

**AGENDA**  
**PLANNING & ZONING COMMISSION REGULAR MEETING**  
**TUESDAY, SEPTEMBER 21, 2021 - 3:30 PM**  
**MCALLEN CITY HALL, 1300 HOUSTON AVENUE**  
**CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR**  
**Web: <https://zoom.us/join> or phone: (346) 248-7799**  
**Meeting ID: 672 423 1883**

At any time during the course of this meeting, the Planning & Zoning Board may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the Planning & Zoning Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the Planning and Zoning Commission may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**1) MINUTES:**

- a) Minutes from the meeting of September 7, 2021

**2) PUBLIC HEARING**

**a) CONDITIONAL USE PERMITS:**

1. Request of Miguel Vargas for a Conditional Use Permit, for one year, for a bar at Lots 1 and 2, Mejia Subdivision Unit No. 1, Hidalgo County, Texas, 2000 Nolana Avenue. **(CUP2021-0119)**
2. Request of Dalia C. Martinez, for a Conditional Use Permit, for one year, for a bar at North 15' of Lot 27 and South 20' of Lot 28, Spinaio & Leone Subdivision No.1, Hidalgo County, Texas; 2210 North 10th Street. **(CUP2021-0120)**
3. Request of Juan Angel Villanueva, for a Conditional Use Permit, for one year, for a portable food concession stand, at Lots 5, Block 23, McAllen Addition Subdivision, Hidalgo County, Texas; 204 South 16th Street. **(CUP2021-0112)**
4. Request of Lee R. Rivera, for a Conditional Use Permit, for one year, for automotive service and repair (Auto Collision Shop/Accessories) at Lot 2, Tex-Mex Addition Subdivision Unit No.2, Hidalgo County, Texas; 3321 Expressway 83, Building B. **(CUP2021-0116)**
5. Request of Norma S. Pimentel on behalf of Catholic Charities of the Rio Grande Valley for a Conditional Use Permit, for life of use, for an institutional use (respite center) at the Northwest 12.81 acres out of Lot 10, Section 7, excluding 2.63 acres, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas; 1801 South 10th Street. **(CUP2021-0121)(TABLED ON 9/7/2021)**

**b) REZONING:**

1. Rezone from R-1 (single-family residential) District to C-3 (general business) District: 10 acres out of Lot 3, Section 233, Texas-Mexican Railway Company's Survey,

Hidalgo County, Texas; 2401 Russell Road. **(REZ2021-0049)**

2. Rezone from C-3 (general business) District to C-4 (commercial-industrial) District: Lots 1 and 2, Hidalgo-Starr Rehab. Subdivision, Hidalgo County, Texas; 1301 and 1401 South 8th Street. **(REZ2021-0044)(TABLED ON 9/7/2021)**
3. Initial zoning to R-1 (single-family residential) District: the North 5 acres of Lot 209, Pride O' Texas Subdivision, Hidalgo County, Texas; 8804 North Ware Road. **(REZ2021-0050)**
4. Rezone from R-1 (single family) District to R-3A (multifamily apartments) District: 19.137 acres consisting of 2.476 acres out of Lot 7 E.M Card Survey No.1 Subdivision and 16.661 acres out of Lot 14, Section 279, Texas-Mexican Railway Company's Survey Subdivision, Hidalgo County, Texas; 2400 Oxford Avenue. **(REZ2021-0051)**
5. Rezone from C-3L (light commercial) District to C-3 (general business) District: 1.39 acres out of La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 3501 Buddy Owens Boulevard. **(REZ2021-0052)**

**3) CONSENT:**

- a) Bella Vista Ranch Subdivision, 7017 North Taylor Road, Jorge A. Bautista **(SUB2021-0097)(FINAL)SE**

**4) SUBDIVISIONS:**

- a) Premier Storage Subdivision, 101 East Trenton, El Norte Holdings, LLC. **(SUB2021-0095)(PRELIMINARY)M&H**
- b) The Villas on Freddy PH. II, 1500 Freddy Gonzalez Road, Aaron Aguirre **(SUB2020-0039)FINAL/EXTENSION)M&H**
- c) The Woodlands on Taylor Road Subdivision, 701 South Taylor Road, Madiam L.P Tomas Gutierrea Jr. **(SUB2020-0087) (REVISED PRELIMINARY)RD**
- d) MAE Subdivision, 2301 La Vista Avenue, Aguilar & Aguilar Rentals, LLC **(SUB2021-0093)(PRELIMINARY)REG**
- e) Garcia Estates, 2901 Gumwood Avenue, Sonia Garcia/Erik J. Mora **(SUB2020-0048)(TABLED ON 6/3/2021)M&H**

**5) INFORMATION ONLY:**

- a) City Commission Actions: September 13, 2021

**ADJOURNMENT:**

IF ANY ACCOMMODATIONS FOR A DISABILITY ARE REQUIRED, PLEASE NOTIFY THE PLANNING DEPARTMENT (681-1250) 72 HOURS BEFORE THE MEETING DATE. WITH REGARD TO ANY ITEM, THE PLANNING & ZONING COMMISSION MAY TAKE VARIOUS ACTIONS, INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR PARTICULAR ACTION AT A FUTURE DATE.



STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF McAllen

The McAllen Planning and Zoning Commission convened in a Regular Meeting & Public Hearing on Tuesday, September 7, 2021 at 3:33p.m. in the McAllen Development Center, 311 North 15<sup>th</sup> Street, Executive Conference Room, McAllen, Texas.

<b>Present:</b>	<b>Daniel Santos</b> <b>Michael Fallek</b> <b>Gabriel Kamel</b> <b>Emilio Santos Jr.</b> <b>Michael Hovar</b>	<b>Chairperson</b> <b>Vice-Chairperson</b> <b>Member</b> <b>Member</b> <b>Member</b>
<b>Absent:</b>	<b>Marco Suarez</b> <b>Jose Saldana</b>	<b>Member</b> <b>Member</b>
<b>Staff Present:</b>	<b>Evaristo Garcia</b> <b>Edgar Garcia</b> <b>Luis Mora</b> <b>Rodrigo Sanchez</b> <b>Omar Sotelo</b> <b>Jose Humberto De La Garza</b> <b>Kaveh Forghanparast</b> <b>Liliana Garza</b> <b>Carlos Garza</b> <b>Hebert Camacho</b> <b>Mario Escamilla</b> <b>Katia Sanchez</b> <b>Porfirio Hernandez</b> <b>Magda Ramirez</b>	<b>Assistant City Attorney</b> <b>Planning Director</b> <b>Planning Deputy Director</b> <b>Senior Planner</b> <b>Senior Planner</b> <b>Planner III</b> <b>Planner II</b> <b>Planner II</b> <b>Planner II</b> <b>Planner I</b> <b>Planner I</b> <b>Planner I</b> <b>Planning Technician II</b> <b>Administrative Assistant</b>

**CALL TO ORDER- Chairman Daniel Santos**

**Meeting held via Teleconference and Video Conference.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION- Emilio Santos Jr.**

**1) MINUTES:**

**a) Minutes for Regular Meeting held on August 17, 2021**

The minutes for the regular meeting held on August 17, 2021 were approved as submitted. The motion to approve was made by Board Member Emilio Santos Jr. and seconding the motion was Michael Fallek, which carried unanimously with 5 members present and voting.

## 2) PUBLIC HEARING:

### a) CONDITIONAL USE PERMITS

1. Erick Sandoval, for a Conditional Use Permit, for life of the use, for an institutional use (school) at the West 80' of Lot 7, Block 59, McAllen Addition Subdivision, Hidalgo County, Texas; 1521 Galveston Avenue. **(CUP2021-0102)**

Mr. Carlos Garza stated that the property is located on the southeast corner of South 16<sup>th</sup> Street and Galveston Avenue, and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the east, south, west, and north and R-3A (multifamily apartment residential) District to the northeast. Surrounding land uses include Ms. Crown Spa, Vision Church Del Valle, McAllen ISD Special Ed Department, single family residences, and multi-family residences. An institutional use is permitted in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

An initial conditional use permit was approved for an institutional use for one year on August 16, 2011; no renewal followed after that. A conditional use permit for an institutional use for one year was approved by the Planning and Zoning commission on March 07, 2017. The applicant failed to renew the application on October 20, 2020.

The applicant proposed to occupy the building for a technical school. The hours of operation will be Monday thru Friday 8 a.m. to 5 p.m.

The Fire Department has inspected the subject property and found no violations. The Planning Department has not received any calls in opposition to the request. The proposed use must also meet the requirements set forth in Section 138-118 of the Zoning Ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property fronts South 16<sup>th</sup> Street and Galveston Avenue.
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on the number of offices and classrooms, 11 parking spaces are required; 2 parking spaces are provided on site. The applicant submitted a parking agreement for 10 parking spaces in order to comply with the parking; however, during inspection staff verified that only 6 spaces are available, which does not meet requirements. The parking agreement will expire on February 22, 2022;
- 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 the existing seating capacity for the building; and
- 7) Sides adjacent to commercially and residentially zoned or used properties shall be screened by an 8 ft. masonry wall.

Staff recommended disapproval of the request based on non-compliance with requirement #2 (parking) of Section 138-118 of the Zoning Ordinance. If approved, the Conditional Use Permit must comply with conditions noted.

Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Conditional Use Permit, there were none.

After a brief discussion, Mr. Michael Fallek moved to approve subject to compliance of the required parking counts. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

2. Maria N. Martinez, for a Conditional Use Permit, for Life of the Use, for an automotive service and repair (air condition service) at Lots 4 and 5, Block 3, Altamira Subdivision, Hidalgo County, Texas; 2613 U.S Highway 83.  
**(CUP2021-0103)**

Mr. Carlos Garza stated that the property is located at the south side of U.S. Highway 83, approximately 190 ft. west of South 26th Street and is zoned C-3 (general business) District. Surrounding properties are zoned C-3 District to the east and west, R-2 (duplex-fourplex) District to the south, and I-1 (light industrial) District to the north. Surrounding land uses include general commercial uses, single-family residences, and multifamily residences. An automotive service and repair shop is allowed in the C-3 District with a Conditional Use Permit and in compliance with requirements.

The initial conditional use permit for this establishment was approved by the Planning and Zoning Commission on May 19, 2015 and has been renewed annually. The last permit was approved for renewal on April 06, 2021.

The applicant is requesting to operate the existing office and air conditioning service and repair business for life of the use and will be adding two storage containers. The office consists of 906 sq. ft., and the service area is 2,388 sq. ft. The two storage containers measure 40 ft. by 8 ft. each. The storage containers will be used for onsite storing of materials of the business. Based on the floor area, 8 parking spaces are required for the office use, 6 parking spaces are required for service area, and 2 parking spaces are required for the storage use. A total of 16 parking spaces are required and must comply with city standards. 22 parking spaces are proposed. 1 accessible parking space is included with 1 being van accessible. The proposed days and hours of operations are Monday through Friday from 8:30 AM to 6:00 PM and Saturday from 8:30 AM to 2:00 PM.

Fire Department has inspected the location and no violations were found. The Planning

Department has not received any calls in opposition to the request. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The business must meet the requirements set forth in Section 138-281 of the Zoning Ordinance and specific requirements as follows:

- 1) A minimum lot size of 10,000 sq. ft. is required. The subject property is approximately 20,000 sq. ft.;
- 2) All service, repair, maintenance, painting and other work shall take place within an enclosed area. The work will be performed in the service area;
- 3) Outside storage of materials is prohibited;
- 4) The building where the work is to take place shall be at least 100 ft. from the nearest residence. The building is located approximately 127 ft. from an existing residence to the south;
- 5) A 6 ft. opaque fence buffered the proposed use from any residential use or residentially zoned area is required;
- 6) New buildings and conversions of existing buildings shall meet current building and fire code requirements concerning separation of high hazard uses from other occupancy use classifications.

Staff recommends approval for life of the use, subject to the conditions noted in Section 138-281 of the Zoning Ordinance and Building Permit and Fire Department requirements.

Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Conditional Use Permit, there were none.

Being no discussion, Mr. Michael Hovar moved to approve. Mr. Gabriel Kamel seconded the motion, which was approved with five members present and voting.

3. Request of Rafael Alaniz, for a Conditional Use Permit, for one year, for a portable food concession stand, at Lots 3 thru 8 & 9 - 14, Alaniz Subdivision, Hidalgo County, Texas; 412 North 29th Street. **(CUP2021-0104)**

Mr. Carlos Garza stated that the property was located on the east side of North 29th Street. The property is zoned I-1 (light industrial) District. The adjacent zoning is I-1 to the north, south and west, and R-3A (multifamily residential apartments) District to the east. Surrounding land uses include single family residences, multifamily residential apartments, Iglesia Bethesda, Cocinita Café, and vacant land. A portable food concession stand is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.

The applicant was proposing to build an aluminum roof measuring 1,320 sq. ft. and place a portable food truck measuring 152 sq. ft. as a portable food concession stand for Taqueria El Sancho. The proposed hours of operation are Monday through Sunday from 5:00 pm through 12:00 am. The required parking for the portable establishment is 16 parking spaces. There are 72 existing parking spaces as per the site plan. Iglesia Bethesda hours of operation are Sunday from 6PM-7:30 PM and Wednesday 10AM-11:45AM and 7PM-8:30 PM. Based on the seating area, 50 parking spaces are required. Based on parking requirements both business can operate at the same time.



