

STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF McAllen

The McAllen Planning and Zoning Commission convened in a Regular Meeting on Tuesday July 12, 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>Chairperson</b>
	<b>Marco Suarez</b>	<b>Member</b>
	<b>Jose Saldana</b>	<b>Member</b>
	<b>Erica De la Garza</b>	<b>Member</b>
	<b>Aaron Rivera</b>	<b>Member</b>
<b>Absent:</b>	<b>Gabriel Kamel</b>	<b>Vice Chairperson</b>
	<b>Emilio Santos Jr.</b>	<b>Member</b>
<b>Staff Present:</b>	<b>Roy Rodriguez</b>	<b>City Manager</b>
	<b>Austin Stevenson</b>	<b>Assistant City Attorney III</b>
	<b>Michelle Rivera</b>	<b>Assistant City Manager</b>
	<b>Edgar Garcia</b>	<b>Planning Director</b>
	<b>Eduardo Mendoza</b>	<b>Engineering Director</b>
	<b>Mario Cruz</b>	<b>Engineering Deputy Director</b>
	<b>Jose Humberto De la Garza</b>	<b>Development Coordinator</b>
	<b>Omar Sotelo</b>	<b>Senior Planner</b>
	<b>Rodrigo Sanchez</b>	<b>Senior Planner</b>
	<b>Mario Escamilla</b>	<b>Planner III</b>
	<b>Kaveh Forghanparast</b>	<b>Planner III</b>
	<b>Katia Sanchez</b>	<b>Planner II</b>
	<b>Samuel Nunez</b>	<b>Planner II</b>
	<b>Porfirio Hernandez</b>	<b>Planner Technician II</b>
	<b>Jacob Salazar</b>	<b>Planner Technician I</b>
	<b>Bilkis Martinez</b>	<b>Development Engineer</b>
	<b>Magda Ramirez</b>	<b>Administrative Assistant</b>

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

**PLEDGE OF ALLEGIANCE**

**INVOCATION-** Mr. Marco Suarez

**1) MINUTES:**

- a) Approval/disapproval of the minutes for the June 20, 2023 meeting.

The minutes for the regular meeting held on June 20, 2023 was approved as submitted by Mr. Marco Suarez. Seconding the motion was Mr. Jose Saldana which carried unanimously with 5 members present and voting.

**2) PUBLIC HEARING:**

- a) **CONDITIONAL USE PERMITS:**

- 1) Request of George A. Garza for a Conditional Use Permit, for one year, and adoption of an ordinance for an event center (Windsor Event Center), at Lot 6, Citrus Grove Plaza Subdivision, Hidalgo County, Texas; 4101 Expressway 83. **(CUP2023-0079)**

Ms. Katia Sanchez stated that the vacant property is located on the North side of Colbath Road, approximately 860 ft. east of Bentsen Road and is zoned C-3 (general business) District. The adjacent zoning is R-1 (single-family residential) District to the south, C-3 District to the north, east and west. Surrounding land uses include La Doble M, Tru fit, Zen Asian Bistro, commercial businesses, and single family residences. An event center is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.

Citrus Grove Plaza Subdivision was recorded February 17, 2012. The initial request for a conditional use permit for an event center at this location was approved by City Commission on July 11, 2022. The development underwent Site Plan Review Process and was approved by the Development Team in January 2023.

The applicant is proposing to build and operate an event center that is 12,376 square feet and an open terrace measuring 5,936 square feet. The proposed hours of operation for the event center office is from Monday to Friday from 9 AM to 6 PM. The proposed hours of operation for the event center is daily from 8 AM to 2 AM (based on events). Based on the square footage of the establishment, 196 parking spaces are required and the development will provide 211 parking spaces.

The Fire Department has approved the necessary inspection, however, the Fire Department will conduct inspection of the establishment once the building is constructed. The establishment must also meet the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

1. The property line of the lot of any of the above mentioned businesses must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. from the nearest residential use or residentially zoned property.
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment has access to U.S Expressway 83.
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. Based on the square footage of the establishment, a total of 196 parking spaces are required of which 6 would have to be accessible to persons with disabilities. The development is in compliance with parking requirement. Two hundred and eleven spaces are provided as shown on the provided site plan.
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and



7. The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director.

The Planning Department has not received any phone calls nor emails in opposition of the conditional use permit request.

Staff recommends disapproval of the request based on noncompliance with requirement #1 (distance to residential use or residential zoned property) 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, Ms. Erica De la Garza moved to disapprove with favorable recommendation. Mr. Jose Saldana seconded the motion, which was disapproved with favorable recommendation with five members present and voting.

- 2) Request of Juan Angel Villanueva for a Conditional Use Permit, for one year, for a portable food concession stand, at Lot 5, Block 23, McAllen Addition Subdivision, Hidalgo County, Texas; 204 South 16th Street. **(CUP2023-0081)**

Ms. Katia Sanchez stated that the subject property is located west of South 16th Street, and approximately 80 feet south of Beaumont Avenue. The property is zoned C-3 (general business) District. The adjacent zone is C-3 in all directions. The properties to the west of the subject property are located within a special district known as the Entertainment and Cultural Overlay District (ECOD). Surrounding land uses include Iglesia El Tabernaculo, Kalifa's Western Wear, and Alicia's Wholesale and Retail. A portable food concession stand is permitted in a C-3 District with a Conditional Use Permit and in compliance with requirements.

On September 21, 2021, the Planning and Zoning Commission approved the initial Conditional Use Permit for a portable food concession stand at the subject property. A Conditional Use Permit was not applied for in 2022, as they were not in operation as per the applicant. The Planning Department received the Conditional Use Permit for a Portable Food Concession Stand on May 26, 2023 with the term of permit being for one year.

The applicant is proposing to resume business operations and operate from a portable food trailer (Don Juanitos) on the subject property. The portable food trailer business is already in place. The applicant will also be utilizing an existing outdoor seating dining area directly across the driveway as shown on the submitted site plan. Based on the square footage of the portable food trailer and proposed dining area eight parking spaces are required. The proposed days and hours of operation are, Monday through Saturday from 8 AM to 6 PM.

A site inspection by staff revealed that the parking lot conditions do not comply with Section 138-400 of the Zoning Ordinance. Parking spaces need to be restriped and loose gravel are visible. The eight parking spaces must be properly striped and paved. If approved, a follow up inspection will be needed to ensure compliance with the parking requirement.

The Fire Department has completed and approved the necessary inspection. Health Department

is pending inspection. 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) Cannot be located in residentially zoned area. The portable food concession stand is located in a C-3 District;
- 2) Stand must be inspected by building inspection department and meet applicable building codes;
- 3) Must have paved off-street parking available over and above what is required for the business to which it is adjacent. The parking lot must be restriped and ensure there are no loose gravel visible
- 4) If it is a portable building or trailer it must be anchored to the ground properly;
- 5) Must meet setback requirements of the zoning district in which it is located; and
- 6) Water and sewage disposal facilities must be available and may be required.

The Planning Department has not received any phone calls nor emails in opposition of the Conditional Use Permit request.

Staff recommends approval of the request, for one year, subject to compliance with requirements from Section 138-118(a)(9) of the Zoning Ordinance, Building Permit, Health, 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. Marco Suarez moved to approve. Mr. Aaron Rivera seconded the motion, which was approved with five members present and voting.

- 3) Request of Jesus F. Davila for a Conditional Use Permit, for one year, and adoption of an ordinance for a bar, at Lot 1, Block 1, Fairway North Subdivision, Hidalgo County, Texas; 2011 South 10th Street. **(CUP2023-0082)**

Ms. Katia Sanchez stated that the property is located on the east side of South 10th Street, west of Toronto Avenue. The subject property is zoned C-3 (general business) District. The contiguous zoning is C-3 to the north, south, and west. To the east, the zoning districts are R-2 (duplex-fourplex), R-3A (multifamily residential apartments), and R-3C (multifamily residential condominiums). Surrounding land uses include Buffalo Wings and Rings, Verizon, and La Plaza Mall. A bar is permitted in the C-3 District with a Conditional Use Permit and in compliance with requirements.

A Conditional Use Permit request for a bar was disapproved by City Commission on February 13, 2023 at the subject property. The Conditional Use Permit for a bar was submitted to the Planning Department on June 01, 2023. The Conditional Use Permit request is for one year.

There is approximately 4,600 square feet of usable floor area that will be utilized by the proposed establishment. The hours of operation will be Monday through Sunday from 11:00 AM to 2:00 AM. Based on the proposed square footage of the bar and grill, 43 parking spaces are required and 46 parking spaces are provided on site as per the submitted site plan. The Police Activity Report for service calls is pending.



