

STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF McAllen

The McAllen Planning and Zoning Commission convened in a Regular Meeting on Tuesday August 8, 2023, at 3:30p.m. at the McAllen City Hall, 3<sup>rd</sup> Floor Commission Chambers Room, 1300 Houston Avenue, McAllen, Texas.

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

**CALL TO ORDER** – Chairperson Mr. Michael Fallek

**PLEDGE OF ALLEGIANCE**

**INVOCATION**-. Mr. Marco Suarez

**1) MINUTES:**

- a) Approval/disapproval of the minutes for the July 26, 2023 meeting.

The minutes for the regular meeting held on July 26, 2023 was approved as submitted by Mr. Emilio Santos Jr. Seconding the motion was Mr. Aaron Rivera carried unanimously with 5 members present and voting.

**2) PUBLIC HEARING:**

a) **CONDITIONAL USE PERMITS:**

- 1) Request of Norberto Hernandez for a Conditional Use Permit, for life of the use, and adoption of an ordinance for a portable food concession stand, at Lots 1, 2, and 3, Block 2, Young's Subdivision, Hidalgo County, Texas; 2401

**W Highway 83. (CUP2023-0091)**

Mr. Eduardo Garza stated that the subject property is located on the southwest corner of West Highway 83 and South 24th Street. The property is zoned I-1 (light industrial) District. The adjacent zone is I-1 in all directions. Surrounding land uses include Fogon Restaurant Equipment, Boost Mobile, Jessie's Meat Market, and vacant land. A portable food concession stand is permitted in a I-1 District with a Conditional Use Permit and in compliance with requirements.

The initial Conditional Use Permit was approved for this location, for one year, by the Planning and Zoning Commission on February 21, 2012. Since the initial permit was approved, the permit has been approved for different applicants. The latest CUP was approved on February 16, 2021 for a portable building greater than 10ft by 12ft. The applicant is proposing to use the portable building as a storage for his food truck materials.

There is currently a commercial block building and a 160 sq. ft. portable food concession stand on the property. The applicant is proposing use the portable building as a storage unit for his food truck materials. Hours of operation are from Monday to Saturday from 8:00 AM to 2:00 PM.

A site inspection by staff revealed that there are four tables being used for a sitting area. Based on the number of 16 seats, 4 parking spaces are required, additionally the food truck requires 4 parking spaces for a total of 8 parking spaces. There are 11 parking spaces in front of the commercial block building; out those spaces 7 are required for the retail lease spaces and 8 will be used by the applicant to meet parking requirements, leaving a deficiency of 4 parking spaces.

The Health and Fire Department have completed and approved the necessary inspections. The portable building must also meet the requirements set forth in Section 138-118(a)(9) of the Zoning Ordinance and specific requirements as follows:

- 1) The proposed use shall not be located in a residentially zoned area. The portable food concession stand is located in a I-1 District;
- 2) The proposed use shall be inspected by the Building Inspector and comply with applicable building codes;
- 3) The proposed use and adjacent business shall comply with the Off-street Parking and Loading Ordinance; Based on the food truck and number of seats provided, 8 parking spaces are required. There are 11 parking spaces in front of the commercial block building; out of those spaces, 7 are required for the retail lease spaces and 8 will be used by the applicant leaving a deficiency of 4 parking spaces.
- 4) A portable building or trailer for the proposed use shall be properly anchored to the ground;
- 5) The proposed use shall comply with the zoning district setback requirements;
- 6) Water and sewer facilities shall be required to the tract and may be required to the proposed use.

Staff did not receive any phone calls, emails, or letters in opposition to request. Staff recommends disapproval of the request based on noncompliance with requirement #3 (parking) of Section 138-

118(a)(9) 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.

Mr. Marco Suarez asked if there would be restrooms available. Mr. Eduardo Garza stated yes.

After a short discussion, Mr. Marco Suarez moved to disapprove with favorable recommendation for one year conditional use permit and not life of use. Mr. Emilio Santos Jr. seconded the motion, which was disapproved with favorable recommendation for a one year conditional use permit with five members present and voting.

- 2) Request of Oralía Davila on behalf of Iglesia Casa de Refugio y Restauración Pentecostes Inc. for a Conditional Use Permit, for life of the use, and adoption of an ordinance for an Institutional Use (Church) at Lots 7, 8, and 9, Block 1, Young's Subdivision, Hidalgo County, Texas; 21 South 24th Street. **(CUP2023-0092)**

Mr. Eduardo Garza stated that the applicant requested to table the item.

Being no discussion, Ms. Erica De la Garza moved to table the item. Mr. Aaron Rivera seconded the motion, which was tabled with five members present and voting.

- 3) Request of Wendy Jordan Hovarka for a Conditional Use Permit, for one year, for a portable building greater than 10 feet by 12 feet on Lot 6A, Block 2, Market Center Subdivision, Hidalgo County, Texas; 909 North Jackson Road. **(CUP2023-0093)**

Mr. Eduardo Garza stated that the subject property is located on the southwest corner East Jasmine Avenue and North Jackson Road. The property is zoned C-4 (commercial industrial) District. The adjacent zoning is C-4 to the north, south, and west. Surrounding land uses include Entravision Communications, El Bingo Grande, and other commercial businesses. A portable building for commercial use is permitted in the C-4 District with a Conditional Use Permit and in compliance with requirements.

