

CITY OF McAllen

The McAllen Planning and Zoning Commission convened in a Regular Meeting on Wednesday January 10, 2024, at 3:30p.m. at the McAllen City Hall, 3rd Floor Commission Chambers Room, 1300 Houston Avenue, McAllen, Texas.

Present:	Michael Fallek	Chairperson
	Emilio Santos Jr.	Member
	Marco Suarez	Member
	Jose Saldana	Member
	Reza Badiozzamani	Member
Absent:	Jesse Ozuna	Member
Staff Present:	Austin Stevenson	City Attorney
	Michelle Rivera	Assistant City Manager
	Edgar Garcia	Planning Director
	Omar Sotelo	Development Coordinador
	Rodrigo Sanchez	Senior Planner
	Mario Escamilla	Planner III
	Kaveh Forghanparast	Planner III
	Adriana Solis	Planner II
	Eduardo Garza	Planner II
	Hilda Tovar	Planner II
	Natalie Moreno	Planner I
	Jacob Salazar	Planner Technician II
	Even Gonzalez	Development Engineer
	Patrick Gray	GIS Coordinator
	Rafael Balderas	Assistant to the Utility Engineer
	Magda Ramirez	Administrative Assistant

CALL TO ORDER – Chairperson Mr. Michael Fallek
PLEDGE OF ALLEGIANCE
INVOCATION-. Mr. Emilio Santos Jr.

1) MINUTES:

- a) Approval/Disapproval of minutes from the December 19, 2023 meeting.

The minutes for the regular meeting held on December 19, 2023 was approved as submitted by Mr. Marco Suarez. Seconding the motion was Mr. Jose Saldana which carried unanimously with five members present and voting.

2) PUBLIC HEARING:

- a) **CONDITIONAL USE PERMITS:**

- 1) Request of Abigail L. Quinn for a Conditional Use Permit, for one year, for a home occupation (Boutique Facial Spa) at Lot 6, Block 1, Bonita Heights Subdivision; 1507 Fern Avenue. **(CUP2023-0167)**

Ms. Natalia Moreno stated that the subject property is located along the south side of Fern Avenue, approximately 103 feet east of North 16th Street and is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions. Surrounding land use is single-family residential. A home occupation is permitted in an R-1 District with a Conditional Use Permit (CUP) and in compliance with requirements.

The initial Conditional Use Permit for the spa home occupation was approved on February 16, 2016. The Conditional use Permit was renewed annually, but lapsed in 2022. Due to the expired status, the application will follow the approval process as a new application.

The applicant is proposing to operate a Boutique Facial Spa business from the existing residence. The hours of operation are Monday through Friday between the hours of 9 a.m. to 5 p.m. with only one employee. Staff has not received any calls or emails in opposition to the Conditional Use Permit Request.

The Fire Department has inspected the location and has allowed CUP process to continue. Should the conditional use permit be approved, the applicant would be required to sign the certificate acknowledging and agreeing to the conditions of the permit. The establishment must also comply with requirements set forth in Section 138-118 (a)(1) of the Zoning Ordinance as follows:

- a) The home occupation shall be clearly secondary to the residential use. The applicant resides at this address.
- b) One nameplate attached to the building not larger than two square feet is permitted in all districts except R-1 single-family residential district. No signs are proposed.
- c) No exterior display or alterations indicating that the building is being used for any purpose other than residential shall be permitted.
- d) No more than one additional unrelated employee other than immediate family members residing on the premises shall be permitted. There is only one employee.
- e) No outside storage of materials or products shall be permitted. The applicant proposes no outside storage;
- f) Traffic generated by the proposed use shall not exceed 10 % of the average load per hour per street. Customers are to be scheduled by appointment.
- g) No retail sales shall be permitted. No retail sales are proposed;
- h) No additions to the residence or accessory building specifically to accommodate the use shall be permitted; the applicant proposes no additions or accessory building to accommodate the business.

- j) The propose use shall take place in the primary residential structure rather than a detached garage or accessory building.
- k) The proposed use shall take place at the location specified on the permit.

Staff recommends approval of the request for one year, subject to compliance with Section 138-118(a)(1) of the Zoning Ordinance 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. Emilio Santos Jr. moved to approve with Mr. Reza Badiozzamani second the motion and one member with a nay vote. Motion was approved with five members present and voting.

- 2) Request of Ruben Martinez, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a Bar, at 0.86 acre out of a part or portion out of Lots 3, 4, 6 and all of Lots 7 and 8, Block 54, a part or portion out of a 20' alley, North McAllen Subdivision and 0.37 acre adjoining the south line of said Block 54, Hidalgo County, Texas; 110 North 16th Street, Suite B. **(CUP2023-0169)**

Ms. Natalia Moreno stated that the property is located north of Highway Business 83 between North 15th and North 16th Street. It is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions except to the west across North 16th street there is C-4 (commercial industrial) District. Surrounding land uses are Jamaican Jerk Stop restaurant, an auto parts retail store, Balsero Latin Kitchen and Seafood, JPC Recycling, Mercancia Credencial, and a parking facility for the McAllen Central Station. A Bar is allowed in a C-3 district with a Conditional Use Permit and in compliance with requirements.

This is the initial application for a Conditional Use Permit for a bar at this location.

The applicant is proposing to operate a bar in the 1,255 square ft. Building. The proposed business hours are Tuesday through Saturday from 5 p.m to 2 a.m. Required parking for the proposed bar is 13 parking spaces and 10 are provided. The area location contains 30 parking spaces. The applicant is proposing to obtain a parking agreement to accommodate parking requirements and overflow parking.

The Fire Department and the Health Department are pending inspections. The Planning Department has received no inquiries regarding this proposed establishment. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The establishment must comply with requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the Lot of the above mentioned 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 disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. from a publicly owned property to the north and adjacent to the south.

