

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF McAllen

The McAllen Planning and Zoning Commission convened in a Regular Meeting on Tuesday June 6, 2023, at 3:35p.m. at the McAllen City Hall, 3rd Floor Commission Chambers Room, 1300 Houston Avenue, McAllen, Texas.

Present:	Michael Fallek Gabriel Kamel Jose Saldana Emilio Santos Jr. Erica De la Garza	Chairperson Vice Chairperson Member Member Member
Absent:	Marco Suarez Aaron Rivera	Member Member
Staff Present:	Isaac Tawil Evaristo Garcia Michelle Rivera Luis Mora Jose Humberto De la Garza Omar Sotelo Rodrigo Sanchez Mario Escamilla Kaveh Forghanparast Samuel Nunez Samantha J. Trevino Eduardo Garza Jacob Salazar Jessica Puga Magda Ramirez	City Attorney Assistant City Attorney III Assistant City Manager Deputy Director Development Coordinator Senior Planner Senior Planner Planner III Planner III Planner II Planner I Planner I Planner Technician I Planner Technician I Administrative Assistant

CALL TO ORDER – Chairperson Mr. Michael Fallek

PLEDGE OF ALLEGIANCE

INVOCATION- Mr. Emilio Santos Jr.

1) MINUTES:

- a) Approval/disapproval of the minutes for the May 16, 2023 meeting.

The minutes for the regular meeting held on May 16, 2023 was approved as submitted by Vice Chairperson Mr. Gabriel Kamel. Seconding the motion was Mr. Jose Saldana which carried unanimously with 5 members present and voting.

2) PUBLIC HEARING:

- a) **CONDITIONAL USE PERMITS:**

- 1) Request of Daniela V. Morales, on behalf of Getsemani Voluntad de Dios, for a Conditional Use Permit, for one year, for an institutional use (church), at Lot 1 Block 23, McAllen Addition Subdivision, Hidalgo County, Texas; 220 South 16th Street. **(CUP2023-0057)**

Mr. Eduardo Garza stated that the subject property is located on the northwest corner of Chicago Avenue and South 16th Street. It is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. An institutional use is permitted in a C-3 District with a conditional use permit and in compliance with requirements. Surrounding land uses include commercial businesses.

The applicant is proposing to operate a church from an existing 2,000 square foot building. The proposed hours of operation are Sunday 10 AM - 1 PM and Friday prayer meeting from 6 PM - 8 PM. Based on the 40 proposed seats, 10 parking spaces are required; the applicant is showing 10 parking spaces on the site plan which are provided at the rear of the property. The adjacent property (that shares common ownership) has authorized the use of 5 additional parking spaces with access from the alley.

The Fire Department conducted the necessary inspection and has approved for the CUP process to continue. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to all conditions noted of the permit. The proposed use must also comply with the zoning ordinance and specific requirements as follows:

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 16th Street and Chicago Avenue.

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 proposed 40 seats, 10 parking spots are required; the applicant is showing 10 parking spaces on the site plan which are provided at the rear of the property. The adjacent property (that shares common ownership) has authorized the use of 5 additional parking spaces with access from the alley.

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;

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;

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

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;

Sides adjacent to a residentially zoned or used property shall be screened by a 6 ft. opaque fence.

Staff did not receive 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 in Section 138-118 of the Zoning Ordinance, Building Permits, and Fire Department requirements.

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

Being no discussion, Vice Chairperson Mr. Gabriel Kamel moved to approve subject to conditions noted. Mr. Jose Saldana seconded the motion, which was approved with five members present and voting.

- 2) Request of Tony Garza on behalf of Jaime Gonzalez for a Conditional Use Permit, for life of use, and adoption of an ordinance, for a guest house at Lot 9 Block 2, Maple Addition Subdivision, Hidalgo County, Texas; 700 Laurel Avenue. **(CUP2023-0061)**

Mr. Eduardo Garza stated that the subject property is located along the north side of Laurel Avenue approximately 340 feet west of North 6th Street. The property is zone R-1 (single family residential) District and has a Lot size of 9,937.5 square feet. The applicant is proposing to construct a guest house as an accessory use. A guest house is permitted in an R-1 (single-family residential) District with a Conditional Use Permit (CUP). The adjacent zoning is R-1 (single-family residential) District in all directions. Surrounding land uses are single-family residences.

The plat for Maple Addition Subdivision was recorded on July 13, 1949. According to Hidalgo County Appraisal District records, the existing residence was built in 1970. The applicant is proposing to demolish an existing accessory building and carport in order to build the guest house. The application for a Conditional Use Permit for a guest house was submitted on April 18, 2023.

The proposed two-story guest house will have an approximate size of 1,248 square feet. According to the submitted site plan, the proposed guest house will include a garage, one bedroom, one bathroom, a living room, and a kitchen area. There is an existing carport and driveway at the rear of the property. There is an existing driveway that will be repaved for use with the garage. The proposed garage will be used to store the property owner's classic Cadillac.

The proposed guest house is for temporary stays by visiting relatives. A guest house is permitted within an R-1 District with an approved Conditional Use Permit and in compliance with all other requirements.