Lot 6A, Block 2 Market Center Subdivision was recorded on September 09, 1997. An application for a Conditional Use Permit was submitted to the Planning Department on July 13, 2023.

The applicant is requesting a Conditional Use Permit for a portable building to be located on the north side of the commercial establishment. The portable building dimensions are 14 feet by 70 feet as per the proposed site plan. The portable building will be used as a hyperbaric oxygen therapy modular building to supplement services provided by the existing medical building. The portable building will not be placed on any existing parking spaces. The applicant is also proposing an additional 18 parking spaces on the south side of the property. Any addition or canopy on site would require the necessary permits and must comply with our city ordinances.

The Fire Department is still pending their review. Should the Conditional Use Permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions of the permit.

The establishment must also meet the requirements set forth in Section 138-118 of the Zoning Ordinance and specific requirements as follows:

Section 138-118 (3) of the Zoning Ordinance as follows:

- 1) Portable buildings shall not be used for living quarters. The portable building will be used as a hyperbaric oxygen therapy modular building;
- 2) Portable buildings shall be located in such a manner as to have access to a public right-of-way within 200 feet;
- 3) Portable buildings approved for occupancy shall be connected to an approved water distribution and sewage disposal system;
- 4) Portable buildings shall be provided with garbage and trash collection services;
- 5) No form of pollution shall emanate beyond the immediate property line of the permitted use; and
- 6) 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.

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

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

Staff recommends approval of the request, for one year, subject to compliance with requirements on Section 138-118 (3) of the Zoning Ordinance, and 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, Ms. Erica De la Garza moved to approve. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

b) REZONING:

- 1) Initial zoning to C-3 (general business) District: a 2.460-acre Tract of land, more or less, out of Lot 52, out of Lots 35-68, Inclusive, Section 229, Tex-Mex Subdivision, Hidalgo County, Texas; 13931 North Ware Road (East).  
**(REZ2023-0037)**

Ms. Adriana Solis stated that the property is located along the west side of North Ware Road, approximately 300 feet north of Russell Road.

The applicant is proposing an initial zoning to property to C-3 (general business) District in order to develop the tract of land for commercial use. A feasibility or site plan has not been submitted for the proposal.

The adjacent zoning is R-1 (single-family residential) District to the northeast and east. The adjacent zoning is C-4 (light commercial) District to the north.

The subject property is vacant with a portion of a pond located at the northwest corner. Surrounding land uses include single-family residences, a pet boarding facility, agricultural use and vacant land.

The Envision McAllen Future Land Use Plan categorizes the future land use for this property under Complete Communities. Mixed-use urban, neighborhood scale and single-family detached are the most appropriate developments for this type of use. This includes proposals such as retail, office and diverse housing options supporting surrounding neighborhoods. Thus promoting walkability and 10-minute neighborhoods.

The development trend for this area is also Complete Communities along North Ware Road.

The requested zoning does conform to the Future Land Use Plan designation and the development trend. The proposed development is also compatible with the existing structure to the south of the subject property, the pet boarding services.

The applicant is requesting to be annexed into the City of McAllen, this tract is part of a larger tract. The annexation will require the applicant to subdivide the property and be in compliance with all other conditions subject to the Zoning Ordinance.

Potential uses within a C-3 District zoned property includes the following: retail, restaurants, hospital, all uses listed within the C-1 (office building) and C-2 (neighborhood commercial) zoning districts as per the ordinance. Conditional uses include all uses listed in C-1 District, gasoline services, bars, automotive repair, flea markets, etc. as per Sec. 138-278 of the Zoning Ordinance.

A recorded subdivision plat is required prior to building permit issuance. Should the subject property be zoned to C-3 District, site plan review may be required as Ware Road is a hi-speed arterial road with 150 feet.

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

Staff recommends approval of the rezoning request to C-3 (general business) District as it does conform to future land use and follows the development trend along North Ware Road.

Chairperson Mr. Michael Fallek 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. Mr. Aaron Rivera seconded the motion

which was approved with five members present and voting.

- 2) Initial zoning to R-2 (duplex-fourplex) District: a 2.227-acre Tract of land, more or less, out of Lots 52 thru 54, out of Lots 35-68, Inclusive, Section 229, Tex-Mex Subdivision, Hidalgo County, Texas; 13931 North Ware Road (West). **(REZ2023-0038)**

Ms. Adriana Solis stated that the property is located along the west side of North Ware Road, approximately 300 feet north of Russell Road.

The applicant is proposing to rezone the property to R-2 (duplex-fourplex residential) District in order to develop the tract of land for a duplex-fourplex construction. A feasibility or site plan has not been submitted for the proposal.

The adjacent zoning is R-1 (single-family residential) District to the northeast and east. The adjacent zoning is C-4 (light commercial) District to the north.

The subject property is vacant with a portion of a pond located at the northeast corner. Surrounding land uses include single-family residences, a pet boarding facility, agricultural use and vacant land.

The Envision McAllen Future Land Use Plan categorizes the future land use for this property under Complete Communities. Mixed-use urban on a neighborhood scale, small multi-family, duplex and triplex/quadplex are the most appropriate developments for this type of use.

The development trend for this area is also Complete Communities along North Ware Road.

The requested zoning does conform to the Future Land Use Plan designation. The proposed development does conform to the existing character of the vicinity, as well as the development trend.

The applicant is requesting to be annexed into the City of McAllen, this tract is part of a larger tract. The annexation will require the applicant to subdivide the property and be in compliance with all other conditions subject to the Zoning Ordinance.

