits: variance to distance from a residence, no new construction without the benefit of a subdivision, use of the large field and one small field only, hours of operation from 4:00 p.m. to 8:00 p.m. for youth, 8:00 p.m. to 10:00 p.m. for adults, special events and tournaments from 9:00 a.m. to 5:00 p.m. on Saturday and Sunday, close and secure gates when not in operation, security on site, and lights to be turned off when not in operation. The CUP expired in 2020 and was not renewed until May 2022 due to the COVID-19 pandemic.

The applicant, Maria Acuna, on behalf of the property owner, Leticia Alvarez, is proposing to continue operation of the outdoor commercial recreation use for the existing soccer fields on the property. The soccer fields' proposed hours of operation will be Monday through Sunday 3:00 PM – 10:00 PM. There is a "security" office stand on the parking lot, before the entrance to the fields.

The establishment must comply with the Zoning Ordinance and requirements in the application as follows:

- 1) No form of pollution shall emanate beyond the immediate property line of the permitted use. This includes lighting, littering and noise which may include sound systems or PA speakers;
- 2) Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use;
- 3) The proposed use shall not be located within 300 ft. of residential uses. This property is located within 300 feet of a residentially use to the east, and south;
- 4) Sides adjacent to a residentially zone or use property shall be screened by a 6 ft. opaque fence. A 6 ft. opaque fence is provided along most of the property perimeter.
- 5) The proposed use shall comply with the Off-street Parking and loading Ordinance and make provisions to prevent the use of street parking especially in residential areas. In the past, parking requirements to accommodate game personnel have been 30 parking spaces for the main soccer field, and 14 parking spaces for the smaller soccer field. (This includes parking for players, coaches and referees). The applicant states the number of proposed seats as 80 fixed and 30 removable ones for a total of 110 seats. A total of 22 parking spaces are required for the seating area. In the past, the proposed hours of use for each field have not overlapped. A total of 52

- parking spaces are required and the site plan shows 52 parking spaces are provided. The establishment complies with the parking requirement. The parking lot has to be maintained free of potholes and must be clearly striped;
- 6) The proposed use shall comply with the City of McAllen Health Ordinances regulating food preparation and public lavatories. The soccer facility has on-site bathroom facilities. The facility will not have on-site food preparation.
  - 7) Lighting shall be shielded from residentially zoned or use property.

Staff recommends disapproval of the request based on noncompliance with requirement #3 (distance to residential use).

Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed conditional use permit request. There was none.

Being no discussion, Mr. Marco Suarez moved to disapprove with favorable recommendation. Mr. Emilio Santos Jr. seconded the motion, which was disapproved with favorable recommendation with six members present and voting.

- 5) Request of Moises Martinez De La Cruz, for a Conditional Use Permit, for one year, and adoption of an ordinance for an automotive service and repair shop (mechanic shop), at Lot 5, Block 13, Young's Subdivision, Hidalgo County, Texas; 218 South 23rd Street. **(CUP2023-0072)**

Mr. Samuel Nunez stated that the property is located on the west side of South 23rd Street, approximately 50 feet north of Chicago Avenue. The property is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, south, and east across South 23rd Street, with R-2 (duplex-fourplex) District to the west across an existing alley. The surrounding land uses are commercial and residential. An automotive service and repair shop is permitted as a primary use within a C-3 District with a Conditional Use Permit and in compliance with all other requirements.

A non-compliance notice was issued on May 12, 2023 for no permit on file for a change of occupancy. A commercial building permit was submitted that same day for the existing mechanic shop. The building permit was later disapproved since the use required a Conditional Use Permit for an automotive service and repair shop as a primary use.

A review of Planning Department records revealed a Conditional Use Permit for an automotive service and repair shop that was approved for this property for a tire shop by City Commission in August 2017. At the time, the subject property included the west half of Lot 6, which amounted to 10,000 square feet of property area. The use was later changed in 2020 to a car wash, however no permit was found on record for any use changes after 2020.

The applicant is proposing to continue the mechanic shop use. According to the submitted floor plan, the shop includes two bay areas and one office building that is used to create new appointments and payment processing. The hours of operation for the business are Monday through Friday from 8:00 AM to 6:00 PM, and Saturdays from 8:00 AM to 3:00 PM. Based on the total square footage of the existing office building (306 square feet), 5 parking spaces are required; 7 parking spaces are provided on site (excluding bay area).



The Fire Department inspection is pending for the property. The mechanic shop must comply with the following special conditions set forth for automotive repair as a primary use in Section 138-281 of the Zoning Ordinance:

- 1) A minimum lot size of 10,000 square feet is required. According to Hidalgo County Appraisal District records, the subject property's total lot size is 7,000 square feet.
- 2) All service, repair, maintenance, painting, and other work shall take place within an enclosed area. The work is performed under unenclosed carport structures. A building permit for the existing carport structures was not found on file.
- 3) Outside storage of materials is prohibited. Storage area for certain mechanic shop tools are within the unenclosed carport structures. According to the applicant, electrical equipment are stored within an enclosed area (closet) that is between the bay areas.
- 4) The building where the proposed work is to take place shall be at least 100 feet from the nearest residence. There are at least five single-family dwellings within 100 feet to the west across the alley and southeast across South 23rd Street.
- 5) A 6-foot opaque fence to buffer the proposed use from any residential use or residentially zoned area is required. No opaque fence would be required since the lot's property lines are not adjacent to any residential uses or zones.
- 6) New buildings and all conversions of existing buildings to such uses shall meet current Building Code and Fire Code requirements in terms of separation of high hazard uses from other occupancy use classifications, etc.

If approval is granted, the auto shop must comply with all other Zoning Ordinance, Building Code, and Fire Department requirements that will be requested during the building permitting process.

Staff has not received any phone calls, emails, or letters in opposition to this request.

Staff recommends disapproval of the request based on noncompliance with requirements #1 (minimum lot size), #2 (work area), #3 (storage of materials), and #4 (distance from nearest residence) of Section 138-281 of the Zoning Ordinance.

Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed conditional use permit request. There was none.

Being no discussion, Mr. Suarez moved to disapprove with favorable recommendation subject to conditions noted. Mr. Jose Saldana seconded the motion, which was disapproved with favorable recommendation with six members present and voting.

- 6) Request of Jessica Aguilar, for a Conditional Use Permit, for one year, and adoption of an ordinance for a bar (The Bearded Lady), at Lot A-1, Nolana Tower Subdivision, Hidalgo County, Texas; 400 Nolana Avenue, Suite Q.  
**(CUP2023-0073)**

Mr. Samuel Nunez stated that the property is located at the northeast corner of Nolana Avenue and North 6th Street, and is zoned C-3 (general business) District. The adjacent zoning is C-1 (office building) District to the north, C-3 (general business) District to the east, south and west, R-1 (single family residential) District also to the east, and A-O (agricultural and open space) District also to the west. The property is located within the Nolana Tower Subdivision and is the site for Nolana Tower Shopping Center. Surrounding land uses include Chanin Engineering, Kemper Life, Jump, a water tower, and residential homes. A bar is permitted in a C-3 District with a conditional use permit and in compliance with requirements.

The initial Conditional Use Permit application for this establishment was submitted on December 18, 2020 and was disapproved with a favorable recommendation at the Planning and Zoning Commission meeting of January 19, 2021. The City Commission later approved the request for one year on February 8, 2021. The establishment has renewed their permit every year since, without issue. This Conditional Use Permit application was submitted on May 17, 2023.

The applicant is proposing to continue to operate a bar (The Bearded Lady) from the existing 1,940 square feet of leased space. The proposed hours of operation will be daily from 12:00 PM to 2:00 AM.

Inspections from the Fire and Health Departments are pending. A current police activity report for service calls for the past year was requested and is included in the agenda packet documents.

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(a)(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of those businesses having late hours (after 10:00 PM) must be at least 400 feet from the nearest residence, church, school or publicly-owned property or must provide sufficient buffer and sound insulation of the building such that the building is not visible and cannot be heard from the residential areas. The establishment is within 400 feet of residential zones and uses to the north and east, and a water tower to the west.
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has direct access to Nolana Avenue, North 4th Street, and North 6th Street. The existing gates on North 4th Street need to be closed as required from other Conditional Use Permits in this commercial plaza;
- 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, especially those in adjacent residential areas, by providing additional on-site parking. Currently there is a multi-tenant commercial building on the property. The shopping center is a mixture of office, retail, vacant suites, restaurants, a children's event center, and bars. 729 parking spaces are provided on the common parking area in the front and rear of the building. For the 729 parking spaces of the common parking area, 15 accessible parking spaces are required and are provided on site. Based on



the square footage of the building, 20 parking spaces are required. Parking spaces are provided on site during the applicable hours of operation for this business;

- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties by providing, when necessary, fences, hedges or reorientation of entrances and exits under the vegetation ordinance;
- 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 business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The occupancy load for this establishment will be established by the Building Department as part of the building permitting review.

If approval is granted, the establishment must comply with all other zoning ordinance, building code, and Fire Department requirements.

Staff has not received any phone calls, emails, or letters in opposition to this request.

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

Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed conditional use permit request. There was none.

Being no discussion, Mr. Marco Suarez moved to disapprove with favorable recommendation. Mr. Aaron Rivera seconded the motion, which was disapproved with favorable recommendation with six members present and voting.

- 7) Request of Jessica Aguilar, for a Conditional Use Permit, for one year, and adoption of an ordinance for a bar (Suerte Bar & Grill Uptown), at Lot A-1, Nolana Tower Subdivision, Hidalgo County, Texas; 400 Nolana Avenue, Suites N1-N2. **(CUP2023-0074)**

Mr. Samuel Nunez stated that the property is located at the northeast corner of Nolana Avenue and North 6th Street, and is zoned C-3 (general business) District. The adjacent zoning is C-1 (office building) District to the north, C-3 (general business) District to the east, south and west, R-1 (single family residential) District also to the east, and A-O (agricultural and open space) District also to the west. The property is located within the Nolana Tower Subdivision and is the site for Nolana Tower Shopping Center. Surrounding land uses include Chanin Engineering, Kemper Life, Jump, a water tower, and residential homes. A bar is permitted in a C-3 District with a conditional

use permit and in compliance with requirements.

The initial Conditional Use Permit application was submitted on December 18, 2019, which was disapproved by the Planning and Zoning board on January 21, 2020 with a "favorable recommendation to the distance requirement". The City Commission later approved the Conditional Use Permit request on February 10, 2020 for one year. The establishment has renewed their permit every year in the same way ever since, without issue. This Conditional Use Permit application was submitted on May 17, 2023.

The 4,080 square feet two-floor building will consist of a dining area, three restrooms, conference room, kitchen, server area room, two storage rooms, two offices, and a main bar as shown on the submitted floor plan. The proposed hours of operation for Suerte Bar and Grill are daily from 12:00 PM to 2:00 AM. As per the zoning ordinance, Section 138-395 (14), the business requires 41 parking spaces, and 729 spaces are provided, which complies with the parking requirement.