The Fire Department is pending the necessary inspection to verify that the establishment is in compliance. The Health Department are pending to conduct the necessary inspection. The Department has not receive any phone calls in opposition to the Conditional Use Permit request. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The property is within 400 ft. of residential zones or uses;
- 2) The abovementioned businesses must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The property fronts 10th Street and it does not generate traffic into residential areas.
- 3) The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. Based on the square footage of the establishment where the bar and grill is proposing to operate, 43 parking spaces are required; 46 parking spaces are provided on site;
- 4) The abovementioned businesses must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;
- 5) The abovementioned businesses should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street;
- 6) The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- 7) The abovementioned businesses shall restrict the number of persons within the building to those allowed by the planning and zoning commission at the time of permit issuance, after having taken into account the recommendations of the fire marshal, building official and director of planning. This number cannot exceed the number provided for in existing city ordinances.

The Planning Department has not received any phone calls nor emails in opposition to the Conditional Use Permit request.

Staff recommends disapproval of the request based on noncompliance with requirement #1 (distance) 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 favorable recommendation. Mr.



Jose Saldana seconded the motion, which was disapproved with favorable recommendation with five members present and voting.

- 4) Request of Antonio E. De Lizardi for a Conditional Use Permit, for life of the use, and adoption of an ordinance for an institutional use (worship center), at 4.87 acre tract of land out of 19.49 acres out of Lot 317, John H. Shary Subdivision, Hidalgo County, Texas; 4124 North Taylor Road. **(CUP2023-0083)**

Ms. Katia Sanchez stated that the subject property is an interior tract located east of Taylor Road, approximately 990 feet north of Nolana Avenue. It is zoned A-O (agricultural-open space) District. The adjacent zoning is A-O to the north and west. It is zoned C-4 (commercial-industrial) District to the east. The contiguous zoning to the north, south, and west is R-1 (single-family residential) District. An institutional use is permitted in an A-O District with a conditional use permit and in compliance with requirements. Surrounding land uses include City of McAllen Recycling Center, Spirit of Peace Lutheran Church, vacant land, and single-family residences.

The applicant is proposing to a worship center which would consist of a sanctuary, prayer trails, church farm, recreational field, youth center, a faith-based book and coffee shop, the pastoral residence, and an office. The scope of the proposed project consists of two phases. Specifically for Phase 1(a), the applicant is proposing office space, classrooms, storage room, book and coffee shop, and an auditorium. In total, the worship center will consists of 250 seats. Based on the proposed seating for the sanctuary, 63 parking spaces are required, 65 parking spaces are being proposed by the applicant. The proposed hours of operation for the sanctuary are Wednesdays from 9 AM to 11AM, Fridays from 6 PM to 8 PM, Saturdays from 9 AM to 8 PM, and Sundays from 11 AM to 1 PM.

The Fire Department conducted the necessary inspection and has approved for the CUP process to continue. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to all conditions noted of the permit. The development must also undergo subdivision and site plan review process, and must comply with requirements set forth by the Development Team. Applicant has been made aware that additional construction will require the property to be subdivided. The proposed use must also comply with the zoning ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property fronts North Taylor Road.
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking especially in residential areas. Based on the proposed 250 seats, 63 parking spots are required; the applicant is proposing 65 parking spaces on site.
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges, or reorientation of entrances and exits;
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and



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

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

Staff recommends approval of the request, for life of the use, subject to compliance with requirements in Section 138-118 of the Zoning Ordinance, Subdivision, Site Plan Review, 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, Mr. Jose Saldana moved to approve. Mr. Aaron Rivera seconded the motion, which was approved with five members present and voting.

- 5) Request of Guggenheim Development Services, LLC on behalf of 4801 Ware, LLC for a Conditional Use Permit, for life of the use, and adoption of an ordinance for an automotive service and repair shop (Jiffy Lube Automotive Service Center), at Lot 2, Ware Plaza Subdivision, Hidalgo County, Texas; 4713 North Ware Road. **(CUP2023-0084)**

Mr. Samuel Nunez stated that the property is located on the west side of North Ware Road, approximately 280 feet north of Buddy Owens Boulevard. The property is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. An automotive service and repair shop is permitted as a primary use within a C-3 District with a Conditional Use Permit and in compliance with all other requirements.

This Conditional Use Permit request was submitted for the life of the use on June 8, 2023. A site plan review application has been submitted for this project on June 8, 2023 and must receive approval by the Development Team prior to any building and sign permit issuance.

The applicant is proposing build and operate a Jiffy Lube Automotive Service Center. According to the submitted floor plan, the automotive center will include four service bays; two used for general service and two for oil changes. The hours of operation for the business are Monday through Friday from 7:00 AM to 6:00 PM, Saturdays from 8:00 AM to 5:00 PM and Sundays from 12:00 PM to 5:00 PM. Based on the total square footage of the proposed building (3,144 square feet), 11 parking spaces are required; 11 parking spaces are provided on site (excluding bay areas).

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

- 1) A minimum lot size of 10,000 square feet is required. According to the subdivision plat, the subject property's total lot size is 22,754.
- 2) All service, repair, maintenance, painting, and other work shall take place within an enclosed area. Work and services are proposed within enclosed bay areas.

- 3) Outside storage of materials is prohibited. No outside storage is proposed.
- 4) The building where the proposed work is to take place shall be at least 100 feet from the nearest residence. There are existing residential uses to the east and west; however, these uses are approximately 200 feet or more from the proposed work building.
- 5) A 6-foot opaque fence to buffer the proposed use from any residential use or residentially zoned area is required. No opaque fence would be required since the lot's property lines are not adjacent to any residential uses or zones.
- 6) New buildings and all conversions of existing buildings to such uses shall meet current Building Code and Fire Code requirements in terms of separation of high hazard uses from other occupancy use classifications, etc.

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

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

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

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

Being no discussion, Mr. Marco Suarez moved to approve. Mr. Aaron Rivera seconded the motion, which was approved with five members present and voting.

b) REZONING:

- 1) Rezone from A-O (agricultural-open space) District to I-1 (light industrial) District: all of 63.86 acres out of Lots 5 and 6, Block 1, Rio Bravo Plantation Company Subdivision, Hidalgo County, Texas; 3500 South Ware Road. **(REZ2023-0030)**

Ms. Katia Sanchez stated that the property has frontage and is located along the west side of South Ware Road. The subject property consists of an interior tract of 63.86 acres which consists of Lots 5 and 6, Block 1 of Rio Bravo Plantation Company Subdivision.

The request is to rezone the subject property to I-1 (light industrial) District. A plan has not been submitted at this time. The request is part of a larger area request for rezoning that includes the adjacent tract to the north and it is being proposed for rezoning to C-1 (office building) District.

The contiguous zoning is A-O District in all directions. There is R-3A (multifamily residential apartments) District to the south of the subject property. There is I-1 District approximately 1,500 feet to the south.

The property is vacant. Surrounding land uses include Champion Lakes Golf Course, Padre De Vida Apartments, McAllen Sewer Plant #2, and vacant land.



The Envision McAllen Future Land Use Plan designates the future land use for this property as Employment Center, which may be most appropriate for employment centers that are in light manufacturing, office parks, medical centers, and supportive retail. This district includes a mixture of retail, office, industrial and other nonresidential development types.

The development trend along South Ware Road in the past has been generally commercial north of the tract and industrial south of the subject property.

The application for a rezoning request was submitted to the Planning Department on June 12, 2023.

The subject property has been used for agricultural purposes and is currently vacant land.

The tract is located in an area known as the Mission Inlet which is an area that is in a FEMA designated Special Flood Hazard Area (SFHA), Zone A. Any development proposed for the tract will need to comply with the floodplain ordinance. In order to ensure that the area is in compliance with the minimum floodplain management standards, a floodplain analysis of this property will be submitted to the Federal Emergency Management Agency at a later time. Recordation of the subdivision plat will require approval by the Engineering Department.

The request is part of a larger area request for rezoning that includes the adjacent tract to the north consisting of 33.894 acres and proposed for rezoning to C-1 District. The C-1 District will serve as a buffer from the I-1 District to the residential zoned properties to the north.

The rezoning and development trends to the south along the west side of South Ware Road have been I-1 District, I-2 (heavy industrial) District and other commercial districts and uses.

Staff has not received multiple calls.

Staff recommends approval of the rezoning request to I-1 (light industrial) District.

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

- Mr. Geoff Alger, 2201 South Bentsen Road, has been living in this area since 1970. Mr. Alger stated the property has always been referred to as a "park". He has been an avid player of disc golf at this location for many years and is in opposition because he does not want the green space removed.
- Mr. Daniel Brooke (did not specify his address to the board), stated his concerns are wild life conservation and flooding issues.
- Mr. Skylar Stoleson, 10213 North 12<sup>th</sup> Street, stated they should not approve the request due to the wild life, the disc golf park and the green space. He is for the Zoho project but feels it should be built at another location.
- Ms. Rita Rivas, 3417 Melba Avenue, stated her concerns are the drainage and wildlife. She

would like to keep the green space for all the children. She also has a petition with approximately 70 signatures objecting the request.