If the applicant subdivides the property, the following requirements will apply: minimum lot area in square feet: 5,600 (duplex), 6,700 (triplex), or 7,800 (quadplex). After applicable setback requirements, the lot could support a duplex development with up to 35 dwelling units as per the maximum dwelling units permitted per gross acre. A maximum of 16 dwelling units per gross acre in accordance to Sec. 138-356 of the Zoning Ordinance.

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

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

Staff recommends approval of the rezoning request to R-2 (duplex-fourplex residential) District as it does conform to future land use and follows the development trend along North Ware Road.

Chairperson Mr. Michael Fallek 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. Mr. Emilio Santos Jr. seconded the motion which was approved with five members present and voting.

- 3) Rezone from R-1 (single family residential) District to R-3A (multifamily apartment residential) District: 76.461 acres (77.76 acres deed call), being all of Lots 11, 19, and 20, Section 234, Texas-Mexican Railway Company's Survey, said 77.76 acre tract also being all of Lots 17, 18, 19, 20, 21, 22, 23, and 24, Palmland Groves, Hidalgo County, Texas; 12501 North Rooth Road. **(REZ2023-0036)**

Mr. Samuel Nunez stated that the applicant requested to table the item. Mr. Nunez stated there were citizens present that are opposed to the request. Chairperson Mr. Michael Fallek stated that the citizens may present their concerns at this time:

Citizen Mr. Kenneth Johnson (12101 N. Rooth Road) stated that if apartments are built in this area the density that the apartments create would affect the infrastructure and traffic. Citizen Mr. Gilbert Ozuna (12409 N. Rooth Rd) agrees with Mr. Johnson's concerns but also stated that there is drainage issues.

Citizen Jane Kross stated she resides near this location. Her concerns are the issues with heavy traffic in the school zones.

After a long discussion, Ms. Erica De la Garza motioned to table the item. Mr. Emilio Santos Jr. seconded the motion which item was tabled with five members present and voting.

- 4) Rezone from R-1 (single-family residential) District to R-2 (duplex-fourplex residential) District: Lot 12, Block 4, Cathay Courts Addition, Hidalgo County, Texas; 324 South Cynthia Street. **(REZ2023-0040)**

Mr. Samuel Nunez stated that the property is located along the west side of South Cynthia Street, approximately 115 feet north of East Dallas Avenue.

The applicant is proposing to rezone the property to R-2 (duplex-fourplex residential) District in order to develop the tract of land for a duplex construction. A feasibility or site plan has not been submitted for the proposal.

The adjacent zoning is R-1 (single-family residential) District in all directions.

The subject property is mostly vacant with a residential structure overlapping into the lot from the north by 7.16 feet, as per the submitted survey. A "4.5 feet by 4.5 feet chimney" is also shown on the submitted survey. Surrounding land uses include single-family residences and City of McAllen Fire Sub-Station No. 3.

The Envision McAllen Future Land Use Plan categorizes the future land use for this property under Complete Communities. Single family residential and duplex uses are considered most

appropriate for this area. Mixed-use Urban (neighborhood scale), Civic and Parks and Open Space uses are also considered appropriate for this area.

The development trend for this area is single family residential.

The requested zoning conforms to the Future Land Use Plan designation. However, the proposed development does not conform to the existing character of the vicinity.

The existing overlapping structure from the north makes this lot non-compliant. The applicant will have to subdivide the property or remove the overlapping structure in order to develop the tract of land for the proposed duplex construction.

If the applicant subdivides the property, the following requirements will apply: minimum lot area in square feet: 5,600 (duplex), 6,700 (triplex), or 7,800 (quadplex). After applicable setback requirements, the lot would only support a duplex development with a maximum of 16 dwelling units per gross acre, as per the minimum regulatory criteria for an R-2 District (Sec. 138-356).

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

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

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

Chairperson Mr. Michael Fallek asked if there was anyone present in opposition of the proposed rezoning request. There was one in opposition and two in favor:

Citizen Mr. Ford Sasser stated he has resides on the East side to this property and has property on the north east side of Dallas and Cynthia street . He stated that he wants to keep the property an R1.

Applicant Mr. Albert Garza stated there is a fire station next to the stated property. He also stated 108 S. Cynthia is zoned an R2 & C3 which is two blocks from this location. Because of this, he feels it is justifiable in building a duplex-fourplex in the area.

Citizen Mr. Ori Gomez stated he lives on Pekin Street which is one block west of the property. He is in favor of rezoning request because he feels that if they change the rezoning, they can enhance the area.

Citizen Isaac Gomez (312 S. Pekin St.(Rear side) stated that he is in favor of this rezoning. He stated that if they develop a duplex, the issue with the alley ways and the pest infestation would clear out.

Chairman Mr. Michael Fallek stated that these concerns can be resolved through an R-1 District development as well.

After a lengthy discussion, Mr. Marco Suarez moved to approve. Ms. Erica De la Garza seconded the motion which was approved with five members present and voting with one member, Mr.

Michael Fallek opposing the motion.

- 5) Rezone from R-1 (single-family residential) District to R-3T (multifamily townhouse residential) District: 6.84 acres, more or less, being a part or portion of Lot 80, La Lomita Irrigation & Construction Company's Subdivision, Hidalgo County, Texas; 6201 North Ware Road. **(REZ2023-0041)**

Mr. Samuel Nunez stated that the property is located along the west side of North Ware Road, approximately 330 feet south of Lark Avenue.