Inspections from the Health Department have been completed and no violations were found. The Fire Department inspection is pending. A current police activity report for service calls for the past year was requested and is included in the agenda packet documents.

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(a)(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of those businesses having late hours (after 10:00 PM) must be at least 400 feet from the nearest residence, church, school or publicly-owned property or must provide sufficient buffer and sound insulation of the building such that the building is not visible and cannot be heard from the residential areas. The establishment is within 400 feet of residential zones and uses to the north and east, and a water tower to the west.
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has direct access to Nolana Avenue, North 4th Street, and North 6th Street. The existing gates on North 4th Street need to be closed as required from other Conditional Use Permits in this commercial plaza;
- 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, especially those in adjacent residential areas, by providing additional on-site parking. Currently there is a multi-tenant commercial building on the property. The shopping center is a mixture of office, retail, vacant suites, restaurants, a children's event center, and bars. 729 parking spaces are provided on the common parking area in the front and rear of the building. For the 729 parking spaces of the common parking area, 15 accessible parking spaces are required and are provided on site. Based on the square footage of the building, 41 parking spaces are required. Parking spaces are provided on site during the applicable hours of operation for this business;



- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties by providing, when necessary, fences, hedges or reorientation of entrances and exits under the vegetation ordinance;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The occupancy load for this establishment will be established by the Building Department as part of the building permitting review.

If approval is granted, the establishment must comply with all other zoning ordinance, building code, and Fire Department requirements.

Staff has not received any phone calls, emails, or letters in opposition to this request.

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

Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed conditional use permit request. There was none.

Being no discussion, Mr. Jose Saldana moved to disapprove with favorable recommendation. Ms. Erica De la Garza seconded the motion, which was disapproved with favorable recommendation with six members present and voting.

- 8) Request of Jessica Aguilar, for a Conditional Use Permit, for one year, and adoption of an ordinance for a bar (Love Buzz), at the north 20 feet of Lot 1 & all of Lot 2 excluding the northwest 225 feet by 240 feet of Lot 2, Plaza Del Norte Subdivision, Hidalgo County, Texas; 3424 North 10th Street.  
**(CUP2023-0075)**

Mr. Samuel Nunez stated that the property is located on the east side of North 10th Street, approximately 200 ft. south of Jonquil Avenue. The property is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, south and west, R-3T (multifamily-townhouses) District to the east and R-1 (single-family) District to the northeast. Surrounding land uses include retail stores, restaurants, multifamily residences, and single-family residences. A bar is allowed in a C-3 district with a Conditional Use Permit and in compliance with requirements.

The initial bar Conditional Use Permit requested was submitted on March 31, 2021 and was approved by City Commission on May 24, 2021. The establishment has renewed their permit every year since, without issue. This Conditional Use Permit request was submitted on May 17, 2023.

The applicant is proposing to continue operating a bar (Love Buzz) from an existing 3,850 SF building. The proposed days and hours of operation are, Monday through Sunday from 12:00 PM to 2:00 AM.

The Fire and Health Departments have inspected the bar and the property is in compliance. The police activity report for service calls from February 2021 to present is attached. The Planning Department has received no complaints regarding the present use as a bar. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The establishment must comply with requirements set forth in Section 138-118(a)(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 feet 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 PM. The establishment is less than 400 feet of a residential zone/use, to the northeast and east of the subject property
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has access from north 10th Street.
- 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 bar requires 39 parking spaces based on SF of building and additional 3 parking spaces for the existing outside seating area (3 benches) for a total of 41 parking spaces
- 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.

If approval is granted, the establishment must comply with all other zoning ordinance, building code, and Fire Department requirements.

Staff did not receive any phone calls, emails, or letters in opposition to this request.

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



Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed conditional use permit request. There was none.

Being no discussion, Mr. Marco Suarez moved to disapprove with favorable recommendation. Mr. Jose Saldana seconded the motion, which was disapproved with favorable recommendation with six members present and voting.

- 9) Request of Carlos Maldonado, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a Smoke Shop, at Lots 4 and 5, McAllen Northwest Industrial Subdivision No. 2, Hidalgo County, Texas; 5000 North 23rd Street, Suite F. **(CUP2023-0068)**

Ms. Adriana Solis stated that the property is located along the east side of North 23rd Street between Industrial Avenue and Brand Drive, and is zoned I-1 (light industrial) District. The proposed use is to be located as part of Texas Plaza. The adjacent zoning is C-3 (general business) District to the northwest and southwest, R-3A (multifamily residential apartments) District to the west, and I-1 District to the north, east and south. Surrounding land uses include commercial businesses, offices, restaurants, and multifamily residences, vacant land, and a water tower. A smoke shop is allowed in an I-1 District with a Conditional Use Permit and in compliance with requirements.

This is the initial request by the applicant for a Conditional Use Permit for a bar and a vape shop at this location.

The applicant is proposing to operate a smoke shop under the name of "Goodtimes" to operate from the existing 2,125 sq. ft. lease space within the retail center. The proposed hours of operation are from 10:00 a.m. to 12:00 a.m. (midnight), Monday thru Saturday and 12:00 p.m. to 8:00 p.m. on Sundays.

The Fire Department conducted an inspection of the establishment and determined to be in compliance. The establishment must also meet the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

- a) The property line of the lot of the above mentioned business 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. of residential zones and uses;
- b) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The property has direct access to North 23rd Street;
- c) The abovementioned business 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. Currently there is a multi-tenant commercial building on the property. The shopping center consists of various uses, retail, vacant suites, and restaurants. The proposed 2,125 sq. ft. smoke shop hall requires 6 parking spaces; parking spaces are provided as part of a common parking area in the front and rear of the building. For the parking spaces of the common parking area, 1 accessible parking space is required and provided on site, as per section 138-400(a) of the Off-Street Parking and Loading requirements, all off-street parking must be clearly striped and free of potholes;

- d) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;
- e) The abovementioned business 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 as much as possible of the site from a public street;
- f) The abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- g) The abovementioned 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 Director of Planning. The occupancy load for this establishment will be established by the Building Inspection Department as part of the building permit review process.

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

Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed conditional use permit request. There was none.

Being no discussion, Mr. Jose Saldana moved to approve. Mr. Emilio Santos Jr. seconded the motion, which was approved with six members present and voting.

- 10) Request of David A. Lisauckis, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a bar at Lot A-1, Nolana Tower Subdivision, Hidalgo County, Texas; 400 Nolana Avenue, Suite H1. **(CUP2023-0076)**

Ms. Adriana Solis stated that the subject property is located north of Nolana Avenue and east of North 6th Street. The subject property is zoned C-3 (general business) District. The adjacent zoning is C-1 (office building) District to the north, C-3 District and A-O (agricultural and open space) District to the west, C-3 District to the south, R-1 (single family residential) District to the east.



Surrounding land uses include commercial plazas, restaurants, a water tower and single-family residences. A bar is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.

The Conditional Use Permit for this establishment was approved by the City Commission on July 11, 2022. The applicant is renewing their Conditional Use Permit.

The applicant is proposing to continue operating a bar, The Rockwell Taphouse & Grill, from an existing 4,814 sq. ft. suite. The hours of operation will be from Monday thru Sunday 3:00 PM to 2:00 AM.

The Fire Department and Health Department has inspected the establishment, and the property is in compliance. Attached is the police report from May 31, 2022 to May 31, 2023. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- a) The property line of the lot of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school or publicly owned property, and must be designed of prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 PM. The proposed establishment is within 400 ft. of residential zones and uses, and publicly owned property;
- b) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets or allow such traffic to exist into and disrupt residential areas. The property has direct access to Nolana Avenue and North 6th Street. The existing gates on North 4th Street need to be closed as required from other Conditional Use Permits issued in this commercial plaza;
- c) The abovementioned business 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. There is an existing commercial building on the property. The commercial plaza is composed of restaurants and other bars. The current bar requires 49 parking spaces; 729 parking spaces are provided on site, both in the front and rear of the building.
- d) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses of residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;
- e) The abovementioned business should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent elimination of dark areas, and the orientation of the building such that it provides maximum visibility as much as possible of the site from a public street;

- f) The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- g) The abovementioned 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 Director of Planning. The occupancy load for this establishment will be established by the Building Inspections Department as part of the building permit review process.

Staff has not received any phone calls, emails, or letters in opposition to the CUP request.

Staff recommends disapproval of the request based on noncompliance with requirement #1 distance to a residential use or a residential zoned property and publicly owned land of Section 138-118(4) of the Zoning Ordinance.

Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed conditional use permit request. There was none.

Being no discussion, Ms. Erica De la Garza moved to disapprove with a favorable recommendation. Mr. Aaron Rivera seconded the motion, which was disapproved with a favorable recommendation with six members present and voting.

- 11) Request of David A. Lisauckis, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a bar at Lots 9, 10 & 11, Block 2, Eltus Subdivision, Hidalgo County, Texas; 1116 Pecan Boulevard. **(CUP2023-0077)**

Ms. Adriana Solis stated that the subject property is located north of Pecan Boulevard and west of North 11th Street. The subject property is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the west, north, east and south. Surrounding land uses include restaurants and commercial plazas. A bar is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.

A Conditional Use Permit for this subject property was approved by the City Commission on July 11, 2022. A renewal for the Conditional Use Permit was submitted May 17, 2023.

The applicant is proposing to continue operating a bar from the existing 4,260 square foot building and outdoor patio. The proposed hours of operation are Monday thru Sunday 1:00 PM to 2:00 AM.

The Fire Department and Health Department has completed their inspection and has allowed the CUP process to continue. The establishment must comply with the requirements set forth in Section 138-118a (4) of the Zoning Ordinance and specific requirements as follows:

- a) The property line of those businesses having late hours (after 10:00 PM) must be at least 400 ft. from the nearest residence, church, school or publicly-owned property or must provide sufficient buffer and sound insulation of the building such that the building is not visible and cannot be heard from the residential areas. The establishment is within 400 ft. of residential zones and uses;



- b) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The establishment has direct access to north Pecan Boulevard and North 11th Street and does not generate traffic into residential areas;
- c) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the floor area of 4,260 square feet, 43 parking spaces are required; 40 parking spaces are provided on site. Applicant has also obtained a parking agreement with Armstrong McCall Professional Beauty Supply for the use of their parking area of 35 spaces.
- d) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- e) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street to discourage vandalism and criminal activities;
- f) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- g) The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance after taking into account the recommendations of the Fire Marshal, Building Official, and Planning Director. The occupancy load for this establishment will be established by the Building Inspections Department as part of the building permit review process.

Staff has not received any phone calls, emails, or letters in opposition to the CUP request.

Staff recommends disapproval of the request based on non-compliance with requirement #1 distance from nearest residence or residentially owned property of Section 138-118a(4)a of the Zoning Ordinance.

Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed conditional use permit request. There was none.