The guest house must meet the requirements in Section 138-118(a)(5) of the Zoning Ordinance as follows:

- 1) Only one guest house shall be permitted on the property;
- 2) The proposed use shall comply with setback requirements. The proposed structure's setbacks are in compliance as shown on the submitted site plan;
- 3) The proposed use shall be connected to the same utilities as the primary residence;
- 4) Lot size must be a minimum 8,000 square feet. According to the Hidalgo County Appraisal District, the Lot size is 9,937.5 square feet;

- 5) Separate driveways or garages for the proposed use shall not be permitted. The applicant is proposing a separate garage for the proposed guesthouse;
- 6) The proposed use shall not be rented;
- 7) The permit shall be revoked if money is ever paid for rent or utility expenses are shared with the proposed use.

If approval is granted for this request, the applicant must still comply with all other Zoning Ordinance and Building Code requirements.

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

Staff recommends disapproval of the request based on noncompliance with requirement listed above as # 5 (separate driveway or garage) and Section 138-118(a)(5)(e) of the Zoning Ordinance.

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

Being no discussion, Vice Chairperson Mr. Gabriel Kamel moved to disapprove with favorable recommendation. Mr. Jose Saldana seconded the motion, which was disapproved with favorable recommendation with five members present and voting.

- 3) Request of Ramiro Armendavis, for a Conditional Use Permit, and adoption of an ordinance, for one year, for a Bar (Bourbon Street) at Lot 1, Palm Manor Subdivision, Hidalgo County, Texas; 4800 North 10th Street, Suite A (**CUP2023-0059**).

Ms. Samantha Trevino stated that the property is located at the northeast corner of North 10th Street and Violet Avenue and is zoned C-3 (general business) District. The adjacent zoning is R-3A (multifamily residential apartments) District to the North and East, and C-3 (general business) District to the South and West across North 10th Street. A bar business is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

This is the initial application for a Conditional Use Permit with a variance to the distance requirement for a bar business being at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property. It is within 400 feet of a residential zone and use.

The applicant is proposing to operate a bar under the name Bourbon Street from the approximately 3,127 square foot building. The proposed hours of operation are from 11 a.m. to 2 a.m. Monday through Sunday. The proposed Suite (Suite A) is part of a retail center plaza on North 10th street.

The Fire Department based on initial inspection determined the CUP process may be allowed to continue. The Health Department inspected the bar and determined the property to be in compliance. The Planning Department has received no complaints regarding the proposed use. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the abovementioned 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 east;
- 2) 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 establishment has direct access to North 10th Street; on Violet Avenue, both commercial streets.
- 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. The plaza has shared parking for all suites.
- 4) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances.
- 5) The abovementioned 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.

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

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

Being no discussion, Vice Chairperson Mr. Gabriel Kamel moved to disapprove with favorable recommendation. Mr. Jose Saldana seconded the motion, which was disapproved with favorable recommendation with five members present and voting.

Cavazos Elementary School, for a Conditional Use Permit, for one year, for an Institutional Use (gym addition) at Lot 1, Southwest Elementary School Subdivision, Hidalgo County, Texas; 1501 Freddy Gonzalez Drive. **(CUP2023-0060)**

Ms. Samantha Trevino stated that the property is located at the southwest corner of Freddy Gonzalez Drive and North Bicentennial Boulevard. The subject property is zoned A-O (agricultural and open space) District. The adjacent zoning is R-1 district to the north, east and west. There is A-O District to the south. A school is permitted in the A-O district with a Conditional Use Permit and in compliance with requirements.

The original Conditional Use Permit for an Institutional Use for a school was submitted and approved in 1996. The application to amend the Conditional Use Permit request was submitted April 28, 2023 and is for one year.

The applicant is proposing to construct an addition and make improvements to the existing gymnasium at Cavazos Elementary School. The proposed addition is approximately 1,530 square feet and will consist of two restrooms and an office.

Parking remains compliant with requirements.

The Fire Department has completed their inspection and have determined the CUP process may continue. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to all conditions noted on the permit. The proposed use must also comply with the zoning ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property fronts Freddy Gonzalez Drive.
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of parking along street, especially in residential areas. The parking must be clear of potholes and be properly striped per city requirements.
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits;
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;
- 6) The number of persons within the main building shall be determined by the Building Inspections Department and shall maintain the existing seating capacity for the main sanctuary; and
- 7) Sides adjacent to commercially and residentially zoned or use property shall be screened

by a 6 ft. opaque fence.

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

Chairperson Mr. Michael Fallek 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 five members present and voting.

b) REZONING:

- Chairperson Mr. Michael Fallek requested to read item 2b4 first.

- 4) 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)**

Mr. Samuel Nunez stated the applicant requested to table the item. Chairperson Mr. Michael Fallek asked if anyone was present that wanted to have their concerns on record. There were eight citizens:

Citizen Laura Garcia Vilas, did not specify address but said she lives north of the property of concern, stated her concerns are traffic, drainage, developers building other apartment complexes and the quality of life that may be affected. Ms. Vilas stated she is interested in sitting with the developer and coming into a compromise.

Citizen Jaime Gonzalez, 1500 Northgate Lane, stated he had the same concerns as Ms. Laura Vilas stated above.