The applicant is proposing to rezone the property to R-3T (multifamily townhouse residential) District in order to develop the tract of land for townhomes. No feasibility plan or site plan have been submitted for the proposal.

The adjacent zoning is R-1 (single-family residential) District in all directions, except to the south where there is C-3 (general business) District, and the west where there is A-O (agricultural and open space) District.

The subject property is vacant.

The Envision McAllen Future Land Use Plan categorizes this property as Complete Communities along a Mixed Use Corridor (North Ware Road). This area would be most appropriate for single-family detached homes, duplexes, neighborhood scale mixed-use urban projects, and Civic and Parks and Open Space uses.

Since this property is along a Mixed Use Corridor, small multifamily (8-12 units) and large multifamily (12+ units) uses would be appropriate as they can be used as a transition between other uses. Small to large scale mixed uses and shopping centers are considered appropriate as well, according to the Future Land Use Plan.

The development trend for this area along North Ware Road is primarily single family residential with some commercial and institutional uses; restaurant and school.

The requested zoning conforms to the Future Land Use Plan designation and may serve as a transition between single-family residential and commercial uses in the area.

The proposed development area would have 6.84 acres (297,950.40 square feet). Based on the table of height and yard requirements (Sec. 138-356), the following requirements will apply to this proposal: minimum lot area: 2,000 square feet. The following minimum setbacks will apply: 10 feet (front); 0 feet with an approved firewall, or 6 feet for interior lots and 10 feet for corner lots (sideyard); and the same will apply for rear yard setbacks as for sideyard setbacks. The minimum lot width requirement is 20 feet. Finally, a maximum of 20 dwelling units per gross acre will apply. Based on this requirement, 137 dwelling units would be permitted in total.

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

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

Staff recommends approval of the rezoning request to R-3T (multifamily townhome residential) District since it would serve as a good transition between single-family residential zone/uses and commercial zone/uses.

Chairperson Mr. Michael Fallek 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 item was approved with five members present and voting.

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

- a) Site plan approval for lot 2b, Santa Ana Plaza lots 2a & 2b subdivision, Hidalgo County, Texas; 721 East Nolana Avenue.(**SPR2023-0001**)

Mr. Samuel Nunez stated that the subject property is located on the north side of Nolana Avenue, approximately 220 feet east of North McColl Road. The subject property is zoned C-3 (general business) District. Adjacent properties are zoned C-3 District in all directions. Surrounding land uses include commercial retail and office uses.

The applicant is proposing to construct a 664 square-foot building and operate a coffee drive thru by the name of "Scooter's Coffee."

Access to the site is from East Nolana Avenue and adjacent lots to the north, east, and west. No alley exists or is proposed.

Based on 664 square feet that will be used for a coffee, 5 parking spaces are required for the site. 7 parking spaces are proposed. Moreover, 1 of the proposed regular parking spaces must be accessible for van accessibility with an 8-foot wide aisle. The applicant is meeting parking requirements for the new development.

3,364.13 square feet of green area is required for the new development and 10,146 square feet is proposed. The tree requirement is as follows: 13 two-and-a half-inch-caliper trees, 7 four-inch caliper trees, 3 six-inch caliper trees, or 5 palm trees. A minimum 10 feet wide landscaped strip is required inside the front property line. Fifty percent of the required green area for the new development must be visible from the street or front property line, and each parking space must be within 100 feet of a landscaped area with a tree. Finally, a 6-foot buffer is required around dumpsters/compactors if visible from the street. The applicant is meeting landscaping requirements for green area and trees.

There is a 60-foot front yard setback, a 5-foot rear yard setback, and 10-foot side yard setbacks due to existing utility easements. No structures are permitted to be built over any easements. The new development will be complying with all required setbacks for the property.

A 4-foot wide minimum sidewalk is required along East Nolana Avenue.

The Building Permit Site Plan must comply with requirements noted on the Development Team Review sheet.

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

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

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

Mr. Kaveh Forghanparast requested Item 4a be taken out of consent form.

- a) Palmridge Park Lot 1A Subdivision (Previously McCollbak), 2100 South McColl Road, Bakke Development **(SUB2023-0081) (FINAL) 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 and provide a copy for staff review, prior to final/recording. 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 and provide a copy for staff review, prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. COM Thoroughfare Plan. 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. 16 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. 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. Zoning Ordinance: Section 138-356. South "D" Street: 30 ft. or greater per approved site plan. 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. Zoning Ordinance: Section 138-356. Proposed Sides: 21 ft. or greater for approved site plan or easement, whichever is greater. The engineer stated that the owner has requested the minimum setback to be mentioned as 21 ft. based on the proposed building height. Staff informed them that if the plat is recorded as proposed, then any proposed side setback less than 21 ft. in future, will requires an approved variance by the Zoning Board of adjustment in addition to an approved site plan. 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. Revise plat note #7 as shown above prior to final/recording. Proposed: 4 ft. wide minimum sidewalk required on E. WICHITA AVE., S. McColl Road, and S. "D" Street. Engineering Department may require 5 ft. sidewalk. 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/use. Revise plat note #10 as shown above prior to final/recording. 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. 8ft. 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. 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. Please add lot number for Medcath Subdivision shown on the plat on the west side of South "D" Street prior to recording. Signature blocks must follow Sec.134-61 of the subdivision ordinance. Must comply with City's Access Management Policy.