Being no discussion, Mr. Marco Suarez moved to disapprove with a favorable recommendation. Mr. Emilio Santos Jr. seconded the motion, which was disapproved with a favorable recommendation with six members present and voting

- 12) Request of Tomas Flores Martinez, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a bar at Lots 10, 9 & 8, 21st Place Subdivision, Hidalgo County, Texas; 2005 Nolana Avenue. **(CUP2023-0078)**

Ms. Adriana Solis stated that the subject property is located south of Nolana Avenue and west of

Bicentennial Boulevard. The subject property is zoned C-3 (general business) District. The adjacent zoning is C-3 District and R-3A (apartments) District to the southwest corner. Surrounding land uses include commercial plazas, restaurants, bars and apartments. A bar is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.

This subject property does have a history of approved Conditional Use Permits. A Conditional Use Permit was last approved for this location on September 27, 2021. A Conditional Use Permit request was submitted on May 17, 2023.

The applicant is proposing to operate a bar, Cobras Bar & Grill, within a 7,500 sq. ft. suite. The hours of operation are Monday thru Sunday from 6:00 PM to 2:00 AM.

The Fire Department and Health Department has inspected the establishment, and has allowed the CUP process to continue. Attached is the police report from May 31, 2022 to May 31, 2023. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- a) The property line of the lot of 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 publicly owned property and R-3A District to the southwest of the property;
- b) 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 Nolana Avenue and does not generate traffic into residential areas;
- c) 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 75 parking spaces, which are provided on the common parking area in the front of building. All 75 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 CUP issuance.
- d) 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.;
- e) 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;

- f) The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- g) 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. The occupancy load for this establishment will be established by the Building Inspections Department as part of the building permit review process.

Staff has not received any phone calls, emails, or letters in opposition to the CUP request.

Staff recommends disapproval of the request based on noncompliance with requirement #1 distance to a residential use or a residential zoned property and publicly owned land of Section 138-118(4) of the Zoning Ordinance.

Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed conditional use permit request. There was none.

Being no discussion, Mr. Jose Saldana moved to disapprove with a favorable recommendation. Mr. Emilio Santos Jr. seconded the motion, which was disapproved with a favorable recommendation with six members present and voting.

b) REZONING:

- 1) Rezone from R-1 (single-family residential) District to R-3A (multi-family apartment residential) District: An 8.11 acre tract out of Lot 9, E.M. Card Survey No.1, Hidalgo County, Texas; 9228 North Bicentennial Boulevard. **(REZ2023-0021)(TABLED ON 6/6/2023)**

Ms. Katia Sanchez requested on the applicants behalf to remove from table. Mr. Marco Suarez motioned to remove. Mr. Jose Saldana seconded the motion with six members present and voting.

Ms. Katia Sanchez stated that the subject property is located east of North Bicentennial Boulevard, approximately 740 feet north of Northgate Avenue. The lot has 215.70 feet of frontage and 1,382.05 feet of depth as per the submitted survey.

The applicant is requesting to rezone the property from R-1 (single-family residential) District to R-3A (multi-family apartment residential) District. A feasibility plan has been submitted to the Planning Department, the applicant is proposing to construct multifamily residences in a proposed 20-lot subdivision.

The subject property is zoned R-1 District, and is zoned R-1 in all directions. There is R-3T (townhouse residential) District to the north.

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

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Suburban Residential, which is comparable to R-1 District. The proposed rezoning of the property does not follow the Foresight McAllen Comprehensive Plan.

The development trend for this section along North Bicentennial Road is primarily single-family residential use. Directly to the south of the subject property, there are single-family residences. There are townhomes to the north of the subject property.

The property was initially zoned R-1 District upon annexation on August 05, 1985. There have been no rezoning requests since then.

The adjacent property to the east was zoned from A-O (agricultural-open space) District to R-1 District in 2015 during the City initiated rezoning project in 2015.

The requested zoning does not conform to the Suburban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan. The development trend for this section along North Bicentennial Road is primarily single-family land use. The proposed rezoning request is not compatible with the surrounding zoning and development trend in this area. There are upcoming single-family residential developments that are currently undergoing subdivision process to the north and west of the subject property. Bicentennial Boulevard is designated as a hi-speed arterial with 150 feet of right-of way and is currently constructed with four travel lanes.

The permitted uses within the proposed zoning district are all uses listed as permitted uses in the R-2 duplex-fourplex residential district, apartment buildings with five or more units, and storage buildings not used for living quarters and accessory to the residential use. Approval of the rezoning request will allow multi-family residential development of the vacant lot.

The proposed development is approximately 8.11 acres (353,271.6 square feet), based on the maximum density per gross acres in the R-3 multifamily residential district: 353-one bedroom units, 282-two bedroom units, and 235-three bedroom units will be allowed. Seven thousand square feet represents the minimum lot area for any R-3 multifamily residential district, exclusive of townhouse. Max allowable density per acre will be defined on site plan approval, once a final subdivision plat is recorded.

A recorded subdivision plat and approved site plan are required prior to building permit issuance. A masonry screen eight feet in height shall be required where a commercial, industrial or multifamily use has a side or rear property line in common with a single-family use or zone. Required parkland dedication or a fee in lieu of land comprising \$700 per dwelling unit is required prior to recording a subdivision plat.

At the Planning and Zoning meeting held on June 06, 2023, citizens spoke in opposition of the rezoning request as citizens had concerns with potential drainage and traffic issues that the possible rezoning may cause. Staff has received a petition from citizens in opposition of the rezoning request with concerns regarding increase traffic, decrease property values, and overdevelopment due to multifamily development in the mainly single-family residential area. Due to the total percentage of opposition received, it has triggered super majority.



Staff recommends disapproval of the rezoning request since it does not follow the development trend for this section along North Bicentennial Road, and since there is potential for up to 353 units with only one exit on Bicentennial Boulevard.

Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed rezoning request. There were two present:

Citizen Laura Garcia (1325 Ozark Avenue) stated her concerns were as follows: Only one access to enter/exit, drainage, high density volume of residence, and would like to preserve the current development trend (R1).

Citizen Jaime Gonzalez (1500 Northgate Lane), stated he agrees with Ms. Laura Garcia and echoes her concerns.

Applicant Mr. Timothy Wilkins (113 Eagle Avenue) stated he is requesting an R3A to have duplex apartments with garage units and is not requesting a 400 apartment density of development. His plan is to develop 88(22 space lots) high end 4plex apartments.

Mr. Marco Suarez suggested to Mr. Wilkins to speak with the citizens in the neighborhood and explain his development plan. He respectfully declined and explained he felt it would not be effective. Mr. Marco Suarez and Mr. Emilio Santos Jr. also suggested they table this item and give Mr. Wilkins time to speak to citizens. Mr. Wilkins also declined tableing the item.

Vice Chairperson Mr. Gabriel Kamel stated they need a proper zoning request in order to approve the applicant's request.

After a lengthy discussion, Mr. Emilio Santos Jr. moved to disapprove. Ms. Erica De la Garza seconded the motion. Mr. Marco Suarez voted nay to disapprove which item was disapproved with six members present and voting.

- 2) Rezone from C-1 (office building) District to C-2 (neighborhood commercial) District: South 161.6 feet of the West 212.0 feet of the East 10.04 acres of the West 20.04 acres of Lot 6, Block 2, C.E. Hammond's Subdivision, Hidalgo County, Texas; 4200 Pecan Boulevard. **(REZ2023-0024)**

Ms. Katia Sanchez stated that the subject property is located on the northwest corner of Pecan Boulevard and North 42nd Street. The lot has 161.6 feet of frontage and 212 feet of depth, for a total lot area of 0.79 acre as per the submitted survey.

The applicant is requesting to rezone the property from C-1 (office building) District to C-2 (neighborhood commercial) District. A feasibility plan has not been submitted to the Planning Department, the applicant is proposing to operate a plant nursery at the subject property.

The subject property is zoned C-1 District. There is R-1 (single-family residential) District to the north and west. There is C-3 (general business) District to the east and south.

The property currently has an office. Surrounding land uses single-family residences, Wise Choice Insurance, and Mancha Screen Painting and Embroidery.

The future land use plan designated for this area is classified as a mixed-used node. Nodes are central areas of commercial or mixed-use development.

The development trend for this section along Pecan Boulevard is primarily commercial use.

The property was zoned A-O during comprehensive zoning in May 1979. On April 14, 1997, City Commission approved to rezone the property from A-O District to C-1 District. There have not been any rezoning requests since that time. Prior to the proposed use (plant nursery) there used to be a daycare at the property.

The requested zoning does conform to the future land use plan. The development trend for this section along Pecan Boulevard is primarily commercial use. The proposed rezoning request is compatible with the surrounding zoning and development trend in this area.

Pecan Boulevard is designated as a principal arterial with 120 feet of right-of-way and is currently constructed with four travel lanes.

Some of the permitted uses within the proposed zoning district are as follows: convenience stores, neighborhood meat or produce markets, bakeries, florists and gift stores, medical offices. The C-2 District must provide sufficient space and off-street parking in appropriate locations in proximity to residential areas, for commercial development catering to the convenience shopping and service needs of the occupants of nearby residences.

A recorded subdivision plat would be required should the development be expanded or should the existing building require repairs that exceed 10 percent of its replacement cost. An approved site plan must comply with all Zoning, landscaping, buffer, parking, and maneuvering requirements should the proposed facility be expanded. Currently, the applicant is proposing to operate the business from the existing building on site.

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

Staff recommends approval of the rezoning request since it does follow the development trend for this section along Pecan Boulevard, and conforms to the mixed use node classification on the future land use plan.

Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed rezoning request. There was none.

Being no discussion, Mr. Marco Suarez moved to approve. Ms. Erica De la Garza seconded the motion, which was approved with six members present and voting.

- 3) Rezone from R-1 (single-family residential) District to R-3A (multifamily apartment residential) District: 2.025 acres, consisting of 1.493 acres out of a part or portion out of Lot 202, and 0.532 acre out of a part or portion out of Lot 205, Pride O' Texas Subdivision, Hidalgo County, Texas; 9212 North 36th Street. **(REZ2023-0025)**

Ms. Katia Sanchez stated that the subject property is located at the south of Oxford Avenue, east of North 36th Street. The tract is irregular; it is comprised of 2.025 acres as per the submitted



survey.

The applicant is requesting to rezone the property from R-1 (single-family residential) District to R-3A (multi-family apartment residential) District. A feasibility plan has been submitted to the Planning Department, the applicant is proposing to construct multifamily residences in a proposed one-lot subdivision.

The subject property is property is zoned R-1 District. It is also zoned R-1 District to the north, east, and west. There is R-4 (mobile home and modular home) District to the south of the subject property.

The property currently has a 950 square-foot house. Surrounding land uses include single-family residences and mobile homes.

The future land use plan designated for this area is classified as complete communities. Complete communities include single-family homes, townhomes, and small multi-family (duplex).