- 2) The business must be as close as possible to a major arterial and not generate traffic onto residential sized streets.
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. The 1,255 sq. ft. bar would require 13 parking spaces; and 10 parking spaces are provided for a deficiency of three parking spaces.
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having

Staff recommends disapproval of the request based on noncompliance with requirement listed above as #1 (distance to a publicly owned property) of Section 138-118(a)(4)(a) and #3 (parking requirements) of Section 138-118(a)(4)(c) 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, Mr. Marco Suarez moved to disapprove with a favorable recommendation. Mr. Jose Saldana seconded the motion, which was disapproved with favorable recommendation with five members present and voting.

- 3) Request of Melden and Hunt, Inc., for a Conditional Use Permit, for life of the use, and adoption of an ordinance, for a Planned Unit Development (PUD), Campo De Suenos Phase II, and (Proposed) Campo De Suenos Phase III, at 13.908 acres, out of Lots 45 and 52, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 8300 North Ware Road. **(CUP2023-0131)**

Ms. Adriana Solis stated that the subject property is located along the east side of North Ware Road and north of Auburn Avenue. The property consists of 23.663 acres of vacant land. The property is zoned R-1 (single family residential) District. The adjacent zoning is A-O (agricultural and open space) District to the east and south, R-3T (multifamily townhouses) District to the north and ETJ (extra-territorial jurisdiction) to the west. A Planned Unit Development (PUD) is permitted in a R-1 District with a Conditional Use Permit and in compliance with Article IV for Planned Developments of the Subdivision Ordinance.

The Planning and Zoning Commission Board voted to approve the proposed subdivisions in revised

preliminary form subject to staff recommendations and variances with conditions noted on January 19, 2021. A variance request to the block length requirement at Campo de Sueños Phase II was approved by City Commission on February 22, 2021. Annexation and initial zoning to R-1 District for the portion of the tract that was outside City limits was approved by City Commission on May 24, 2021. The applicant applied for a variance request to allow a lot width less than 50 ft. for proposed Campo de Sueños Phase II subdivision and proposed Campo de Sueños Phase III subdivision; however, they withdrew the request in favor of a Planned Unit Development. At the City Commission meeting held on September 13, 2021, the Board voted to approve the request for life of the use with variances noted for the planned unit development.

On May 5, 2023 a request to amend the Planned Unit Development was submitted for Campo de Suenos Phase II and III, which consisted of one hundred eighteen (118) lots, and one being the common area. At the City Commission meeting of May 22, 2023 the Board unanimously voted to recommend approval subject to conditions noted.

A request is being made for the Planned Unit Development to be amended reflecting the new plat conditions below. Currently, the property does have single family homes built within phase II and vacant land. Phase III is composed of vacant land. The property consists of one hundred seventeen (117) lots, excluding lot 173. The applicant is proposing to develop a Planned Unit Development, which will include single family residences and a common area labeled as *Common Area "B"*.

The proposed PUD for Campo De Suenos Phase II and III is requesting the following:

- 67 total lots are not meeting the 50 ft. frontage minimum requirement.
- Lot 130 is not meeting the minimum lot area of 5,000 ft.
- Elevations: Maximum home height proposed at 30 ft.
- Lots 90, 123 & 170 are not meeting the minimum 18 ft. driveway width, the minimum proposed is 12.52 feet – Engineering Department approved.
- Some lots such as lots 107, 116, 117 may not meet the 50% landscape requirement.

PUDs allow a variety of land uses that complement each other within the development and with existing land uses in the vicinity. Specific requirements for the approval of PUDs are set forth on Article IV for Planned Developments of the Subdivision Ordinance, and are summarized as the following:

1. CONCEPTUAL SITE PLAN: Development and use of the property must comply with the conditional use permit conceptual site plan.
2. PERMITTED USES: Permitted uses are uses permitted in the R-1 District for buildings designated as residential. The applicant is proposing single family residences and a common area.
3. OFF-STREET PARKING AND LOADING: Parking in compliance with Chapter 134 Article VI, which requires two parking spaces per unit, with one being located beyond the front yard setback. Must provide floor plan with garage to determine if in compliance.
4. LANDSCAPING: Each lot requires 10% landscaping in an R-1 zone. Based on the lot area of 1,030,760.28 sq. ft., 103,076 sq. ft. of landscaping is required. Also, 50% of the required front yard must be landscape, including the side yard setback areas. Some lots such as lots 107, 116, 117 may not meet the 50% landscape requirement. A minimum of one tree is required.

Must provide front landscaping area and trees to determine if in compliance. Some lots show driveway on one side of the side yard setback, it is not in compliance.

5. STREETS AND SETBACKS: Additional 35 ft. right-of-way dedication required along Ware Road. Provide minimum of 50 ft. right-of-way and 40 ft. of pavement width for Emory Avenue. Provide minimum of 50 ft. right-of-way and 32 ft. of pavement for N. 33rd Lane. Setbacks are Front: 20 ft. or greater for easements, except 25 feet for lots 83-86, 91-103 & 139-149 or greater for easements; Rear: 10 ft. or greater or easements; Sides: 5 ft. or greater for easements; Side corner: 10 ft. or greater for easements; and Garage: 18 ft. except where greater setback is required or greater setback applies. An R-1 zone requires a front yard setback of 25 ft. on interior streets. The development is proposing less than 25 ft. of front yard setback, instead proposing a 20 ft. front yard setback for certain lots as mentioned above. The development is proposing 25 ft. of front yard setback for certain lots (Lots 84-85, 93-103, & 143-147). Provide setback lines with building envelope on site plan. A 5 ft. wide minimum sidewalk required on Ware Road and a 4 ft. wide minimum sidewalk required on N. 33rd Street and both sides of all interior street. Must provide sidewalk width dimension on site plan.
6. DRAINAGE: During the Campo de Sueños Phase II Subdivision and Campo de Sueños Phase III Subdivision process final drainage detention and design and drainage plan must be submitted and in accordance with City of McAllen Standard Design Guide.
7. ADDITIONAL PROVISIONS: Conditional Use Permit site plan controls if there is conflict with other City ordinances. A decision by the Planning Director may be reviewed by Planning and Zoning Commission for recommendation to Board of Commissioners for final determination. The Conditional Use Permit calls for mixed use and a minimum of five (5) acres. The development has 23.663 acres and is providing mixed uses, which include single family residences and common area.
8. Owner, Engineer and Surveyor certification and signature block needs to be shown on the PUD site plan. Submitted site plan meets requirements.
9. A recorded subdivision plat and PUD site plan is required prior to issuance of building permits. Therefore, Campo de Sueños Phase II Subdivision and Campo de Sueños Phase III Subdivision process must be completed, and recorded together with the site plan.