The Fire Department will conduct their inspection at the time of building inspection. The Health Department has inspected the location and found it to be in compliance. The Planning Department has not received any calls in opposition to the request. The portable building must also meet the requirements set forth in Section 138-118(9) of the Zoning Ordinance as follows:

- 1) The proposed use shall not be located in a residentially zoned area. Alaniz Subdivision is zoned I-1
- 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; 16 parking spaces are required, there are 67 existing parking spaces, Section 138-400 of the Zoning Ordinance, Parking lot must be properly striped and free of potholes;
- 4) Portable building 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 sewer facilities shall be required to the tract and may be required to the proposed used.

Staff recommended approval of the request, for one year, subject to compliance with requirements from Section 138-118(9) & Section 138-400 of the Zoning Ordinance, Building Permit, Health and Fire Department requirements.

Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Conditional Use Permit, there were none.

Being no discussion, Mr. Gabriel Kamel moved to approve. Mr. Michael Hovar seconded the motion, which was approved with five members present and voting.

4. Request of Humberto Ramos Martinez for a Conditional Use Permit, for one year, for a portable building greater than 10' X 12' (storage shed) at Lot B1, Aim Media Subdivision, Hidalgo County, Texas; 1324 East Nolana Avenue. **(CUP2021-0106)**

Mr. Mario Escamilla stated that the subject property is located on the south side of Nolana Avenue and west of North Jackson Road. The Greater McAllen Association of Realtors is currently on the subject property. The property is zoned C-3 District in all directions. The adjacent zoning is C-3 District in all directions. Surrounding land uses include O'Reilly Auto Parts, KRGV Channel Five News, One Nolana Center, Freedom Bank, and a vacant lot. A portable building greater than 120 square feet is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.

The applicant submitted the conditional use permit application for a portable building on July 29, 2021; this is the first conditional use permit on the property. The applicant submitted an application for a building permit on July 29, 2021 for the storage shed.

The applicant is proposing to utilize an 8 feet by 20 feet portable building on the subject property for storage of outdoor equipment. The storage shed is to be 34 feet from the main office building and proposed to be located at the rear of the property, along the south side of the office building. The Fire Department has conducted their necessary inspection and no violations were found on the subject property. The portable building must also meet the requirements set forth in Section 138-118 of the Zoning Ordinance as follows:

- 1) Portable buildings must not be used for living quarters. The building will be used for office storage purposes;
- 2) Must be located in such a manner as to have access to a public right-of-way within 200 ft., the property fronts East Nolana avenue;
- 3) No form of pollution shall emanate beyond the immediate property line of the permitted use; and no outside storage of equipment or material.

Staff recommended approval of the request, for one year, subject to Sections 138-118 of the Zoning Ordinance, Building Permit and Fire Department Code requirements.

Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Conditional Use Permit, there were none.

Being no discussion, Mr. Michael Fallek moved to approve. Mr. Gabriel Kamel seconded the motion, which was approved with five members present and voting.

5. Request of Gerardo Martinez for a Conditional Use Permit, for one year, for a bar and grill at Lots 6 through 12, North East Crossing Subdivision, Hidalgo County, Texas; 137 Nolana Avenue Suite #131. **(CUP2021-0108)**

Mr. Mario Escamilla stated that the subject property is located along the South side of Nolana Avenue, east of North 2<sup>nd</sup> Street. The subject property is zoned C-3 (general business) District, and the adjacent zoning is C-3 (general business) District to the north, east, and west. There is R-1 (single family residential) District to the south. The property is located within the North East Crossing Subdivision and is part of the North East Crossing commercial plaza. Surrounding land uses include Cinemark Hollywood USA, Wells Fargo, Jack in the Box, and residential homes. A bar and grill is permitted in a C-3 District with a conditional use permit and in compliance with requirements.

The applicant submitted a conditional use permit application for a bar and grill on July 30, 2021; this is the first conditional use permit request for this establishment. The applicant submitted an application for a building permit on July 30, 2021 for the remodeling of the building for the proposed bar and grill.

The 4,500 square feet building will consist of a main bar, VIP seating area, regular seating area, a kitchen, two restrooms, and an office as shown on the submitted floor plan. The applicant proposes to operate the District of McAllen bar and grill daily from 10:00 p.m. to 2:00 a.m. As per the zoning ordinance, Section 138-395 (14), the parking requirement is one parking space for each 100 square feet of floor area, therefore 45 parking spaces are required.

The Fire Department has conducted the necessary inspection for this property and is in compliance with applicable code requirements; Health Department is pending inspection. Should the conditional



use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to all conditions of the permit.

Staff has received a call from a neighboring property owner with concerns of potential loud music during late-night hours if the conditional use permit is approved.

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 those businesses having late hours (after 10:00 p.m.) must be at least 400 ft. from the nearest residence, church, school or publicly-owned property or must provide sufficient buffer and sound insulation of the building such that the building is not visible and cannot be heard from the residential areas after 10:00 p.m. The establishment is within 400 ft. of the single family residential.
- 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 direct access to Nolana Avenue.
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional on-site parking. Based on the square footage of the building, 45 parking spaces are required. 199 parking spaces are provided and available on site during the applicable hours of operation for this proposed establishment.
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties by providing, when necessary, fences, hedges or reorientation of entrances and exits under the vegetation ordinance. Parking for this plaza is common parking.
- 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.

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

Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Conditional Use Permit. The following were citizens in opposition:

Mr. Andrew McNeily, who resides at 3809 North 1<sup>st</sup> Lane and Alfredo Alonzo, 3804 North 1<sup>st</sup> Lane, both spoke via zoom with same concerns regarding the noise and the trash the business will cause for the neighborhood.

Rod Santana, residing at 109 Keria, spoke in behalf of the neighborhood association. The citizens in the neighborhood complain about noise, trash, traffic, loud music, overflow of parking, and inappropriate conduct.

Mr. Gerardo Martinez, applicant, spoke in defense to what the citizens are opposing. He explained how he does not plan on opening the location as a bar. His plan is to open the business as a restaurant.

After a lengthy discussion, Mr. Gabriel Kamel moved to disapprove. Mr. Emilio Santos Jr. seconded the motion, which was disapproved with five members present and voting.

6. Request of Leticia Clarijo, for a Conditional Use Permit, for one year, for an Institutional Use (Beauty School) at Lot 7 through 11, Block 47, McAllen Addition, Subdivision, Hidalgo County, Texas; 505 S. 12th Street  
**(CUP2021-0110)**

Mr. Hebert Camacho stated that the subject property is located on the southeast corner of South 12<sup>th</sup> Street and Erie Avenue. The property has 250 ft. of frontage along South 12<sup>th</sup> Street and a depth of 140 ft. for a lot size of 35,000 square feet. The property is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions, C-3L (light commercial) to the south and R-3A (multifamily residential apartment) District to the southwest. Surrounding land uses include a variety of law offices, a sign company, a salon, U.S Postal office and vacant land. An institutional use is allowed in C-3 District with a conditional use permit and in compliance with requirements.

The applicant is proposing to open up a beauty school (Instituto de Belleza y Arte) from an existing building with two suites; the Beauty school will operate from a 6,586 sq. ft. lease space. The proposed days and hours of operations are Monday through Thursday from 8:30 am to 9:30 pm. There will be 6 classrooms, 2 offices, a kitchen, 3 storages, service areas, a dispensary and 6 restrooms. Based on 5 parking spaces per classroom and 1.5 parking spaces per admin office, 34 parking spaces are required, of which one parking spaces must be van accessible with an 8 ft. aisle. The existing van accessible.

The Fire Department has inspected the building and found it to be in compliance. Should the conditional use permit be approved, the applicant would be required to sign the certificate, acknowledging and agreeing to the conditions of the permit. The proposed use must meet the requirements set forth in Section 138-118 of the Zoning Ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial; The property fronts 12<sup>th</sup> Street, approximately 510 ft. west of S.10<sup>th</sup> Street;
- 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; 34 parking spaces are required for the beauty school, and approximately 50 parking spaces are on site as part of common area. Should the number of offices and classrooms increase, then additional parking will be required. A site inspection revealed that some areas of the parking lot are blocked, these areas need to unblocked to have full access to the parking spaces



- 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 residentially zoned or used properties shall be screened by a 6 ft. opaque fence.

Staff had not received any complaints to the Conditional Use Permit request

Staff recommended approval of the request, for one year, subject to compliance with Sections 138-118 and 138-400 of the Zoning Ordinance, Building Permit, and Fire Department requirements.

Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Conditional Use Permit, there were none.

Being no discussion, Mr. Michael Fallek moved to approve. Mr. Michael Hovar seconded the motion, which was approved with five members present and voting.

**7. Request of Eduardo Villagordoa, for a Conditional Use Permit, for one year, for a bar at Lots 8, 9, and 10, 21st Place Subdivision, Hidalgo County, Texas, 2005 Nolana Avenue. (CUP2021-0111)**

Mr. Hebert Camacho stated that the property is located on the south side of Nolana Avenue, approximately 500 ft. west of Bicentennial Boulevard and is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions and surrounding land uses include commercial businesses, restaurants, bars, residences, and the International Museum of Arts and Science. A bar is allowed in a C-3 zone with a conditional use permit and in compliance with requirements.

Conditional Use Permits have been approved in the past under different tenants. On August 6, 2020, A Conditional Use Permit application was submitted by the current applicant and property Owner, Eduardo Villagordoa. The CUP was approved for one year with a variance to the distance requirement by the City Commission on October 12, 2020.

The owner of the building is proposing to continue operating a bar, Chaparral VIP and a restaurant, Taqueria el Hermano, from the approximately 7,500 sq. ft. existing building. The proposed hours of operation are from 5:00 P.M. to 2:00 A.M. daily. The establishment in question was previously operated as a restaurant/bar.

Health & Fire Departments have inspected the proposed bar and the property is in compliance. Attached is the police report from August 26, 2020 until present. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 8) The property line of the lot of any of the abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is within 400 ft. of publicly owned property, the International Museum of Arts & Science (IMAS), and R-3A District to the southwest of the property;
- 9) The abovementioned businesses must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The location fronts Nolana Avenue and does not generate traffic into residential areas;
- 10) The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. The proposed bar requires 75 parking spaces, which are provided on the common parking area in the front of building. All 75 parking spaces must comply with Section 138-400 of the Ordinance and must be clearly striped and pavement surface shall be maintained free of litter, debris, loose gravel, cracks and potholes before CUP issuance.
- 11) 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.;
- 12) 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;
- 13) The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- 14) 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.

Staff recommended disapproval of the request based on non-compliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance. If approved, Conditional Use Permit must comply with conditions noted.

Mr. Michael Fallek had to abstain from voting.

Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Conditional Use Permit, there were none.

Being no discussion, Mr. Emilio Santos Jr. moved to disapprove with favorable recommendation. Mr. Gabriel Kamel seconded the motion, which was approved with four members present and voting.

8. Request of Norma S. Pimentel on behalf of Catholic Charities of the Rio Grande Valley for a Conditional Use Permit, for life of use, for an institutional use (respite center) at the Northwest 12.81 acres out of Lot 10, Section 7, excluding 2.63 acres, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas; 1801 South 10th Street. **(CUP2021-0121)**

Staff recommended tabling of the request.

Being no discussion, Mr. Michael Hovar moved to table. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

9. Request of Mario A. Reyna, on behalf of Riverside Development Service, LLC, for a Conditional Use Permit, for life of the use, for a planned unit development at the 26.663 acre tract of land out of Lot 45 and 52, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas; 8300 North Ware Road. **(CUP2021-0084)(TABLED ON 8/3/2021)(TABLED ON 8/17/2021)**

Chairperson Daniel Santos requested to remove item from table, Mr. Michael Hovar motioned to approve with Emilio Santos Jr. seconding the motion which was approved with five members present and voting.

Ms. Liliana Garza stated that the subject property is located on the east side of North Ware Road, approximately 1,250 ft. north of Auburn Avenue. The irregularly-shaped tract in question is described by metes and bound for a lot size of 26.663 acres and is being subdivided into two proposed subdivisions under the names of Campo de Sueños Phase II and Campo de Sueños Phase III. The property zoning is R-1 (single family residential) District. The adjacent zoning is A-O (agricultural-open space) District to the south, east and west, R-1 District to the north, and ETJ (Extra-Territorial Jurisdiction) to the west. Surrounding land use include single-family residential, Texas Ranch Apartments, baseball field, elementary school and vacant land. A Planned Unit Development is permitted in an R-1 District with a conditional use permit and in compliance with Article IV Planned Developments of the Subdivision Ordinance.

The Planning and Zoning Commission Board voted to approve the proposed subdivisions in revised preliminary form subject to staff recommendations and variances with conditions noted on January 19, 2021. A variance request to the block length requirement at Campo de Sueños Phase II was approved by City Commission on February 22, 2021. Annexation and initial zoning to R-1 District for the portion of the tract that was outside City limits was approved by City Commission on May 24, 2021. The applicant applied for a variance request to allow a lot width less than 50 ft.



for proposed Campo de Sueños Phase II subdivision and proposed Campo de Sueños Phase III subdivision; however, they withdrew the request in favor of a Planned Unit Development.