The development trend for this section along North 36th Street and Oxford Avenue is primarily single-family residential land use. Directly to the south there are mobile homes. Saddle Creek Subdivision developments are located to the north and east. North Ware Road Estates Subdivision is located to the south. Oxford Square Subdivision is located to the west.

The tract was initially zoned R-1 District upon annexation in 2008. There have been no other rezoning requests since that time.

The development trend for this area is primarily single-family land use. The proposed rezoning request is not compatible with the surrounding zoning and development trend in this area.

Oxford Avenue and North 36th Street are designated on the Thoroughfare Plan as collectors and are constructed as two lane rural roadways with greater pavement width adjacent to subdivision developments. There are no curb and gutter or sidewalk adjacent to the subject tract. North 36th Street has a posted speed limit of 30 miles per hour down to 20 miles per hour as it curves to connect with Oxford Avenue.

The permitted uses within the proposed zoning district are all uses listed as permitted uses in the R-2 duplex-fourplex residential district, apartment buildings with five or more units, and storage buildings not used for living quarters and accessory to the residential use. Approval of the rezoning request will allow multi-family residential development of the vacant lot.

The proposed development is approximately 2.025 acres (88,209 square feet), based on the maximum density per gross acres in the R-3 multifamily residential district: 89-one bedroom units, 71-two bedroom units, and 59-three bedroom units will be allowed. Seven thousand square feet represents the minimum lot area for any R-3 multifamily residential district, exclusive of townhouse. Max allowable density per acre will be defined on site plan approval, once a final subdivision plat is recorded.

A recorded subdivision plat and approved site plan are required prior to building permit issuance. A masonry screen eight feet in height shall be required where a commercial, industrial or multifamily use has a side or rear property line in common with a single-family use or zone.

Required parkland 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 emails nor phone calls in opposition of the rezoning request.

Staff recommends disapproval of rezoning request since not follow development trend in this area (primarily single-family residences and mobile homes), and since there is potential for up to 89 units with an access to a collector road (North 36th Street).

Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed rezoning request. There was none.

Applicant, Mr. Rafael Mendoza (3613 Nortre Dame) stated that the plan is to add 16 town home high end units and are following the zoning trend.

After a short discussion, Mr. Jose Saldana moved to approve. Mr. Emilio Santos Jr. seconded the motion and Ms. Erica De la Garza voted nay which was approved with six members present and voting.

- 4) Rezone from C-1 (office building) District to C-2 (neighborhood commercial) District: 0.32 of acre tract of land being a portion of Lot 57, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas; 7612 North Ware Road. **(REZ2023-0026)**

Ms. Katia Sanchez stated that the subject property is located on the east side of North Ware Road (FM 2220), approximately 900 feet south of Trenton Road. The lot has 100 feet of frontage and 140 feet of depth, for a total lot area of .32 gross acre as per the submitted survey.

The applicant is requesting to rezone the property from C-1 (office building) District to C-2 (neighborhood commercial) District. A feasibility plan has been submitted to the Planning Department, the applicant is proposing to operate a water retail and office facility at the subject property. The applicant has also submitted a business plan regarding the proposed facility.

The subject property is zoned C-1 District, there is also C-1 District to the south. There is C-3 (general business) District to the north. There is A-O (agricultural and open space) District to the east and west. There is also R-1 (single-family residential) District to the east.

The property currently has a vacant one story metal building. Surrounding land uses include single-family residences, Michael E. Fossum Middle School, and 5 Star Embroidery, Printing, and Signs.

The future land use plan designated for this area is classified as mixed used corridors. Corridors are linear commercial or mixed-use development that happen along roadways.

The development trend for this section along North Ware Road is light commercial.

The property was zoned A-O District upon annexation in 1989. On October 12, 2015, the subject property was rezoned to C-1 District during the City initiated A-O rezoning project. There have not been any rezoning requests since that time.



The development trend for this section along North Ware Road is that of light commercial use. Ware Road is designated as a high-speed arterial with 150 feet of right-of-way.

Some of the permitted uses within the proposed zoning district are as follows: convenience stores, neighborhood meat or produce markets, bakeries, florists and gift stores, medical offices. The C-2 District must provide sufficient space and off-street parking in appropriate locations in proximity to residential areas, for commercial development catering to the convenience shopping and service needs of the occupants of nearby residences.

The approved site plan must comply with all Zoning, landscaping, buffer, parking and maneuvering, and other requirements set forth by the Development Team.

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

Staff recommends approval of the rezoning request since it does follow the development trend for this section along North Ware Road of light commercial use.

Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed rezoning request. There was none.

Being no discussion, Ms. Erica De la Garza moved to approve. Mr. Aaron Rivera seconded the motion, which was approved with six members present and voting.

### 3) CONSENT:

- a) Plaza Las Fuentes Fortis Subdivision, 5800 North 10th Street, Fortis Land Holdings, LLC and El Pistalon, LLP **(SUB2022-0093) (REVISED FINAL) RDE**
- b) Balderas Ranch Lots 1A and 1B Subdivision, 18500 North Moorefield Road, Leandro Balderas **(SUB2022-0101) (REVISED FINAL) REGA**

Being no discussion, Mr. Emilio Santos Jr. moved to approve subdivision in consent form for Items 3a & 3b. Ms. Erica De la Garza seconded the motion, which was approved with six members present and voting.

### 4) SUBDIVISIONS:

- a) Olive Grove Estates Subdivision, 3900 Lark Avenue, Mouayad Development, LLC **(SUB2023-0013) (REVISED FINAL) JHE**

Mr. Kaveh Forghanparast stated Lark Avenue (4 Mile Line): 30 ft. ROW dedication for 50 ft. from centerline for 100 ft. ROW Paving: 53.9 ft. Curb & gutter: Both Sides Revisions Needed: Provide Document number regarding existing ROW dedication on both sides of centerline prior recording. Engineer/developer submitted a variance application on May 1st, 2023 requesting that the additional ROW requirement be reduced from 30 ft. to 20 ft., by this plat for 40 ft. from centerline for a future total ROW width of 80ft. Development staff has reviewed the request and recommended disapproval of the request. Engineer submitted a variance request in reference to the required 65 ft. paving width, and at the City Commission meeting of February 27th, 2023 a variance to paving



width was approved for a paving width of 53.9 ft. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan Monies must be escrowed if improvements are not constructed prior to recording. 1,200 ft. Block Length. Subdivision Ordinance: Section 134-118. Front: 45 ft. or in line with average setbacks of existing structures or greater for easements, whichever is greater applies. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements, whichever is greater applies. Zoning Ordinance: Section 138-356. Sides: 6 ft. or greater for easements, whichever is greater applies. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required, greater setback applies. Revisions Needed: Include note as shown above prior to recording. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required along Lark Avenue. Revisions Needed: Revise note#7 as shown above, prior to recording. Proposing: A 5 foot wide sidewalk required along the south side of Lark Avenue as part of the building permit. Sidewalk requirement may be increased to 5 ft. per Engineering Department, finalize note wording prior to recording. Subdivision Ordinance: Section 134-120. 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. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. Must comply with City Access Management Policy. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: R-1 Proposed: R-1. Zoning Ordinance: Article V. Park Fee of \$1,400 (\$700 per lot/dwelling unit) to be paid prior to recording. As per Traffic Department, Trip Generation for 2 lot single family residence is waived. Must comply with City's Access Management Policy. License agreement request and requirements as applicable must be finalized prior to recording. At the Planning and Zoning Commission meeting of March 7th, 2023, the subdivision was approved in Final form subject to conditions noted in the Planning Department review.

Staff recommends approval of the subdivision in revised final form subject to conditions noted and clarification of the requested variance for Lark Avenue.

After a brief discussion, Mr. Marco Suarez moved to approve in revised final form subject to conditions noted and voted to disapprove for the variance request. Mr. Jose Saldana seconded the motion, which was approved (subdivision in revised final form) and disapproved (variance request) with six members present and voting.

- b) Brier Village Phase II Subdivision, 3925 North Bentsen Road, Garman Investments, LP **(SUB2023-0055) (PRELIMINARY) M&H**

Mr. Kaveh Forghanparast stated Nolana Avenue: Dedication as needed for 60 ft. from centerline for 120 ft. of total ROW Paving: 65 ft. Curb & gutter: Both sides Revisions Needed: Label range of dedications, existing ROW, Etc., at various points as ROW varies, prior to final. Label centerline to determine final ROW dedication requirements prior to final. Review ROW requirements as noted above and revise plat as applicable, prior to final. Label existing ROW dedications, from centerline, total, etc. Clarify referenced dedication along Nolana Avenue by document number and provide copy of reference of recorded document prior to final. Label total ROW after accounting for dedication prior final. For lot new line along Nolana Avenue provide for solid line but not as bold as original lot line, prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare



Plan. Monies must be escrowed if improvements are not constructed prior to recording. North Bentsen Road: Proposing 10 ft. dedication for 50 ft. from centerline for 100 ft. of total ROW Paving: 65 ft. Curb & gutter: Both sides Revisions Needed: ROW requirements are under review for 100 ft. Total ROW and alignment to the North, ROW requirements must be finalized prior to final. Label total ROW after accounting for dedication from center line prior to final. Label total ROW after accounting for dedication from Existing ROW line across Bentsen Road, prior to final. For lot new line along Bentsen Road provide for solid line but not as bold as original lot line, prior to final. As per plat submitted subdivision to be private, please submit gate details, ROW and paving are subject to increase for gate areas, ROW and details for gate areas must be finalized prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Subdivision Ordinance: Section 134-118. 900 ft. Block Length for R-3 Zone Districts. Subdivision Ordinance: Section 134-118. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial and multi-family properties. Subdivision Ordinance: Section 134-106. Front: 40 ft. or greater for easements or approved site plan, whichever is greater applies. Revisions needed: Revise note as shown above prior to final. Proposing Front: 20 feet or greater for easements or approved site plan. Zoning Ordinance: Section 138-356. Rear: In accordance with Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Revisions needed: Revise note as shown above prior to final. Proposing Rear: In accordance with the zoning ordinance or greater for easements or approved site plan. Zoning Ordinance: Section 138-356. Interior sides: 6 ft. or greater for easements or approved site plan, whichever is greater applies. Revisions needed: Revise note as shown above prior to final. Proposing :10 feet or greater for easements or approved site plan in accordance with the zoning ordinance or greater for easements or approved site plan. Zoning Ordinance: Section 138-356. Corner: Proposing: 10 feet or greater for easements or approved site plan in accordance with the zoning ordinance or greater for easements or approved site plan. Revisions needed: Note to be established once subdivision layout has been finalized, finalize note wording prior to final. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required; greater setback applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on North Bentsen Road and Nolana Avenue. Revisions Needed: Revise note as shown above prior to final. Proposing: 5ft. wide minimum sidewalk required along the south side west Nolana avenue, and 5ft. wide minimum sidewalk required along west side of north Bentsen. 5 ft. sidewalk might be required by Engineering Dept. prior to final. Finalize note wording requirements prior to final. Subdivision Ordinance: Section 134-120. 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. Revisions Needed: Include note as shown above prior to final. Note to be subject to change once subdivision layout has been finalized; may be required along N. Bentsen Road and Nolana Avenue prior to final. Finalize note prior to final. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Revisions Needed: Include note as shown above prior to final. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along Nolana Avenue. Revisions needed: Revise note as shown above prior to final. Proposing: No curb cut, access, or lot frontage permitted along West Nolana Avenue. Note to be subject to change once subdivision layout has been established, finalize note wording prior to final. Must comply with City Access Management Policy. As per Traffic Department, As per McAllen Access Management Policy, spacing requirement along Bentsen Road is 250 ft. and 360 ft. for Nolana, however, no access through Nolana Avenue will be granted. Site plan must be approved by the Planning and Development Departments prior to building permit issuance.