If the subdivision layout changes, the PUD will need to be amended to resemble the approved Subdivision Plat. Any changes regarding ownership or the approved building layout may also require an amendment of the PUD. The PUD must comply with all City department requirements, including but not limited to, the Building Permit & Inspections Department, Planning Department, Engineering Department, Utilities Department, Traffic Department, Fire Department, and the Environmental and Health Code Compliance Department. Finally, if this request is granted approval, all proposed structures and improvements on the recorded Subdivision Plat and PUD site plan will be required during the building permitting process.

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

Staff recommends approval of the Planned Unit Development as presented, for life of the use, subject to all aforementioned conditions.

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

After a brief discussion, Mr. Marco Suarez moved to approve. Mr. Reza Badiozzamani seconded the motion, which was approved with five members present and voting.

- 4) Request of Melden and Hunt of (Proposed) Harvest Cove Phase I and II, for a Conditional Use Permit, for life of the use, and adoption of an ordinance, for a Planned Unit Development (PUD), at 18.677 acres, out of Lots 138 and 137, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 2601 North Ware Road. **(CUP2023-0161)**

Ms. Adriana Solis stated that the subject property is located along the west side of North Ware Road and north of Warrior Drive. The property consists of 18.677 acres of vacant land. The property is zoned R-1 (single family residential) District. The adjacent zoning is A-O (agricultural and open space) District, R-3T (multifamily townhouses) District, and R-1 District to the north, A-O District to the west and east and R-3A (multifamily apartments) District to the south. A Planned Unit Development (PUD) is permitted in a R-1 District with a Conditional Use Permit and in compliance with Article IV for Planned Developments of the Subdivision Ordinance.

A rezoning request from A-O District to R-1 District for this tract was approved by City Commission on February 15, 2022. The Planning and Zoning Commission Board voted to approve the proposed subdivisions in preliminary form subject to conditions noted, drainage and utilities approval on October 13, 2023 regarding Phase I.

On November 9, 2023 a request for a Planned Unit Development was submitted for Harvest Cove Phase I and II, which consisted of one hundred ninety-six (196) lots, and an existing detention pond to the southwest corner.

A request is being made for the Planned Unit Development to be reflecting the new plat conditions below. Currently, the property does is composed of vacant land. The property consists of one hundred ninety-six (196) lots. The applicant is proposing to develop a Planned Unit Development, which will include single family residences.

The proposed PUD for Harvest Cove Phase I and II is requesting the following:

- Lots 58-145 are not meeting the 50 ft. frontage minimum requirement.
- Lots 56-181 are not meeting the minimum lot area of 5,000 ft.
- Elevations: Maximum home height proposed at 33 ft.
- 36 lots total not meeting the minimum 18 ft. driveway width, the minimum proposed is 12 feet – Engineering Department approved.
- Some lots such as lots 48, 50-52, 186 may not meet the 50% landscape requirement.

PUDs allow a variety of land uses that complement each other within the development and with existing land uses in the vicinity. Specific requirements for the approval of PUDs are set forth on Article IV for Planned Developments of the Subdivision Ordinance, and are summarized as the following:

10. CONCEPTUAL SITE PLAN: Development and use of the property must comply with the conditional use permit conceptual site plan.
11. PERMITTED USES: Permitted uses are uses permitted in the R-1 District for buildings designated as residential. The applicant is proposing single family residences and a common area.
12. OFF-STREET PARKING AND LOADING: Parking in compliance with Chapter 134 Article VI, which requires two parking spaces per unit, with one being located beyond the front yard setback. Must provide floor plan with garage to determine if in compliance.
13. LANDSCAPING: Each lot requires 10% landscaping in an R-1 zone. Based on the lot area of 813,570.12 sq. ft., 81,357.012 sq. ft. of landscaping is required. Also, 50% of the required front yard must be landscape, including the side yard setback areas. Some lots such as lots 48, 50-52, 186 may not meet the 50% landscape requirement. A minimum of one tree is required. Must provide front landscaping area and trees to determine if in compliance. Some lots show driveway on one side of the side yard setback, it is not in compliance.
14. STREETS AND SETBACKS: Providing a of 60 ft. right-of-way for North 43rd Street. Provide minimum of 50 ft. right-of-way and 32 ft. of pavement for each interior street within the subdivision. Setbacks are Front: 20 ft. or greater for easements, whichever is greater; Rear: 10 ft. or greater or easements; Sides: 6 ft. or greater for easements; Corner: 10 ft. or greater for easements; and Garage: 18 ft. except where greater setback is required. An R-1 zone requires a front yard setback of 25 ft. on interior streets. The development is proposing less than 25 ft. of front yard setback and instead is proposing 20 ft. of front setback for each lot. Provide setback lines with building envelope on site plan with a 5 ft. wide minimum sidewalk required on Ware Road and a 5 ft. wide minimum sidewalk required on all interior street. Must provide sidewalk width dimension on site plan.

An access variance on Ware Road were approved by the Traffic Department.

15. DRAINAGE: During the Harvest Cove Subdivision Phase I and II process final drainage detention and design and drainage plan must be submitted and in accordance with City of McAllen Standard Design Guide.
16. ADDITIONAL PROVISIONS: Conditional Use Permit site plan controls if there is conflict with other City ordinances. A decision by the Planning Director may be reviewed by Planning and Zoning Commission for recommendation to Board of Commissioners for final determination. The Conditional Use Permit calls for mixed use and a minimum of five (5) acres. The development has 18.677 acres, which includes single family residences.
17. Owner, Engineer and Surveyor certification and signature block needs to be shown on the PUD site plan. Submitted site plan meets requirements.
18. A recorded subdivision plat and PUD site plan is required prior to issuance of building permits. Therefore, Harvest Cove Phase I and II subdivision process must be completed, and recorded together with the site plan.