- Ms. Delfina Villarreal, representing Valley Inter Freight, 4716 South 28<sup>th</sup> Street, stated her concerns are traffic in the school zones.
- Mr. Alfredo Bada, 4201 Neuhaus Drive, stated his concerns are the conservation of wild life, the disc golf park, the area is a green area and would like to conserve it.
- Ms. Lois Kim, 4225 Neuhaus Drive, stated her concerns are the conservation of the wild life and the species that bring value to the city.
- Mr. Joe Hinojosa, 408 East Xanthisam, stated his concerns are the flooding and traffic. He also stated that the new company may be affecting taxes.
- Mr. Heberardo Lalo Saldana, 3514 S. Gloria Street, stated his concerns are if the issues should be addressed to the state or county and not to the city. He is also concerned how the drainage in the South side of McAllen is already a problem. He feels corporations are pushing residents out of the area.
- Mr. Rodriguez Jr., 3516 West Jonquil, was questioning where the money for the use of the park is being allocated to. He is also concerned about losing the wild life and the green space.
- Ms. Carol Brown, 1218 Kendlewood, stated that the request for this project does not coincide with the Envision McAllen 2040 plan.
- Ms. Gloria Galindo, 2908 N. 26<sup>th</sup> Street, stated her concerns is the conservation of wildlife and habitat.
- Proposed Developer, Mr. Reid Jahns, 100 Camelot Dr. Fondulac, WI., briefly explained the purpose to their plan of the project and how he was not aware of what the location consisted of until now.
- Ms. Victoria Guerra, 1407 Daffodil, stated that the location is and should be recognized as a park and also shared the same concerns as the citizens above.
- Mr. Pablo Samuel Gonzalez Rocha, 3900 Neuhaus, stated his concerns that the park has a great amount of history and would be shameful to tear apart.
- Mr. Keith Patridge, 6401 South 33<sup>rd</sup> Street, stated the history on how the plan came into place for the development presented and the opportunities the project will offer to the community.
- Jim Chapman, 200 E. 11<sup>th</sup> Street, Weslaco, Texas, stated that he does not live in McAllen but is the President of the Wild Life Corridor and spends a lot time in McAllen's wild life parks. He stated you cannot convert land back to brush and forest, so once you destroy the natural habitat, you cannot recreate the natural wild life.



After a lengthy discussion, Mr. Jose Saldana Jr. moved to disapprove. Ms. Erica De la Garza seconded the motion which item was disapproved with five members present and voting.

- 2) Rezone from A-O (agricultural-open space) District to C-1 (office building) District: 33.894 acres out of Lot 8, McAllen First Suburban Citrus Groves Subdivision and out of Lots 185 and 188, La Lomita Irrigation & Construction Company, Hidalgo County, Texas; 2800 South Ware Road. **(REZ2023-0031)**

As per Chairperson Mr. Michael Fallek, previous discussion from 2b1 will be tied to this item.

After a lengthy discussion on item 2b1, Mr. Marco Suarez moved to disapprove. Mr. Jose Saldana seconded the motion which item was disapproved with five members present and voting.

- 3) Rezone from C-4 (commercial-industrial) District to R-3T (multi-family townhouse residential) District: Lots 1 thru 24, Block 1 inclusive, Lots 1 thru 4, Block 2 inclusive, the east part of Lots 5, 6, 7, 8, & 9, Block 2 together with all that part of abandoned 19th Street lying adjacent to Lots 1 thru 9, Blocks 1 & 2 & the east 15.7 feet of said abandoned 19th Street lying adjacent to Lots 10-24, Block 1, Guerra's Addition, Hidalgo County, Texas; 900 South Bicentennial Boulevard. **(REZ2023-0029)**

Mr. Samuel Nunez stated that the subject property is located along the southwest corner of South Bicentennial Boulevard and Houston Avenue. The properties span 28 lots that total 1.54 acres, as per Hidalgo County Appraisal District records. The applicant is requesting to rezone the property to R-3T (multifamily townhouse residential) District in order to develop the tract of land for townhouses. A feasibility plan has not been submitted for the proposal.

The adjacent zoning is R-2 (duplex-fourplex) District in all directions, except north across Houston Avenue where there is C-4 (commercial-industrial) District.

The subject properties (Lots 1-24, Block 1) along South Bicentennial Boulevard are currently vacant. Lots 1-4 of Block 2 (fronting South 19th ½ Street) are also vacant. The easterly portions of Lots 5-9 currently have single family residences. Surrounding land uses include Zarsky Lumber Company and single-family residences.

The Envision McAllen Future Land Use Plan designates the future land use for this property as Complete Communities, which is most appropriate for single-family detached homes. Small multifamily developments (8-12 living units per lot) can be appropriate in this area when adjacent to Mixed-use Nodes. A Mixed-use Node does not exist in this area. Large multifamily developments (12+ living units per lot) are not considered appropriate for this area.

The development trend for this area along South Bicentennial Boulevard is residential and commercial uses.

The property was zoned C-4 (commercial-industrial) District during comprehensive zoning in 1979. The rezoning request to R-3T (multifamily townhouse residential) District was submitted on June 8, 2023.

The requested zoning conforms to the Complete Community future land use designation as indicated on the Envision McAllen Future Land Use Plan. Townhouses are considered appropriate uses within this area, especially where retail is nearby.

The proposed development area would have 1.54 acres (67,082.40 square feet). Based on the maximum density per gross acres in the R-3T District: 67-one bedroom units, 54-two bedroom units, and 45-three bedroom units would be allowed. Seven thousand square feet represents the minimum lot area for any R-3 multifamily residential district use, exclusive of townhouse. Max allowable density per acre will be defined on site plan approval, once a final subdivision plat is recorded.

A site plan review will be required prior to building permit issuance. Compliance with off-street parking, landscaping, and various Building and Fire Code requirements will be requested during the building permitting process.

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

Staff recommends approval of the rezoning request to R-3T (multifamily townhouse residential) District since conforms to the future land use plan designation under Envision McAllen.

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 motioned to approve. Mr. Jose Saldana seconded the motion which item was approved with five members present and voting.

- 3) Rezone from R-1 (single family residential) District to R-3A (multi-family apartment residential) District: 26.88 acre tract of land out of Lots 7, 8, 13, and 14, Section 234, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas; 13202 North 38th Street (rear). **(REZ2023-0027)**

Mr. Samuel Nunez stated that the subject property is currently part of a larger tract of land that is located along the east side of North 38<sup>th</sup> Street. The area being rezoned (26.88 acres) will be undergoing the subdivision process and will have access through a proposed road under "North 34<sup>th</sup> Lane.

The applicant is requesting to rezone the property to R-3A (multifamily apartment residential) District in order to develop the tract of land into a fourplex development subdivision. 53 lots are proposed for the development. A feasibility plan, or proposed site plan, has not been submitted for the project.

The adjacent zoning is R-1 (single family residential) District in all directions, except to the south where there is R-3A District.

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

The Envision McAllen Future Land Use Plan designates the future land use for this property as Complete Communities, which is most appropriate for single-family detached homes. Small



multifamily developments (8-12 living units) can be appropriate in this area when adjacent to Mixed-use Nodes. A Mixed-use Node does not exist in this area. Large multifamily developments (12+ units) are not considered appropriate for this area.

The development trend for this area is primarily single-family residential. There is one R-3A District development to the south that will connect to this tract of land via a proposed road under "North 34<sup>th</sup> Lane."

The subject property was annexed into the City of McAllen in March 2006 as part of a 63.862-acre tract. The initial zoning request was R-1 (single family residential) District. At the time, the subject property was being proposed for an R-1 District subdivision development by the name of The Vineyards Estates Phase 2, which included 60 lots on 50.8 acres. However, the proposed subdivision was never finalized or recorded. This rezoning request was submitted on May 18, 2023.

The requested zoning conforms to the Complete Communities future land use designation as indicated on the Envision McAllen Future Land Use Plan. There is also an existing R-3A (multifamily apartment development) District to the south that will connect with this property.

The proposed development area would have 23.88 acres (1,170,892.80 square feet). Based on the maximum density per gross acres in the R-3A District: 1,171-one bedroom units, 937-two bedroom units, and 781-three bedroom units would be allowed. Seven thousand square feet represents the minimum lot area for any R-3 multifamily residential district use, exclusive of townhouse. Max allowable density per acre will be defined on site plan approval, once a final subdivision plat is recorded.

A recorded subdivision plat and an approved site plan will be required prior to building permit issuance. Compliance with off-street parking, landscaping, and various Building and Fire Code requirements will be requested during the building permitting process.

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

Staff recommends approval of the rezoning request to R-3A (multifamily apartment residential) District since it conforms to the Envision McAllen Future Land Use Plan.