Revisions Needed: Remove note#9 as it is a requirement not a required plat note, prior to final. Any owner, builder or developer of a multiple-family, condominium or townhouse dwelling complex of five units or more on a single lot or parcel, or five single-family attached units, shall submit to the planning department for review a site and building plan for the proposed development. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Revisions needed: Include note as shown above prior to final. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: R-1 (Single Family Residential) District Proposed: R-3A (Apartment Residential) District. Rezoning process must be finalized before final plat approval. Engineer must verify if proposed subdivision is within appropriate zoning as it may prompt changes to plat and or rezoning process, review and finalize prior to final. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. Zoning Ordinance: Article V. Land dedication in lieu of fee. Park Fee required at \$700 per lot/dwelling unit to be paid prior to recording, if land dedication is not applicable. Please provide number of dwelling units prior to final to establish parkland dedication requirements. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording, if land dedication is not required. Please provide number of dwelling units prior to final to establish parkland dedication requirements. Pending review by the City Manager's Office. Once clarified if land dedication is applicable to this development, a written request must be submitted if requesting fees in lieu of land to be reviewed by the City Manager's office. As per Traffic Department, Trip Generation 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. Any abandonments must be done by separate process, not by plat. Rezoning process must be finalized before final plat approval. Engineer must verify if proposed subdivision is within appropriate zoning as it may prompt changes to plat and or rezoning process, review and finalize prior to final. As per plat submitted subdivision to be private, please submit gate details, ROW and paving are subject to increase for gate areas, ROW and details for gate areas must be finalized prior to final. For private subdivision gate details must be approved by development staff.

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

Being no discussion, Mr. Aaron Rivera moved to approve in preliminary form subject to conditions noted, drainage and utilities approvals. Mr. Jose Saldana seconded the motion, which was approved with six members present and voting.

- c) McAllen South Industrial Park Phase II Subdivision, 1401 Military Highway, MSIP Affiliates LTD **(SUB2023-0052) (PRELIMINARY) SEC**

Mr. Kaveh Forghanparast stated Military Highway (F.M. 1016): Dedication as needed for 75 feet from centerline for 150 feet total ROW. Paving: 65-105 ft. Curb & gutter: Both sides Revisions Needed: Provide for dedication as noted above on plat prior to final. Label Centerline, existing ROW dedications, from centerline, total, etc. on both sides. prior to final. Revise all street name references as shown above prior to final. Please provide how existing ROW was dedicated on plat prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. South 10th Street: Dedication as needed for 75 ft. from centerline for 150 ft. total ROW Paving: By the state Curb & gutter: By the State Revisions Needed: Current subdivision layout does not provide ROW details. Label existing ROW dedications, from centerline, total, etc. on both sides. Show ROW for South 10th Street to establish ROW dedication requirements prior to final. Revise all street name



references as shown above prior to final. Please provide how existing ROW was dedicated on plat prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. South 16th Street: 70 ft. ROW Paving: Min 40 ft. Curb & gutter: both sides Pending Items: Provide a copy of referenced document for dedication by separate instrument, prior to final, additional ROW requirements may be applied once submitted documents have been reviewed, finalize prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Durango Avenue: 70 ft. ROW Paving: Min 40 ft. Curb & gutter: both sides Pending Items: Provide a copy of referenced document for dedication by separate instrument, prior to final, additional ROW requirements may be applied once submitted documents have been reviewed, finalize prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan Monies must be escrowed if improvements are not constructed prior to recording. South Main Street : 70 ft. ROW Paving: Min 40 ft. Curb & gutter: both sides Pending Items: Provide a copy of referenced document for dedication by separate instrument, prior to final, additional ROW requirements may be applied once submitted documents have been reviewed, finalize prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. 1,200 ft. Block Length. Revision needed: Subdivision layout does not comply with block length requirement, please revise accordingly prior to final. If no changes please submit variance request for 1200 ft. maximum block length requirement. Subdivision Ordinance: Section 134-118. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial, industrial, and multi-family properties. Revisions Needed: If proposing a note deferring service drive in lieu of alley to site plan stage note wording. Please provide plat note "A minimum 24 ft. private service drive easement will be established as part of the site plan and will be maintained by the lot owners and not the city of McAllen." Finalize Private Service Drive Easement requirements prior to final. Private Access Service Drive Easement must be minimum 24 ft. with 24 ft. of paving and in compliance with Fire and Public Works Department requirements. Proposing note: Paved, private service drive easement will be established at time of site plan reviews. Finalize note wording prior to final. Subdivision Ordinance: Section 134-106. Front Proposing: S. Main Street: 35 feet or greater for approved site plan or easement. Revisions needed: Clarify front setback requirements for lots fronting Durango and S.16th Street, front setbacks for all lots will need to be established prior to final. Finalize setbacks prior to final, Once finalized plat note should include or greater for easements or approved site plan, whichever is greater applies. Zoning Ordinance: Section 138-356. Rear Proposing: S.16th Street-35 feet or greater for approved site plan or easement. Revisions needed: Clarify proposed setback prior to final as it being applied to the rear setback requirements however references a street, finalize prior to final. Rear setbacks for all lots will need to be established prior to final. Finalize setbacks prior to final, Once finalized plat note should include or greater for easements or approved site plan whichever is greater applies. Zoning Ordinance: Section 138-356. Sides Proposing: Military Highway:60 feet or greater for approved site plan or easement. Durango Avenue:45feet or greater for approved site plan or easement. Other Sides: In accordance with the zoning ordinance or greater for easement or approved site plan. Revisions needed: Clarify proposed setback prior to final as it is only referencing to two streets however other side setbacks remain to be established, finalize prior to final. Proposed side setbacks(Military Highway) may be applied for corner setback requirements finalize prior to final. Side setbacks for all lots will need to be established prior to final. Finalize setbacks prior to final, Once finalized plat note should include or greater for easements or approved site plan, whichever is greater applies. Zoning Ordinance: Section 138-356. Corner: Proposing: Sides Military Highway:60 feet or greater for approved site plan or easement. Durango Avenue:45feet or greater for approved site plan or easement. Revisions needed: Clarify proposed setback prior to final as it



is only referencing to two streets however other corner side setbacks remain to be established, finalize prior to final. Proposed side setbacks may be applied for corner setback requirements finalize prior to final. Corner setbacks will need to be established prior to final. Finalize setbacks prior to final, Once finalized plat note should include or greater for easements or approved site plan, whichever is greater applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. ft. wide minimum sidewalk required on Military Highway (F.M.1016) and South 10th Street. Revisions Needed: Revise plat as noted above. 5 ft. sidewalk required on Military Highway as per Engineering Department. For McAllen South Industrial Park Phase I the Planning and Zoning Board approved a variance to not provide sidewalks along South 16th Street and Durango Avenue subject to prohibit street parking on both sides of the streets at their April 6, 2021 meeting. City Commission approved variance on the April 26, 2021 meeting subject to the conditions recommended by Planning and Zoning Board. Subsequently a revised plat was submitted on February 8th, 2022; with a variance submittal regarding the required sidewalk requirements for South Main Street (not part of original request) proposing to not include sidewalks along interior streets. At the Planning and Zoning Commission meeting of April 19, 2022, the Board recommended approval of the variance request to the sidewalk requirement for interior streets and City Commission approved the variance request on June 27, 2022. 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 as may be required by ordinance. Revisions Needed: Finalize note wording as may be required prior to final. A buffer shall be provided to screen refuse areas (including refuse dumpsters, compactors and contained compactors), outdoor storage areas and loading docks from public streets. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along Military Highway (F.M.1016) and South 10th Street. Revisions Needed: Revise note #12 as shown above prior to final. Proposing: No curb cut, access, or lot frontage permitted on or to Military Highway. Must comply with City Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Revisions needed: Remove plat note #11 as it is a requirement not a required plat note, prior to final. Proposing: Common Areas, any private streets, service drives, etc. must be maintained by the lot owners and not the City of McAllen. Revision needed: In reference to service drive include "Private", finalize prior to final. Note subject to change once subdivision requirements have been finalized. Finalize wording prior to final. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Lots fronting public streets. Revisions needed: Provide dimension of lot frontage of Lot 11 along South Main Street, prior to final. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Revisions needed: Provide dimension of lot frontage of Lot 11 along South Main Street, prior to final. Zoning Ordinance: Section 138-356. Existing: I-1 (Light Industrial) District Proposed: I-1 (Light Industrial) District. Zoning Ordinance: Article V. As per Traffic Department, Trip Generation 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. Any abandonments must be done by separate process, not by plat.

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

Being no discussion, Mr. Jose Saldana moved to approve in preliminary form subject to conditions noted drainage and utilities approvals. Ms. Erica De la Garza seconded the motion, which was



approved with six members present and voting.