If the subdivision layout changes, the PUD will need to be amended to resemble the approved Subdivision Plat. Any changes regarding ownership or the approved building layout may also require an amendment of the PUD. The PUD must comply with all City department requirements, including but not limited to, the Building Permit & Inspections Department, Planning Department, Engineering Department, Utilities Department, Traffic Department, Fire Department, and the Environmental and Health Code Compliance Department. Finally, if this request is granted approval, all proposed structures and improvements on the recorded Subdivision Plat and PUD site plan will be required during the building permitting process.

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

Staff recommends approval of the Planned Unit Development as presented, for life of the use, subject to all aforementioned conditions.

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 subject to conditions noted. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

b) REZONING:

- 1) Rezone from R-1 (single-family residential) District to C-3 (general business) District: Lot 8, Rowland Addition Subdivision, Hidalgo County, Texas; 2312 Galveston Avenue. **(REZ2023-0059)**

Mr. Eduardo Garza stated that the subject property is located on the northeast corner of South 24th Street and Galveston Avenue.

The applicant is proposing to rezone the property from R-1 (single-family residential) District to C-3 (general business) District in order to develop the land for commercial use. A feasibility plan has not been submitted.

The adjacent zoning is R-1 (single-family residential) District to the north and to the west across South 24th Street and C-3 (general business) District to the east and to the south across Galveston Avenue.

The subject property is currently vacant. Surrounding land uses include residential homes and commercial businesses.

The Envision McAllen Future Land Use Plan designates the future land use for this property as Complete Communities which allow for commercial uses via incremental infill. The most appropriate type of development includes single-family detached homes, accessory uses to single-family residences, neighborhood-scale offices and retail, civic buildings, and parks and open space uses.

The development trend along the south side of Galveston Avenue is commercial. The subject property is adjacent to C-3 District along the east property line.

A subdivision under the name of Rowland Addition was recorded on April 11, 1950. The subject property was zoned R-1 District during the comprehensive zoning in 1979. The initial request for a C-3 District was disapproved in 1992. Another request for a C-3 District was disapproved in 2001 due to opposition from neighbors and McAllen Independent School District and was disapproved again in 2006. The property has been vacant since 2007.

The requested zoning and proposed use conform to the future land use designation on the Envision McAllen Future Land Use Plan. Infill development can provide opportunities for small businesses contained within a single building or development.

A building permit for a commercial use to comply with off-street parking, landscaping, buffers and building and fire codes will be required.

Staff did receive one phone call in opposition to the rezoning request citing traffic and property value concerns.

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

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

Citizen Ms. Claudia Mendiola (2408 Galveston Avenue, McAllen, Texas) stated her concern was traffic.

Citizen Ms. Lisa Gonzalez (2404 Galveston Avenue, McAllen, Texas) stated her concerns were traffic and different types of businesses in the area and there is no structure.

Applicant Mr. Sam Benson (a proxy of the owner) stated the applicant is applying for this rezoning to be able to control what is taking place at this location at this time by developing a storage area/mechanical shop. If this request would be approved, they can have control on the clean up and other issues happening at this time.

After a lengthy discussion, Mr. Marco Suarez moved to disapprove the rezoning request. Mr. Reza Badiozzamani seconded the motion, which was disapproved with five members present and voting.

- 2) Rezone from C-2 (neighborhood commercial) District to C-3 (general business) District: Lot 1, Yuma Subdivision, Hidalgo County, Texas; 2400 South McColl Road. **(REZ2023-0060)**

Mr. Eduardo Garza stated that the subject property is located on the northwest corner of South McColl Road and East Yuma Avenue.

The applicant is proposing to rezone the property from C-2 (neighborhood commercial) District to C-3 (general business) District to be able to sell and dispense a wine-based "ready to drink" margarita product utilizing a crew served program.

The adjacent zoning is C-3 (general business) District to the north, R-3A (multifamily residential apartment) District to the east across South McColl Road, C-3L (light commercial) District to the south across East Yuma Avenue, and R-3T (multifamily residential townhouse) District to the west.

There is a Stripes convenience store located on the subject property. Surrounding land uses include a self-storage, apartments, and vacant land.

The Envision McAllen Future Land Use Plan designates the future land use for this property as Regional Commercial. The most appropriate type of development includes shopping center neighborhood and community scale, civic buildings, and parks and open space uses.

The development trend along this area of South McColl Road is commercial.

The property was zoned C-1 (office building) District upon annexation in November 1995. A rezoning request for C-2 (neighborhood commercial) District was approved in August 2021. A Conditional Use Permit for a convenience store where gasoline products are sold was approved for life of use in August 2021. A subdivision under the name of Yuma Subdivision was recorded on March 28, 2023.

The requested zoning and use conform to the future land use designation on the Envision McAllen Future Land Use Plan.

There is an existing Stripes convenience store that will need to continue to comply with requirements of the Conditional Use Permit as per Sections 138-257 through 138-261 of the Zoning Ordinance. The proposed program addition is a crew served wine-based margarita program by TABC trained staff for customers interested in purchasing a margarita. The margarita is a wine-based "ready to drink" product that is not customer facing and would require the staff to request age verification and staff dispensing. The approval would allow the applicant to pursue TABC requirements.

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

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

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 the rezoning request. Mr. Jose Saldana seconded the motion, which was approved with five members present and voting.

- 3) Rezone from R-2 (Duplex-Fourplex Residential) District to C-2 (Neighborhood Commercial) District: Lots 1, Block 2, Nelson Addition Subdivision, Hidalgo County, Texas; 803 South 15th Street. **(REZ2023-0061)**

Ms. Hilda Tovar stated that the subject property is located at the southeast corner of South 15th Street and Houston Avenue.

The applicant is proposing to rezone the property to C-2 (neighborhood commercial) District in order to use the subject property as a parking facility for McAllen Pregnancy Center. A feasibility plan has been submitted for a proposed parking area with enclosed garage for mobile transport units.

The adjacent zoning is C-3 (general business) District to the north and east and R-1 (single family residential) District to the south and west across South 15th Street.