Currently, the property is vacant. The property is part of Campo de Sueños Phase II Subdivision and Campo de Sueños Phase III Subdivision, which consist of one hundred seventeen (117) lots, with one being a common area for detention. The applicant is proposing to develop a Planned Unit Development, which will include single family residences and common areas. As per site plan submitted lot 173 will not be a part of the proposed PUD.

Planned unit developments allow a variety of land uses that complement each other within the development and with existing land uses in the vicinity. Specific requirements for approval are specified in the Ordinance creating a Planned Unit Development for the subject property and summarized as the following:

1. Development and use of the property must comply with the conditional use permit conceptual site plan.
2. Permitted uses are uses permitted in the R-1 District for buildings designated as residential. The applicant is proposing single family residences and common areas.
3. Parking in compliance with Chapter 134 Article VI, which requires two parking spaces per unit, with one being located beyond the front yard setback. Must provide floor plan with garage to determine if in compliance. As per site plan submitted lots 90, 123 and 170 are not meeting the 18 ft. width dimension required for the driveway.
4. A minimum of 50% of the area within the required front yard of any residential lot shall be devoted to landscape material including the portion of the front yard located between the property line and the extension of the sideyard setback line. A minimum of one tree is required per lot.
5. Additional 35 ft. right-of-way dedication required along Ware Road. A minimum of 50 ft. right-of-way with 40 ft. of pavement width for Duke Avenue was approved, as well as a minimum of 50 ft. right-of-way with 32 ft. of pavement for N. 33<sup>rd</sup> Lane in preliminary form. Setbacks are Front: Duke Avenue – 25 ft. or greater for easements, whichever is greater; Front: 20 ft. or greater for easements, whichever is greater; Rear: 10 ft. or greater or easements; Sides: 5 ft. or greater for easements; Corner: 10 ft. or greater for easements; and Garage: 18 ft. except where greater setback is required. An R-1 zone requires a front yard setback of 25 ft. on interior streets. A 5 ft. wide minimum sidewalk required on Ware Road and a 4 ft. wide minimum sidewalk required on N. 33<sup>rd</sup> Street and both sides of all interior streets. Sidewalk must comply with subdivision requirement.
6. During the Campo de Sueños Phase II Subdivision and Campo de Sueños Phase III Subdivision process final drainage detention and design and drainage plan must be submitted and in accordance with City of McAllen Standard Design Guide.
7. Conditional Use Permit site plan controls if there is conflict with other City ordinances. A decision by the Planning Director may be reviewed by Planning and Zoning Commission for recommendation to Board of Commissioners for final determination. The Conditional Use Permit calls for mixed use and a minimum of five (5) acres. The development has 23.663

acres and is providing mixed uses, which include single family residences and common area.

8. Owner, Engineer and Surveyor certification and signature block needs to be shown on the PUD site plan. The site plan does show the required acknowledgements.
9. A recorded subdivision plat and Planned Unit Development site plan is required prior to issuance of building permits. Therefore, Campo de Sueños Phase II Subdivision and Campo de Sueños Phase III Subdivision process must be completed, and recorded together with the site plan.

The request must comply with requirements set forth in the Zoning and Subdivision ordinance. Specific modifications required for approval are the following:

- Request variance to allow a lot width less than 50 ft. for 71 proposed lots: 58-64, 66-68, 71, 74-79, 88, 91-95, 99-103, 107-118, 120-126, 128-137, 143-147, 151, 156-158, and 168-172.
- Request variance to allow a driveway width less than 18 ft. for lots 90, 123 and 170
- Request variance to allow maximum height to be 30 ft. instead of the 25 ft. required

If subdivision layout changes, conditional use permit will need to be amended to resemble the approved Subdivision Plat.

Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Conditional Use Permit, there were none.

Being no discussion, Mr. Gabriel Kamel moved to approve. Mr. Michael Hovar seconded the motion, which was approved with five members present and voting.

#### **b) REZONING:**

1. Rezone from C-3 (general business) District to C-4 (commercial-industrial) District: Lots 1 and 2, Hidalgo-Starr Rehab. Subdivision, Hidalgo County, Texas; 1301 and 1401 South 8th Street. **(REZ2021-0044)**

Mr. Kaveh Forghanparast stated that the property was located on the east side of South 8<sup>th</sup> Street, 345 ft. north of U.S. Expressway 83. The tract had 402 ft. of frontage along South 8<sup>th</sup> Street with a depth of 229 ft., for a lot size of 2.11 acres.

The applicant was requesting to rezone the property to C-4 (commercial-industrial) District for a warehouse. A feasibility plan had not been submitted.

The adjacent zoning is C-3 (general business) District to the east, south, and west, C-1 (office building) District to the east and northeast, and C-3L (light commercial) District to the northwest.

The property on Lot 1 used to be a daycare and is currently undergoing interior remodeling for a proposed furniture retail store and office spaces, with a warehouse as an accessory use. Lot 2 is

currently vacant. Surrounding land uses include hotels such as Comfort Suites, Motel 6, Super 8 by Windham, offices, single-family residences, and apartments.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Auto Urban Commercial which is comparable to C-1 (office building) to C-3 (general business) Districts.

The development trend for this area along South 8<sup>th</sup> Street is hotel and motel.

The subject property was annexed and initially zoned R-1 (single-family residential) District during the comprehensive zoning in 1979. A rezoning request to C-1 (office building) District for the subject property was approved by the City Commission on May 13, 1991. A rezoning request to C-3 (general business) District for the subject property was approved by the City Commission on February 8, 1993. There has been no other rezoning request for the subject property since then.

The requested spot zoning does not conform to the Auto Urban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan. It does not follow the development trend in this area either.

South 8<sup>th</sup> Street is a local street with 50 ft. of right-of-way according to the plat, and approximately 27 ft. of pavement; therefore, it is not suitable for any traffic related to C-4 (commercial-industrial) District uses. Some of the permitted uses in a C-4 District include auto paint and body work, lumberyards or contractor yards, farm equipment or other heavy equipment sales and service, warehousing, any wholesale trade including livestock, commercial or industrial machinery or supplies, petroleum bulk stations and terminals, scrap or junk waste materials.

There is no other C-4 (commercial-industrial) District in the vicinity of the subject property. If the request is approved, it may encourage other property owners to apply for a rezoning to C-4 District.

Staff had not received any calls or emails in opposition to the rezoning request.

Staff recommended disapproval of the rezoning request to C-4 (commercial-industrial) District.

Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Rezone request, there were none.

After a brief discussion which included applicant Mr. Jesus F. Gonzalez, residing at 106 Rio Grande, Mission, Texas, Mr. Michael Fallek moved to Table item. Mr. Gabriel Kamel seconded the motion, which was approved with five members present and voting.

2. Rezone from R-1 (single-family residential) District to C-3 (general business) District: 5.47 acres out of Lot 3, Block 5, A.J. McColl Subdivision, Hidalgo County, Texas; 2209 and 2217 North Jackson Road. **(REZ2021-0046)**

Mr. Kaveh Forghanparast stated that the property is located on the southwest corner of North Jackson Road and East La Vista Avenue. The irregularly-shaped tract has 256.2 ft. of frontage along North Jackson Road with a depth of 546.13 ft. at its deepest point, for a lot size of 5.47 acres.

The applicant is requesting to rezone the property to C-3 (general business) District for commercial use. A feasibility plan has not been submitted.

The adjacent zoning is C-3 (general business) and R-3A (multifamily residential) Districts to the north, C-4 (commercial-industrial) District to the west, and C-1 (office building) and I-1 (light industrial) Districts to the south.

There are currently two houses on the subject property proposed to be demolished. Surrounding land uses include Galeria Plaza, office, warehouse, UPS Center, and vacant land.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Auto Urban Commercial which is comparable to C-1 (office building) to C-3 (general business) Districts.

The development trend for this area along North Jackson Road is commercial.

The subject property was annexed and initially zoned R-1 (single-family residential) District on November 27, 1995. There has been no other rezoning request for the subject property since then.

The properties at the northwest corner of East La Vista Avenue and North Jackson Road were rezoned to C-3 (general business) District by the City Commission during the comprehensive rezoning by the City of McAllen on September 8, 2014. A rezoning request to C-1 (office building) District for the adjacent property to the south was approved by the City Commission on March 11, 2019.

The requested zoning conforms to the Auto Urban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan. It also follows the rezoning and development trend to commercial in this area along North Jackson Road.

A recorded subdivision plat and approved site plan are required prior to building permit issuance.

Staff had not received any calls or emails in opposition to the rezoning request.

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

Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Rezone request, there were none.

Being no discussion, Mr. Gabriel Kamel moved to approve. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

3. Rezone from C-3 (general business) District to R-3A (multifamily residential apartment) District: 5.303 acres out of Lot 11, Section 13, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 7901 North 10th Street (Mid).  
**(REZ2021-0047)**

Mr. Kaveh Forghanparast stated that the property is located on the south side of Wisconsin Road, approximately 820 ft. west of North 10<sup>th</sup> Street. The submitted survey depicts that the lot will have a 357.75 ft. of prospective frontage along Wisconsin Road (labeled as Auburn Avenue on the survey) after the right-of-way dedication with a depth of 660 ft. for a lot size of 5.303 acres.

The applicant is requesting to rezone the property to R-3A (multifamily residential apartments) District in order to construct multiple apartments. A feasibility plan has not been submitted.

The adjacent zoning is C-3 (general business) District in all directions.

The subject property is currently vacant. Surrounding land uses include North Park Village Plaza, Trenton Crossing Shopping Center, Sam's Club, single-family residences, Dr. Pablo Perez Elementary School, Homer J. Morris Middle School, agricultural, and vacant land.

Foresight McAllen Comprehensive Plan designates the future land use for this property as Suburban Commercial which is comparable to C-1 (office building) to C-3L (light commercial) Districts.

The development trend for this area along Wisconsin Road is commercial.

The tract was annexed into the city and initially zoned R-1 (single-family residential) District on November 27, 1995. A rezoning request to C-3 (general business) District for the subject property was approved by the City Commission on January 9, 2006. There has been no other rezoning request for the subject property since then.

The requested zoning does not conform to the Suburban Commercial land use designation; however, it is a lesser intense zone than the current C-3 (general business) District. The rezoning request provides opportunities for a variety of housing types throughout the city that responds to the residents' economic and social lifestyles. The proposed development will be in proximity to compatible uses, Pablo Perez Elementary School and Homer J. Morris Middle School, since institutional uses are located within residential neighborhoods.

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

Staff had not received a call or email in opposition to the rezoning request.

Staff recommended approval of the rezoning request to R-3A (multifamily residential apartment) District.

Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Rezone request, there were none.

Being no discussion, Mr. Gabriel Kamel moved to approve. Mr. Michael Hovar seconded the motion, which was approved with five members present and voting.

4. Initial zoning to R-3A (multifamily residential apartment) District: Lots 5 and 6, Resubdivision of Lots 46-11 & 46-12, West Addition to Sharyland

Subdivision, Hidalgo County, Texas; 10100 North Bryan Road. **(REZ2021-0043)**

**THIS ITEM WAS WITHDRAWN BY THE AUTHORIZED ENGINEER.**

**c) SUBDIVISIONS:**

1. Nolana Crossing, Lot 3A Subdivision, 2705 North 27th 1/2 Street, Lashante Enterprises **(SUB2020-0067)(FINAL) BIG**

Mr. Beto De La Garza stated that W. Kerria Avenue had 60 ft. ROW with 40 ft. of curb & gutter on both sides. N. 27th Street had 60 ft. ROW with 40 ft. of curb & gutter on both sides. N. 27 1/2 Street had 60 ft. ROW with 40 ft. of curb & gutter on both sides. 800 ft. Block Length 600 ft. Maximum Cul-de-Sac. \* Front: 10 ft. or greater for approved site plan or easements. Rear: 20 ft. or greater for approved site plan or easements. Sides: Sides: 0 ft. with firewall construction, 6 ft. otherwise in accordance with the zoning ordinance or greater for approved site plan or easement. Corner: 10 ft. or greater for approved site plan or easements. Garage setbacks were 18 ft. or greater for approved site plan or easements, except where greater setback is required, greater setback applies. All setbacks are subject to increase for easements or approved site plan. A 4 ft. wide minimum sidewalk required on a 4 ft. wide minimum sidewalk required on N. 27 1/2 Street, both sides of Kerria Avenue and N. 27th Street. Perimeter sidewalks must be built or money escrowed if not built at this time. A 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses, and along N. 27th Street. An 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses and along N. 27th Street. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along N. 27th Street. Site plan must be approved by the Planning and other Development Departments prior to building permit issuance. Common areas, private streets, service drives, etc. must be maintained by the lot owners and not the City of McAllen. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies for public subdivision. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Lots fronting public streets. Minimum lot width and lot area. Existing: R-3T Proposed: R-3T. Park Fee of \$700 per 25 dwelling unit/lot = \$17,500 to be paid prior to recording. Trip Generation to determine if TIA is required, prior to final plat. Must comply with City's Access Management Policy. Nolana Crossing Subdivision provides for a T head along N. 27th St. which is to be widened with escrowed funds from previously recorded subdivision.