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

After a short discussion, Ms. Erica De la Garza moved to approve subject to the conditions noted. Mr. Aaron Rivera seconded the motion, which was approved with five members present and voting.

- b) Limas Subdivision, 418 Frontera Road, Flor Aurora Limas **(SUB2023-0080) (FINAL) CHLH**
- c) Aqualina at Tres Lagos Phase III Subdivision, 6617 Tres Lagos Boulevard, Rhodes Development, Inc. **(SUB2023-0079) (FINAL) M&H**

Being no discussion, Ms. Erica De la Garza moved to approve subdivision in consent form for Item 4b & 4c. Mr. Marco Suarez seconded the motion, which was approved with five members present and voting.

## 5) SUBDIVISIONS:

- a) Northwest Creek Subdivision, 3420 Mile 6 ½ Road, Garman Investments, LP **(SUB2022-0037) (REVISED PRELIMINARY) M&H**

Mr. Kaveh Forghanparast stated La Lomita Rd.(Mile 6 1/2 Road): 40 ft. ROW dedication for 80 ft. total ROW Paving: 52 ft. - 65 ft. Curb & gutter: both sides Revisions needed: Include document numbers on plat and provide any documents as applicable regarding any existing ROW prior to final. Label total ROW after accounting for dedication. Remove 40 ft. future south ROW line and label prior to final/recording and only show the existing ROW line and dimensions on the south side. A variance request to not dedicate 60 ft. from centerline and not align with the existing ROW on the east side (VAR2023-0006) and dedicate 40 ft. from centerline has been submitted by the engineer. The variance request was reviewed and could be approved administratively as long as the Engineering department does not require additional ROW to transition the ROW from the existing ROW on the east side. A paving transition layout has been submitted by the project engineer and is under review by the Engineering Department. As per Engineering Department, a revised plat showing corner clips and a revised paving layout showing travel lanes stripes will be required prior to final to determine if additional ROW will be required. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. COM Thoroughfare Plan Non-compliance. Brazos Avenue (E/W 1/4 mile Collector on Northern

Boundary): 35 ft. ROW dedication for 70ft. total ROW Paving: 44 ft. Curb & gutter: both sides  
Revisions required: 70 ft. ROW does not exist. Remove the note for 70 ft. existing ROW and  
reference the ROW dedicated by this plat or provide a copy of the document for staff review prior  
to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are  
required prior to recording. Interior Street: 60 ft. total ROW. Paving: 40 ft. Curb & gutter: both sides  
Revisions needed: Submit gate details showing minimum 20 ft. of paving face to face around the  
island, sidewalks, pedestrian gate, etc. prior to final/recording. If additional ROW is required at the  
entrance, must be finalized prior to final. Street names will be finalized prior to final. If the  
subdivision is proposed as private subdivision, add "(private street)" after the name of the interior  
streets. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are  
required prior to recording. COM Thoroughfare Plan. N. 33rd Street (N/S 1/4 mile Collector on  
Eastern Boundary): 35 ft. ROW dedication for 70 ft. ROW Paving: 44 ft. Curb & gutter: both sides  
Revisions needed: Provide document number on plat and a copy of the document for staff review,  
prior to final. Remove any note referencing "future" from the plat. Villanueva Estates at Trinity  
Oaks provided 35ft. of ROW dedication along Western Boundary for N. 33rd Street. Subdivision  
Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to  
recording. 1,200 ft. Block Length. The submitted variance application (VAR2023-0006) did not  
include a variance to the block length requirement. Based on the revised layout, an approved  
variance for the block length requirement is needed prior to final or the plat layout must be revised  
to comply with block length requirement. Subdivision Ordinance: Section 134-118. ROW:20 ft.  
Paving: 16 ft. There has been an agreement between Public Works Department and the project  
engineer to provide dumpster locations on front side of some lots for City services in this  
subdivisions. Development departments had not objection to the agreement. A revised plat,  
showing common lots or easements for the dumpster areas will be needed prior to final. Dumpsters  
must be screened if visible from the street and their gates may not open to the street ROW. Clarify  
the alley/service drive easement on the middle lots and label correctly prior to final. It seems that  
it's inside the lot and not dedicated as alley ROW. Also, based on the submitted dumpster layout,  
it seems that the easement will not be used for City Services. Alley/service drive easement required  
for commercial and multi-family properties. Subdivision Ordinance: Section 134-106. Front: 20 ft.  
or greater for easements. Revise the plat note as shown above prior to final. Proposed: 20 ft. or  
greater for easement or approved site plan. Based on the revised application, only one duplex is  
proposed on each lot and the zoning is R-2 District. Duplexes do not require site plan review.  
Zoning Ordinance: Section 138-356. Rear: Proposing:10 ft. except 25 ft. for double fronting lots in  
accordance with the zoning ordinance or greater for easements or approved site plan. The  
ordinance for double fronting lots requiring rear setback to be the same as front setback was  
amended by City Commission and the rear setback can be "10 ft. or greater for easements"; clarify  
prior to final. Based on the revised application, only one duplex is proposed on each lot and the  
zoning is R-2 District. Duplexes do not require site plan review. Zoning Ordinance: Section 138-  
356. Sides: 6 ft. or greater for easements. Revise the setback note as shown above prior to final  
Proposed: 6 ft. in accordance with the zoning ordinance or greater for easements or approved site  
plan. Based on the revised application, only one duplex is proposed on each lot and the zoning is  
R-2 District. Duplexes do not require site plan review. Zoning Ordinance: Section 138-356. Corner:  
Proposing: 10 ft. or greater for easements - Revise the setback note as shown above prior to final  
Proposed: 10 ft. or greater for easements or approved site plan. Based on the revised application,  
only one duplex is proposed on each lot and the zoning is R-2 District. Duplexes do not require site  
plan review. 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. 4ft. wide minimum sidewalk required along La  
Lomita Rd.(Mile 6 1/2 Road), Brazos Avenue, N.33rd Street, and both sides of all interior streets.