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

Mr. Hector Morales, 3409 Breeze Avenue, stated his concern was that the neighborhood will not be peaceful as it is now.

Applicant, Alfonso Quintanilla, stated that they will have a detention area that will separate the apartments and houses.

After a short discussion, Mr. Marco Suarez moved to approve. Mr. Aaron Rivera seconded the motion which item was approved with five members present and voting.

- 4) Rezone from R-2 (duplex-fourplex) District to R-3A (multi-family apartment residential) District: 1.389 acres of land out of Lot 69, McAllen Second Suburban Citrus Groves Subdivision, Hidalgo County, Texas; 2342 Jordan Road. **(REZ2023-0028)**

Mr. Samuel Nunez stated that the subject property is located along the north side of Jordan Road, approximately 550 feet west of North 23rd Street. The tract being rezoned has a total lot size of 1.389 acres.

The applicant is requesting to rezone the property to R-3A (multifamily apartment residential) District in order to develop the tract of land into a fourplex development subdivision. 53 lots are proposed for the development. A feasibility plan, or proposed site plan, has not been submitted for the project.

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

The subject property is currently vacant. Surrounding land uses include Hope Family Health Center, James Bonham Elementary, El Buen Pastor Church, a United Drive In convenience store, and single-family residential uses.

The Envision McAllen Future Land Use Plan designates the future land use for this property as Complete Communities, which is most appropriate for single-family detached homes. Small multifamily developments (8-12 living units per lot) can be appropriate in this area when adjacent to Mixed-use Nodes. A Mixed-use Node does not exist in this area. Large multifamily developments (12+ living units per lot) are not considered appropriate for this area.

The development trend for this area along Jordan Road is a mix of commercial and residential uses.

The subject property was zoned R-2 (duplex-fourplex) District during comprehensive zoning in May 1979 and has remained R-2 District ever since. This zoning request was submitted on May 19, 2023.

The requested zoning conforms to the Parks and Open Space future land use designation as indicated on the Envision McAllen Future Land Use Plan. The proposal may serve as transitional use between nonresidential uses.

The proposed development area would have 1.389 acres (60,504.84 square feet). Based on the maximum density per gross acres in the R-3A District: 61-one bedroom units, 48-two bedroom units, and 40-three bedroom units would be allowed. Seven thousand square feet represents the minimum lot area for any R-3 multifamily residential district use, exclusive of townhouse. Max allowable density per acre will be defined on site plan approval, once a final subdivision plat is recorded.

A recorded subdivision plat and an approved site plan will be required prior to building permit issuance. Compliance with off-street parking, landscaping, and various Building and Fire Code requirements will be requested during the building permitting process.

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

Staff recommends approval of the rezoning request to R-3A (multifamily apartment residential) District since conforms to the future land use plan designation under Envision McAllen, and the



proposal would serve as a transitional use between nonresidential uses.

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. Ms. Erica De la Garza seconded the motion which item was approved with five members present and voting.

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

- a) Site Plan approval for LOT 16, Citrus Grove Plaza Lots 14, 15 & 16 Subdivision; 4201 Expressway 83 **(SPR2022-0052)**.

Ms. Katia Sanchez stated that the subject property is located on the south side of Expressway 83, west of South Ware Road. The property is 81,152.28 square feet (1.8630 acre). The surrounding land use is C-3 (general business) District in all directions, the tract is also zoned C-3 District. Surrounding land uses include as follows: restaurants, commercial plazas and condominiums.

The applicant is proposing to construct and operate two restaurants

Based on the 10,800 square footage of the proposed commercial plaza, 83 parking spaces are required. There are 115 parking spaces provided on site as per the site plan. Four of the proposed parking spaces must be accessible, one of which must also be van accessible with an 8-foot wide aisle. Access to the site is from a proposed access from Expressway 83. Required landscaping for the lot is 8,116 square feet of which 11,206 square feet of landscaping is being provided. The tree requirement is as follows: 23 - 2 ½" caliper trees, 12 -4" caliper trees or 6 -6" caliper trees. A minimum 10-foot wide landscaped strip is required inside the property line along US Expressway 83. Fifty percent of the landscaping must be visible from the street, and each parking space must be within 100 feet of a landscaped area with a tree, as required by ordinance.

The setbacks are as follows: from US Expressway 83 as shown on plat (75' from US Expressway 83. Rear setback is in accordance with the zoning ordinance, 5 feet. Side setbacks is in accordance with the zoning ordinance, 14 feet (based on elevations provided), proposing 16 feet (east side) and 15 feet (west side). A deceleration lane as part of the approved TIA, as well as a roundabout.

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

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

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

### **4) CONSENT:**

- a) Canarias Subdivision (previously Florencia Subdivision), 2700 South McColl Road,

Patricia Lorenzo **(SUB2023-0065) (FINAL) SEC**

- b) La Quinta Lot 1B Subdivision, 1100 South 10th Street, CWE McAllen 1100, LLC **(SUB2022-0148) (FINAL) M&H**
- c) QQ 10th & Jay Subdivision, 6101 North 10th Street, QQRGV Investments, LLC **(SUB2023-0039) (FINAL) M&H**
- d) Sunset Valley Subdivision, 6000 North Bentsen Road, Garman Investments, LP **(SUB2023-0041) (FINAL) M2E**
- e) Felix Subdivision, 3024 South 1st Street, Patricia Salazar **(SUB2023-0058) (FINAL) SEA**

Being no discussion, Mr. Marco Suarez. moved to approve subdivision in consent form for Items 4a - 4e. Mr. Jose Saldana seconded the motion, which was approved with five members present and voting.

#### **4) SUBDIVISIONS:**

- a) The Villas on Freddy Phase II Subdivision, 1500 Freddy Gonzalez Road, The Villas on Freddy, LLC **(SUB2020-0039) (REVISED FINAL) M&H**

Mr. Kaveh Forghanparast stated Freddy Gonzalez Road - 20 ft. ROW dedication, for 50 ft. from center line for 100 ft. ROW Paving: 65 ft. Curb & gutter: both sides. Must escrow monies if improvements are not constructed prior to recording. N. 15th Street (Private), Xavier Ave. (Private), Zurich Ave. (Private): 30 ft. ROW Paving 30 ft. Curb & gutter both sides. Variance request for 30 ft. ROW width, and 30 ft. paving back to back approved by City Commission on May 13, 2019. Fire Lanes and HOA enforcement of no parking on the streets per Fire Department requirements. Bicentennial Boulevard - Proposed 25 ft. additional ROW for 150.50-150.87 ft. total ROW. Engineer to clarify if improvements have been built and ROW has been acquired or dedicated. Paving: By the state Curb & gutter: Both sides. 800 ft. Block Length. Variance request to the 800 ft. block length requirement approved by City Commission at the May 13, 2019 meeting. LOTS 120 shall be 20 feet (FRONTING SOUTH) LOTS 139-162 shall be 10 feet (FRONTING EAST), LOTS 163-192 shall be 20 feet (FRONTING EAST). Originally 23 ft. Garage setback was proposed so vehicles don't overlap over the sidewalks. Based on The sidewalks plans submitted in 2019, the sidewalks were proposed to be built along the rear side of the lots, not at the front. The engineer is asking for 20 ft. garage setback to match The Villas on Freddy Phase I Subdivision, with a proposed note as shown above. Setbacks under plat note #3 must be revised as previously approved for TVOF II prior to recording. If any changes are proposed, variance might be required. Zoning Ordinance: Section 138-356. Rear: LOT 120 shall be 10 feet (NORTH) LOTS 139-162 shall be 23 feet (GARAGE WEST) LOTS 163-192 shall be 10 feet (GARAGE WEST). Plat note #3 to be revised as shown above prior to recording. Zoning Ordinance: Section 138-356. Interior sides: LOT 120 shall be 3 feet East side and 7 feet West side Lots 139-162 shall be 7 feet South side and 3 feet North side, Lots 163-192 shall be 3 feet North side and 7 feet South side. Plat note #3 to be revised prior to recording. Engineer to clarify if setbacks will be modified prior to recording. Zoning Ordinance: Section 138-356. Side Corner: 5 feet, or greater for easements. Garage: (Proposed) 20 ft. except where greater setback is required, greater setback applies. Originally 23 ft. Garage setback was proposed so vehicles don't overlap over the sidewalks. Based on The sidewalks plans