Staff recommended approval of the subdivision in final form, subject to conditions noted by engineering department.

Being no discussion, Mr. Michael Fallek moved to approve with subject of conditions noted. Mr. Michael Hovar seconded the motion, which was approved with five members present and voting.

2. Phares Lot 5A Subdivision, 300 North 22nd Street, Javier Martinez **(SUB2020-0077)(FINAL) RDE**



Mr. Beto De la Garza stated that N. 22nd Street had 50 ft. ROW with 32 ft. of curb & gutter on both sides. Cedar Avenue had 50 ft. ROW with 32 ft. of curb & gutter on both sides. Revise street name as noted above. Front: 20 ft. or greater for easements. Rear: 10 ft. or greater for easements. Side setbacks were 6 ft. except 10 ft. for easements. Garage setbacks were 18 ft. except where greater setback is required; greater setback applies. All setbacks are subject to increase for easements or approved site plan. A 4 ft. wide minimum sidewalk required on Cedar Avenue and N. 22nd Street. Perimeter sidewalks must be built or money escrowed if not built at this time. A 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. An 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 Cedar Avenue. Revise Note #9 as noted above prior to recording. Lots fronting public streets. Minimum lot width and lot area. Existing: R-2 Proposed: R-2. Park Fee of \$700 per dwelling unit/lot to be paid prior to recording. Must comply with City's Access Management Policy. Subdivision was initially approved in preliminary form under Javier Martinez Subdivision.

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

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

### **3) CONSENT:**

**The following items 3a-3d were discussed together and voted as one. Chairman Daniel Santos had to abstain. Mr. Gabriel Kamel moved to approve. Mr. Emilio Santos Jr. seconded the motion , which was approved with four members present and voting.**

#### **a) Iglesias Subdivision, 4400 Pecan Blvd, Alvaro Iglesias (SUB2021-0022)(FINAL) MAS**

Pecan Boulevard (FM 495): 20 ft. dedication for 60 ft. from centerline for 120 ft. total ROW  
Paving: By the state Curb & gutter: By the state. City of McAllen Thoroughfare Plan North Bentsen Road: 10 ft. of dedication for 50 ft. from centerline for 100 ft. total ROW Paving: 65 ft. Curb & gutter: Both sides. Monies must be escrowed if improvements are not built prior to recording. City of McAllen Thoroughfare Plan Paving, Curb & gutter. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. 24 ft. private service drive to provide city services required. It will be maintained by the property owners, and not the City of McAllen. It will be on the site plan and also on the plat as may be needed, prior to recording. Plat note will be required to be noted on the plat regarding the service drive, prior to recording. Subdivision Ordinance: Section 134-106. Front: Pecan Boulevard: 52 ft. or greater for easements or approved site plan. North Bentsen Road: 25 ft. or greater for easements or approved site plan. Engineer submitted a letter on January 27, 2021 requesting a variance to allow 52 ft. or greater for easements setback on Pecan Boulevard instead of the required 60 ft. and 25 ft. or greater for easements on North Bentsen Road instead of the required 50 ft. or greater for Easements. Planning and Zoning Board, at their February 16, 2021 meeting, approved variances to allow setbacks as follows: 52 ft. or greater for easements on Pecan Boulevard and 25 ft. or greater for easements on North Bentsen Road. Please revise plat to match P&Z variance approval prior to recording. Zoning Ordinance: Section 138-356. Rear: In accordance with the Zoning Ordinance or greater for easements or approved site plan. Zoning Ordinance: Section 138-356. Interior Sides: In accordance with the Zoning

Ordinance or greater for easements or approved site plan Zoning Ordinance: Section 138-356. Reviewed On: 8/23/2021. Corner: See above. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required along west side of North Bentsen Road. 5 ft. wide minimum sidewalk required along north side of Pecan Boulevard (FM 495) as per Engineering Department. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. Applied 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses and along north property line where abutting to residential zone/use. Please revise plat note as shown above prior to recording. Plat notes 10 & 15 are repeated, please remove one prior to recording. Landscaping Ordinance: Section 110-46 Required. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along. Please discuss with Traffic Department prior to recording to verify requirements for site plan. Plat note might be required to be added prior to recording depending on variance outcome. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Remove plat note #11 since plat note is not needed. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Section 110-72 applies if subdivision is proposed to be public. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Common Areas, any private streets must be maintained by the lot owners and not the City of McAllen Section 110-72 applies if subdivision is proposed to be public. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Minimum lot width and lot area. Zoning Ordinance: Section. 138-356. Lots fronting public streets. Zoning Ordinance: 138-1. Existing: C-1 Proposed: C-1 (Office Building). Zoning Ordinance: Article V. As per Traffic Department, Revised Trip Generation approved; no TIA is required. Complete. As per Traffic Department, Revised Trip Generation approved; no TIA is required. Compliance Comments: Must comply with City's Access Management Policy. Additional requirements might be needed as per site plan review prior to recording.

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

**b) BEJ Subdivision, 4701 North McColl Road, Taryn Santos, Violet Investments  
(SUB2021-0054)(FINAL) CHC**

N. McColl Road: 20 ft. dedication for 60 from centerline for 120 ROW. Paving: by the state Curb & gutter: by the state. Engineer submitted a revised letter on July 16, 2021 requesting a variance to ROW. dedication to dedicate only 10 ft. instead of the 20 ft. required. TX-DOT ROW Division has recommended to acquire the extra 20 ft. of ROW as required by the Thoroughfare Plan. P&Z approved ROW dedication variance at their July 20, 2021 meeting and City Commission meeting of August 9, 2021. City of McAllen Thoroughfare Plan. East Violet Avenue: 20 ft. ROW dedication for 40 ft. from centerline for 80 ft. ROW. Paving: 52 ft. Curb & gutter: Both sides. Monies must be escrowed if improvements are not built prior to recording. Engineer submitted a revised letter on July 16, 2021 requesting a variance to only dedicate 10 ft. instead of the required 20 ft. Engineering Department has recommended to acquire the extra 20 ft. of ROW as required by the Thoroughfare Plan. P&Z approved ROW dedication variance at their July 20, 2021 meeting and City Commission meeting of August 9, 2021. City of McAllen Thoroughfare Plan Paving, Curb & gutter. ROW: 20 ft. Paving. 16 ft. Alley/service drive easement required for commercial properties 24 ft. private service drive to provide city services required. It will be maintained by the property owners, and not the City of McAllen. It will be on the site plan and also on the plat as

may be needed, prior to recording. Plat note will be required to be noted on the plat regarding the service drive, prior to recording. Subdivision Ordinance: Section 134-106. Front : North McColl Road: 60 ft. or greater for easements or approved site plan. East Violet Avenue: 40 ft. or greater for easements or approved site plan. Please revise plat note #2 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. Please revise plat note #2 as shown above prior to final. Zoning Ordinance: Section 138-356. Interior Sides: In accordance with the Zoning Ordinance or greater for easements or approved site plan. Zoning Ordinance: Section 138-356. Corner: See above Please revise plat note #2 as shown above prior to final. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan.

4 ft. wide minimum sidewalk required along East Violet Avenue and 5 ft. wide minimum sidewalk required along North McColl Road as per Engineering Department. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along. City's Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Plat note #10 is not required, please remove. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Common Areas, any private streets, service drives, etc. must be maintained by the lot owners and not the City of McAllen Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Minimum lot width and lot area. Zoning Ordinance: Section. 138-356. Lots fronting public streets. Zoning Ordinance: 138-1. Existing: C-3 Proposed: C-3. Zoning Ordinance: Article V. As per Traffic Department, Trip Generation approved; no TIA required. Comments: Must comply with City's Access Management Policy. If any abandonments are needed, they will have to be recorded prior to final by a separate instrument.

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

**c) Salkinder Plaza Subdivision, 8909 North 10th Street, Sonia Salkinder(SUB2021-0090)(FINAL)TE**

N. 10th Street (SH 336): 120 ft. ROW Paving: by the state Curb & gutter: by the state. Thoroughfare Plan paving, curb & gutter. ROW: 20 ft. Paving: 16 ft. \*Alley/service drive easement required for commercial properties, 4 ft. shared access drive dedicated by plat to be extended once adjacent properties developed. Pending revisions for site plan since shared drive appears to be proposed to extend above proposed detention area. \*\*Subdivision Ordinance: Section 134-106. Front: 60 ft. or greater for easements or approved site plan. Zoning Ordinance: Section 138-356. Rear: Proposing 5 ft. or in accordance with the zoning ordinance or greater for easements or approved site plan. Zoning Ordinance: Section 138-356. Sides: Proposing 0 ft. in accordance with the zoning ordinance or greater for easements or approved site plan \*\*Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 5 ft. wide minimum sidewalk required on North 10th Street (SH 336) \*Subdivision Ordinance: Section 134-120/ Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses \*\*Landscaping

Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. Site plan must be approved by the Planning and other Development Departments prior to building permit issuance. Common areas, private service drives, etc. must be maintained by the lot owners and not the City of McAllen. Common areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Lots fronting public streets \*\*Zoning Ordinance: Section 138-356. Minimum lot width and lot area Zoning Ordinance: 138-1. Existing: C-3 Proposed: C-3. Zoning Ordinance: Article V. Park Fee of \$700 per dwelling unit/lot to be paid prior to recording. Trip Generation review completed per Traffic Department, TIA Level 1 required prior to final approval. Traffic Impact Analysis (TIA) level 1 required prior to final plat. Comments: Must comply with City's Access Management Policy \*\*Site plan reviewed by staff shows shared access drive extending above proposed detention/landscaping, to be revised prior to recording. Subject to compliance with fire hydrant requirements per Fire Department; site plan to be revised prior to recording.

Staff recommends approval in final form, subject to conditions noted by fire department.

**d) Magnolia Farm Subdivision, 9309 North Ware Road, John Tagle (SUB2021-0076)(FINAL) MAS**

Mr. Beto De La Garza stated that N. Ware Road: Proposing 35 ft. dedication for 75 ft. ROW from centerline for 150 ft. ROW Paving: by the state Curb & gutter: by the state. COM Thoroughfare Plan Paving, Curb & gutter. Front: 45 ft. or greater for easements or in line with average setback of existing structures; whichever is greater. Zoning Ordinance: Section 138-356. Rear: Proposing 15 ft. or greater for easements. Zoning Ordinance: Section 138-356. Interior Sides: 6 ft. or greater for easements. Plat shows 15 ft. private drainage easement along property lines. Please revise plat accordingly prior to recording. Zoning Ordinance: Section 138-356. Please revise plat note prior to recording as shown above. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site Plan. 5 ft. wide minimum sidewalk required on North Ware Road. 5 ft. sidewalk requirement as per Engineering Department. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. Common Areas, private streets/drives, private drainage easement, must be maintained by the lot owners and not the City of McAllen. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision ordinance, including but not limited to common areas and its private streets. Section 110-72 applies if private subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Existing: ETJ Proposed: ETJ. If annexation and initial zoning are requested, processes must be finalized prior to final plat review. Lots fronting public streets. Zoning Ordinance: Section. 138-356. Minimum lot width and lot area. Zoning Ordinance: 138-1 Zoning Ordinance: Article V. Comments: Must comply with City's Access Management Policy. If annexation and initial zoning are requested, processes must be finalized prior to final plat review. Provide any gate details proposed for staff to review prior to final.

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

**4) SUBDIVISIONS:**

- a) Garcia Estates, 2901 Gumwood Avenue, Sonia Garcia/Erik J. Mora (SUB2020-0048)(TABLED ON 6/3/2021) M&H**

**ITEAM WAS TABLED.**

- b) Owens Commercial Park Subdivision, 3501 Buddy Owens Boulevard, Oscar Sotelo (SUB2021-0092)(PRELIMINARY) SEC**

Mr. Beto De la Garza stated that Buddy Owens Boulevard (FM 1924): 10 ft. ROW dedication for 60 ft. from centerline for 120 ft. total ROW Paving: min. 65 ft. Curb & gutter: both sides City of McAllen Thoroughfare Plan Escrow monies as may be applicable if improvements are not built prior to recording Paving, curb & gutter. 800 ft. Block Length Subdivision Ordinance: Section 134-118 600 ft. Maximum Cul-de-Sac. Subdivision Ordinance: Section 134-105,. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties \*\*Subdivision Ordinance: Section 134-106. Non-compliance Front: Proposing 50 ft. or greater for approved site plan or easements. Engineer is proposing a 50 ft. front setback instead of the required 60 ft. \*\*\*Zoning Ordinance: Section 138-356. Non-compliance Rear: In accordance with the zoning ordinance or greater for approved site plan or easements \*Zoning Ordinance: Section 138-356. Sides: In accordance with the zoning ordinance or greater for approved site plan or easements \*Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on Buddy Owens Boulevard (FM 1924) 5 ft. sidewalk as might be required by Engineering Department prior to final. \*\*Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time.