Citizen Gene Reed, did not specify address but said he lives in Villageo Subdivision, stated they have a petition by home owners (63) that are in opposition to this request.

Citizens Leonel Garza (1413 Northgate Lane), Roberto Tijerina (1420 Northgate Lane), Ricardo Gonzalez (1401 Northgate Lane), Fidencio Flores (1600 Northgate Lane), Betty Melhart (1700 Northgate Lane) all stated they are opposed to the above request and agree with the above citizen statements.

After a lengthy discussion, Vice Chairperson Mr. Gabriel Kamel moved to table the item. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

- 1) Rezone from I-1 (light industrial) District to I-2 (heavy industrial) District: 73.58 acres out of Lot 6 & Lot 5, Block 3, Rio Bravo Plantation Company's Subdivision, Hidalgo County, Texas; 4101 Idela Avenue. **(REZ2023-0022)**

Mr. Samuel Nunez stated that The subject property is located on the southwest corner of South

Ware Road and Idela Avenue. The property is part of a larger tract of land, which also fronts the north side of Sarah Avenue. The property being rezoned has a depth of 2,535 feet at its highest point and 1,275 feet of width at its highest point for a total lot size of 73.58 acres.

The applicant is requesting to rezone the property to I-1 (light industrial) District, in order to develop the tract of land for an (I-2) industrial park. A feasibility plan has not been submitted.

The subject property is part of a larger tract of land which is zoned both I-1 District and I-I-2 (heavy industrial) District to the south. The adjacent zoning is A-O (agricultural and open space) District to the west, I-1 District, C-4 (commercial industrial) District, C-3L (light commercial) District, and C-2 (neighborhood commercial) District to the north across Idela Avenue, R-1 (single-family residential) District to the east across South Ware Road, and I-2 District to the south.

The subject property is currently vacant. Surrounding land uses include an Idea Public School, City of McAllen's South Wastewater Treatment Plant, industrial, commercial, and single family residential uses.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as industrial, which is comparable to the C-4, I-1, and I-2 Districts.

The development trend for this area along South Ware Road is a mix of industrial, commercial, and residential uses.

The property was initially zoned I-1 (light industrial) District at the City Commission meeting of March 23, 1992, and has remained I-1 District ever since. An application for a proposed subdivision under the name "McAllen Near-Shoring Industrial Park" was submitted in April 17, 2023 and is underway.

The requested zoning conforms to the Industrial land use designation as indicated on the Foresight McAllen Comprehensive Plan. The rezoning trend along South Ware Road also includes industrial districts and uses.

A recorded subdivision plat and approved site plan are required prior to building permit issuance. Compliance with off-street parking, landscaping, and various building and fire codes are required as part of the building permitting process.

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

Staff recommends approval of the rezoning request to I-2 (heavy industrial) District since it conforms to the Industrial land use designation as indicated on the Foresight McAllen Comprehensive Plan.

Chairperson Mr. Michael Fallek asked if there was anyone present in opposition of the proposed rezoning request. There was none.

Vice Chairperson Mr. Gabriel Kamel requested to correct the L1 –L2 proposal to L2 proposal section in memo to say applicant was requesting to rezone to L-2 District to develop the tract into a L-2 Development.

Being no discussion, Vice Chairperson Mr. Gabriel Kamel moved to approve. Mr. Jose Saldana

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

- 2) Rezone from R-1 (single-family residential) District to R-3A (multi-family apartment residential) District: the north 74.00 feet of the south 230.75 feet of the west 184.10 feet of Lot 16, and the south 156.75 of the west 184.10 feet of Lot 16, Stewart's Addition, Hidalgo County, Texas; 808 Houston Avenue. **(REZ2023-0023)**

Mr. Samuel Nunez stated that the subject properties are located on the northwest corner of Houston Avenue and South 8th Street. The tracts being rezoned have a total depth (from Houston Avenue) of 230.75 feet and 184.10 feet of width for a total lot size of 42,481.07 square feet.

The applicant is requesting to rezone the property to R-3A (multi-family apartment residential) District in order to develop the tract of land for a mixed multi-family development that would include duplexes through fourplexes. A single-family residence is also proposed to the north of the subject properties. A site plan for the proposed development was submitted along with this rezoning request.

The adjacent zoning is C-1 (office building) District to the west, R-1 (single-family residential) and R-2 (duplex-fourplex residential) District to the north, R-1 District to the east across South 8th Street, and R-3A (multi-family apartment residential) District to the south across Houston Avenue.

The subject property is currently vacant. Surrounding land uses include Grand Terrace Rehabilitation and Healthcare, Travis Middle School, Jackson Square Apartments, single-family residential uses, and vacant land.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as auto urban single family, which is comparable to R-1 (single-family residential) District.

The development trend for this area along Houston Avenue is commercial with a mix of single and multi-family residential uses.

The property was zoned R-1 (single-family residential) District during McAllen's Comprehensive Zoning of 1979. A rezoning request to C-3 (general business) District was submitted on February 23, 2011 and was disapproved by City Commission on April 11, 2011 due to concerns over traffic and surrounding residential uses. This rezoning request was submitted on May 3, 2023.