The 7,000 square-foot property is currently vacant. Surrounding land uses include The Warren Group Architects Inc., Campos Insurance Agency, Bella Kara Skin Care, and other commercial businesses. There is also multifamily and single family residential.

The Envision McAllen Future Land Use Plan designates the future land use category for this property as Downtown which allows for mixed use to include retail and services. The intended land uses include residential, commercial, business and office use. The most appropriate type of development includes mixed-use Urban, Neighborhood Scale.

The development trend for this area along South 15th Street is commercial and service uses.

The Nelson Addition Subdivision was recorded on December 29, 1917. The subject property was zoned R-2 District during the comprehensive zoning in 1979.

The requested zoning does conform to the future land use designation as shown on the Envision

McAllen Future Land Use Plan. The proposed zoning aligns with existing developments and zoning districts along South 15th Street. The proposed development will serve as an extension to the McAllen Pregnancy Center located at the east of the property.

An approved site plan review will be required prior to building permit issuance.

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

Staff recommends approval of the rezoning request to C-2 (neighborhood commercial) District.

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 the rezoning request. Mr. Reza Badiozzamani seconded the motion, which was approved with five members present and voting.

3)SITE PLAN:

- a) Site Plan Approval for LOT 2-A, Trenton Crossing Shopping Center Phase 2-B Subdivision, Hidalgo County, Texas; 7912 North 10th Street. **(SPR2023-0044)**

Ms. Hilda Tovar stated that the subject property is located on the southeast corner of North 10th Street and Wisconsin 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 6,253 square-foot building and operate a restaurant with drive thru by the name of "Reyna's BBQ."

Access:

Access to the site is from North 10th Street and Wisconsin Road and adjacent lot to the east and south. No alley exists or is proposed.

Parking Requirements:

Based on 6,253 square feet that will be used for the restaurant, 50 parking spaces are required for the site. 52 parking spaces are proposed. Moreover, 3 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.

Landscape Requirements:

6727 square feet of green area is required for the new development and 17,135 square feet is proposed. The tree requirement is as follows: 20 two-and-a half-inch-caliper trees, 10 four-inch caliper trees, 5 six-inch caliper trees, or 8 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.

Other Planning Requirements:

There is a 60-foot front yard setback along North 10th Street, a 40-foot corner side setback along Wisconsin Road and other setbacks as per Zoning Ordinance or greater for approved site plan or 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 North 10th Street and Wisconsin Road.

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, Mr. Marco Suarez moved to approve the site plan. Mr. Emilio Santos Jr. seconded the motion which was approved by five members present and voting.

4) SUBDIVISIONS:

- a) Replat of Lot 2 Sharyland Business Park No. 11 Subdivision, 5501 Honduras Avenue, M & S Estate, Ltd. **(SUB2023-0139) (PRELIMINARY) STIG**

Mr. Mario Escamilla stated Honduras Ave: 80 ft. ROW dedication Paving: 52 ft. Curb & gutter: Both Sides Revisions needed: Submitted plat depicts 80 ft. existing ROW. Reference the document number for how the existing ROW has been dedicated and provide a copy for staff review prior to final. At the Planning and Zoning Commission meeting of April 5th, 2022, the proposed subdivision to the north under the name of Sharyland Business park No. 10 received a variance to provide 44ft. of pavement width in lieu of 52ft with 80 ft. of ROW. ROW requirements must be finalized prior to final. Subdivision

Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. COM Thoroughfare Plan. 1,200 ft. Block Length. Subdivision layout does not comply with block length requirement. Please revise accordingly prior to final or submit a variance request. Any variance request must be approved prior to final. Subdivision Ordinance: Section 134-118. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Add the following plat note prior to final: 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. The subdivision is a proposed replat of Lot 2, Sharyland Business Park No. 11 Subdivision; therefore, all originally recorded plat notes will apply. 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: Revise plat note No.2 as shown above prior to final. Zoning Ordinance: Section 138-356 & 138-367. The subdivision is a proposed replat of Lot 2, Sharyland Business Park No. 11 Subdivision; therefore, all originally recorded plat notes will apply. Rear: In accordance with zoning ordinance, or greater for easements or approved site plan, whichever is greater applies. Revisions needed: Revise plat note No.2 as shown above prior to final. Zoning Ordinance: Section 138-356. The subdivision is a proposed replat of Lot 2, Sharyland Business Park No. 11 Subdivision; therefore, all originally recorded plat notes will apply. Non-compliance. Sides: 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: Revise plat note No.2 as shown above prior to final. Zoning Ordinance: Section 138-356. The subdivision is a proposed replat of Lot 2, Sharyland Business Park No. 11 Subdivision; therefore, all originally recorded plat notes will apply. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 5 ft. wide minimum sidewalk required along Honduras Avenue. Add a plat note as shown above prior to final. Subdivision Ordinance: Section 134-120. The subdivision is a proposed replat of Lot 2, Sharyland Business Park No. 11 Subdivision; therefore, all originally recorded plat notes will apply. 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. The subdivision is a proposed replat of Lot 2, Sharyland Business Park No. 11 Subdivision; therefore, all originally recorded plat notes will apply. Landscaping Ordinance: Section 110-46. 8 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. The subdivision is a proposed replat of Lot 2, Sharyland Business Park No. 11 Subdivision; therefore, all originally recorded plat notes will apply. 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, and service drives must be maintained by the lot owners and not the City of McAllen. Add a plat note as shown above prior to final. The subdivision is a proposed replat of Lot 2, Sharyland Business Park No. 11 Subdivision; therefore, all originally recorded plat notes will apply. 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: I-1 Proposed: I-1. 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. Rename the subdivision name to: Sharyland Business Park No. 11A Subdivision prior to final. Rename the lot numbers to 2A, 2B, and 2C prior to final. There is a discrepancy between the dimensions of Lot 2 as shown on Sharyland Business Park No. 11 Subdivision and the proposed plat. Please clarify prior to final. Provide the legal description of all adjacent lots on all sides, including the lots on the east side of the subdivision and north side of Honduras Avenue, prior to final. Recorded

plat notes remain effective. Please add all relevant plat notes from Sharyland Business Park No. 11 prior to final. If any plat note is proposed to be removed or altered, a vacate and replat is required. All signature blocks must comply with Section 134-61 of the subdivision ordinance prior to recording. Must comply with City's Access Management Policy. The subdivision is a proposed replat of Lot 2, Sharyland Business Park No. 11 Subdivision; therefore, all originally recorded plat notes will apply.