Required buffers 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses \*Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses \*\*Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along \*City's Access Management Policy. TBD Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Common Areas, any private streets/service drives, etc. must be maintained by the lot owners and not the City of McAllen. Common areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Lots fronting public streets Zoning Ordinance: Section. 138-356 Minimum lot width and lot area \*\*Zoning Ordinance: 138-1. Existing: C-3L Proposed: C-3 \*Zoning change application to be reviewed by P&Z Board on September 21, 2021, and considered by City Commission on October 11, 2021. Rezoning Needed Before Final Approval \*Zoning Ordinance: Article V. Trip Generation has been approved per Traffic Department, no TIA required. Comments: \*Must comply with City's Access Management Policy \*\*Clarify use prior to final approval to establish any applicable requirements Change of zone application from C-3L to C-3 is scheduled for P&Z Board review on September 21, 2021, and considered by City Commission on October 11, 2021.

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

Being no discussion, Mr. Michael Fallek moved to approve as preliminary form subject to conditions noted. Mr. Michael Hovar seconded the motion, which was approved with five members present and voting.

**c) Bell's Farm Plaza Subdivision, 132 South Ware Road, Robert L. Bell Jr.  
(SUB2021-0086)(PRELIMINARY) SDI**

Mr. Beto De la Garza stated that N. Ware Road (FM 2220): 120 ft. total ROW Paving: by the state Curb & gutter: by the state \*Show centerline and label ROW on both sides to determine if there is any required ROW dedication prior to final approval. City of McAllen Thoroughfare Plan Non-compliance Interior streets: 60 ft. ROW Paving: 40 ft. Curb & gutter: both sides Revise plat as noted above prior to final \*\*Pending clarification on proposed use City of McAllen Thoroughfare Plan TBD. Paving, Curb & gutter paving, Curb & gutter. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties \*\*Subdivision Ordinance: Section 134-106 Front: 60 ft. or greater for easements or approved site plan \*\*Revise note as shown above Zoning Ordinance: Section 138-356. Rear: in accordance with the zoning ordinance or greater for easements or approved site plan \*Revise plat as noted above. Non-compliance. Sides: in accordance with the zoning ordinance or greater for easements or approved site plan. Revise plat as noted above prior to final approval. Zoning Ordinance: Section 138-356. Corner Zoning Ordinance: Section 138-356. Garage Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 5 ft. wide minimum sidewalk required on Ware Rd. and 4 ft. minimum width sidewalk required on all interior streets. Additional requirements may apply at time of site plan review. Revise plat as noted above Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses \*Landscaping Ordinance: Section 110-46 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Plat note Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along \*\*City's Access Management Policy. Site plan must be approved by the Planning and development departments prior to building permit issuance. Common areas, private service drives, streets, 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. 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 110-72 for public subdivisions. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. \*\*Subdivision Ordinance: Section 110-72 Lots fronting public streets. Zoning Ordinance: Section: 138-356. Minimum lot width and lot area Zoning Ordinance: 138-1 Existing: C-3 Proposed: C-3 \*\*Zoning Ordinance: Article V Rezoning Needed Before Final Approval. Trip Generation required per Traffic Department to determine if TIA is needed prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Comments: Must comply with City's Access Management Policy \*\*Revise property boundaries for adjacent land in all directions i.e. identify and label any recorded subdivisions. Remove Lot "A" reference shown on Lot 1 and revise/clarify Note #11 as needed prior to final approval. Show document numbers for easements shown outside plat boundaries. Revise setbacks note prior to final 8 ft. masonry wall note required on plat. Provide vicinity map to ensure there are no landlocked properties. Existing plat notes will remain as now exist. Existing plat references a contractual agreement on plat note #8 - clarify status of requirement/note prior to final.

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



Being no discussion, Mr. Michael Hovar moved to approve as preliminary form subject to conditions noted. Mr. Gabriel Kamel seconded the motion, which was approved with five members present and voting.

**d) Dove Commercial Park No. 2 Subdivision, 2001 Dove Avenue, Primrose Development Co., Inc. (SUB2020-0002)(REVISED PRELIMINARY) SEC**

Mr. Beto de La Garza stated that Dove Avenue: 75 ft. dedication for 150 ft. ROW Paving: 52 ft. min. Curb & gutter: Both sides. Plat submitted December 27, 2019 proposes 60 ft. from centerline with no additional dedication proposed per variance approval for Harry's Subdivision. Staff is reviewing ROW dedication requirement prior to final Must escrow monies if improvements are not built prior to recording. N. 21st Street: 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides Must escrow monies if improvements are not built prior to recording. Paving, Curb & gutter. 800 ft. Block Length. 600 ft. Maximum Cul-de-Sac. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties \*Plat submitted December 27, 2019 provides for a 26 ft. service drive, Front: 60 ft. or greater for approved site plan or easements (proposed) Front setback will be finalized based on Dove Ave. ROW prior to final. Rear: In accordance with zoning ordinance or greater for easements. Sides: In accordance with zoning ordinance or greater for easements Corner: In accordance with zoning ordinance or greater for easements. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on Dove Avenue and N. 21st Street. 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 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Perimeter buffers must be built at These comments are for subdivision requirements only – additional requirements may apply at time of site plan review Site plan must be approved by Planning and Zoning Commission prior to building permit issuance. Common Areas and service drives 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. 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. Lots fronting public streets. Minimum lot width and lot area. Existing: C-2/C-3 Proposed: C-3 \*Rezoning to be finalized prior to final Rezoning Needed Before Final Approval P&Z Board recommended approval at the January 7, 2020 meeting, scheduled for City Commission consideration on January 27, 2020. Trip Generation to determine if TIA is required, prior to final plat. \*\*Per Traffic Department, need to submit a Trip Generation to determine if TIA will be required, prior to final. Traffic Impact Analysis (TIA) required prior to final plat. Comments: Need to clarify if previously approved variance for ROW along Dove Ave. will be honored or dedication for 150 ft. ROW will be required, prior to final. Must comply with City's Access Management Policy Existing plat notes remain the same as now exist. Staff is reviewing and has discussed with engineer whether the property to the east should be included as part of this plat, prior to final Staff received a letter on August 18, 2021 from the engineer asking for a six month extension to acquire final approval.

Staff recommends approval of the six month extension request, subject.

Being no discussion, Mr. Emilio Santos Jr. moved to approve as preliminary form subject to conditions noted. Mr. Gabriel Kamel seconded the motion, which was approved with five members

present and voting.

- e) Morales Subdivision Lots 1A, 1B, 1C, & 1D, 7200 Mile 7 Road, Diana Morales/Madalyn E. Morales **(SUB2020-0046)(REVISED PRELIMINARY) M&H**

Mr. Beto De la Garza stated that Mile 7 Road: 5 ft. additional ROW for 80 ft. total ROW Paving: min. 52 ft. Curb & gutter: Both sides Show centerline Escrow required if improvements are not built prior to recording. N. 72nd Street: 35 ft. dedication for 70 ft. ROW Paving: 44 ft. Curb & gutter: Both sides Escrow required if improvements are not built prior to recording. 800 ft. Block Length. 600 ft. Maximum Cul-de-Sac. ROW: 20 ft. Paving: 16 ft. \*Alley/service drive easement required for commercial properties. Non-compliance. Front: 40 ft. or greater for easements or approved site plan. Rear: 40 ft. for easements or greater approved site plan \*\*Revise rear setback note as noted above prior to final approval. Sides: 15 ft. or greater for easements. Corner: 35 ft. or greater for easement on N. 72nd St. \*\*Correct/replace "coner" with corner. Garage: 18 ft. or greater for easements. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required along south side of Mile 7 North Road and along the west side of N. 72nd Street. \*\*Revise plat as noted above \*\*\*Escrow required if improvements are not built prior to recording. Non-compliance. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. \*\*Additional buffers along N. 72nd Street may be required 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. Site plan must be approved by the Planning and other Development Departments prior to building permit issuance. Common Areas, private service drives, 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, and landscaping, etc. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies for public subdivisions. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Lots fronting public streets.\* Minimum lot width and lot area. Existing: C-4 & R-1 Proposed: C-4 & R-1 \*\*Rezoning application not in file yet.Rezoning Needed Before Final Approval. Park Fee of \$700 per dwelling unit/lot to be paid prior to recording. Trip Generation to determine if TIA is required, prior to final plat. Per Traffic Department Trip Generation is under review. Traffic Impact Analysis (TIA) required prior to final plat. Comments: Must comply with City's Access Management Policy \*\*Money will be escrowed if improvements are not built prior to recording. Submit site plan for review Rezoning application needs to be submitted and finalized before final approval. Six month extension letter request submitted by the engineer on August 17, 2021.

Staff recommends approval of the six month extension request subject to conditions noted, utilities and drainage approvals.

Being no discussion, Mr. Michael Fallek moved to approve as preliminary form subject to conditions noted. Mr. Michael Hovar seconded the motion, which was approved with five members present and voting

- f) Villa Torre At North Bentsen Estates, 7500 North Bentsen Road, Riverside

**Development Services, LLC.(SUB2021-0048)(FINAL) RDE**

North Bentsen Road: 20 ft. dedication for 50 ft. ROW from centerline for 100 ft. ROW  
Paving: 65 ft. Curb & gutter: Both sides. Monies must be escrowed if improvements are not built prior to recording. COM Thoroughfare Plan Xenops Avenue: 50 ft. ROW. Paving: 40 ft. as approved by City Commission Curb & gutter: Both sides. Monies must be escrowed if improvements are not built prior to recording. City Commission, at their July 26, 2021 meeting, approved cul-de-sac length variance subject to providing 40 ft. of paving with sidewalk easements on both sides of internal street. Subdivision Ordinance: Section 134-105 paving, Curb & gutter. 600 ft. Maximum Cul-de-Sac: Engineer submitted an application on June 18, 2021 requesting a variance to the maximum allowed cul-de-sac length. The proposed cul-de-sac length is approximately 720 ft. instead of the maximum allowed 600 ft. Planning and Zoning Board recommended approval of the cul-de-sac variance subject to 40ft. of paving. City Commission, at their July 26, 2021 meeting, approved cul-de-sac length variance subject to providing 40 ft. of paving with sidewalk easements on both sides of internal street. Subdivision Ordinance: Section 134-105. Front : 25 ft. or greater for easements. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Interior sides: 6 ft. or greater for easements. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356  
Garage: 18 ft. except where greater setback is required; greater setback applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site Plan. 4 ft. wide minimum sidewalk required on North Bentsen Road and both sides of all interior streets. Please revise plat note #9 as shown above prior to recording. Subdivision Ordinance: Section 134 Perimeter sidewalks must be built or money escrowed if not built at this time. Applied 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along North Bentsen Road. Please revise plat note #11 as shown above prior to recording. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along North Bentsen Road. Please revise plat note #14 as shown above prior to recording. City's Access Management Policy. Common Areas, any private streets/drives, common areas, detention areas, etc. must be maintained by the lot owners and not the City of McAllen. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies if private 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. HOA document will be required to be recorded simultaneously with plat. Subdivision Ordinance: Section 110-72 Required. Minimum lot width and lot area. Zoning Ordinance: 138-1 Lots fronting public streets. Zoning Ordinance: Section. 138-356.

Being no discussion, Mr. Michael Hovar moved to approve as final form subject to conditions noted. Mr. Michael Fallek seconded the motion, which was approved with five members present and voting.

Mr. Beto De la Garza stated that North Ware Road (FM Highway 2220): 60 ft. from centerline for 120 ft. total ROW Paving: By the State Curb & gutter: By the state. Show ROW on both sides of centerline to verify if any ROW dedication will be required prior to final. Submitted plat shows property to be landlocked. Please revise plat to show property fronting unto North Ware Road or any street prior to final. COM Thoroughfare Plan Non-compliance Quince Avenue: 30 ft. dedication required for 60 ft. total ROW Paving: 40 ft. Curb & gutter: Both sides Monies must be escrowed if Revise plat layout prior to final to show ROW dedication Subdivision Ordinance: Section 134-105 Non-compliance Paving, Curb & gutter. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Subdivision Ordinance: Section 134-106. Front: 30 ft. (Proposed). Lot frontage must be resolved prior to establishing setbacks. Zoning Ordinance: Section 138-356. TBD Rear: 5 ft. or easement whichever is greater (Proposed). Lot frontage must be resolved prior to establishing setbacks. Zoning Ordinance: Section 138-356 Sides: 5 ft. or easement whichever is greater (Proposed). Lot frontage must be resolved prior to establishing setbacks. Zoning Ordinance: Section 138-356 Corner: Lot frontage must be resolved prior to establishing setbacks. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site Plan 5 ft. wide minimum sidewalk required on North Ware Road Lot frontage must be resolved prior to establishing sidewalk requirements. Subdivision Ordinance: Section 134-120. TBD 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 west property line. Lot frontage must be resolved prior to establishing buffer requirements. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Lot frontage must be resolved prior to establishing buffer requirements. Landscaping Ordinance: Section 110-46 TBD Perimeter buffers must be built at time of Subdivision Improvements. Applied No curb cut, access, or lot frontage permitted along. Lot frontage must be resolved prior to establishing curb cut or access requirements. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Common Areas, private streets/drives must be maintained by the lot owners and not the City of McAllen \*Landscaping Ordinance: Section 110-72 Subdivision Ordinance: Section 134-168. Lots fronting public streets. Property is currently landlocked. Plat shows property to be connected to North Ware Road by a "1.717 Acre Access, Distribution and Transmission Easement" Plat layout must be revised to not show landlocked properties. Zoning Ordinance: 138-1. Minimum lot width and lot area. Zoning Ordinance: Section. 138-356 Existing: C-3 Proposed: Electric Substation. Conditional Use Permit for an Electric Substation approved at the Planning and Zoning meeting of June 3, 2021 and by City Commission on June 28, 2021. Zoning Ordinance: Article V. As per Traffic Department, Trip Generation waived for electric substation. No TIA required. Comments: Must comply with City's Access Management Policy Property is currently landlocked. Plat shows property to be connected to North Ware Road by a "1.717 Acre Access, Distribution and Transmission Easement". Plat layout must be revised to not show landlocked properties Requirements will be finalized once frontage has been resolved.