submitted in 2019, the sidewalks were proposed to be built along the rear side of the lots, not at the front. The engineer is asking for 20 ft. garage setback to match The Villas on Freddy Phase I Subdivision, with a proposed note as shown above. Setbacks under plat note #3 must be revised as previously approved for TVOF II prior to recording. If any changes are proposed, variance might be required. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on Freddy Gonzalez Rd., Bicentennial Blvd. and both sides of all interior streets; however Engineer submitted a Walking Trails plan for the interior street which provides for sidewalks along the front of each unit. Sidewalks are located along some streets, while others are within common areas. Variance request for sidewalk requirement approved by City Commission on May 13, 2019 as per Walking Trails Plan for the interior streets, etc. 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 Freddy Gonzalez Rd. and Bicentennial Blvd. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along Freddy Gonzalez Rd. and/or Bicentennial Blvd. Common Areas, Private Streets must be maintained by the lot owners and not the City of McAllen. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Minimum lot width and lot area. All lots must be minimum 20 ft. wide and corner lot must be minimum 24 ft. wide in R-3T district. Lots fronting public streets. Existing: R3T Proposed: R3T. Minimum lot width and lot area. All lots must be minimum 20 ft. wide and corner lot must be minimum 24 ft. wide in R-3T district. Lots fronting public streets. Existing : R3T Proposed: R3T. Must comply with City's Access Management Policy. Gate detail must be submitted and approved, prior to recording. Previously approved, The Villas on Freddy II, is splitting into two new phases: The Villas on Freddy Phase II and Phase III. Must comply with overall Master Plan requirements. The Villas on Freddy Phase II was approved in Final form at the P&Z meeting of July 7, 2020 and a 6-month extension on September 21, 2021, and revised final form at the P&Z meeting of December 21, 2021, and May 16, 2023. At the Planning and Zoning Commission meeting of May 16, 2023, the Board approved the subdivision in revised final form and approved the variance request for garage setback to be at 20 ft. instead of the originally approved 23 ft. On June 23, 2023, the engineer clarified that the variance request included front setback of Lot 120 & Lots 163-192 to be at 20 feet too. They also clarified that the rear setback for Lots 139-162 will remain at 23 ft. Staff scheduled the subdivision to be heard by the Planning and Zoning Commission on July 12, 2023, so that the meeting minutes would reflect the setbacks as requested by the engineer. Setbacks will have to be shown on plat note #3 as previously approved for TVOF II prior to final. If any changes are proposed, variance might be required.

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

Being no discussion, Mr. Marco Suarez moved to approve in revised final form subject to conditions noted and voted to approve the variance request. Mr. Aaron Rivera seconded the motion, which was approved with five members present and voting.

- b) CEH Addition Subdivision, 6321 South 23rd Street, Circle K **(SUB2023-0059)**  
**(PRELIMINARY) MAE**



Mr. Kaveh Forghanparast stated S 23rd St: dedication as required for 75 ft. from the centerline, for 150 ft. total ROW Paving: By State Curb & gutter: By State Revisions needed: Label the Street as "S. 23rd Street (F.M. 1926)" prior to final. Clarify if "SPUR 115" is required by the State. It could be added in parenthesis after "S. 23rd Street (F.M. 1926)" if needed. Please provide a document referencing S. 23rd Street as "SPUR 115" prior to final. Show and label Centerline to establish ROW dedication requirement prior to final. Show the existing ROW on both sides of the centerline and total existing ROW prior to final. Provide a copy of the document for the existing ROW for staff review prior to final. Show the existing ROW on multiple points to show how it varies in this area prior to final. Please clarify the Gas Utility Marks and Buried Gas Utility Signs along the ROW and if there are any existing gas lines/easements prior to final. Any overlap of the existing gas or utility easement with the ROW dedication must be clarified prior to final. All ROW requirements must be addressed prior to final approval. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. Military Highway: Dedication as required for 75 ft. from centerline for 150 ft. total ROW Paving: 65 ft. to 105 ft. Curb & gutter: both sides Revisions needed: Label the Street as "Military Highway (F.M. 1016)" prior to final. Show and label Centerline to establish ROW dedication requirement prior to final. Show the existing ROW on both sides of the centerline and total existing ROW prior to final. Show the ROW dedicated by this plat, ROW from centerline after the dedication, and total ROW after the dedication, prior to final. Please clarify the Gas Utility Marks and Buried Gas Utility Signs along the ROW and if there are any existing gas lines/easements prior to final. Any overlap of the existing gas or utility easement with the ROW dedication must be clarified prior to final. - Based on TxDOT's online GIS Map, it seems that this area of Military Highway is not a State Road. Clarify and provide documents if it is a State Road, prior to final. All ROW requirements must be addressed prior to final approval. 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. 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 #9 proposes minimum 24 ft. private service drive to provide City Services at times of site plan. Plat note will be finalized by staff to extend to the adjacent lots to provide City services prior to final. Subdivision Ordinance: Section 134-106. Front: In accordance with the Zoning Ordinance or greater for approved site plan or easements or inline with existing structures, whichever is greater applies. Add a plat note as shown above, prior to final. Zoning Ordinance: Section 138-356. Rear: In accordance with the Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Add a plat note as shown above prior to final. Zoning Ordinance: Section 138-356. Sides: In accordance with the Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Add a plat note as shown above prior to final Zoning Ordinance: Section 138-356. Corner: In accordance with the Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Add a plat note as shown above prior to final. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on S. 23rd Street and Military Highway. Engineering Department may require 5 ft. sidewalk. Add the sidewalk plat note prior to final. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. Add a plat note 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. Add a plat note as shown above prior to final. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along. Must comply with City Access Management Policy. Site plan must be approved by the Planning



and Development Departments prior to building permit issuance. Common Areas, any private streets/drives, etc. must be maintained by the lot owners and not the City of McAllen. Add a plat note as shown above prior to final. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Lots fronting public streets. 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. Submit a Trip Gen to be reviewed by Traffic Department. Traffic Impact Analysis (TIA) required prior to final plat. Subdivision proposed as Lot 30R, Block 3. Clarify/revise the Lot and Block number for the proposed subdivision prior to final. If Lot 30R, Block 3 is part of the subdivision name, it must be written bold in the subdivision name prior to final. Remove the improvements, utility marks, etc. from the plat prior to final. Provide a copy of the documents referenced on the plat, including the utility easement, for staff review prior to final. Provide the legal description of the adjacent properties on all sides prior to final. Any overlap of ROW dedication with the existing easements must be clarified prior to final. Staff will review to verify if the dedication may include an existing easement prior to final. Clarify Owner's Certificate and Dedication on the plat prior to final. Add a north arrow and label Military Highway on the vicinity map. Clarify/remove plat note #4 from the plat. Must comply with City's Access Management Policy.

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

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

- c) Vacating Recreational Area of Monte Cristo Subdivision to the Replat of Recreational Area of Monte Cristo Lot 1A Subdivision, 4308 Vivian Street, Jose L. Palacios **(SUB2023-0062) (PRELIMINARY) M&H**

Mr. Kaveh Forghanparast stated Vivian Street: 50 ft. ROW Paving: 32 ft. Curb & gutter: Both sides Revisions needed: Label center line prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. Jennifer's Drive: 50 ft. ROW Paving: 32 ft. Curb & gutter: Both sides Revisions needed: Label Centerline 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. 1,200 ft. Block Length. Subdivision Ordinance: Section 134-118. Front: 25 ft. or in line with existing structures or easements, whichever is greater. Proposed: 20 ft. or easement, whichever is greater. Clarify/Revise the plat note as shown above prior to final. Clarify which side of the property will be the front to finalize the setback requirement prior to final. Setback note will be finalized, once the front and rear sides are clarified. Zoning Ordinance: Section 138-356. Rear: 15 ft. or greater for easements Proposed: 10 ft. or easement, whichever is greater. There seems to be 15 ft. of total U.E. based on the existing 10 ft. U.E. and additional 5 ft. U.E. by this plat. Clarify/Revise the plat note as shown above prior to final. Clarify which side of the property will be the rear to finalize the setback requirement prior to final. Setback note will be finalized, once the front and rear sides are clarified. Zoning Ordinance: Section 138-356. Sides: 6 ft. or greater for easements Proposed: 5 ft. or easement, whichever is greater. Clarify/Revise the plat note as shown above prior to final. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required, greater setback applies. Add a plat note



as shown above prior to final. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on Vivian Street and Jennifer's Drive. 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/uses and along. Clarify the rear side of the property to finalize the buffer note requirement 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. Add a plat note as shown above prior to final. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along. Clarify the rear side of the property to finalize the plat note prior to final. Must comply with City Access Management Policy. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: ETJ Proposed: ETJ. Zoning Ordinance: Article V As per Traffic Department, TG waived for 2-lot single family residential. Please correct the name of the subdivision on the plat and application to the following prior to final. "Vacating Recreational Area of Monte Cristo Subdivision and replat to Monte Cristo Lot 1A Subdivision" Please use larger font only for "Monte Cristo Lot 1A Subdivision" on the plat. The submitted application proposes 2 lots but the plat shows Lot 1A only. Please clarify prior to final. There is an existing 10 ft. U.E. going through the proposed Lot 1A. Any abandonment must be done with a separate instrument and referenced on the plat. Please clarify prior to final. Remove any reference to "Edinburg, Texas" from the plat. Revise the name of the replat map name to "Replat map of Monte Cristo Lot 1A Subdivision". Public notice is required prior to final approval. 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.