Revise plat note as shown above prior to final. Sidewalk requirement may increase to 5ft. prior to final per Engineering Department requirements. Subdivision Ordinance: Section 134-120 Non-compliance. 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 La Lomita Rd.(Mile 6 1/2 Road) ,Brazos Avenue, N.33<sup>rd</sup> 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 La Lomita Rd.(Mile 6 1/2 Road), Brazos Avenue, and N.33<sup>rd</sup> Street. 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. Add a plat note as shown above prior to final/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 134-16. 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. A plat note to cross reference the HOA document on the plat must be finalized 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/private streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: R-2 Proposed: R-2. Annexation and initial zoning to R-3A approved by City commission on May 23, 2022 for the West 330 ft. and on August 8,2022 a rezoning request from R-1 District to R-3A District for the east 330 ft. was approved by the City Commission. Two rezoning requests for the west half and east half of the subdivision from R-3A District to R-2 District were approved by the City Commission on January 23, 2023. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. Zoning Ordinance: Article V. Land dedication in lieu of fee. Based on 70 residential lots and a duplex on each lot (140 total units) a park land dedication of 2.226 acres will be required prior to recording as per Parks Department. If park fee (\$700 per dwelling unit) in lieu of land dedication is proposed, it must be reviewed and approved by the City Manager's Office, and paid prior to recording. Park Fee required at \$700 per lot/dwelling unit to be paid prior to recording, if land dedication is not applicable. Based on 70 residential lots and a duplex on each lot (140 total units) a park land dedication of 2.226 acres will be required prior to recording as per Parks Department. If park fee in lieu of land dedication is proposed, it must be reviewed and approved by the City Manager's Office, and paid prior to recording. Pending review by the City Manager's Office. Based on 70 residential lots and a duplex on each lot (140 total units) a park land dedication of 2.226 acres will be required prior to recording as per Parks Department. If park fee in lieu of land dedication is proposed, it must be reviewed and approved by the City Manager's Office, and paid prior to recording. As per Traffic Department, Trip Generation was approved. TIA approved with conditions: a. construction of 33<sup>rd</sup> Street. Proper signage, pavement marking and street light will be installed based on standard requirements by the City of McAllen which will be reviewed at time of review for construction plans. Traffic Impact Analysis (TIA) approved with conditions: a. construction of 33<sup>rd</sup> Street. Proper signage, pavement marking and street light will be installed based on standard requirements by the City of McAllen which will be reviewed at time of review for construction plans. Subdivision presented as private subdivision please provide gate details for staff review, prior to final. Please submit a revised layout complying with the requirements, prior

to final. Verify and correct the legal description under the name of the subdivision prior to final. Verify and correct the metes and bounds of the subdivision on the plat prior to final. Use smaller font for "Private Subdivision" and use parentheses around it on the name of the subdivision prior to final. Add "(Private Street)" after the name of interior streets prior to final. Provide distance and bearing of the original property boundary on the plat prior to final. Show the legal description of the adjacent lots on all sides including Villanueva Estates at Trinity Oaks subdivision on the east side prior to final. Show the layout of the Villanueva Estates at Trinity Oaks subdivision on the vicinity map prior to final. Revise the city of McAllen limits on the vicinity map prior to final. Signature blocks wording must comply with Sec. 134-61 of the subdivision ordinance prior to final. Verify the name of the owner(s) and wording prior to final. Combine plat note #12 and #14 prior to final. Combine plat note #8 and #15 prior to final. Must comply with City's Access Management Policy. At the Special Planning and Zoning Commission meeting of October 13, 2022, the Board approved the subdivision in revised preliminary form subject to conditions noted, drainage, and utility approval.

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

Being no discussion, Mr. Marco Suarez moved to approve in revised preliminary form. Mr. Emilio Santos Jr. 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) (REVISED 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: Show the width of Called exhibit "E" on the plat prior to final. Based on the submitted documents, it's not clear how the existing ROW on the east side of the centerline is 60 ft. Clarify 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: Show and label "total ROW" including the dedication on the plat 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 private access/service drive easement (by this plat). It's not clear where the Private Access/Service Drive Easement starts to include Utility and Drainage Easement. Use a dashed line to show the boundary prior to final. Access/service drive easement layout must be approved by Fire and Public Works Departments, prior to final. Alley/service drive easement required for commercial properties. Private access/service drive easement must be at least 24 ft. wide. Proposed private access/service drive easement ranges from 26 ft. to 45 ft. wide. 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. Revise plat note #2 as shown above, prior to final (Remove "15 ft.") Proposed Front: 15 ft. Nolana Avenue/N. Ware Road: In accordance with the Zoning Ordinance or greater for approved site plan or easements or inline with existing structures, Zoning Ordinance: Section 138-356. Rear: In accordance with the Zoning Ordinance or greater for approved site plan or easements, whichever is greater applies. Revise plat note #2 as shown above, prior to final