The requested zoning does not conform to the auto urban single-family land use designation as indicated on the Foresight McAllen Comprehensive Plan. However, the rezoning and development trends along South 8th Street and Houston Avenue include multi-family zones and uses.

The proposed apartment development would have access through South 8th Street. According to the Traffic Department, any proposed access through Houston Avenue will require a variance approval from the Traffic Commission Board. Access through South 8th Street may cause traffic congestion due to the existing width of the main road.

The proposed lot will have approximately 0.975 acres (42,471 square feet). Based on the maximum density per gross acres in the R-3A District: 42-one bedroom units, 34-two bedroom units, and 28-three bedroom units will be allowed. Seven thousand square feet represents the minimum lot area

for any R-3 multifamily residential district use, 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. Compliance with off-street parking, landscaping, and various building and fire codes are required as part of the building permit process.

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

Staff recommends disapproval of the rezoning request to R-3A (multi-family apartment residential) District since it does not conform to the land use designation under the Foresight McAllen Comprehensive Plan, and the proposal may create traffic issues along South 8th Street.

Chairperson Mr. Michael Fallek asked if there was anyone present in opposition of the proposed rezoning request. There was none.

After a brief discussion, Vice Chairperson Mr. Gabriel Kamel moved to disapprove. Mr. Jose Saldana seconded the motion, which was disapproved with five members present and voting.

- 3) Rezone from R-1 (single-family residential) District to R-3T (multi-family townhouse residential) District: Lots 1, 2, 3, and 4, MFTWS LLC Subdivision, Hidalgo County, Texas; 501 East Yuma Avenue, 417 East Yuma Avenue, 409 East Yuma Avenue, 401 East Yuma Avenue. **(REZ2023-0020)**

Mr. Samuel Nunez stated that the properties (lots 1, 2, 3, and 4) are located along the north side of East Yuma Avenue, west of McColl Road. The lots have 120.50 feet of frontage and 300 feet of depth as per the subdivision plat.

The applicant is requesting to rezone the properties from R-1 (single-family residential) District to R-3T (multi-family townhouse residential) District. The applicant is proposing to construct townhomes.

The subject property is zoned R-1 District, and is zoned R-1 to the north and south. Properties to the north are zoned C-1 (office building) District and C-3 (general business) District. There is C-2 (neighborhood commercial) District to the east, and C-3L (light commercial) District to the south.

The properties are currently vacant. Surrounding land uses include single-family residences, Alfredo Gonzalez Texas State Veterans Home, and Just-A-Closet Self Storage.

The Foresight McAllen Comprehensive Plan designates the future land use for these properties as Suburban Commercial, which is comparable to the C-1 District, C-2 District, and C-3L District. The proposed rezoning of the property does not follow the Foresight McAllen Comprehensive Plan.

The development trend for this block are mixed light commercial use and single-family residences.

The properties were zoned R-1 District upon annexation into the city on November 1995. On June 11, 2001, City Commission approved a rezoning request to C-1 District for lot 1 and lot 2; however, the lots were never developed for commercial use. On January 11, 2021, City Commission approved a rezoning request to R-1 District for lot 1 and lot 2; however, the lots remained vacant.

The requested zoning does not conform to the Suburban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan; however, the request constitutes a downzoning that is similar with the surrounding residential land use to the south.

The permitted uses within the proposed zoning district are all uses listed as permitted uses in the R-2 duplex-fourplex residential district, townhouse buildings with five or more attached townhouses, and storage buildings not used for living quarters and accessory to the residential use.

To the east of South McColl Road, a proposed "Garden Rose Subdivision" is currently zoned as R-3T District. The surrounding properties to the east of South McColl Road are zoned for multi-family residential such as R-3C (condominium residential) District and R-3A (apartment residential) District.

Staff has not received any phone calls nor emails in opposition to the rezoning request.

Staff recommends approval of the rezoning request since based on the future land use designation; the rezoning request constitutes a downzoning that is similar with the surrounding residential land use to the south.

Chairperson Mr. Michael Fallek asked if there was anyone present in opposition of the proposed rezoning request. There was none.

Being no discussion, Mr. Jose Saldana moved to approve. Vice Chairperson Mr. Gabriel Kamel seconded the motion, which was approved with five members present and voting.

3) SITE PLAN:

- a) Site plan approval for Lot 1A, TOYS-R-US Lot 1A Subdivision, Hidalgo County, Texas; 1101 Expressway 83. **(SPR2022-0061)**

Mr. Samuel Nunez stated that the subject property is located on the south side of Expressway 83, west of South 11th Street. The property is 33,767.20 square feet (0.775 acre). The surrounding land use is C-3 (general business) District in all directions, the tract is also zoned C-3 District. Surrounding land uses include as follows: Floor & Décor, Starbucks, Men's Warehouse, and UBS.

The applicant is proposing to construct and operate a coffee shop (Dutch Bros. Coffee).