d) Garden Rose Subdivision, 1200 East Yuma Avenue, Edgar Escobedo  
**(SUB2023-0020) (REVISED PRELIMINARY) MAS**

Mr. Mario Escamilla stated that E. Yuma Avenue: Dedication as needed for 40 ft. from centerline for 80 ft. total ROW Paving: 52 ft. - 65 ft. Curb & gutter: both sides. Revisions needed: Label centerline prior to final. Please provide how existing ROW was dedicated on plat and a copy of any referenced document for staff review, prior to final. Label existing ROW dedications, from centerline, total, existing, etc. on both sides, prior to final. Label ROW dedications by this plat as applicable, prior to final, once existing dedication have been finalized. Label Easement along street and ensure there are no issues with overlap, dedication, etc. with the Irrigation company, 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. Interior Streets: 60ft. Total ROW. Paving 40 ft. Curb & gutter: Both Sides Revisions needed: Proposed Interior dedications range from 50-60 ft. of ROW, please see ROW requirements above, review and revise as applicable prior to final. -Street names will be established prior to final and plat will need to be revised accordingly. -Clarify if subdivision is proposed to be private as gate details are required and ROW are subject to increase for gate areas, finalize prior to final and submit gate details as applicable. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must



be escrowed if improvements are not constructed prior to recording. N/S collector (western boundary): Dedication as needed for 60 ft. Total ROW. Paving: 40 ft. Curb & gutter: Both Sides  
Pending Items: Street names will be established prior to final. 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. 900 ft. Block Length for R-3 Zone Districts. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac Revisions Needed: Provide "Cul-De Sac" and "Knuckle" details prior to final. Provide distance from Yuma ROW to the back of Southeastern Cul-De-Sac to verify compliance with 600 ft. block length requirements for Cul-de-Sacs, 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. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial and multi-family properties. Subdivision Ordinance: Section 134-106. Front: 10 ft. or greater for easements, whichever is greater applies. Pending Items: Setbacks requirements subject to change once zoning requirements have been finalized. Clarify Zoning Status for lot 31 as 45 ft. or greater for easement required for existing R-1 Zone along E. Yuma Avenue, finalize prior to final. Note Subject to change once zoning status has been clarified. Zoning Ordinance: Section 138-356. Rear: In accordance with the zoning ordinance or greater for easements, whichever is greater applies. Revise the note as shown above prior to final. Proposing: 10 ft. or greater for easements, whichever is greater applies. Zoning Ordinance: Section 138-356. Sides :In accordance with the zoning ordinance or greater for easements, whichever is greater applies. Zoning Ordinance: Section 138-356. Corner:10 ft. or greater for easements, whichever is greater applies. Zoning Ordinance: Section 138-356. Garage:18 ft. except where greater setback is required, greater setback applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required E. Yuma Avenue, N/S Collector, and both sides of interior streets. Wording for note subject to change once ROW requirements have been established, 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 and along E. Yuma Avenue and N/S Collector Street. Wording for note subject to change once ROW requirements have been established, 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 E. Yuma Avenue and N/S Collector Street. Wording for note subject to change once ROW requirements have been established, finalize note wording prior to final. Must comply with City Access Management Policy Required. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Any owner, builder or developer of a multiple-family, condominium or townhouse dwelling complex of five units or more on a single lot or parcel, or five single-family attached units, shall submit to the planning department for review a site and building plan for the proposed development, submit a site plan for staff review prior to final. Zoning Ordinance: Section 138-210. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Note subject to change once subdivision requirements have been finalized. Finalize 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. 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. Revisions Needed: Lot 31 exhibits 30 ft. of frontage, review and revise as applicable as a non-conforming lot is being created under current zoning. Clarify zoning status for lot 31 as 50 ft. of frontage minimum required in the R-1(Single-Family Residential) District. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Revisions Needed: Clarify zoning status for lot 31 as 50 ft. of frontage minimum required in the R-1(Single-Family Residential) District. Compliance with lot requirement to be determined once zoning has been clarified/ finalized, prior to final. Zoning Ordinance: Section 138-356. Existing:R-1(single-family)Residential District and R3-T(Townhouse residential) District Proposed: R3-T(Townhouse residential) District. Rezoning to R3-T approved at the City commission meeting of April 10, 2023, however lot 31 not included as part of rezoning approval. Pending Items: Engineer must clarify 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 Pending Items: Any rezoning process must be finalized before final plat approval. Engineer must verify if proposed subdivision is within appropriate zoning as it may prompt changes to plat and or rezoning process, review and finalize prior to final. Zoning Ordinance: Article V. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per plat submitted on June 10,2023 a total of 31 lots proposed park fees total to \$21,700 (\$700 X31 per lot/dwelling unit) payable prior to plat recording. If the number of lots/dwelling units changes fees will be adjusted accordingly. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Must comply with City's Access Management Policy. Any abandonments must be done by separate process, not by plat. Rezoning process must be finalized before final plat approval. Engineer must verify if proposed subdivision is within appropriate zoning as it may prompt changes to plat and or rezoning process, review and finalize prior to final. Clarify if subdivision is proposed to be public or private, as additional requirements may be triggered. Clarify proposed zoning on application as it exhibits R-1 and R3-T. As per Fire Department, Secondary access will be required. At the Planning and Zoning Commission meeting of March 7, 2023, the board voted to approve the subdivision in preliminary form subject to conditions noted, drainage and utility approvals as a 37 lot townhouse development. As per plat submitted on June 10th,2023 31 lots proposed with additional acreage. Engineer must update provided information on submitted application prior to final.

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 the conditions noted, drainage, and utilities approval. Mr. Aaron Rivera seconded the motion, which was approved with five members present and voting.

- e) Villas at Ware Subdivision, 4900 North Ware Road Rear, Rhodes Enterprises, Inc. **(SUB2023-0063) (PRELIMINARY) M&H**

Mr. Mario Escamilla stated that North Ware Road: 75 ft. from centerline for 150 ft. of total ROW Paving: by the state Curb & gutter: by the state Revisions Needed: Show document # on plat for



the common access easement connecting to North Ware Road and provide a copy of the document for staff review, prior to recording. Label centerline, prior to final. Label existing ROW dedications, from centerline, total, etc., prior to final. Provide Wisteria Avenue across North Ware Road with dimensions from centerline to centerline of proposed Common Access Easement to verify compliance with offset 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. North 34th Street: Dedication as needed for 60 ft. Total ROW. Paving: 40 ft. Curb & gutter: Both sides Revisions Needed: Subdivision layout must provide for street extension and must match existing ROW and Pavement to the North and South, please review and revise accordingly prior to final. Should a alternate layout be proposed and a variance is submitted and approved it would be subject to providing required Cul-De Sac's at the North and South ends of the existing streets within this plat boundary. Subdivision proposed Interior dedication is 30 ft. of ROW, ROW must be revised to provide for minimum ROW requirements as noted above, review and revise as applicable prior to final. Engineer must clarify if subdivision is proposed to be public or private, as it may trigger changes to ROW requirements and subdivision layout may have to be revised, clarify prior to final. If subdivision is proposed to be private as gate details are required and ROW are subject to increase for gate areas, finalize prior to final and submit gate details as applicable. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan Monies must be escrowed if improvements are not constructed prior to recording Entrance Street Proposed Wisteria Avenue: Dedication as needed for 60 ft. Total ROW. Paving: 40 ft. Curb & gutter: Both sides Revisions Needed: Interior street names will be established, prior to final. -Provide Wisteria Avenue across North Ware Road with dimensions from centerline to centerline of proposed Common Access Easement to verify compliance with offset requirements, prior to final. Subdivision proposed Interior dedication is 50ft. of ROW, ROW must be revised to provide for minimum ROW requirements as noted above and may increase for gate areas, review and revise as applicable prior to final. Engineer must clarify if subdivision is proposed to be public or private, as it may trigger changes to ROW requirements and subdivision layout may have to be revised, clarify prior to final. If subdivision is proposed to be private as gate details are required and ROW are subject to increase for gate areas, finalize prior to final and submit gate details as applicable. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan Monies must be escrowed if improvements are not constructed prior to recording. Interior Streets: Dedication as needed for 60 ft. Total ROW. Paving 40 ft. Curb & gutter: Both Sides. Revisions Needed: Interior street names will be established, prior to final. Subdivision proposed Interior dedication is 30 ft. of ROW with 30 ft. of paving, ROW/Pavement must be revised to provide for minimum ROW/Pavement requirements as noted above and may increase for gate areas, review and revise as applicable prior to final. Engineer must clarify if subdivision is proposed to be public or private, as it may trigger changes to ROW requirements and subdivision layout may have to be revised, clarify prior to final. If subdivision is proposed to be private as gate details are required and ROW are subject to increase for gate areas, finalize prior to final and submit gate details as applicable. Provide for "Cul-De Sac" at interior street ends as dead end streets are not allowed, revise as applicable 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, 96ft. of paving face-to face required, and 10 ft. of ROW back of curb around Cul-de-Sac required. If proposing to loop the streets in lieu of Cul-De-Sacs's, street layout must comply with minimum maneuverability requirements for Fire and Public Works Department in compliance with City Standards, as the easement shown on the south side of lots 1,12,13 and 24 does not meet requirements. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. E/W Quarter Mile Collector (northern boundary):Dedication as needed for 60 ft. total ROW Paving: 40 ft. Curb & gutter: Both sides