Staff recommends disapproval of the subdivision in Preliminary form.

Being no discussion, Mr. Michael Fallek moved to approve as preliminary form subject to conditions noted. Mr. Gabriel Kamel seconded the motion, which was approved with five members present

and voting.

- h) Oak Valley Subdivision, 9600 North Bryan Road, Raymundo P. Platas/Oak Valley, LLP., Carlos Alanis, Imperial Nurseries of Texas (SUB2021-0087)(PRELIMINARY) RB**

Mr. Beto de la Garza stated that North Bryan Road: 40 ft. dedication for 60 ft. from centerline for 120 ft. of total ROW Paving: 65 ft. Curb & gutter: Both sides Monies must be escrowed if improvements are not built prior to recording. Add "North" to all Bryan Road references prior to final. Clarify if "15 ft. SWSC Easement" will be abandoned or relocated since it appears that it will be encroaching into the required ROW dedication. Any abandonments must be finalized prior to final. COM Thoroughfare Plan Entrance Street: 90 ft. ROW Paving: 23 ft. of paving on each side of island proposed Curb & gutter: Both sides Monies must be escrowed if any of the improvements are pending or not accepted by City prior to recording. Gate details must be approve Subdivision Ordinance: Section 134-105. Internal Streets: 60 ft. ROW Paving: 40 ft. of paving required. 20 ft. of paving on each side of islands. Curb & gutter: Both sides Monies must be escrowed if any of the improvements are pending or not accepted by City prior to recording. \*\*Street names will be assigned prior to final. Please provide detailed paving layout showing the paving width of the different sections throughout the subdivision prior to final to verify compliance with minimum requirements. Subdivision Ordinance: Section 134-105 Non-compliance N/S 1/4 Mile Collector Road along east property line: 30-35 ft. dedication for 60-70 ft. of total ROW Paving: 40-44 ft. Curb & gutter: Both sides \*\*Please revise plat layout to comply with requirements prior to final. Staff is reviewing surrounding areas feasibility plans for this road. Requirements will be finalized prior to final plat review. Subdivision Ordinance: Section 134-105. Proposed N/S Access Easement East of Lot 1: 30 ft. Paving: 24 ft. Engineer to clarify if curb and gutter is being proposed for this service drive easement prior to final. \*\*Submit gate details if applicable prior to final to verify compliance with requirements. Document number must be included in plat prior to final. Please clarify "1" on easement legend "30' Access and Utility Easement Centered on Lot Line" prior to final. Please clarify "5" on easement legend "20' Access and Utility Easement Centered on Lot Line" prior to final Engineer to show documents where agreement to cross 80 ft. Canal Row is recorded/approved prior to final. Engineer to show who owns 80 ft. Canal ROW on plat prior to final. Subdivision Ordinance: Section 134-105 Non-compliance. 800 ft. Block Length. Subdivision does not comply with maximum requirement, please revise subdivision layout or variance request to comply with requirements prior to final. Subdivision Ordinance: Section 134-118. Front: 30 ft. or greater for easements (Proposed). Please clarify use prior to final to finalize setbacks. Zoning Ordinance: Section 138-356. TBD Rear: 30 ft. or greater for easements (Proposed). Please clarify use prior to final to finalize setbacks. Zoning Ordinance: Section 138-356 TBD Sides: 30 ft. or greater for easements (Proposed). Please clarify use prior to final to finalize setbacks. \*\*Zoning Ordinance: Section 138-356 Corner: 30 ft. or greater for easements (Proposed) Please clarify use prior to final to finalize setbacks. Zoning Ordinance: Section 138-356. Garage: 30 ft. or greater for easements (Proposed). Please clarify use prior to final to finalize setbacks. Zoning Ordinance: Section 138-356 All setbacks are subject to increase for easements or approved site Plan 4 ft. wide minimum sidewalk required on North Bryan Road, both sides of all interior streets, and any other streets that may be applicable including 6 Mile north Road. Please revise plat note #12 as shown above prior to final. Subdivision Ordinance: Section 134-120 Perimeter sidewalks must be built or money escrowed if not built at this time.

Being no discussion, Mr. Gabriel Kamel moved to approve as preliminary form subject to conditions

noted. Mr. Michael Hovar seconded the motion, which was approved with five members present and voting

**i) The Quarter II Subdivision, 701 South 1st Street, Chazzland, LLC, (SUB2021-0088)(PRELIMINARY) SEC**

South First Street: 10 ft. dedication for 30 ft. from centerline for 60 ft. total ROW Paving: 40 ft. Curb & gutter: Both sides. Monies must be escrowed if improvements are not built prior to recording. Revise street name with "South" instead of "North" prior to final. Subdivision Ordinance: Section 134-105 East Houston Avenue: 25 ft. dedication for 50 ft. total ROW Paving: 32 ft. Curb & gutter: Both sides Monies must be escrowed if improvements are not built prior to recording. Verify street alignment at intersection with South First Street prior to final. Subdivision Ordinance: Section 134-105. South Cynthia Street: 50 ft. ROW Paving: 32 ft. Curb & gutter: Both Sides Monies must be escrowed if improvements are not built prior to recording. Lot 7 configuration (southeast corner) might have to be revised prior to final to improve. traffic measurability. Cul-de-sac must be revised to have 96 ft. of paving diameter face-to-face as per Fire Department with 10 ft. of ROW back-of-curb. ROW will have to be widened to comply with Non-compliance requirements prior to final. Subdivision Ordinance: Section 134-105 South Peking Street: 50 ft. ROW Paving: 32 ft. Curb & gutter: Both Sides Monies must be escrowed if improvements are not built prior to recording. Abandonment must be recorded prior to final plat review. Cul-de-sac will have to be provided on the south end of Peking Street or look street west to South 1st Street prior to final. Dead-end streets are not allowed. Subdivision Ordinance: Section 134-105 Paving Curb & gutter 600 ft. Maximum Cul-de-Sac. Subdivision Ordinance: Section 134-105. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties 10 ft. ROW dedication needed along north property line prior to final. Please include "Ordinance 2007-52" where alley along north side of Lot 26 and east side of Lots 26-29 Belaire Subdivision was abandoned. Subdivision Ordinance: Section 134-106. Front: 25 ft. or greater for easements. Zoning Ordinance: Section 138-356. -Rear: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356 Interior Sides: 6 ft. or greater for easements. Zoning Ordinance: Section 138-356 Corner: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356 Garage: 18 ft. except where greater setback is required; greater setback applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site Plan 4 ft. wide minimum sidewalk required on South First Street, East Houston Avenue, South Cynthia Street, South Peking Street and both sides of all interior streets. Please revise plat note #9 as shown above prior to final. Subdivision Ordinance: Section 134-120 Perimeter sidewalks must be built or money escrowed if not built at this time. Applied 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along South First Street., and sout side of Lot 7 along East Houston Avenue. Please revise plat note #4 as shown above prior to final. Landscaping Ordinance: Section 110-4\* 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 South First Street. Add plat note as shown above prior to final. Common Areas, any private streets/drives must be maintained by the lot owners and not the City of McAllen Section 110-72 applies if private subdivision is proposed. Landscaping Ordinance: Section 110-72 Subdivision Ordinance: Section 134-168. 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 110-72 applies if private 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. HOA document will be required to be recorded simultaneously with plat. Subdivision Ordinance: Section 110-72. Minimum lot width and lot area. Zoning Ordinance: 138-1 Lots fronting public streets. Zoning Ordinance: Section. 138-356. Existing: R-1 Proposed: R-1 Zoning Ordinance: Article V. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per Parks Dept., \$8,400 required to be paid prior to recording. If number of proposed lots change, park fees will be adjusted accordingly. As per Traffic Department, Trip Generation waived for 12 single-family residences. No TIA required. Comments: Must comply with City's Access Management policy. Abandonment must be finalized prior to final plat review, and provide for a cul-de-sac at the south end of Peking Avenue or lopp street west to South First Street. As per Fire Department, submit auto-turn calculations on right turn maneuverability out of the cul-de-sac.

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

Being no discussion, Mr. Michael Hovar moved to approve as preliminary form subject to conditions noted. Mr. Michael Kamel the motion, which was approved with five members present and voting

**j) Nemont Estates II Subdivision, 7100 Mile 6 Road, Nemont Estates, LLP  
(SUB2021-0091)(PRELIMINARY) MAS**

Mile 6 Road: 30 ft. dedication required for 50 ft. from centerline for 100 ft. total ROW  
Paving: 65 ft. Curb & gutter: Both sides. Monies must be escrowed if improvements are not constructed prior to recording. Plat shows 40 ft. proposed ROW dedication for 60 ft. of ROW from centerline. Please clarify prior to final. Include "Road" on every Mile 6 reference on plat. Label ROW on both sides of centerline and total ROW after accounting for ROW dedication to verify ROW dedication requirements prior to final. nternal Street: 50 ft. Paving: 34 ft. proposed Curb & gutter: Both sides. Monies must be escrowed if improvements are not built prior to recording. Engineer to clarify proposed use prior to final. ROW and paving might have to be increased based on the proposed use. Cul-de-sac length exceeds 600 ft. and plat will have to be revised to comply with requirements prior to final. If a cul-de-sac length variance is requested and approved, approval subject to widening the paving to 40 ft. internal street might have to be looped eastwards to connect with North Glasscock Road. Subdivision Ordinance: Section 134-105. N/S 1/4 Collector Road along West Property Line: 30-35 ft. dedication for 60-70 ft. total ROW Paving: 40-44 ft. Curb & gutter: Both sides Monies must be escrowed if improvements are not built prior to recording. Plat layout must be revised to comply with ROW dedication requirements prior to final. Subdivision Ordinance: Section 134-105. E/W 1/4 Collector Road along North Property Line: 30-35 ft. dedication for 60-70 ft. total ROW Paving: 40-44 ft. Curb & gutter: Both sides Monies must be escrowed if improvements are not built prior to recording. Plat layout must be revised to comply with ROW dedication requirements prior to final. Please show total dimensions for drain ditch along north property line. Please clarify if drain ditch is included within the subdivision boundaries since it appears to be a separate lot. If that is the case, lot is landlocked and subdivision layout must be modified prior to final to give frontage to this lot. Please label gap between drain ditch and 50 ft. ROW to Magic Valley prior to final. Subdivision Ordinance: Section 134-105  
Paving Curb & gutter\* 800 ft. Block Length. Subdivision Ordinance: Section 134-118 600 ft. Maximum Cul-de-Sac. Cul-de-sac length exceeds 600 ft. and plat will have to be revised to comply with requirements prior to final. If a cul-de-sac length variance is requested and approved, approval subject to widening the paving to 40 ft. Subdivision Ordinance: Section 134-105. Front: 25 ft. or

greater for easements. Setbacks will be finalized prior to final plat review once proposed use has been clarified. Zoning Ordinance: Section 138-356 Rear: 10 ft. or greater for easements or approved site plan. Setbacks will be finalized prior to final plat review once proposed use has been clarified. Zoning Ordinance: Section 138-356. Interior Sides: 6 ft. or greater for easements. Setbacks will be finalized prior to final plat review once proposed use has been clarified. Zoning Ordinance: Section 138-356 TBD. Corner: 10 ft. or greater easements Please add plat note prior to final as shown above. Setbacks will be finalized prior to final plat review once proposed use has been clarified. Zoning Ordinance: Section 138-356 Garage: 18 ft. except where greater setbacks is required; greater setback applies. Setbacks will be finalized prior to final plat review once proposed use has been clarified. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site Plan. 4 ft. wide minimum sidewalk required on Mile 6 Road, both sides of internal street, and any other road as applicable prior to final. Sidewalks are subject to 5 ft. being required by Engineering Dept. prior to final. Final wording of plat note #3 prior to final. Subdivision Ordinance: Section 134-120. Non-compliance\* Perimeter sidewalks must be built or money escrowed if not built at this time.\* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along 6 Mile Road, also along 1/4 Mile Collector Roads required. Final wording of plat note #14 prior to final. Landscaping Ordinance: Section 110-46 Non-compliance\* 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 Mile 6 Road, and also along 1/4 Mile Collector Roads required. Please add plat note as shown above prior to final. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Please remove plat note #16 since is not required. \* Common Areas, any private streets/drives must be maintained by the lot owners and not the City of McAllen. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168 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 110-72 applies if subdivision is proposed to be public. Landscaping Ordinance: Section 110-72 Subdivision Ordinance: Section 134-168. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. HOA will be recorded simultaneously with plat. Subdivision Ordinance: Section 110-72. Minimum lot width and lot area. Zoning Ordinance: Section. 138-356 Lots fronting public streets.\*Zoning Ordinance: 138-1 Existing: ETJ Proposed: Single-Family Residences. If annexation and initial zoning are proposed, they must be finalized prior to final plat review. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval If annexation and initial zoning are proposed, they must be finalized prior to final plat review. Zoning Ordinance: Article VTBD. Land dedication in lieu of fee. TBD Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per Parks Department, Parks requirements will only apply if property is annexed. Pending review by the Parkland Dedication Advisory Board and CC. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Non-compliance As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Comments: Must comply with City's Access Management Policy If annexation and initial zoning are proposed, they must be finalized prior to final plat review. Please clarify if drain ditch is included within the subdivision boundaries since it appears to be a separate lot. If that is the case, lot is landlocked and subdivision layout must be modified prior to final to give frontage to this lot. Please clarify if plat is proposed to be public or private prior to final. If private subdivision is proposed, a 2nd Access will be required as per Subdivision Ordinance if 30 or more lots are proposed. Submit gate details for staff to review prior to final if

applicable. Revise signature blocks to comply with McAllen's Subdivision Ordinance requirements. Paragraph below Vicinity Map and Owner's Signature Block reference a different subdivision. Please revise subdivision name wherever is applicable prior to final. Clarify 100 ft. by 240 ft. Magic Valley easement shown on plat on north side of attention Area prior to final. More comments might be triggered once staff receives information. As per Fire Dept., 2nd Access will be required based on number of lots proposed.