(Remove "5 ft."). Proposed Rear: 5 ft. In accordance with the Zoning Ordinance or greater for approved site plan or easements, whichever is greater applies. 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. Revise plat note #2 as shown above, prior to final (Remove "1.00 ft. for every two feet in height") Proposed Corner/Side: 1.00 ft. for every two feet in height. In accordance with the Zoning Ordinance or greater for approved site plan or easements, whichever is greater applies. 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. Revise plat note #2 as shown above, prior to final (Remove "1.00 ft. for every two feet in height"). Proposed Corner/Side: 1.00 ft. for every two feet in height. In accordance with the Zoning Ordinance or greater for approved site plan or easements or inline with existing structures, 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 N. Ware Road and Nolana Avenue. Revise plat note #13 as shown above 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. Revise plat note #14 as shown above 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. Remove plat note #7 prior to final, since it's the same as plat note #12. 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. Common Areas, any private/service drive easements, 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. Lot 5 proposed to be a "flag" lot with a 15 ft. wide portion of the lot extending north and widening to 50 ft. at Nolana Ave. 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. TIA level 3 is approved with conditions. Traffic Impact Analysis (TIA) level 3 is approved with conditions. Use Sec. 134-61 of the subdivision ordinance for the signature blocks' wording, including the owner's acknowledgement prior to recording and clarify why there are two owner's signature blocks. Must comply with City's Access Management Policy. The Planning and Zoning Commission approved the subdivision in preliminary form at the meeting of June 6, 2023, subject to the conditions noted, drainage, and Utilities approval. As per the Utilities Department, the subdivision has received MPU Board approval.

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

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

- c) 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 by referencing the document number 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. A variance request (VAR2023-0018) to provide 50 ft. ROW for interior streets instead of 60 ft. was requested by the engineer. If the variance is approved by the Planning and Zoning Commission, a 10 ft. sidewalk easement will be required on 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. A variance request (VAR2023-0018) to not dedicate ROW for E/W Quarter Mile Collector (south boundary) was requested by the engineer. If the request is approved by the City Commission, ROW for a future E/W quarter mile collector will be requested from other properties 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. A variance request (VAR2023-0018) for the block length requirement was requested by the engineer. The interior blocks comply with the requirement. The East and west block lengths are proposed as 1,293.70 ft. and 1,294.93 ft. Since the subdivision is proposed as private subdivision, the project engineer requested not to provide stub outs for future connectivity to the east and west side. If the quarter mile collector variance is approved by the City Commission, block length variance could be reviewed administratively. 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. A variance request (VAR2023-0018) to not provide alley/service drive easement was submitted by the engineer. As per Public Works Department, if the variance request is approved by the City Commission, centralized dumpster locations complying with City requirements must be provided prior to final. 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. Revise setback note as shown above prior to final. 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. Revise setback note as shown above prior to final. 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. Revise setback note as shown above prior to final. 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. A plat note similar to the above will be required prior to final and will be finalized based on the quarter mile collector requirements. 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 Non-compliance. 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. Submit a site plan to clarify the number of units per lot 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 prior to final. Approved rezoning is required prior to final. Setbacks to be established once zoning requirements have been finalized. Non-compliance. 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. A plat note to cross reference the HOA document number after recording is required on the plat 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-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. REZ2023-0032 & REZ2023-0033 to rezone the property to R-3A is scheduled to be heard by the City Commission on August 8, 2023. 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. REZ2023-0032 & REZ2023-0033 to rezone the property to R-3A is scheduled to be heard by the City Commission on August 8, 2023. Approved rezoning is required 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 submit a site plan to 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 no 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 submit a site plan to 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. 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 submit a site plan to clarify the total number of units prior to final. As per Traffic Department, Trip Generation is approved and TIA is waived, prior to final plat. Must comply with City's Access Management Policy. Any abandonments must be done by separate instrument and referenced on the plat, and may not be done 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 prior to final, as there is a gate plan submitted, but the owner's signature references public subdivision. If the subdivision is proposed to be private, add "(Private Subdivision)" under the name of the subdivision in smaller font. The name of the interior streets will be finalized prior to final. If the subdivision is proposed to be private, add "(private street)" after the name of the streets prior to recording. Based on the submitted gate detail, additional ROW at the gate might be required which must be finalized prior to final. Show lot lines and the legal description of the properties on the north side of State Highway 107. Acknowledgement references public subdivisions. Additional requirements may be triggered for private subdivision. Signature blocks must follow Sec.134-61 of the subdivision ordinance. 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. At the Planning and Zoning Commission meeting of June 20, 2023, the board voted to approve the subdivision in revised preliminary form subject to conditions noted, drainage and utilities approvals. The project engineer submitted VAR2023-0018 including the following variances on June 30, 2023: 1.Variance to the block length requirement. 2.Variance to the E/W quarter mile collector requirement (southern boundary) 3.Variance to request 50 ft. ROW for interior streets for multifamily development instead of 60 ft. required ROW 4.Variance to not provide alley/service drive easement for multifamily development.

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

Mr. Mario Ortiz from Public Works Department was present at the meeting. He stated that the developer did not want to provide an alley or centralized dumpster location and requested a roll out bins for multifamily development. Therefore, Public Works recommended disapproval of variance #4.