Pending Items: Please provide ownership map to verify that no landlocked properties exist or will be created, prior to final. Street alignment, R.O.W, and dedication requirements being reviewed by staff and plat would need to be revised accordingly. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. 900 ft. Block Length for R-3 Zone Districts. Revisions Needed: Subdivision layout does not comply with block length requirement, please revise accordingly prior to final. If no changes please submit variance request for 900 ft. maximum block length requirement. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac. Revisions Needed: Provide distance from proposed Wisteria Avenue ROW to the back of "Cul-De-Sac's" to verify compliance with 600 ft. block length requirements for Cul-de-Sacs, finalize prior to final. Provide for "Cul-De Sac" at interior street ends as dead end streets are not allowed, revise as applicable 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, 96ft. of paving face-to face required, and 10 ft. of ROW back of curb around Cul-de-Sac required. If proposing to loop the streets in lieu of Cul-De-Sacs's, street layout must comply with minimum maneuverability requirements for Fire and Public Works Department in compliance with City Standards, as the easement shown on the south side of lots 1,12,13 and 24 does not meet requirements. Subdivision layout does not comply with block length requirement, please revise accordingly prior to final. If no changes please submit variance request for 600 ft. maximum block length requirement. Provide "Cul-De Sac" details prior to final. Auto Turn Study may be required to verify compliance with maneuvering space needed at "Cul-De Sac", "Knuckle's", and curvatures, prior to final. Subdivision Ordinance: Section 134-105. ROW: 20 ft. Paving: 16 ft. Revisions Needed: Alley/service drive easement required for commercial and multi-family properties. Alley or service drive easement cannot dead-end. Provide for alley or service drive easement on the plat prior to final. Finalize alley/service drive requirements prior to final. Subdivision Ordinance: Section 134-106. Front:10 ft. or greater for easements, whichever is greater applies. Revisions needed: Revise note as shown above prior to final. Setbacks requirements subject to change once zoning requirements have been finalized. 20ft. or greater for easement required for existing R-3A Zone, finalize prior to final. Proposing: In accordance with zoning ordinance, or approved site plan. Zoning Ordinance: Section 138-356. Rear: In accordance with the zoning ordinance or greater for easements, whichever is greater applies. Revise the note as shown above prior to final. Proposing: In accordance with zoning ordinance or greater for easements, or approved site plan. Zoning Ordinance: Section 138-356. Sides :In accordance with the zoning ordinance or greater for easements, whichever is greater applies. Revisions needed: Revise note as shown above prior to final. Proposing: In accordance with zoning ordinance or greater for easements, or approved site plan. Zoning Ordinance: Section 138-356. Corner:10 ft. or greater for easements, whichever is greater applies. Revise note as shown above prior to final. Proposing: In accordance with zoning ordinance or greater for easements, or approved site plan. 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 collector street, and both sides of all interior streets, including the entrance access and North Ware Road. Revisions Needed: Sidewalk wording for note #6 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, and along the collector street, if applicable. Revisions Needed: 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. Revisions Needed: Revise note #17, as shown above prior to final. Proposing: 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses, and others as needed prior to final. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along Pending items: Note wording for curb cut, access, or lot frontage must be finalized prior to final, requirements for note to be established once ROW requirements have been finalized. Must comply with City Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Revisions Needed: Remove plat note #19 as it is requirement not a required plat note, prior to final. Any owner, builder or developer of a multiple-family, condominium or townhouse dwelling complex of five units or more on a single lot or parcel, or five single-family attached units, shall submit to the planning department for review a site and building plan for the proposed development. Zoning Ordinance: Section 138-210. 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. Revisions Needed: Remove plat note #20 as it is requirement not a required plat note, 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. 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. Pending Items: Show document # on plat for the common access easement connecting to North Ware Road and provide document for staff review prior to recording. Zoning Ordinance: Section. 138-356. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing : R-3A(apartment residential) District Proposed: R3-T (Townhouse Residential) District Pending Items: Pending submittal of rezoning application ,approved rezoning is required prior to final. Engineer must verify if proposed subdivision is within appropriate zoning as it may prompt changes to plat and or rezoning process, review and finalize prior to final. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. Rezoning process must be finalized before final plat approval. Engineer must verify if proposed subdivision is within appropriate zoning as it may prompt changes to plat and or rezoning process, review and finalize prior to final. Zoning Ordinance: Article V. Land dedication in lieu of fee. As per plat submitted on June 27th,2023, plat depicts 84 lots, as per City of McAllen Parkland Dedication Ordinance land dedication is over an acre. A variance request must be submitted if requesting fees in lieu of land to be reviewed by the City Manager's office. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per plat submitted on June 27th,2023, plat depicts 84 lots, as per City of McAllen Parkland Dedication Ordinance land dedication is over an acre. A variance request must be submitted if requesting fees in lieu of land to be reviewed by the City Manager's office. Pending review by the City Managers Office. As per plat submitted on June 27th,2023, plat depicts 84 lots, as per City of McAllen Parkland Dedication Ordinance land dedication is over an acre. A variance request must be submitted if requesting fees in lieu of land to be reviewed by the City Manager's office. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Must comply with City's Access



Management Policy. Any abandonments must be done by separate process, not by plat. Engineer must clarify ownership, as submitted warranty deed and title report do not correspond, clarify prior to final. Subdivision layout must be revised to comply with ROW/Pavement widths, no dead end streets without required Cul-De-Sac's, Fire and Public Works Maneuverability requirements, and other revisions as applicable to assure compliance.

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

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

- f) The District Phase III Subdivision, 1301 Auburn Avenue, Domain Development Corp., a Texas Corporation **(SUB2023-0061) (PRELIMINARY)**  
**M&H**

Mr. Mario Escamilla stated Auburn Avenue: 80 ft. min. ROW (clarify 80-87 ft. ROW as may now exist to determine any dedication prior to final) Paving: 52-57 ft. Curb & gutter: Both sides Revisions needed: Label centerline prior to final. Please provide how existing ROW was dedicated on plat and a copy of any referenced document for staff review, prior to final. Label existing ROW dedications, from centerline, total, existing, etc. on both sides, prior to final. Label ROW dedications by this plat as applicable, prior to final, once existing dedication have been finalized. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Internal ROW: 60 ft. Total ROW Paving: 40 ft. Curb & gutter: Both sides Revisions needed: proposed Interior dedications range from 50-60 ft. of ROW, please see ROW requirements above, review and revise as applicable prior to final. Street names will be established prior to final and plat will need to be revised accordingly. Clarify if subdivision is proposed to be private as gate details are required and ROW are subject to increase for gate areas, finalize prior to final and submit gate details as applicable. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Main Street: Min. 10 ft. dedication for 60 ft. ROW Paving: 40 ft. min. Curb & gutter: both sides. Label/show centerline and how much ROW exists on both sides of centerline with total ROW shown to determine ROW dedication 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. 900 ft. Block Length for R-3 Zone Districts. Revisions Needed: It appears that subdivision layout does not comply with block length requirement, please revise accordingly prior to final. If no changes please submit variance request for 900 ft. maximum block length requirement. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac. Revisions Needed: Provide "Cul-De Sac" and "Knuckle" details prior to final. Provide distance from North Main Street ROW to the back of Cul-De-Sac to verify compliance with 600 ft. block length requirements for Cul-de-Sacs, 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. ROW: 20 ft. Paving: 16ft. Revisions needed: Service drive may be required by Public Works Department, finalize prior to final. Alley/service drive easement required for commercial properties and multi-family properties. Subdivision Ordinance: Section 134-106. Front: Lots 1-23 :10 ft. or greater for easements, whichever is greater applies. Lot 24:Clarify Zoning Status for lot 24 as 30 ft. or greater for easement or inline with average setback, whichever is greater applies, required for R-3T Zone along Auburn