Based on the 950 square footage of the proposed coffee shop, 10 parking spaces are required. There are 22 parking spaces provided on site as per the site plan. One of the proposed parking spaces must be accessible, which must also be van accessible with an 8-foot wide aisle. Access to the site is from a proposed access from South 11th Street. Required landscaping for the lot is 3,376.72 square feet of which 6,649 square feet of landscaping is being provided. The tree requirement is as follows: 12- 2 ½" caliper trees, 7-4" caliper trees, 4-6" caliper trees, or 6 palm trees. A minimum 10-foot wide landscaped strip is required inside the property line along US Expressway 83 (Frontage Road) and South 11th Street. Fifty percent of the landscaping must be visible from the street, and each parking space must be within 100 feet of a landscaped area with a tree, as required by ordinance. A 6-foot buffer is required around dumpsters/compactors if visible

from the street. The setbacks are as follows: from US Expressway 83/ South 11th Street as shown on plat (75' from US Expressway 83 and 30' from South 11th Street), Rear setback is in accordance with the zoning ordinance or greater for easements or approved site plan whichever is greater applies, Side setbacks is in accordance with the zoning ordinance or greater for easement or approved site plan whichever is greater applies.

The Building Permit Site Plan must comply with requirements noted on the Development Team Review Sheet. Site plan approval by the Planning and Zoning Commission is required prior to building permit issuance.

Staff recommends approval of the site plan subject to the conditions noted, Building Permit requirements and the subdivision and zoning ordinances

Being no discussion, Vice Chairperson Mr. Gabriel Kamel moved to approve site plan subject to conditions noted. Mr. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

4) CONSENT:

- a) Silver Oak Subdivision, 9229 North Bicentennial Boulevard, RD Silver Oak, LLC **(SUB 2023-0049) (FINAL) JHE**
- b) Sister's Subdivision, 12200 Mile 7 Road, Sansire Silva & Patty Cash **(SUB2023-0038) (FINAL) SEA**
- c) Arellano Subdivision, 6416 South 11th Street, Eva Yolanda Castillo Ibarra **(SUB2023-0050) (FINAL) SEA**
- d) Mikada Subdivision, 5000 Pecan Boulevard, Mikada, LLC **(SUB2023-0042) (FINAL) JHE**

Chairperson Mr. Michael Fallek stated he will abstain from voting on item 4c.

Being no discussion, Ms. Erica De la Garza moved to approve subdivision in consent form for Items 4a, 4b and 4d. Mr. Jose Saldana seconded the motion, which was approved with five members present and voting.

Vice Chairperson Mr. Gabriel Kamel asked if there were any questions for Item 4c (Consent form). Being no discussion, Ms. Erica De la Garza moved to approve subdivision in consent form for Items 4c. Mr. Jose Saldana seconded the motion, which was approved with five members present and voting with one member abstaining.

5) SUBDIVISIONS:

- a) Felix Subdivision, 3024 South 1st Street, Patricia Salazar **(SUB2022-0120)**

(REVISED PRELIMINARY) SEA

Mr. Kaveh Forghanparast stated South 1st Street: Dedication as needed for 25 ft. from centerline for 50 ft. Total ROW.(Existing 30 ft. total ROW) Paving: 32 ft. (Existing Approximately 18.3 ft.) Curb & gutter: Both Sides. Engineer submitted a variance application on May 5, 2023, to maintain the existing 30 ft. ROW and existing paving of approximately 18.3 ft., and not require sidewalk on S. 1st Street. As per the submitted survey there is an existing ROW of 30 ft. and approximately 18.3 ft. of paving with no curb and gutter or sidewalk. The subdivision is scheduled to be heard in revised preliminary form by the Planning and Zoning Commission on June 6, 2023, subject to the conditions noted, and clarification of the Board on the variance request. The variance request is scheduled to be heard by the City Commission on June 12, 2023. Revisions needed: Please label centerline on plat prior to final. requirements was submitted on. 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: 25 ft. or greater for easements or inline with average setback of existing structures, whichever is greater applies. Zoning Ordinance: Section 138-356. Rear:10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Sides:6 ft. or greater for easements. Revisions needed: Revise note as shown above or clarify prior to final. Proposing Sides: In accordance with the Zoning Ordinance, 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 S. 1st Street. Engineer submitted a variance application on May 5, 2023, to maintain the existing 30 ft. ROW and existing paving of approximately 18.3 ft., and not require sidewalk on S. 1st Street. As per the submitted survey there is an existing ROW of 30 ft. and approximately 18.3 ft. of paving with no curb and gutter or sidewalk. The subdivision is scheduled to be heard in revised preliminary form by the Planning and Zoning Commission on June 6, 2023, subject to the conditions noted, and clarification of the Board on the variance request. The variance request is scheduled to be heard by the City Commission on June 12, 2023. If the variance to sidewalk requirement is approved by the City Commission, the sidewalk note must be removed from the plat prior to final. If the variance to sidewalk requirement is disapproved by the City Commission, Sidewalk requirements may increase to 5 ft. as per the Engineering Department requirements. 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 (Single-Family) Residential Proposed: R-1 (Single-Family) Residential. Zoning Ordinance: Article V. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per Parks Department, In accordance with McAllen's Park Land Dedication and Park Development Fees Ordinance, Park fees apply at a rate of \$700 per dwelling unit and payable prior to plat recording. If it's only one single family home then the fee is \$700. As per Traffic Department, Trip Generation for 1 lot subdivision will be waived. Pleases add the legal description of the adjacent property on the east side of S. 1st Street prior to final. S.1st Street name on the location map is not legible. Please use a more zoomed in location map, and add the north arrow prior to recording. Must comply with City's Access

Management Policy.