- d) Silverado Moon Subdivision, 8100 North Taylor Road, Fortis Land Company, LLC **(SUB2023-0053) (PRELIMINARY) RDE**

Mr. Kaveh Forghanparast stated North Taylor Road: Proposing 10 ft. of dedication for 40 ft. from centerline for 80 ft. total ROW Paving: 52 ft. Curb & gutter: both sides Revisions Needed: Provide existing dedications from centerline along subdivision boundary prior to final. Label total ROW after accounting for dedication from center line prior to final. Label total ROW after accounting for dedication from Existing ROW line across Bentsen. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Auburn Avenue (5 Mile Line Road) : Proposing 40 ft. of dedication for 60 ft. from centerline for 120 ft. total ROW. Paving: 65 ft. Curb & gutter: Both sides Revision Needed: Centerline should be a continuous line, review and revise prior to final. Revise street name as shown above where applicable prior to final. Label total ROW after accounting for dedication from center line prior to final Label total ROW after accounting for dedication from Existing ROW line across Bentsen Road, prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Interior Street: Dedication as needed for 50 ft. total ROW. Paving: 32 ft. Curb & gutter: Both Sides. Revisions Needed: Subdivision layout currently exhibits stub outs, clarify stub outs along lots 90 and 91 and lots 108 and 109, subdivision layout will have to be revised to provide for "Knuckle" design as dead end street are not permitted as this is a private subdivision, review and revise prior to final. Street names will be established prior to final and plat will need to revised accordingly. As per plat submitted on June 2nd, 2023 subdivision proposed to be private and for single family use, gate details are required. Submit gate details and ROW are subject to increase for gate areas, finalize prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. E/W Quarter Mile Collector (northern boundary): Dedication as needed for 60 ft. total ROW Paving: 40 ft. Curb & gutter: Both sides Pending Items: Please provide ownership map to verify that no landlocked properties exist or will be created, prior to final. Street alignment, R.O.W, and dedication requirements being reviewed by staff and plat would need to be revised accordingly. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. 1,200 ft. Block Length. Subdivision layout subject to change to comply with subdivision requirements, verify compliance with block length requirements as noted above prior to final. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac Revisions Needed: Provide "Cul-De Sac" and "Knuckle" details prior to final. Auto Turn Study may be required to verify compliance with maneuvering space needed at "Cul-De Sac" and "Knuckle's", prior to final. ROW at "Cul-De Sac" areas may have to be increased to comply with Fire Department requirements, finalize prior to final. As per Fire Department requirements, 96 ft. of paving face to face required, and 10 ft. of ROW back of curb around Cul-de-Sac required. Subdivision Ordinance: Section 134-105. Front: 25 ft. or greater for easements. Revisions Needed: Engineer must clarify or revise proposed setback as shown above prior to final, please see setback requirements as it may require a variance submittal. Proposing: 20 ft. or greater for easements. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements. Revisions needed: -Revise setback note as shown above prior to final. Proposing: In accordance with the Zoning Ordinance, or greater for easements, except 25 ft. for double fronting lots. Zoning Ordinance: Section 138-356. Interior sides: 6 ft. or greater for easements. Revisions Needed: Engineer must clarify or revise proposed setback as shown above prior to final, please see setback requirements as it may require a variance submittal. Proposing: 5 ft. or greater for



easements. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required; greater setback applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required along Auburn Avenue (5 Mile Line Road), North Taylor Road, and both sides of all interior streets. Revisions needed: Revise note#8 as shown above prior to final. Sidewalks required on both sides of all interior streets, including entrance streets. Proposing: Minimum 4 ft. wide sidewalk required on both sides of all interior streets, except sidewalks are not required on lots 88,89,2 and 3. 5 ft. wide sidewalk required on Auburn Avenue. 5 ft. sidewalk might be required by Engineering Dept. prior to final. Finalize note wording requirements prior to final.\*Subdivision Ordinance: Section 134-120. 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 Auburn Avenue (5 Mile Line Road) and North Taylor Road. Revision Needed: Revise note#11 as shown above prior to final. Proposing: 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along Auburn Ave (Mile 5 North). Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along Auburn Avenue (5 Mile Line Road) and North Taylor Road. Revisions Needed: -Revise note#9 as shown above prior to final. Proposing: No curb cut, access, or lot frontage permitted along Auburn Avenue (Mile 5 North) and North Taylor Road. Must comply with City Access Management Policy. Common Areas, any private streets/drives, gate areas, 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 134-168 applies if private subdivision is proposed. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: section 134-168. Lots fronting public streets. Private Subdivision proposed as per plat submitted on June 2nd,2023. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: (Extraterritorial jurisdiction) Proposed:(Extraterritorial jurisdiction). As per application dated June 2nd, 2023 proposed land use is single-family. Pending Items: Engineer must clarify annexation status as zoning requirements must be finalized prior to final. Subdivision requirements subject to change once zoning requirements are finalized. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval Pending Items: Engineer must clarify annexation status as zoning requirements must be finalized prior to final. Zoning Ordinance: Article V. Land dedication in lieu of fee. As per Parks Department, per application dated June 2nd,2023 proposed 121 lot single-family subdivision is not within City limits,(ETJ) therefore City of McAllen Park Land Dedication and Park Development Fees Ordinance does not apply unless annexed. Engineer must clarify annexation status prior to final. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per Parks Department, per application dated June 2nd,2023 proposed 121 lot single-family subdivision is not within city limits,(ETJ) therefore City of McAllen Park Land Dedication and Park Development Fees Ordinance does not apply unless annexed. Engineer must clarify annexation status prior to final. Pending review by City Manager's Office. As per Parks Department, per application dated June 2nd,2023 proposed 121 lot single-family subdivision is not within City limits,(ETJ) therefore City of McAllen Park Land Dedication and Park Development Fees Ordinance does not apply unless annexed. Engineer must clarify annexation status prior to final. As per Traffic Department, Trip Generation 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. Any abandonments must be done by separate process, not by plat. As per plat submitted on June 2nd, 2023 subdivision proposed to be private and for single family use, gate details are required. Submit gate details and ROW are subject to increase for gate areas, finalize prior to final. Engineer must clarify annexation status as zoning requirements must be finalized prior to final. Subdivision requirements subject to change once zoning requirements are finalized.

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

Being no discussion, Mr. Jose Saldana moved to approve in preliminary form subject to conditions noted, drainage and utilities approvals. Mr. Aaron Rivera seconded the motion, which was approved with six members present and voting.

- e) McAllen Oaks North Subdivision, 2701 State Highway 107, Mark Wilkins and Noe Gonzalez **(SUB2023-0015) (REVISED PRELIMINARY) MDCE**

Mr. Kaveh Forghanparast stated State Highway 107: 150 ft. ROW Paving: By the state Curb & gutter: By the state Revisions needed: Please provide how existing ROW was dedicated on plat prior to final. Label existing ROW on both sides of the centerline and total existing ROW. Please provide copy of the document where ROW was dedicated to verify if any additional ROW dedication is required prior to final. Show and label ROW dedication from the property line, centerline, and total ROW after dedication to determine any dedication requirements, prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Interior Streets: 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides Revisions Required: Interior dedications range from 50-60 ft. of ROW, please see ROW requirements above, revise as applicable prior to final. Knuckles are required at the interior street intersection. Please revise the ROW to show knuckles for the south east/west street (if it's not a quarter mile collector) prior to final. Street names will be established prior to final and plat will need to be revised accordingly. ROW is subject to increase for gate areas after the required revision is submitted, finalize prior to final. Gate details are required prior to final to determine if ROW width meets the paving, sidewalk, curb and gutter, island, etc. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan Monies must be escrowed if improvements are not constructed prior to recording. E/W Quarter Mile Collector (south boundary): Dedication as needed 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides Pending Items: Please provide ownership map to verify that no landlocked properties exist or will be created. Street alignment and R.O.W being reviewed and plat would need to be revised accordingly prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. 1,200 ft. Block Length. Revisions Needed: Subdivision layout does not comply with block length requirement, finalize block length requirements prior to final. Subdivision Ordinance: Section 134-118. ROW: 20 ft. Paving: 16 ft. As per Public Works Department service drive or alley required to provide waste collection service. Finalize alley/service drive requirements prior to final. Alley/service drive easement required for commercial and multi-family properties. Subdivision Ordinance: Section 134-106. Front: 20 ft. or greater for approved site plan or easements Proposed: In accordance with the zoning ordinance or greater for easements or approved site plan. Pending Items: The application submitted on February 9, 2023, proposed 51 commercial and multi-family lots; however, the latest plat seems to be 62 multifamily lots. Please revise the application prior to final. Approved rezoning is required prior to final. Setbacks to be established once zoning requirements have been finalized. The



proposed setback is for commercial properties. Please clarify/revise plat note #2 as shown above prior to final. Note wording subject to change once zoning requirements have been finalized. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements or approved site plan. Proposed: In accordance with the zoning ordinance or greater for easements or site plan. Pending Items: The application submitted on February 9, 2023, proposed 51 commercial and multi-family lots; however, the latest plat seems to be 62 multifamily lots. Please revise the application prior to final. Approved rezoning is required prior to final. Setbacks to be established once zoning requirements have been finalized. The proposed setback is for commercial properties. Please clarify/revise plat note #2 as shown above prior to final. Note wording subject to change once zoning requirements have been finalized. Zoning Ordinance: Section 138-356. Interior Sides: 6 ft. or greater for easements or approved site plan Proposed: In accordance with the zoning ordinance or greater for easements or site plan. Pending Items: The application submitted on February 9, 2023, proposed 51 commercial and multi-family lots; however, the latest plat seems to be 62 multifamily lots. Please revise the application prior to final. Approved rezoning is required prior to final. Setbacks to be established once zoning requirements have been finalized. The proposed setback is for commercial properties. Please clarify/revise plat note #2 as shown above prior to final. Note wording subject to change once zoning requirements have been finalized. Zoning Ordinance: Section 138-356. Proposed: Side Corner: 10 ft. or greater for easements or site plan. Side (Hwy 107): 30 ft. or greater for easement or site plan Pending Items: The application submitted on February 9, 2023, proposed 51 commercial and multi-family lots; however, the latest plat seems to be 62 multifamily lots. Please revise the application prior to final. Setbacks to be established once zoning requirements have been finalized. Please clarify corner setback prior to final. Note wording subject to change once zoning requirements have been finalized. Zoning Ordinance: Section 138-356. Garage: 18 ft. except wherever greater setback is required, greater setback applies. Revisions Needed: Add note as shown above, prior to final. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on State Highway 107, collector street, and both sides of all interior streets. Revisions Needed: Sidewalk wording for note #9 will be finalized prior to final based on the collector street requirement. finalize note wording prior to final. Sidewalk requirements may increase to 5 ft. prior to final per Engineering Department requirements, finalize prior to final. Subdivision Ordinance: Section 134-120. 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, along State Highway 107, and along the collector street, if applicable. Revisions Needed: The application submitted on February 9, 2023, proposed 51 commercial and multi-family lots; however, the latest plat seems to be 62 multifamily lots. Please revise the application prior to final. Approved rezoning is required prior to final. Buffer requirements to be established once zoning requirements have been finalized. Buffer requirements will be finalized prior to final based on the collector street, if applicable, and zoning requirements. finalize note wording prior to final. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along State Highway 107 and quarter mile collector as required. The application submitted on February 9, 2023, proposed 51 commercial and multi-family lots; however, the latest plat seems to be 62 multifamily lots. Please revise the application prior to final. Approved rezoning is required prior to final. Setbacks to be established once zoning requirements have been finalized. Must comply with City Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance for 5 or more dwelling units on each lot if applicable. The application submitted on February 9, 2023, proposed 51 commercial and multi-family lots; however, the latest plat seems to