After a lengthy discussion regarding alleys and trash bins/dumpsters, Mr. Marco Suarez moved to approve in revised preliminary form subject to the conditions noted, drainage and utilities and approved 3 variances and disapproved 1 variance (#4 variance). Ms. Erica De la Garza seconded the motion, which was approved with five members present and voting and variance #4 disapproved.

- d) Austin 495 Plaza Subdivision, 4101 Pecan Boulevard, Jinguo Liu **(SUB2022-0126)**  
**(REVISED PRELIMINARY) TE**

Mr. Mario Escamilla stated that the applicant requested to table item.

Being no discussion, Ms. Erica De la Garza moved to table item. Mr. Marco Suarez second the motion which was tabled with five members present and voting.

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

Mr. Mario Escamilla stated North Taylor Road: Proposing 10 ft. of dedication for 40 ft. from enterline 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 North Taylor 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. 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 Auburn Avenue (5 Mile Line 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. As per plat submitted on July 19th,2023, subdivision provides for knuckle design. Street names will be established prior to final and plat will need to be 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. Auto Turn Study may be required to verify compliance with maneuvering space needed along lots 82-84, subdivision layout along lots may have to be adjusted to allow for maneuvering space 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 ending Items: Engineer submitted a variance application on July 7, 2023 in reference to the ROW dedication requirements for the E/W collector(1/4 Mile Collector) along the Northern Boundary the engineer has indicated that the street would not be able to extend east as there is an existing drain ditch and there are existing established developments to the north of this subdivision. After review of the ownership map submitted on July 12,2023, due to the developed properties to the north and existing canal to the west and collector alignment, the E/W collector street along the northern boundary is not feasible. 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 does not comply with 1200 ft. block length requirement. Engineer submitted a variance application on August 1, 2023 ,requesting a variance to the 1200ft. Block Length requirement. Under the authority and review of the Planning Director the Variance request to the block length was approved administratively. 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. Zoning Ordinance: Section 138-356. Rear:10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Interior sides: 6 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. 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. 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 revised preliminary form subject to conditions noted, drainage and utilities approvals and clarification of the requested variance.

Being no discussion, Mr. Emilio Santos Jr. moved to approve the subdivision in revised preliminary form subject to conditions noted, drainage and utilities approvals and clarification of the requested variance. Ms. Erica De la Garza seconded the motion, which was approved with five members present and voting.

- f) **Zuma Subdivision, 4001 Mile 7 Road, Zuma Development Company, LLC  
(SUB2022-0048) (PRELIMINARY 6-MONTH EXTENSION) CHLH**

Mr. Mario Escamilla stated the applicant requested a six months extension and a hold on the voting for the variance request.

Being no discussion, Ms. Marco Suarez moved to approve the six month extension and table the variance request. Mr. Aaron Rivera seconded the motion, which was approved with five members present and voting.

- g) **La Casita Deli Subdivision, 901 East Fir Avenue, Bernardo Flores (SUB2023-0074)  
(PRELIMINARY)PS**

Mr. Mario E. FIR Avenue: Dedication as needed for 60 ft. total ROW. Paving: 40 ft. Curb & gutter: Both Sides. Revisions Needed: Label "Existing" ROW on both sides of centerline with document number on plat, and provide a copy for staff review prior to final. Label "Total" ROW from centerline and existing ROW line across E. Fir Avenue to new plat boundary 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. 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: Provide for alley or service drive easement on the plat prior to final. Alley or service drive easement cannot dead-end. Clarify if proposed 25.0' Private Access Easement will connect to existing 25' Fire Lane, or if any cross access easement will be established, finalize prior final. Additional notes and requirements subject to change once clarified. 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. Provide for corner clips as needed, prior to final. Subdivision Ordinance: Section 134-106. Front: In accordance with zoning ordinance, or greater for easements or approved site plan, or in line with average setback, whichever is greater applies. Revisions Needed: Include note as shown above prior to final. Zoning Ordinance: Section 138-356. Rear: In accordance with Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Revision Needed: Include note as shown above prior to final. Zoning Ordinance: Section 138-356. Sides: In accordance with Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Revision Needed: Include 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 along E. Fir Avenue. Revisions Needed: Include note as shown above prior to

final. Sidewalk requirements may increase to 5 ft. prior to final per Engineering Department requirement. Finalize plat note wording 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 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. Revisions Needed: Include note as shown above prior to final. Landscaping Ordinance: Section 110-46. Non-compliance. Perimeter buffers must be built at time of Subdivision Improvements. Must comply with City Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Required. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. 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. Note subject to change once subdivision requirements have been finalized. Finalize wording prior to final. Lots fronting public streets. Revisions Needed: Plat currently exhibits detention lot as separate lot, which shown does not front a street, plat must be revised accordingly or presented as a easement, finalize prior to final. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: C-4(Commercial-Industrial) District Proposed: C-4(Commercial-Industrial) District. Rezoning to C-4(Commercial Industrial) District approved at the City Commission meeting of May 22, 2023. 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. 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. Pending Items: 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. Any abandonments must be done by separate process, not by plat.

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

Being no discussion, Mr. Aaron Rivera moved to approve in preliminary form subject to the conditions noted drainage, and utilities approval. Ms. Erica De la Garza 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, Ms. Erica De la Garza adjourned the meeting at 4:33p.m. with Mr. Emilio Santos Jr. seconding the motion with five members present and voting.

ATTEST:

  
Magda Ramirez, Administrative Assistant

  
Chairperson Michael Fallek