Avenue, finalize prior to final. Setbacks requirements subject to change once zoning requirements have been finalized. Revised note needed prior to final once zoning has been finalized. Setbacks are based on R-3T Zoning District. Rezoning to R-3T must be finalized prior to final plat review. Zoning Ordinance: Section 138-356. Rear: In accordance with the zoning ordinance or greater for easements, whichever is greater applies. Revise the note as shown above prior to final. Setbacks are based on R-3T Zoning District. Rezoning to R-3T must be finalized prior to final plat review. Zoning Ordinance: Section 138-356. Sides :In accordance with the zoning ordinance or greater for easements, whichever is greater applies. Revisions needed: Revise note as shown above prior to final. Setbacks are based on R-3T Zoning District. Rezoning to R-3T must be finalized prior to final plat review. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements, whichever is greater applies. Revise note as shown above prior to final. Setbacks are based on R-3T Zoning District. Rezoning to R-3T must be finalized prior to final plat review. Zoning Ordinance: Section 138-35. Garage: 18 ft. except where greater setback is required, greater setback applies. Revisions Needed: Plat note must be added as shown above prior to final. Setbacks are based on R-3T Zoning District. Rezoning to R-3T must be finalized prior to final plat review. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on North Main Street, Auburn Avenue, and both sides of all interior streets. Revisions needed: Revise plat note #7 as shown above prior to final. 5ft. sidewalk as might be required as per Engineering Department requirements finalize notewording 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 North Main Street. Additional requirements as needed once rezoning has been finalized, prior to final. Revisions needed: Revise note #8 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. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along North Main Street. Revisions Needed: Include note as shown above prior to final. Finalize any access requirements for Auburn Avenue prior to final. Must comply with City Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Any owner, builder or developer of a multiple-family, condominium or townhouse dwelling complex of five units or more on a single lot or parcel, or five single-family attached units, shall submit to the planning department for review a site and building plan for the proposed development, submit a site plan for staff review prior to final. Zoning Ordinance: Section 138-210. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Revisions Needed: Add note as shown above prior to final, note subject to change once subdivision requirements have been finalized. Finalize wording for note prior to final. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Pending Items: Requirement for commercial properties to be determined once the status of lot 24 is clarified, finalize 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. Section 134-168 applies if private subdivision is proposed. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Homeowner's Association Covenants must be submitted for staff review, prior to recording. Section 134-168 applies if private subdivision is proposed. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Lots fronting public streets.



Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: C-3(General Business) District Proposed: R3-T(Townhouse residential) District Pending Items: Any rezoning process must be finalized before final plat approval. Engineer must verify if proposed subdivision is within appropriate zoning as it may prompt changes to plat and or rezoning process, review and finalize prior to final. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval Pending Items: Rezoning to R-3T must be finalized prior to final plat review. 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. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per plat submitted on June 26, 2023 a total of 24 lots proposed park fees total to \$16,800 (\$700 24 per lot/dwelling unit) payable prior to plat recording. If the number of lots/dwelling units changes fees will be adjusted accordingly. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Must comply with City's Access Management Policy. Any abandonments must be done by separate process, not by plat.

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

Being no discussion, Mr. 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.

- g) Whispering Meadows Subdivision, 9228 North Bicentennial Boulevard, Tim Wilkins **(SUB2023-0060) (PRELIMINARY) PCE**

Mr. Mario Escamilla stated N. Bicentennial Blvd.: Dedication as needed for 75ft. from centerline for 150 ft. Total ROW. Paving: 65-105 ft. Curb & gutter Both Sides. Revisions Needed: Revise street name as shown above where applicable, prior to final. Verify alignment of existing N. Bicentennial Blvd to the North and South prior to final. Label Centerline, to determine dedication requirements, prior to final. Label existing ROW dedications, from centerline, total, etc., prior to final. Include document numbers on plat and provide any documents as applicable regarding any existing ROW dedications for N. Bicentennial Blvd. City of McAllen thoroughfare plan designates N. Bicentennial Blvd, as a Hi-Speed arterial with 150 ft. of ROW. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Hobbs Drive: Dedication as needed for 80 ft. total ROW. Paving: 52 ft. Curb & gutter: Both Sides Revisions Needed: Clarify existing ROW for Hobbs Drive along southern boundary prior to final. Any incorporation of use as a interior street must be established prior to final. Street must align with existing Hobbs Drive alignment (without offset) to the west, as per Engineering and Traffic Department requirements, finalize prior to final. City of McAllen thoroughfare plan designates Hobbs Drive, as a collector with 80ft. of ROW. Current subdivision layout does not comply with required ROW dedication requirements. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. 900 ft. Block Length for R-3 Zone Districts. Revisions Needed: Subdivision layout does not comply with block length requirement, please revise accordingly prior to final. If no changes please submit variance request for 900 ft. maximum block length requirement. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac. Revisions Needed: Provide "Cul-De Sac" details prior to final. Subdivision layout does not appear to comply with 600 ft. Cul-De-Sac block length requirement, please revise accordingly prior to final. If no changes please submit variance request for 600 ft. maximum block length requirement. 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. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial and multi-family properties. Subdivision Ordinance: Section 134-106. Front: 20 ft. or greater for easements, whichever is greater applies. Revisions Needed: Include note as shown above prior to final. Setbacks are based on R-3A Zoning District. Rezoning to R-3A must be finalized prior to final plat review. Setbacks requirements subject to increase once zoning requirements and street alignment/designation has been finalized. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements, whichever is greater applies. Revisions Needed: Include note as shown above prior to final. Zoning Ordinance: Section 138-356. Sides: In accordance with the zoning ordinance or greater for easements, whichever is greater applies. Revisions Needed: Include note as shown above prior to final. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements, whichever is greater applies. Revisions Needed: Include note as shown above prior to final. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required, greater setback applies. Revisions Needed: Include note as shown above prior to final. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on N. Bicentennial Blvd. and both sides of all interior streets. Revisions Needed: Include note as shown above prior to final. Note subject to change once street designation is finalized, finalize wording prior to final. Sidewalk requirements may increase to 5 ft. prior to final per Engineering Department requirements, finalize prior to final. Note required on plat reflecting sidewalk requirements - wording to be finalized 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 N. Bicentennial Blvd. Revisions Needed: Include note as shown above prior to final. Note subject to change once street designation is finalized, finalize 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. Revisions Needed: Include note as shown above prior to final. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along North Bicentennial Boulevard. Revisions Needed: Include note as shown above prior to final. Other streets may be required once subdivision layout and street designations have finalize, finalize note wording prior to final. Must comply with City Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance for 5 or more dwelling units on each lot if applicable. Any owner, builder or developer of a multiple-family, condominium or townhouse dwelling complex of five units or more on a single lot or parcel, or five single-family attached units, shall submit to the planning department for review a site and building plan for the proposed development, submit a site plan for staff review prior to final. Zoning Ordinance: Section 138-210. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Revisions Needed: Add a plat note as shown above prior to final. Note subject to change once subdivision requirements have been finalized. Finalize wording for note prior to final. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Revisions Needed: Add a plat note as shown above prior to final. Section 134-168 applies if private subdivision is proposed. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Homeowner's Association Covenants must be submitted for staff review, prior to recording. Section 134-168 applies if private subdivision is proposed. Section



110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: R-1(single-family Residential) Proposed: R-3A (apartment residential) District Pending Items: Planning and Zoning Commission recommended disapproval at their meeting of June 20, 2023 meeting. City Commission tabled the request at the meeting of June 26, 2023 with next meeting scheduled for July 10, 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. Planning and Zoning Commission recommended disapproval at their meeting of June 20, 2023 meeting. City Commission tabled the request at the meeting of June 26, 2023 with next meeting scheduled for July 10, 2023. Rezoning process must be finalized before final plat approval. Engineer must verify if proposed subdivision is within appropriate zoning as it may prompt changes to plat and or rezoning process, review and finalize prior to final. Zoning Ordinance: Article V. Land dedication in lieu of fee. Park Fee required at \$700 per lot/dwelling unit to be paid prior to recording, if land dedication is not applicable. Please provide number of dwelling units prior to final. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording, if land dedication is not required. Please provide number of dwelling units prior to final. Pending review by City Managers Office. Once clarified if land dedication is applicable to this development, a written request must be submitted if requesting fees in lieu of land to be reviewed by the City Manager's office. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Must comply with City's Access Management Policy. Any abandonments must be done by separate process, not by plat.

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

Chairman Mr. Michael Fallek requested clarification regarding the limited access on Bicentennial. Planning Director, Mr. Edgar Garcia explained how there is currently limited access but more clarification will be required since the item was presented today in preliminary form. Mr. Mario Escamilla explained the limited access on Bicentennial Blvd. in reference to Hobbs Drive.

Being no discussion, Mr. Marco Suarez moved to approve in preliminary form subject to the conditions noted, drainage, and utilities approval. Mr. Aaron Rivera 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, Chairperson Mr. Michael Fallek adjourned the meeting at 5:09p.m. with five members present and voting.

ATTEST:



Magda Ramirez, Administrative Assistant



Chairperson Michael Fallek