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

Being no discussion, Mr. Michael Hovar moved to approve as preliminary form subject to conditions noted. Mr. Gabriel Kamel seconded the motion, which was approved with five members present and voting.

**k) Park Terrace Subdivision, 3601 North Jackson Road, Domain Development Corp. (SUB2021-0017) (REVISED PRELIMINARY) M&H**

North Jackson Road: Min. 10 ft. dedication for min. 60 ft. from centerline for 120 ft. ROW Paving: min. 65 ft. Curb & gutter: both sides. Must escrow monies as needed if not constructed prior to recording. Please clarify accesses from North Jackson Road to see if they will be used for emergency and exit use only prior to final. City of McAllen Thoroughfare Plan Non-compliance. North "K" Center Street: Dedication required for 80 ft. total ROW Paving: 44 ft. Curb & gutter: both sides. Must escrow monies as needed if not constructed prior to recording. Show ROW from centerline to new property line and total ROW after accounting for ROW dedication. Verify that ROW is align with properties to the north and south. Please provide copy of document "30 ft. HCID No. 2 exclusive ROW easement Volume 19, Page 289 & Volume 16, Page 5" prior to final for staff to review. Subdivision Ordinance: Section 134-105 Non-compliance East Jonquil Avenue: 30 ft. from centerline for 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides Must escrow monies if improvements are not built prior to recording. Provide copies of documents "15 ft. Utility Easements Doc. 1771099" and "10 ft. Utility Easements Doc. 1018794" prior to final for staff to review. Subdivision Ordinance: Section 134-105. Non-compliance. Internal Streets: 60 ft. ROW. Paving: 40 ft. Curb & gutter: Both sides Must escrow monies if improvements are not built prior to recording. Submit gate details prior to final if applicable. Gate details might increase ROW requirements. Street names will be established prior to final. If any islands are proposed, drives on both sides will have to be at least 20 ft. paving wide. Street C" must meet minimum 60 ft. ROW prior to final, revise layout. Subdivision Ordinance: Section 134-105. Non-compliance. Paving Curb & gutter. 800 ft. Block Length requirements. Variance application submitted by the engineer on June 10, 2021 and revised layout. submitted on August 11, 2021. As per the engineer, the basis for the request is to allow the continuous flow of traffic within the subdivision without the interruption of an intersection. Subdivision Ordinance: Section 134-118.

Being no discussion, Mr. Gabriel Kamel moved to approve as revised preliminary form subject to conditions noted. Mr. Michael Fallek seconded the motion, which was approved with five members present and voting.

**7) INFORMATION ONLY:**

a) City Commission Actions held on August 23, 2021: Information was given by Edgar Garcia, Planning Director.

**ADJOURNMENT:**

There being no further business to come before the Planning & Zoning Commission, Michael Hovar adjourned the meeting at 5:20p.m. and Mr. Michael Fallek seconded the motion, which carried unanimously with five members present and voting.

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Chairperson, Daniel Santos

ATTEST: \_\_\_\_\_  
Magda Ramirez, Administrative Assistant

## Planning Department

### Memo

**TO:** Planning and Zoning Commission

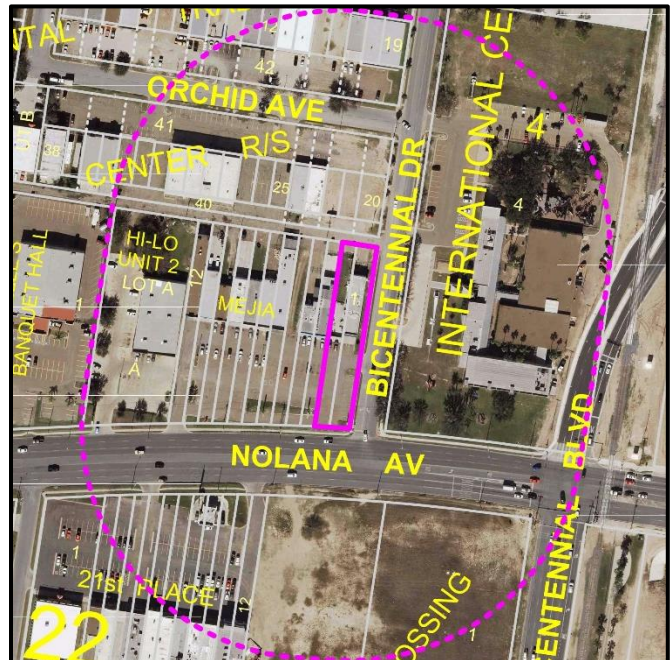
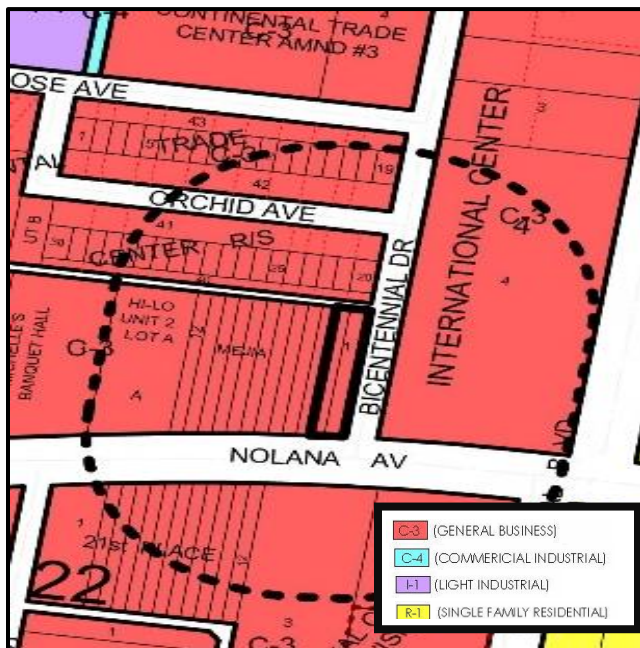
**FROM:** Planning Staff

**DATE:** September 16, 2021

**SUBJECT:** REQUEST OF MIGUEL VARGAS FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOTS 1 AND 2, MEJIA SUBDIVISION UNIT NO. 1, HIDALGO COUNTY, TEXAS, 2000 NOLANA AVENUE. (CUP2021-0119)

#### BRIEF DESCRIPTION:

The property is located at the northwest corner of Nolana Avenue and Bicentennial Drive and is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. Surrounding land uses include restaurants, commercial businesses, retail stores, bars, offices, the International Museum of Arts & Science (IMAS), beauty salons, medical offices, auto services, a church, single and multifamily residences, and vacant land. A bar and lounge is allowed in a C-3 zone with a Conditional Use Permit and in compliance with the requirements.



#### HISTORY:

The first Conditional Use Permit for a bar at this location was approved by the City Commission on September 29, 2009, with a variance to the 600 ft. distance requirement. The permit has been renewed annually by different tenants with variances to the distance requirement by the City Commission until March 2018, which expired March 12, 2019. An application for a Conditional

Use Permit for one year for a bar was approved by the City Commission on August 10, 2020.

**REQUEST/ANALYSIS:**

The applicant is proposing to operate a bar (Calandrias Bar & Lounge) with an outdoor patio area. The hours of operation will be Thursday to Sunday, from 9:00 p.m. to 2:00 a.m.

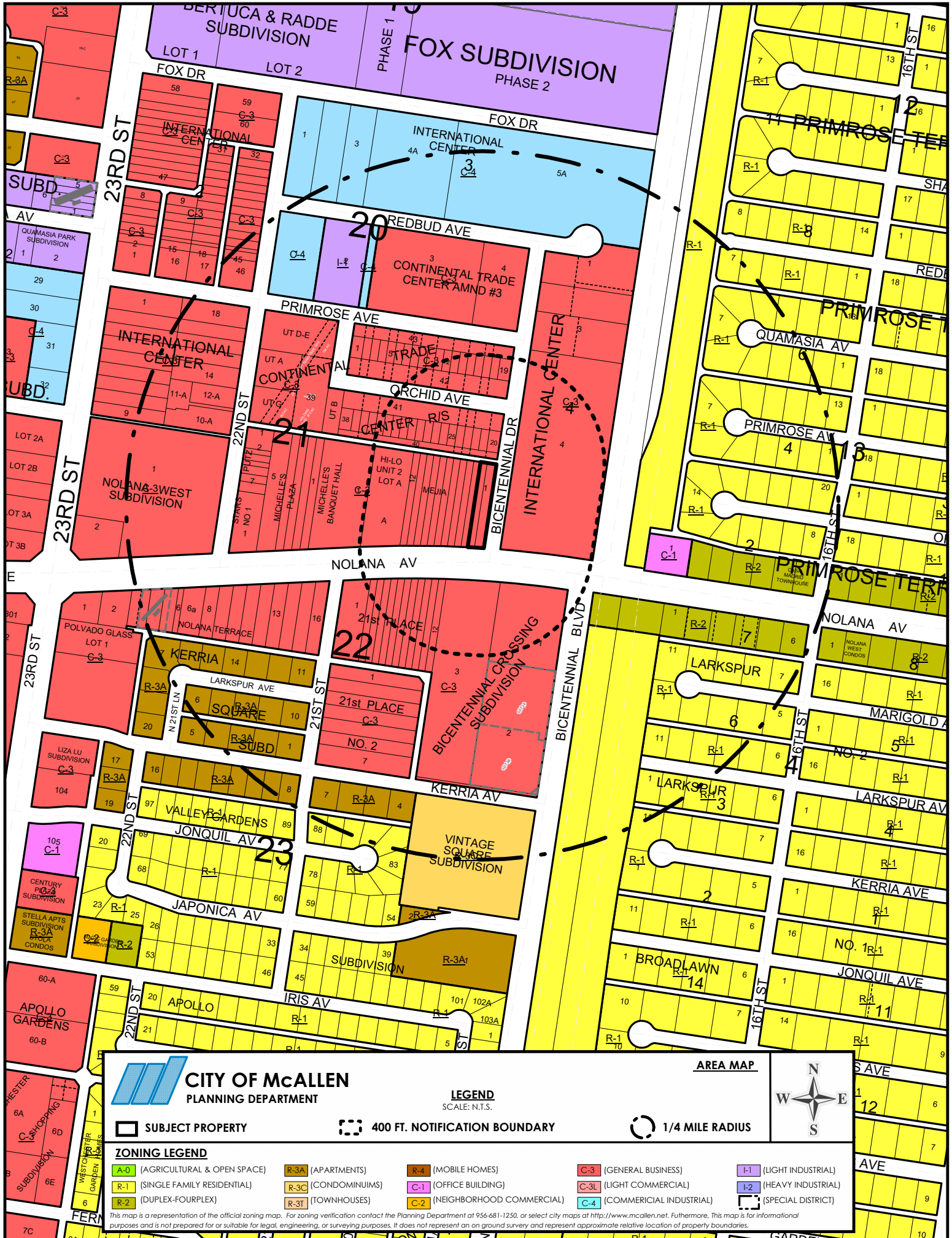
A police activity report indicating service calls from September 2020 to the present is attached. The Fire Department has inspected the establishment; no violations were found. Staff has not received any calls in opposition to the request. The establishment must comply with the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of those businesses having late hours (after 10:00 p.m.) must be at least 400 ft. from the nearest residence, church, school or publicly-owned property or must provide sufficient buffer and sound insulation of the building such that the building is not visible and cannot be heard from the residential areas. The establishment is within 400 ft. of the International Museum of Arts & Science (IMAS) and Nations for Christ Church Inc.;
- 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 direct access to Nolana Avenue and Bicentennial Drive and does not generate traffic into residential areas;
- 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. Currently, there is a multi-tenant commercial plaza on the property. The plaza is a mixture of Commercial businesses, a food truck, fast food restaurants, and bars. Based on the current uses, including the bar, 124 parking spaces are required; 125 spaces are provided on-site. There is a 5-year parking agreement on file valid from October 5, 2016, to October 5, 2021, that provides 40 extra parking spaces; However, upon the inspection, staff noticed potholes in the parking lot that need to be repaired, and faded stripes need to be repainted;
- 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 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 taking into account the recommendations of the Fire Marshal, Building Official, and Planning Director. The maximum capacities for the building interior and the outdoor area are 96 and 228 persons, respectively.