Staff recommends approval of the subdivision in revised preliminary form, subject to the conditions noted, and clarification of the board's recommendation on the variance requests.

Chairperson Mr. Michael Fallek asked for clarification on the variance request.

After a brief discussion, Mr. Jose Saldana moved to approve subject to conditions noted including the variance request. Vice Chairperson Mr. Gabriel Kamel seconded the motion, which was approved with five members present and voting.

b) Casa Corsica Subdivision, 3700 North Ware Road, Graco Real Estate
(SUB2023-0048) (PRELIMINARY) KH

Mr. Kaveh Forghanparast stated N. Ware Road: Dedication as required for 60 ft. from centerline for 120 ft. total ROW Paving: By the State Curb & gutter: By the State Revisions needed: If 120 ft. ROW is existing please add "existing" to the label, prior to final. Show and label CL to establish the ROW requirement for this property, prior to final. Show and label the existing ROW on both sides of the centerline, prior to final. Reference the document number for the existing ROW from the centerline and provide a copy for staff review, prior to final. It's not clear where the boundary for "CALLED EXHIBIT E" ends. Please correct it prior to final. All ROW requirements must be addressed prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. Nolana Avenue: Dedication as required for 60 ft. from centerline for 120 ft. total ROW Paving: 65 ft. to 85 ft. Curb & gutter: Both sides Revisions needed: Change the street label from "Nolana Loop" to "Nolana Avenue" prior to final. If 96 ft. is the existing ROW, add "existing" to the label, prior to final. Label the CL to establish the ROW requirement for the property, prior to final. Show and label the existing ROW on both sides of centerline, prior to final. Reference the document number for the existing ROW on the plat and provide a copy for staff review, prior to final. The boundaries of ROW labeled as "CALLED 0.52 ACRES" are not clear. Please correct it prior to final. The boundaries of ROW labeled as "CALLED EXHIBIT B" are not clear. Please correct it prior to final. Show the ROW from centerline and total ROW after the dedication at various points to show the range, prior to final. All ROW requirements must be addressed 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. ROW: 20 ft. Paving: 16 ft. Proposed: VARIABLE WIDTH ACCESS EASEMENT (TO BE RECORDED BY THIS PLAT). Revise the label for the access easement to the following prior to final: PRIVATE ACCESS/SERVICE DRIVE EASEMENT (BY THIS PLAT) Show the width of the access/service drive easement on variance points on the plat, prior to final. Revise the access/service drive easement layout prior to final as the service drive must loop back and may not be dead-end. Corner clip of 20 ft. by 20 ft. is needed for a service drive easement. Access/service drive easement layout must be approved by Fire and Public Works Departments. Alley/service drive easement required for commercial properties. Subdivision Ordinance: Section 134-106. Nolana Avenue/N. Ware Road: In accordance with the Zoning Ordinance or greater for approved site plan or easements or inline with existing structures, whichever is greater applies. 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 approved site plan or easements, whichever is greater applies. Add a plat note as shown above, prior to final. Zoning Ordinance: Section 138-356. Interior Sides: In accordance with the Zoning Ordinance or greater for approved site plan or

easements, whichever is greater applies. Add a plat note as shown above, prior to final. Zoning Ordinance: Section 138-356. Corner: In accordance with the Zoning Ordinance or greater for approved site plan or easements or inline with existing structures, whichever is greater 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 N. Ware Road and Nolana Avenue. Add a plat note as shown above prior to final. Sidewalk requirement might 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. 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. Must comply with City Access Management Policy Applied. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Required. Common Areas, any private/service drive easements, 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. Lots fronting public streets. Revise the plat layout to provide street frontage for Lot 5, prior to final. 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 under review to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Add required plat notes to the plat prior to final. If a second sheet is needed to accommodate the plat notes, please provide it prior to final. Revise the wording for the easements from "TO BE RECORDED BY THIS PLAT" to "BY THIS PLAT" prior to final. Provide the legal description of the adjacent property to the east prior to final. 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, Vice Chairperson Mr. Gabriel Kamel moved to approve in preliminary form subject to conditions noted. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

- c) Plaza Las Fuentes Fortis Subdivision, 5800 North 10th Street, Fortis Land Holdings, LLC and El Pistalon, LLP **(SUB2022-0093) (REVISED PRELIMINARY) RDE**