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

Being no discussion, Mr. Jose Saldana moved to approve in preliminary form, subject to the conditions notes, drainage, and utilities approval. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

b) Neuhaus Estates II Subdivision, 4223 Neuhaus Drive, Castores
Builders, LLC (**SUB2023-0140**) (**PRELIMINARY**) **MAS**

Mr. Mario Escamilla stated S. 42nd Street (private): 56-76.31 ft. ROW proposed Paving: min. 32 ft. Curb & gutter: both sides Revisions needed: Revise the street name to "S. 42nd Street" prior to final. Neuhaus Estates Subdivision must be recorded prior to final as Neuhaus Estates II is currently landlocked. Reference the document number as how the ROW has been dedicated prior to final. An agreement between the private street owner(s) and proposed subdivision will be required prior to final as Neuhaus Estates II is currently landlocked. Neuhaus Estates Subdivision's project engineer requested a variance on behalf of the developer to allow one-20 ft. entrance and one-14 ft. wide exit lane with a 10 ft. median with existing trees instead of the 32 ft. cross section as required for single family residential development. City Commission granted a variance to allow a 20 ft. entrance and 17 ft. wide exit with no sidewalks on the east side at their meeting on October 23, 2017. Improvements must be escrowed if not built prior to recording. Cul-de-sac must be 96 ft. paving diameter face-face according to fire department requirements. City of McAllen Thoroughfare Plan. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. 1,200 ft. Block Length. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac. Subdivision Ordinance: Section 134-105. Front: 25 ft. or greater for easement. Zoning Ordinance: Section 138-356. Rear: In accordance with the Zoning Ordinance, or greater for easements. Zoning Ordinance: Section 138-356. Interior Sides: In accordance with the Zoning Ordinance, or greater for easements. Corner (Proposing): Neuhaus Drive: 10 ft. or greater for easements. Remove the proposed note prior to final, as the property does not front Neuhaus Drive. 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. Remove the wording above from plat note #1 prior to final since it is not a required plat note. 4 ft. wide minimum sidewalk required on S. 42nd Street. Revise plat note #6 as shown above prior to final. Proposing: Minimum 4 ft. wide minimum sidewalk required on Neuhaus Drive and per variance granted by the City Commission on October 23, 2017, a minimum 3 ft. wide sidewalk on both sides of the street, except no sidewalk from the north side of Lot to Neuhaus Drive. The property does not front Neuhaus Drive. Neuhaus Estates Subdivision's project engineer requested a variance, on behalf of the developer, for a 3 ft. wide sidewalk on the east side of S. 42nd Street due to the existing trees and property line. City Commission granted a variance to allow a 20 ft. entrance and 17 ft. wide exit with no sidewalks on the east side of S. 42nd Street from the north of Lot 1, Neuhaus Estates II Subdivision (formerly being Lot 5, Neuhaus Estates) at their meeting on October 23, 2017. Eventually Lot 5 was removed from Neuhaus Estates Subdivision and

submitted as Neuhaus Estates II Subdivision. Therefore, sidewalk requirement will apply to this subdivision. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or moneyescrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. Revise the plat note as shown above prior to final. Proposing: ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along Neuhaus Drive. The property does not front Neuhaus Drive. 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. Proposing: No curb cut, access, or lot frontage permitted along Neuhaus Drive. Remove plat note #10 since the property does not front Neuhaus Drive. Must comply with City Access Management Policy. Common Areas, private streets, 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. This lot must be included in the HOA Document of Neuhaus Estates Subdivision prior to recording. If it has already been recorded, the document must be amended to include this lot. Provide a draft HOA for staff review prior to final. Plat note must be finalized based on the submittal prior to recording. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Lots fronting public/private streets. Neuhaus Estates Subdivision must be recorded prior to final as Neuhaus Estates II is currently landlocked. Reference the document number as how the ROW has been dedicated prior to final. An agreement between the private street owner(s) and proposed subdivision will be required prior to final as Neuhaus Estates II is currently landlocked. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: R-1 Proposed: R-1. Zoning Ordinance: Article V. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per the application submitted on December 15, 2023, one lot residential subdivision is proposed. Therefore, \$700 park fee is required prior to recording. If the number of lots increases, additional fee will be required. Use a bold line for the this property boundary before ROW dedication prior to final. Revise/clarify the discrepancy between the subdivision and survey dimensions prior to final. Neuhaus Estates Subdivision must be recorded prior to final as Neuhaus Estates II is currently landlocked. An agreement between the private street owner(s) and proposed subdivision will be required prior to final and referenced on the plat. Plat note wording must be finalized prior to final/recording. Add the legal description of all adjacent lots on all sides prior to final. Use a lighter shaded/ghosted text for adjacent lots to improve readability of other information. Clarify/revise the solid lines within S. 42nd Street ROW prior to final. Use dashed line for all easements. Some easements outside the subdivision boundary are shown as "by this plat." Revise/clarify prior to final. Reference the document number for any ROW or easement not dedicated by this plat. Any abandonment must be done by a separate process and instrument. Clarify note #15 prior to final and if there is any existing structure since no structure is shown on the survey. Must comply with City's Access Management Policy.