be 62 multifamily lots. Please revise the application prior to final. Approved rezoning is required prior to final. Setbacks to be established once zoning requirements have been finalized. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Add a plat note as shown above prior to final. 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. Add a plat note as shown above prior to final. Section 134-168 applies if private subdivision is proposed. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Homeowner's Association Covenants must be submitted for staff review, prior to recording. Section 134-168 applies if private subdivision is proposed. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Lots fronting public streets. Subdivision Ordinance: Section 134-168. Compliance. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: R-1 (single-family Residential) District & C-3 (general business) District Proposed: R-3A (apartment residential) District/C-3 (commercial) General Business District. The application submitted on February 9, 2023, proposed 51 commercial and multi-family lots; however, the latest plat seems to be 62 multifamily lots. Please revise the application prior to final. Approved rezoning is required prior to final. Engineer must verify if proposed subdivision is within appropriate zoning as it may prompt changes to plat and or rezoning process, review and finalize prior to final. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. Rezoning process must be finalized before final plat approval. Engineer must verify if proposed subdivision is within appropriate zoning as it may prompt changes to plat and or rezoning process, review and finalize prior to final. Zoning Ordinance: Article V. Land dedication in lieu of fee. Park Fee required at \$700 per lot/dwelling unit to be paid prior to recording, if land dedication is not applicable. Please provide number of dwelling units prior to final. The application submitted on February 9, 2023, proposed 51 commercial and multi-family lots; however, the latest plat seems to be 62 multifamily lots. Please revise the application and clarify the total number of units prior to final. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording, if land dedication is not required. Please provide number of dwelling units prior to final. The application submitted on February 9, 2023, proposed 51 commercial and multi-family lots; however, the latest plat seems to be 62 multifamily lots. Please revise the application and clarify the total number of units prior to final. Pending review by City Managers Office. Once clarified if land dedication is applicable to this development, a written request must be submitted if requesting fees in lieu of land to be reviewed by the City Manager's office. As per Traffic Department, Trip Generation is approved and TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Must comply with City's Access Management Policy. Any abandonments must be done by separate process, not by plat.- Rezoning process must be finalized before final plat approval. Engineer must verify if proposed subdivision is within appropriate zoning as it may prompt changes to plat and or rezoning process, review and finalize prior to final. Clarify if subdivision is proposed to be public or private, as there is a gate plan submitted, but the owner's. Gate detail must be approved by Traffic department. ROW and lot requirements for the north lots will be finalized after the gate specifications are approved by Traffic Department. acknowledgement references public subdivisions. Additional requirements may be triggered for private subdivision. At the Planning and Zoning Commission meeting of February 21, 2022, the board voted to approve the subdivision in preliminary form subject to conditions noted, drainage and utility approvals.



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

Being no discussion, Mr. Marco Suarez moved to approve in revised preliminary form subject to conditions noted, drainage and utilities approvals. Mr. Aaron Rivera seconded the motion, which was approved with six members present and voting.

f)        **Limas Subdivision, 418 Frontera Road, Flor Aurora Limas (SUB2023-0051)  
(PRELIMINARY) CHLH**

Mr. Kaveh Forghanparast stated Frontera Avenue: dedication as needed for 30 ft. from centerline for 60 ft. total ROW Paving: 40 ft. Curb & gutter: both sides Revisions needed: Please provide a copy of the document referenced for the existing ROW for staff review prior to final. Please show and label the existing ROW on both sides of the centerline prior to final. Please show the existing ROW on the west side of the property, reference the document number. and provide a copy for staff review prior to final. ROW dedication is required on the east side of the property to match the existing ROW, if more than 60 ft. prior to final. It seems that ROW on the west side of the property offsets to the north. Please add ROW dimension on the west side for staff review. Additional ROW and a transition to align ROW with the property to the west is under review by staff and must be finalized prior to final. The existing ROW on the south side of Frontera Road, on the west side of the property, does not seem to match the plat of Spanish Oaks @ Frontera Subdivision. Please revise/clarify prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. COM Thoroughfare Plan N/S Collector Street (west boundary): Dedication as required for 35 ft. for total 70 ft. ROW Paving: 44 ft. Curb & gutter: both sides Revisions as needed: Show the ROW dedication as required for quarter mile collector prior to final. The name of the collector street will be finalized prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. 1,200 ft. Block Length. Subdivision Ordinance: Section 134-118. Front: 45 ft. or greater for easements, or in line with existing, whichever is greater applies. Proposed: In Accordance with the Zoning Ordinance, greater for approved site plan, on in line with existing structures, whichever is greater. The proposed setback is for commercial properties. The subject property is proposed to be residential. Please clarify/revise plat note #4 as shown above prior to final. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements. Proposed: In Accordance with the Zoning Ordinance, or greater for easements or approved site plan. The proposed setback is for commercial properties. The subject property is proposed to be residential. Please clarify/revise plat note #4 as shown above prior to final. Zoning Ordinance: Section 138-356. Interior Sides: 6 ft. or greater for easements. Proposed: In Accordance with the Zoning Ordinance, or greater for approved site plan or easement. The proposed setback is for commercial properties. The subject property is proposed to be residential. Please clarify/revise plat note #4 as shown above prior to final. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements. Proposed: 10 ft. or greater for easements, or approved site plan, whichever is greater. The proposed setback is for commercial properties. The subject property is proposed to be residential. Please clarify/revise plat note #4 as shown above prior to final. Zoning Ordinance: Section 138-356. Garage: 18 ft., except where greater setback is required, greater setback applies. Add a plat note as shown above prior to final. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on Frontera Road and along the N/S collector street if applicable. Proposed: 5 ft. wide minimum sidewalk required on Frontera Road.



Clarify the note prior to final. Sidewalk requirement will be finalized based on the N/S collector's requirement prior to final. Sidewalk requirement may increase to 5 ft. as per the Engineering Department prior to final. Subdivision Ordinance: Section 134-120. 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 the N/A collector street on the west boundary. Buffer requirement will be finalized after the N/S collector requirements are established prior to final. Landscaping Ordinance: Section 110-46. ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along. Must comply with City Access Management Policy. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: R-1 Proposed: R-1. Zoning Ordinance: Article V. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Based on the application and plat submitted on May 30, 2023, the proposed development is for one single-family residential lot. A park fee of \$700 is required to be paid prior to recording, as per Parks Department. As per Traffic Department, Trip Generation is waived for one single-family lot subdivision. Please add the legal description of the properties on all sides, including south side of Frontera Avenue, on the plat prior to final. Please submit an ownership map for the adjacent properties on the north side to make sure no properties will be landlocked, prior to final. Must comply with City's Access Management Policy.

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

Being no discussion, Mr. Marco Suarez moved to approve in preliminary form subject to conditions noted, drainage and utilities approvals. Mr. Jose Saldana seconded the motion, which was approved with six members present and voting.

g) McCollbak Subdivision, 2100 South McColl Road, Bakke Development **(SUB2023-0057) (PRELIMINARY) HA**

Mr. Kaveh Forghanparast stated S. McColl Road: dedication as required for 50 ft. from centerline for 100 ft. total ROW Paving: by the State Curb & gutter: by the State Revisions needed: If 100 ft. is existing ROW, please label accordingly, include the document number for the existing ROW on the plat, and provide a copy for staff review, prior to final. Show and label existing ROW on both sides of centerline to determine if any additional ROW dedication requirement, prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. COM Thoroughfare Plan. S. "D" Street: dedication as needed for 30 ft. from centerline for 60 ft. total ROW Paving: 40 ft. Curb & gutter: both sides Revisions needed: If 60 ft. is existing ROW, please label accordingly, include the document number on the plat for the existing ROW, and provide a copy for staff review, prior to final. Show and label existing ROW on both sides of centerline to determine if any additional ROW dedication requirement, prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. COM Thoroughfare Plan. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final 1,200 ft. Block Length. Subdivision Ordinance: Section 134-118. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Plat note No. 14 indicates, "Minimum 26 ft. wide private service drive easement for City services will be provided as part of the site plan review for this property." Subdivision Ordinance: Section 134-106. S. McColl Road: 50 ft. or greater per approved site plan



or easement Proposed Front: In accordance with Zoning Ordinance, or greater for easements or approved site plan, on in line with average setback, whichever is greater applies. The subdivision is proposed as a replat of 1.944 acres out of Lot 1, Palmridge Park Subdivision. Vacating of lot 1, Palmridge Park Subdivision is not proposed; therefore, Palmridge Park Subdivision plat notes apply. Clarify/revise plat note #4 as shown above prior to final. Zoning Ordinance: Section 138-356. South "D" Street: 30 ft. or greater per approved site plan Proposed Rear: In accordance with the Zoning Ordinance, or greater for easements or site plan, whichever is greater applies. The subdivision is proposed as a replat of 1.944 acres out of Lot 1, Palmridge Park Subdivision. Vacating of lot 1, Palmridge Park Subdivision is not proposed; therefore, Palmridge Park Subdivision plat notes apply. Clarify/revise plat note #4 as shown above prior to final. Sides: In accordance with the Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on S. McColl Road and S. "D" Street. Engineering Department may require 5 ft. sidewalk prior to final Plat note # 10 proposes 5 ft. sidewalk on S. McColl Road and S. "D" Street. Please clarify/revise plat note prior to final. Subdivision Ordinance: Section 134-120. 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. Additional buffer might be required at the time of site plan review to screen refuse areas, outdoor storage areas, and loading docks from public streets. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. Site plan must be approved by the Planning and Zoning Commission prior to building permit issuance. The subdivision is proposed as a replat of 1.944 acres out of Lot 1, Palmridge Park Subdivision. Vacating of lot 1, Palmridge Park Subdivision is not proposed; therefore, Palmridge Park Subdivision plat notes apply. Clarify/add a plat note as shown above prior to final. Common Areas, any private streets/drives, gate areas, etc. 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. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: C-3 Proposed: C-3. Zoning Ordinance: Article V. As per Traffic Department, Trip Generation is approved, no TIA required. The subdivision is proposed as a replat of 1.944 acres out of Lot 1, Palmridge Park Subdivision. Vacating of lot 1, Palmridge Park Subdivision is not proposed. All notes and restrictions of the original subdivision apply. Since the application is a replat, please revise the name of the subdivision to "Palmridge Park Lot 1A Subdivision" prior to final. Discuss with staff if needed. Since the application is a replat, please revise the lot number to 1A, prior to final. Please add lot number for Medcath Subdivision shown on the plat on the west side of South "D" Street. Must comply with City's Access Management Policy.

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

Being no discussion, Mr. Jose Saldana moved to approve in preliminary form subject to conditions noted, drainage and utilities approval. Mr. Aaron Rivera seconded the motion, which was approved with six members present and voting.