Mr. Mario Escamilla stated N. 10th Street: 60 ft. ROW existing from centerline for 120 ft. ROW Paving: by the state Curb & gutter: by the state. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Dove Avenue: Dedication required for 75 ft. ROW from centerline for 150 ft. ROW Paving: 65 ft. Curb & gutter: both sides. The Foresight Comprehensive Map calls Dove Avenue to be 75 ft. from centerline for 150 ft. total ROW. Plat submitted demonstrates existing 100 ft. ROW with no additional dedication, Engineer submitted a variance request to allow existing 100 ft. ROW with no additional dedication and at the City Commission meeting of December 12, 2022, the board recommended approval of the variance request to ROW requirement for Dove Avenue. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Proposing 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. Subdivision Ordinance: Section 134-106. Front: North 10th Street: 60 ft. or greater for approved site plan, or easements, whichever is greater applies. Dove Avenue: 50 ft. or greater for approved site plan, or easements, whichever is greater applies. Front setback note wording and requirements must be finalized prior to final. Vacating of existing recorded plat will be required if any restrictions are removed/revised from existing plat. Zoning Ordinance: Section 138-356. Rear: In accordance with the Zoning Ordinance, or greater for easements or approved site plan. Zoning Ordinance: Section 138-356. Sides: In accordance with the Zoning Ordinance, or greater for easements or approved site plan. Zoning Ordinance: Section 138-356. Corner. Setbacks for North 10th Street and Dove Avenue as noted above. 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 10th Street and Dove Avenue. Proposing: 5 ft. wide minimum sidewalk required on North 10th Street and Dove Avenue. 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 or greater as per agreement. Vacating of existing recorded plat will be required if any restrictions are removed/revised from existing plat. 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 Applied. Site plan must be approved by the Planning & Zoning Commission prior to issuance of building permit. Vacating of existing recorded plat will be required if any restrictions are removed/revised from existing plat. Proposing: Common areas, 24 ft. private service drive easement, 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 Pending Items: Current subdivision layout does not comply with lot frontage requirements as it does not front a public street, Engineer submitted a variance request on May 16th, 2023 requesting to allow frontage to a existing common access easement in lieu of a public street, the easement provides access to the overall development and connects to North 10th Street and Dove Avenue within the existing parking areas. Provide a copy of referenced recorded document of existing easement for staff review, prior to final. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: C-3 (General Business) District. Proposed: C-3 (General Business) District. Zoning Ordinance: Article V. As per Traffic Department, Trip Generation approved, TIA is waived. Comments/Revisions needed: Must comply with City's Access Management Policy. Name of subdivision on application must be revised to "Plaza Las Fuentes Fortis", prior to recording. Vacating of existing recorded plat will be required if any restrictions are removed/revised from existing plat. Subdivision was approved in Final form at the Planning and Zoning Commission meeting of November 16th, 2022, as a 2-lot subdivision.

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

Being no discussion, Vice Chairperson Mr. Gabriel Kamel moved to approve in revised preliminary form subject to conditions noted including variance. Mr. Jose Saldana seconded the motion, which was approved with five members present and voting.

- d) Pioneer Estates Subdivision, 9400 North Shary Road, Aldape Development, LLC (SUB2023-0040) (FINAL) MAS