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

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

c) Re-plat of the District Phase I Subdivision, 7901 North 10th Street,
Domain Development, Corp **(SUB2023-0141) (PRELIMINARY) M&H**

Mr. Kaveh Forghanparast stated North 10th Street: 60 ft. from centerline for 120 ft. total ROW Paving: By the State Curb & gutter: By the States Revisions needed: Provide for document number on plat regarding dedication of existing ROW. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. COM Thoroughfare Plan. Wisconsin Road: 80-87 ft. ROW Paving: 52-65 ft. Curb & gutter: Both sides. Monies must be escrowed if any 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 Revisions needed: Proposed 26-30 ft. Private Service Drive/Access Easement. Ensure access provided to all lots. 9 ft. out of the existing N/S 35 ft. Private Service Drive/Access Easement is proposed to be abandoned. Any abandonment must be done by a separate process and instrument, not by plat. Since 9 ft. out of the existing N/S 35 ft. Private Service Drive/Access Easement is proposed to be abandoned prior to recording, 35 ft. will not be "Existing Private Service Drive/Access Easement". Review and revise prior to final. 26-30 ft. Service Drive/ Access Easement must comply with Fire and Public Works Department maneuverability requirements, additional requirements may be required as applicable, finalize prior to recording. Minimum paving for Service drive is 24 ft. face-to-face. If any islands/boulevards are proposed, 20 ft. of paving face-to-face on each side of the island must be provided. 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. Zoning Ordinance: Section 138-356 & 138-367. Rear: In accordance with Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Zoning Ordinance: Section 138-356. Interior Sides: In accordance with Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Zoning Ordinance: Section 138-356. Corner: In accordance with Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 5 ft. wide minimum sidewalk required on North 10th Street and 4 ft. wide sidewalk required on Auburn Avenue. Sidewalk requirements might increase to 5 ft. prior to recording subject to Engineering Department requirements. Subdivision Ordinance: Section 134-120 Perimeter sidewalks must be built or money escrowed if not built at this time. Required. 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 Applied. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Lots fronting public streets. Lot 7 fronts N. 10th Street; however, it is only 15 ft. 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, Master Trip Generation approved and TIA waived for Phase I. Rename the subdivision's name to "The District Phase 1A Subdivision" prior to final. Rename all lot numbers to 1A - 7A prior to final. Provide the legal description of all adjacent lots on all sides, including the lot on the west side, prior to final. Recorded plat notes remain effective. Please add all relevant plat notes from The District Phase I Subdivision prior to final. If any plat note is proposed to be removed or altered, a vacate and replat is required. Any abandonment must be done by a separate process and instrument, not by plat. Revise the wording to "abandoned by instrument No._____" prior to final. The

document number must be added prior to recording. Reference the document number for existing easements and ROW prior to final and provide a copy for staff review. All signature blocks must comply with Section 134-61 of the subdivision ordinance prior to recording. Must comply with City's Access Management Policy. The subdivision is a proposed replat of The District Phase I Subdivision to decrease the recorded subdivision acreage and move the boundary on the west side to the east. Some of the lots dimensions have changed too (Lots 4-7). All originally recorded plat notes will apply. If any subdivision notes is proposed to be removed or altered a vacate and replat will be required.

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

Being no discussion, Mr. Reza Badiozzamani moved to approve in preliminary form, subject to the conditions noted, drainage, and utilities approval. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

d) **Barton Subdivision, 8501 North Main Street, Antonio Esparza (SUB2023-0082) (REVISED PRELIMINARY) TE**

Mr. Kaveh Forghanparast stated N. Bicentennial Blvd: Dedication required for 75 ft. from centerline for 150 ft. total ROW Paving: 65 ft.-105 ft. Curb & gutter: both sides Revisions needed: Show and label, total existing ROW, and ROW on both sides of the centerline at multiple points and show "additional ROW dedicated by this plat" as requested above prior to final. Include the Document number for the existing ROW on the plat and provide a copy for staff review prior to final. All ROW requirements must be finalized prior to final. If a variance is requested, it must be finalized prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. Northgate Lane: Dedication required for 35 ft. from centerline for 70 ft. total ROW Paving: 44 ft. Curb & gutter: both sides Revisions needed: Northgate Lane is labeled as variable ROW. Show existing at multiple points to clarify how it varies prior to final. Revise the wording from "15 ft. Prop. ROW by this plat" to "15 ft. additional ROW dedicated by this plat" Include the Document number for the existing ROW on the plat and provide a copy for staff review prior to final. All ROW requirements must be finalized prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. COM Thoroughfare Plan. Frontera Rd.: Dedication required for 40 ft. from centerline for 80 ft. total ROW Paving: 52 ft. Curb & gutter: both sides Revisions needed: Provide a copy of the referenced documents for staff review prior to final. Clarify/remove the dashed line where the existing 40 ft. ROW merges to existing 60 ft. ROW on the southwest side of the subdivision, prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. COM Thoroughfare Plan. N. Main Street: Dedication required for 30 ft. from centerline for 60 ft. ROW Paving: min. 40 ft. Curb & gutter: both sides Revisions needed: Add "N." to the label for N. Main Street on plat prior to final. Include the Document number for the existing ROW on the plat 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 final. COM Thoroughfare Plan. 1,200 ft. Block Length. Revise the plat to comply with block length requirement. Subdivision Ordinance: Section 134-118. 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. Lot A as shown on plat is a corner lot on both N. Bicentennial Blvd. and N/S internal street. Clarify the use prior to final. A plat note may be needed for Lots A and B or note #16 may need to be revised to include Lot B. 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 N. Bicentennial Blvd., Frontera Rd., Northgate Lane, N. Main St., and both sides of internal streets. 5 ft. sidewalk may be required by Engineering Department. Finalize prior to final. Plat note #9 will need to be revised as shown above, and once sidewalk requirements are finalized. 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 N. Bicentennial Boulevard and Frontera Road. Revise plat note #10 as shown above prior to final. Other buffers may be required 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 N. Bicentennial Blvd. and Frontera Rd. Revise plat note #12 as shown above prior to final. 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. Add a plat note as shown above prior to final. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. The signature block wording references a private subdivision; however, no private street is proposed in the latest submittal. If the subdivision is to remain private, an HOA document and note will be required for staff review prior to recording. If the subdivision is going to be public, clarify if there will be an HOA prior to final, since an HOA is not required for a three-lot public subdivision. 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. The signature block wording references a private subdivision; however, no private street is proposed in the latest submittal. If the subdivision is to remain private, an HOA document and note will be required for staff review prior to recording. If the subdivision is going to be public, clarify if there will be an HOA prior to final, since an HOA is not required for a three-lot public subdivision. 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-1 Proposed: R-1. The project engineer must verify if all lots are zoned residential. Based on the submitted plat boundary, a small portion on the east side of Lots B, 1, and 2 and the northeast side of Lot 3 seem to be A-O District. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. The project engineer must verify if all lots are zoned residential. Based on the submitted plat boundary, a small portion on the east side of Lots B, 1, and 2 and the northeast side of Lot 3 seem to be A-O District. Zoning Ordinance: Article V. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Based on the latest plat three single-family residential lots are proposed, so a Park Fee of \$2,100 based on \$700 per dwelling to be paid prior to recording. Total amount of park fees is subject to change if number of proposed lots or dwelling units change. As per Traffic Department, Trip Generation is waived. Add distances from lot corners to the HCID #2 Irrigation Easements shown on the plat and add bearing and dimensions on the plat or in a table prior to final. Clarified the claimed easements on the plat or reference the document number prior to final. Use ghosted lines of Ebony Heights Citrus Grove Subdivision and contour lines since it is being confused with the proposed subdivision lot lines. Remove contour lines from ROW to avoid overlap of information prior to final. Show the lot lines and legal description of all adjacent lots on all sides, including the west side of N. Bicentennial Blvd., south side of Frontera Rd., east side of N. Main St., and north side of Northgate Lane. The owner's signature blocks wording may need to be revised prior to recording depending on all ROW dedication. The wording reflects a private subdivision; however,