- h) Sycamore Terrace Subdivision, 1107 Tamarack Avenue, Samuel F. Vale  
**(SUB2023-0056) (PRELIMINARY) SEC**



Mr. Kaveh Forghanparast stated Sycamore Ave. 50 ft. ROW existing Paving: 32 ft. Curb & gutter: both sides. Show centerline and ROW on both sides of centerline to determine if any additional ROW required prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. Tamarack Ave. - 50 ft. ROW existing Paving: 32 ft. Curb & gutter: both sides. Show centerline and ROW on both sides of centerline to determine if any additional ROW required prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. COM Thoroughfare Plan. 1,200 ft. Block Length. Subdivision Ordinance: Section 134-118. ROW: 20 ft. Paving: 16 ft. Existing alley along the west and southeast portion of the property - clarify existing condition/pavement prior to final. Subdivision Ordinance: Section 134-106. Front: 25 ft. or greater for easement or in line with average setbacks of existing structures, whichever is greater applies. Clarify which street will be front of lot. Wording for plat note will be established once frontage is clarified. Initial plat submittal proposes 25 ft. or greater for easements. Zoning Ordinance: Section 138-356. Rear: 25 ft. or greater for easement or in line with average setbacks of existing structures, whichever is greater applies. Clarify which street will be rear of lot. Wording for plat note will be established once frontage is clarified. Initial plat submittal proposes. 25 ft. or greater for easements. Zoning Ordinance: Section 138-356. Sides: 6 ft. or greater for easements. Initial plat submittal proposes 10 or greater for easements. Wording for plat note will be established once clarified. Zoning Ordinance: Section 138-356. Alley side: Proposing 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setbacks required, greater setback applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on Tamarack Ave. and Sycamore Ave. Width to be finalized as applicable, per Engineering prior to final. Subdivision Ordinance: Section 134-120. 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 - also along rear of lot once lot frontage is established prior to final. Wording for plat note will be established once frontage is clarified. Landscaping Ordinance: Section 110-46 and 110-49. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along rear street once lot frontage is established. Wording for plat note will be established once street frontage is clarified. Must comply with City Access Management Policy. Landscape Ordinance Section 110-49. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Lots fronting public streets: Need to clarify what street lot will front to establish requirements, prior to final. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area: Lots must have minimum 50 ft. frontage; 54 ft. for a corner lot for R-1 lots. (5,000 sq. ft. minimum). Zoning Ordinance: Section 138-356. Existing: R-1 Proposed: R-1. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. Required if zoning/use other than existing R-1 proposed. Zoning Ordinance: Article V. Park Fee of \$700 required based on proposed one lot/dwelling unit - to be paid prior to recording. Proposed use is for one dwelling unit/lot - if number of dwelling units/lot change, will be reviewed accordingly prior to final. 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. Additional requirements as applicable once street frontage is established. Abandonment must be done by separate instrument, not by plat, prior to final. Revise plat name to "Janice at Sycamore Terrace Subdivision" prior to final.

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



and utility and drainage approvals.

Being no discussion, Mr. Jose Saldana moved to approve in preliminary form subject to conditions noted, and utility and drainage approvals. Mr. Emilio Santos Jr. seconded the motion, which was approved with six members present and voting.

- i) The Villages at Dallas Subdivision, 601 Dallas Avenue, The Villages at Dallas, LLC **(SUB2023-0054)(PRELIMINARY) AE**

Mr. Kaveh Forghanparast stated Dallas Avenue: dedication as needed for 30 ft. for 60 ft. total ROW. Paving: 40 ft. Curb & gutter: Both sides Revisions needed: The existing ROW is shown as 53 ft. Please reference the document number on the plat and provide a copy for staff review, prior to final. Please label CL and show the existing ROW on both sides of ROW to determine additional ROW dedication requirement, prior to final. Show and label the total ROW and ROW from centerline after the dedication to determine if any additional ROW dedication is required. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. COM Thoroughfare Plan. Interior Streets: Dedication as needed for 60 ft. total ROW Paving: 40 ft. Curb & gutter: both sides Revisions needed: Please show the ROW radius and dimensioned paving layout for the knuckles. Staff will review to determine if 96 ft. face to face paving and minimum of 10 ft. additional ROW will be required for the knuckles around the curb to accommodate the sidewalk requirement. Names of the interior streets will be finalized prior to final. If the property is proposed to be private, please submit gate details, showing paving and island width, sidewalk, etc., prior to final. Additional ROW might be required at the gate area, based on the gate detail. Show the existing streets (S. 5th Street) on the plat prior to final. Provide distance from S. 5th Street centerline to the centerline of the eastern most interior street to determine compliance prior to final. Minimum separation required is 125 ft. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. COM Thoroughfare Plan. 900 ft. Block Length for R-3T and R-3C Zone Districts. Subdivision Ordinance: Section 134-118. ROW: 20 ft. Paving: 16 ft. A 32 ft. alley is proposed on the north side of Lots 31 & 42. Please clarify/show alley for providing city services for other lots, prior to final. Trash receptacles are shown on paving layout where a 32 ft. alley is shown. Please clarify/revise the plat. Provide dumpster details and auto turn study. Finalize requirements with Public Works for trash collection prior to final. Alley/service drive easement required for commercial and multifamily properties. Subdivision Ordinance: Section 134-106. Front: 10 ft. or greater for easements. Please add a plat note as shown above prior to final. Zoning Ordinance: Section 138-356. Rear: In accordance with the zoning ordinance or greater for easements, whichever is greater applies. Plat note will be finalized prior to final. Add a plat note once wording is finalized by staff after easement requirements are established prior to final. Zoning Ordinance: Section 138-356. Sides: In accordance with the zoning ordinance or greater for easements, whichever is greater applies. Add a plat note as shown above prior to final. Alley side setback will be established, if required, prior to final. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements. Add a plat note as shown above prior to final. Clarify the 4 ft. setback line, shown along Dallas Ave prior to final. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required, greater setback applies. Add a plat note as shown above prior to final. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on Dallas Ave. and both sides on all interior streets. Engineering Department may require 5 ft. prior to final. Add a plat note as shown above prior to final. Subdivision Ordinance: Section 134-120. 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 Dallas Avenue. Add a plat note as shown above prior to final. Landscaping Ordinance: Section 110-46. ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Add a plat note as shown above prior to final. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Submit a site plan for the proposed development to check compliance with requirements prior to final. Determination will be made if a separate site plan application and fee will be required prior to recording. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Add a plat note as shown above prior to final. 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. Revisions needed: Clarify if the subdivision is proposed as public or private. Add a plat note as show above prior to final (Reference Section 110-72 if proposed to be public). Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Label the curves with letters and provide a table for the dimensions prior to final. Zoning Ordinance: Section 138-356. Existing: R-3T Proposed: R-3T. The zoning map was revised after staff verified that the whole property was zoned R-3T. Please revise the application accordingly, prior to final. Zoning Ordinance: Article V. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. The subdivision application submitted on June 2, proposes 43 townhome lots. However, the subdivision plat depicts 42 lots. Please revise plat/application prior to final. A park fee of \$700 per lot/dwelling unit to be paid prior to recording. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Please clarify if the subdivision will be public or private, prior to final. If the property is proposed to be private, please submit gate details, showing paving and island width, sidewalk, etc., prior to final. Additional ROW might be required at the gate area, based on the gate detail. If the property is proposed to be private, please add "(Private Subdivision)" in smaller fonts, under the name of the proposed subdivision on the plat, prior to final. Please show the legal description of the adjacent properties on all sides, including on the north side of Dallas Avenue, prior to final. Please use a darker line around the original boundary (before ROW dedication), prior to final. Trash receptacles are shown on paving layout where a 32 ft. alley is shown. Please clarify/revise the plat. A common lot labeled correctly might be required if the area is proposed for Trash receptacles, prior to final. Submit a site plan including the proposed townhomes layouts and landscape areas along Dallas Avenue complying with Sec. 110-48 & 110-49 of the Landscape Ordinance. Must comply with City's Access Management Policy.

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

Being no discussion, Mr. Marco Suarez moved to approve in preliminary form subject to conditions noted, and utility and drainage approvals. Mr. Aaron Rivera. seconded the motion, which was approved with six members present and voting.



**5) ORDINANCE:**

- a) Consideration and possible approval of an amendment to the zoning ordinance relating to carport special exceptions.

Planning Director, Mr. Edgar Garcia stated that the City's Zoning Ordinance does not allow for construction over any setbacks. However, Section 138-371 allows for the Zoning Board of Adjustments and Appeals (ZBOA) to approve special exceptions for carports encroaching into setbacks. While the ZBOA is able to consider a carport's size in their approval decision, there is currently no limit to a carport's potential size. Some carports have been built that rival a home's size and detract from the uniformity of a neighborhood.

The proposed ordinance change would cap the size of carports approved for a special exception at 400 square feet; this size allows for coverage of two vehicles.

Being no discussion, Ms. Erica De la Garza moved to approve the ordinance change request. Mr. Emilio Santos Jr. seconded the motion, which was approved with six members present and voting.

**ADJOURNMENT:**

There being no further business to come before the Planning & Zoning Commission, Mr. Emilio Santos Jr. adjourned the meeting at 5:04p.m. with Mr. Jose Saldana seconding the motion and with six members present and voting.

ATTEST:



Magda Ramirez, Administrative Assistant



Vice Chairperson Gabriel Kamel



PLANNING & ZONING COMMISSION  
ATTENDANCE SHEET

6/20/2023

PRINT NAME	PHONE #	ADDRESS
Tim Wilkin	634-0888	11856
Carlos Maldonado	533-4557	5705 W. Dodge St.
Moises M/2	956-333-125	218 S 23 McAlley St
Rick Ramos	956-844-9210	209 E Myssa Ave
Maria T. Benavides	956-667-7379	4200 Pecan Blvd
Jesus Navarro	956-655-1525	4401 N. 6th St
Gene Reed	956-603-5560	1317 Ozark Ave
Dudy Reed	956-310-2091	1317 Ozark Ave
Melinda Saenz	956-792-5195	1324 Ozark
Elizabeth Hernandez	956-330-6697	1304 Ozark McAllen
Shahin Zaraienh	956-605-3672	1221 Ozark McAllen
Tami Melhart		1700 Northgate
Betty Melhart	956-648-5000	1700 Northgate
Tamara A. Gonzalez Jr	956-338-1510	1500 Northgate
Saul Carrasco	956-367-0878	1325 Ozark Ave
Florencia Flores Jr	956-607-8513	1600 Northgate
Laura Garcia	920-929-2505	1325 Ozark Ave
ERIC Peña	(956) 566-5113	809 E Thacker Ave
Benjamin Peña	(956) 655-7058	710 S. 1st Lane
Rafaela Leal	956-644-6141	4300 W. Grand St
Fernando Hernandez	956-530-1368	601 Dallas Ave
Junio Cruz	956-363-0761	601 Dallas
Humberto Iijerina		1420 Northgate
Edson Curruyel	956-360-5082	1912 High St
DAVID LISANUCKIS	958-640-0596	400 W. Nolana Ste. H
"	"	1116 Pecan Blvd.



PLANNING & ZONING COMMISSION  
ATTENDANCE SHEET

2nd pg. 6/20/23

PRINT NAME

PHONE #

ADDRESS

Maria Acuña	415-432 0347	5015 Bentzen rd
Ivan Garcia	956-380-8152	78501 Ave. Edinburg
Sismai Compean	956 352 5868	921 S 101 Ave Edinburg
Rafael Mendon	956-354-5298	3613 Notre Dame Ave
Berenice Gonzalez		
Michael Rahinowicz		1000 E. Vermont