Mr. Mario Escamilla stated North Shary Road: 30 ft. ROW dedication for 60 ft. from centerline for 120 ft. total ROW Paving: By the state Curb & gutter: By the state Revisions needed: Clarify 30 ft. additional ROW by this plat as it appears to be outside plat boundaries, finalize ROW requirements prior to recording. Label ROW dedication, centerline, total ROW after dedication and ROW on both sides of centerline to verify if any additional ROW dedication is required prior to recording. Please show document wherein the existing 60 ft. ROW was dedicated prior to recording. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. 6 Mile Line: 50 ft. from centerline for 100 ft. total ROW. Paving: 65 ft. Curb & gutter: Both sides Revisions needed: Please show document wherein the existing 40 ft. ROW was dedicated prior to recording. Clarify access from 6 Mile Line as plat boundary does not extend to ROW, and ownership is by United Irrigation District as per plat submitted on October 5th, 2022. As per plat submitted on May 31st, 2023, plat no longer exhibits frontage along 6 mile line. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan Monies must be escrowed if improvements are not constructed prior to recording. North 56th Street (N/S Collector Road-east boundary line): 30 ft. dedication for 60 ft. total ROW. Paving: 40 ft. Curb & gutter: Both sides. Revision Needed: Include street name labeling, prior to recording. Revise reference from "Right of Way dedicated to McAllen Public Utility by this plat" to "R.O.W dedicated by this plat", prior to recording. Engineer submitted a variance application on October 7, 2021 requesting to dedicate 15 ft. of ROW for North 56th Street. The Planning and Zoning Commission considered the subdivision in revised preliminary form at their meeting of April 5, 2022. Following discussion, the board unanimously voted to approve the subdivision in revised preliminary form, and recommended approval of the variance for 15 ft. ROW dedication for N. 56th Street. There were 6 members present and voting. At the City Commission meeting of April 25, 2022, the City of McAllen Board of Commissioners considered the request and was approved. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Internal Streets: 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides Pending Items: Revise street names as follows: E/W street at entrance: Ozark Avenue. N/S Street west of Lot 1: North 59th Lane-E/W interior street: Princeton Avenue-N/S street at Cul-De-Sac: North 56th Lane-Finalize street names on plat prior to recording. Engineer submitted a variance application on April 21st, 2023 requesting that the ROW be reduced from 60 ft. to 50 ft., the engineer has indicated that the 40 ft. paving width will remain. Development staff has reviewed the request and indicated that if approved that a 10 ft. U.E and Sidewalk Easement be dedicated along the front of the lots as applicable. Submit gate details, ROW and paving at gate locations may increase to accommodate proposed improvements, finalize prior to NTP/recording. 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, finalize Cul-De-Sac paving and ROW requirements prior to NTP/ Recording. 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. 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, finalize Cul-De-Sac paving and ROW requirements prior to NTP/ Recording. Subdivision Ordinance: Section 134-105. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties and multi-family properties. Subdivision layout is being processed with public works centralized locations. As per public works, must build dumpster enclosure at the time the subdivision is built. Must comply with Chapter 90 of McAllen's Solid Waste Ordinance. Subdivision Ordinance: Section 134-106. Front: Proposing 20 ft. or greater for easement. Pending Items: Engineer submitted variance request on April 21st, 2023 to allow a 15 ft. front setback for unenclosed carports only. If variance request for the front setback for unclosed carports is approved, front setback note wording must be finalized prior to recording. 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 recording. Proposing Rear: In accordance with Zoning Ordinance or greater for easements or approved site plan, whichever is greater. 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 recording. Proposing: 6 ft. or greater for easement. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements or approved site plan, whichever is greater applies. Revisions needed: Revise note as shown above prior to recording. Proposing Corner: 10 feet or greater for easement. 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. 5 ft. wide minimum sidewalk required along North Shary Road and 4 ft. wide minimum sidewalk required on N. 56th Street and both sides of all interior streets. Revisions needed: Revise plat note #3 as shown above prior to recording. As per plat submitted on May 31st, 2023, plat no longer exhibits frontage along 6 mile line. Proposing: 5 ft. wide minimum sidewalk required along North Shary Road and 4 ft. wide minimum sidewalk required on N. 56th Street, 6 Mile Line and both sides of all interior streets. 5 ft. sidewalks required along North Shary Road as per Engineering Department. Sidewalk requirements may increase to 5 ft. per Engineering Department requirements, finalize 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, and along North Shary Road, and North 56th Street. Revisions needed: Revise plat note #12 as shown above prior to recording. Clarify if buffer is proposed along northern plat boundaries as it may trigger changes to note requirements, finalize note wording prior to recording. Proposing: 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses, and along North Shary Road, 6 Mile Line, and North 56th Street. 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 North Shary Road and North 56th Street. Revision needed: Revise plat note #14 as shown above, prior to recording. Proposing: No curb cut, access, or lot frontage permitted along North Shary Road, 6 Mile Line and North 56th Street. As per plat submitted on May 31st, 2023, plat no longer exhibits frontage along 6 mile line. Must comply with City Access Management Policy Required. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. 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. Zoning Ordinance: Section 138-210. Common Areas, drainage detention pond, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Revisions Needed: Revise plat note #10 as shown above prior to recording. Proposing: Common areas and drainage detention pond must be maintained by the homeowner association lot owner or his assigns, not the City of McAllen or other public entity. 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: Section 110-72 applies if subdivision is proposed to be public. 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 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: R-3A(apartment residential) District Proposed: R-3A(apartment residential) District. Rezoning from R-1 (Single Family Residential) District to R-3A(apartment residential) District approved at City Commission meeting of November 28, 2022. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. Rezoning from R-1 (Single Family Residential) District to R-3A (apartment residential) District approved at City Commission meeting of November 28, 2022. Zoning Ordinance: Article V Completed. Land dedication in lieu of fee. As per Parks Department, Park Department a waiver to McAllen's Park Land Dedication and Park Development Fees Ordinance was granted – as part of the annexation process, Park fees were waived. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per Parks Department, Park Department a waiver to McAllen's Park Land Dedication and Park Development Fees Ordinance was granted as part of the annexation process, Park fees were waived. Pending review by City Management. As per Parks Department, Park Department a waiver to McAllen's Park Land Dedication and Park Development Fees Ordinance was granted – as part of the annexation process, Park fees were waived. As per Traffic Department, Trip Generation approved no TIA required. Must comply with City's Access Management Policy Must comply with Fire Department requirements. Label Drainage Area with a letter or number prior to recording. Clarify access from 6 Mile Line as plat boundary does not extend to ROW, and ownership is by United Irrigation District as per plat submitted on October 5th, 2022. As per plat submitted on May 31st, 2023, plat no longer exhibits frontage along 6 mile line. Subdivision previously approved in Revised Preliminary form at the Planning and Zoning Commission meeting of April 5th, 2022 as a single family development, as per plat submitted on October 5th, 2022 multi-family subdivision now proposed. Submit gate details, ROW and paving at gate locations may increase to accommodate proposed improvements, finalize prior to NTP/recording.

Staff recommends approval of subdivision in final form subject to conditions noted and drainage approvals and clarification of the requested variances.

Chairperson Mr. Michael Fallek requested clarification on variance requests.

Being no discussion, Vice Chairperson Mr. Gabriel Kamel moved to approve in final form subject to conditions noted including variances. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

ADJOURNMENT:

There being no further business to come before the Planning & Zoning Commission, Vice Chairperson Mr. Gabriel Kamel adjourned the meeting at 4:15p.m. with Mr. Jose Saldana seconding the motion and with five members present and voting.

ATTEST:


Magda Ramirez, Administrative Assistant


Chairperson Michael Fallek