the proposed private interior street has been removed from the latest submitted plat. Clarify/revise the wording prior to final. Any abandonment must be done by separate instrument and referenced on the plat. An expired subdivision application with the same name for this property was on file and was verbally requested to be withdrawn by the previous engineer. A written withdrawal request is needed prior to final. Revise the number of lots on the originally submitted application from four to three to match the latest submittal prior to final. Must comply with City's Access Management Policy. The N/S interior street with a Cul-de-Sac has been removed from the revised plat and number of lots reduced from 4 residential and one common lot to 3 residential lots. If a new interior street is proposed in future, it must comply with all requirements including the maximum Cul-de-Sac length.

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

Being no discussion, Mr. Jose Saldana moved to approve in revised preliminary form subject to conditions noted, drainage, and utilities approval. Mr. Reza Badiozzamani second the motion, which was approved with five members present and voting.

- e) Maebelle Estates Subdivision, 11201 North Moorefield Road, Onesimo Guerrero & Griselda Gutierrez **(SUB2023-0076) (REVISED FINAL) M2E**

Mr. Kaveh Forghanparast stated N. Moorefield Road (FM 681): Dedication as required for 60 ft. from centerline for 120 ft. total ROW Paving: by the State Curb & gutter: by the State Revisions as needed: Please reference document number for the existing ROW on the plat and provide a copy for staff review, prior to recording. Show and label total ROW after dedication prior to recording. Finalize that the overlap of the 5 ft. ROW dedication and the existing 8.00' ROW Easement to Sharyland Water is not an issue with the City and/or Sharyland Water prior to final/recording. Provide a copy of the document for staff review prior to recording. Any abandonment must be done by separate instrument and referenced on plat prior to recording. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. COM Thoroughfare Plan. N/S Collector (west boundary): Dedication as required for 30-35 ft. of ROW dedication from the centerline for 60-70 ft. total ROW Paving: 40-44 ft. Curb & gutter: both sides. Based on the submitted ownership map, it seems that no property will be landlocked. However, ROW dedication may be required in future. Project Engineer informed staff that the owner has no issues with a plat note to dedicate ROW in future and pay their share of cost whenever the City or County requests it. The plat note wording will be finalized prior to recording. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. COM Thoroughfare Plan. 1,200 ft. Block Length. Subdivision Ordinance: Section 134-118. Front: 45 ft. or greater for easements. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Sides: 6 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 on N. Moorefield Road (FM 681). Engineering Department may require 5 ft. sidewalk. Subdivision Ordinance: Section 134-120. The engineer submitted a variance application on behalf of the owner to request a contractual agreement in lieu of escrowing the fee for the sidewalk requirement. If the variance request is approved a plat note to reference the contractual agreement is needed prior to recording. Perimeter sidewalks must be built or money escrowed if not built at this time. The engineer submitted a variance application on behalf of the owner to request a contractual agreement in lieu of escrowing the fee for the sidewalk requirement. If the variance request is approved a plat note to reference the contractual agreement is needed prior to recording. 6 ft. opaque buffer required from adjacent/between multi-family residential

and commercial, and industrial zones/uses. A 6 ft. buffer will be required along the N/S collector street on the west side, if applicable. Provide an ownership map to verify that prior to final/recording. 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. However, it's not a required plat note. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: ETJ Proposed: ETJ. Zoning Ordinance: Article V. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording (if annexed). The proposed subdivision is outside the City limits; therefore, park fees do not apply unless it is annexed. As per Traffic Department, Trip Generation for one lot single family subdivision will be waived. The Planning and Zoning Commission approved the subdivision in final form, subject to the conditions noted at the meeting of July 26, 2023. The engineer submitted a variance application on behalf of the owner to request a contractual agreement in lieu of escrowing the fee for the sidewalk requirement. If the variance request is approved a plat note to reference the contractual agreement is needed prior to recording. The engineer/owner requested the variance to be considered as a revised final approval. If the variance is not approved, the sidewalk must be escrowed prior to recording. Provide the legal description of all adjacent properties on the plat including the north side of the subdivision and the east side of N. Moorefield Road prior to recording. Signature blocks including the owner's acknowledgement must comply with Section 134-61 of Subdivision ordinance. If County requires different wording, a separate signature block based on City's code is required prior to recording. Must comply with City's Access Management Policy. All comments must be addressed prior to recording. Any abandonment must be done by separate document and referenced on plat. Must comply with City's Access Management Policy. Must comply with other requirements, as may be applicable.

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

Being no discussion, Mr. Reza Badiozzamani moved to approve in revised final form, subject to the conditions noted, and recommended approval on the variance request. Mr. Jose Saldana 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, Mr. Marco Suarez adjourned the meeting at 4:10p.m. with Mr. Emilio Santos Jr. seconding the motion with five members present and voting.

ATTEST:



Magda Ramirez, Administrative Assistant



Chairperson Michael Fallek