**RECOMMENDATION:**

Staff recommends disapproval of the request based on non-compliance with requirement #1 (distance) of Section 138-118(4) and Section 138-400 (off-street parking standards) of the Zoning Ordinance.

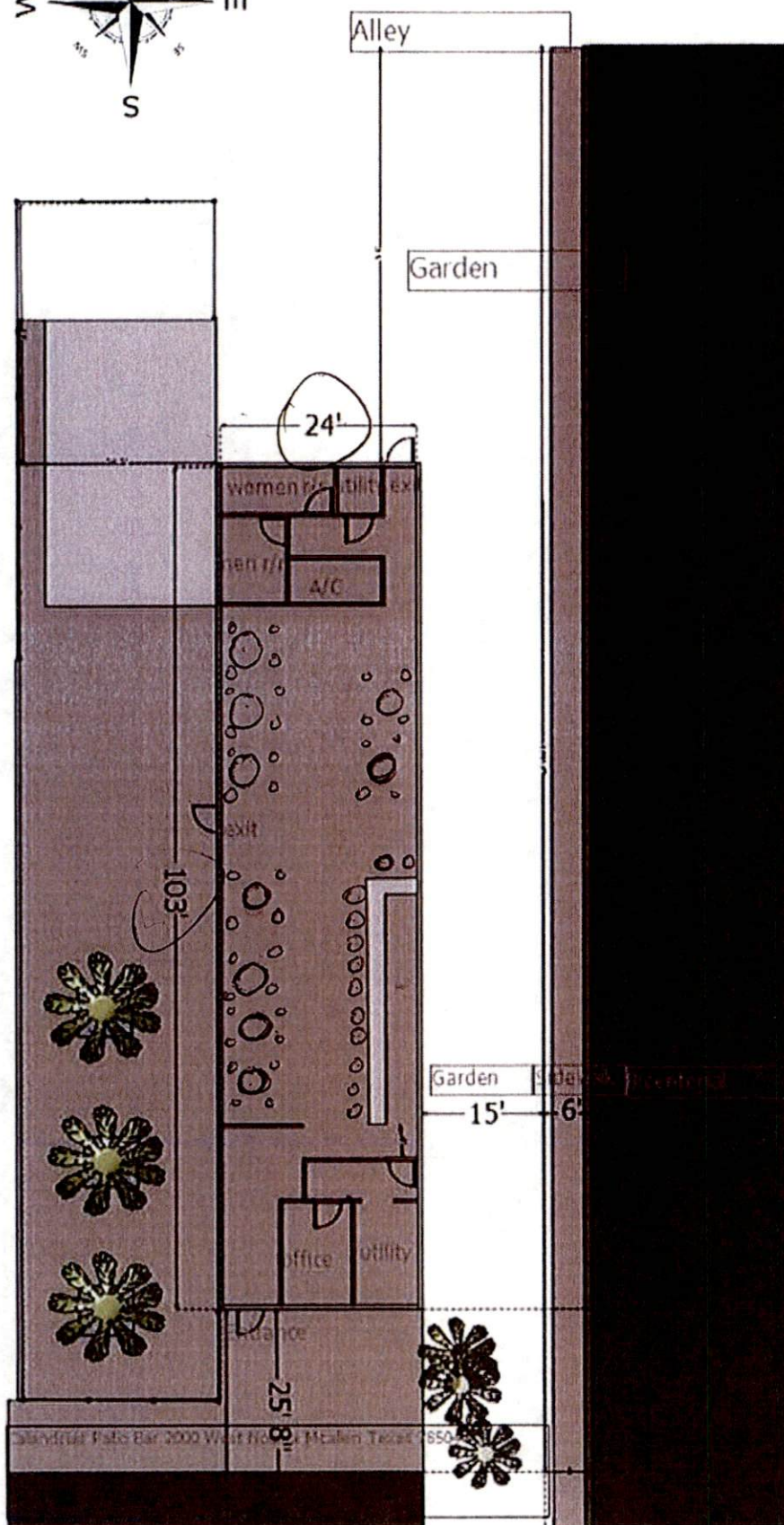
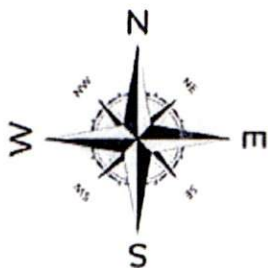










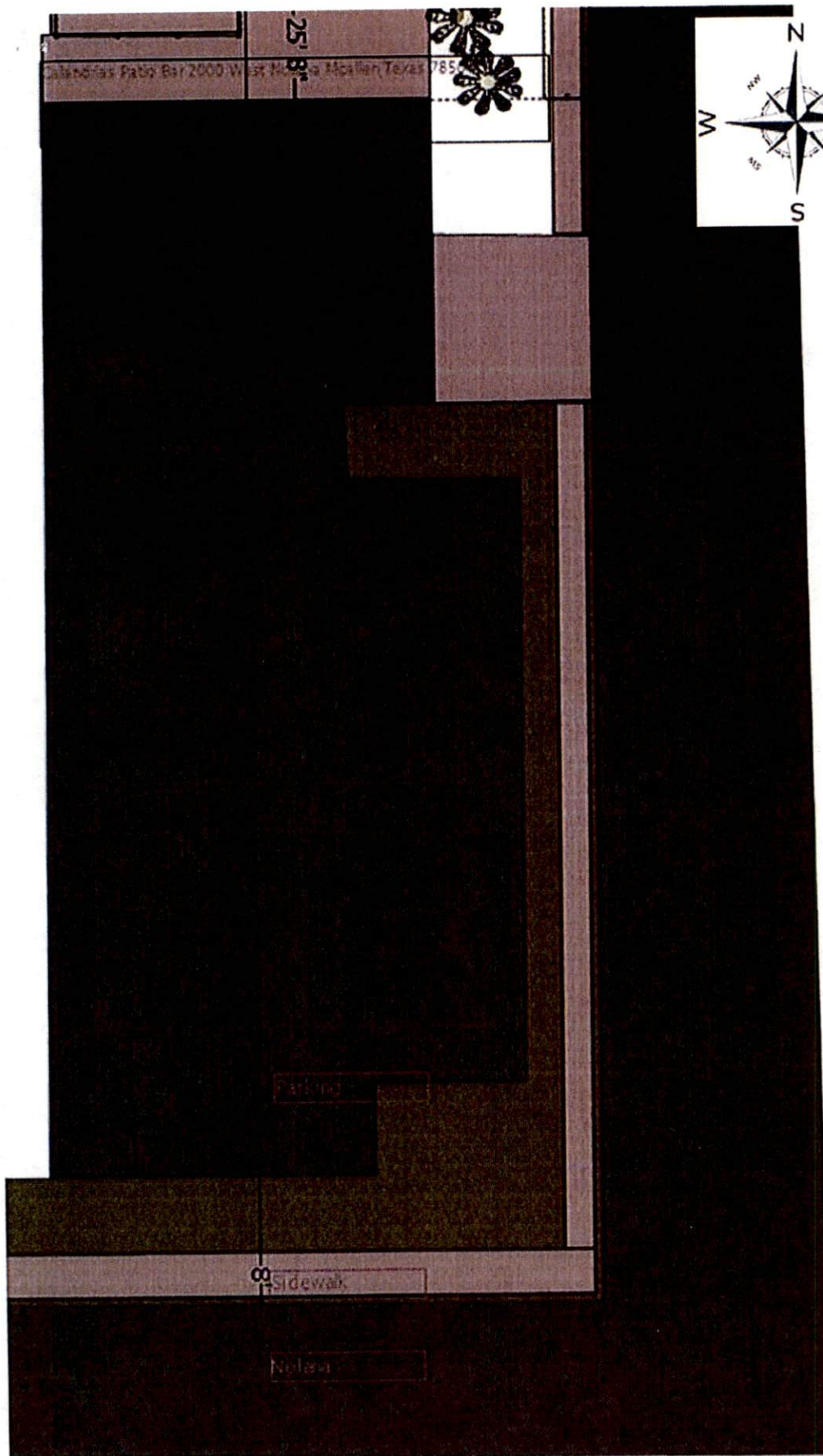


48 seats

ENTERED

AUG 18 2011

Initial  
**RECEIVED**  
JUN 17 2020  
BY: *Mc43upm*



**RECEIVED**  
JUN 17 2020  
BY: *Sc430pm*  
**ENTERED**

AUG 18 2021  
Initial: *DM*



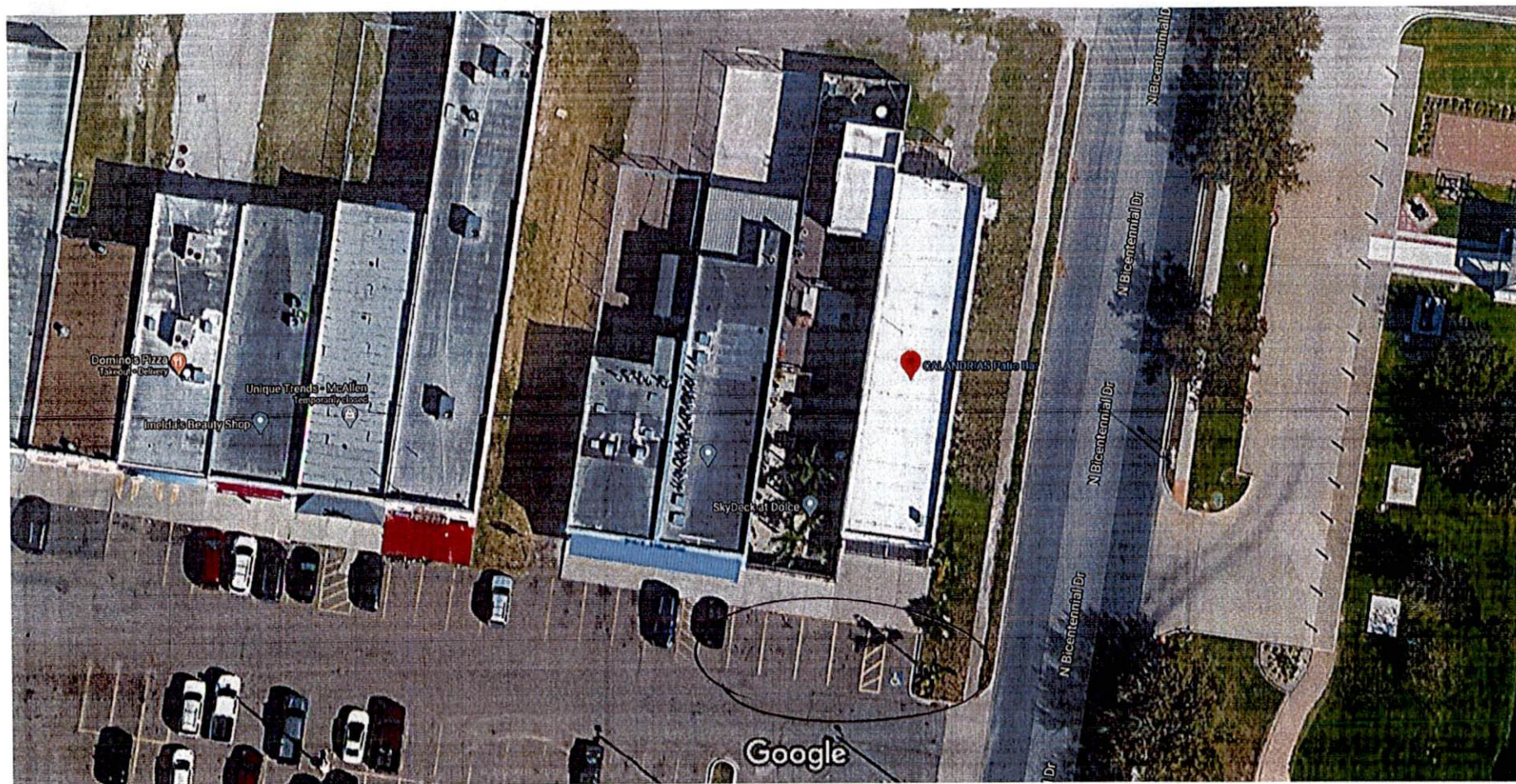






CALANDRIAS Patio Bar

2000 WEST NOLANA MCALLEN TEXAS



Map data ©2020, Map data ©2020 20 ft

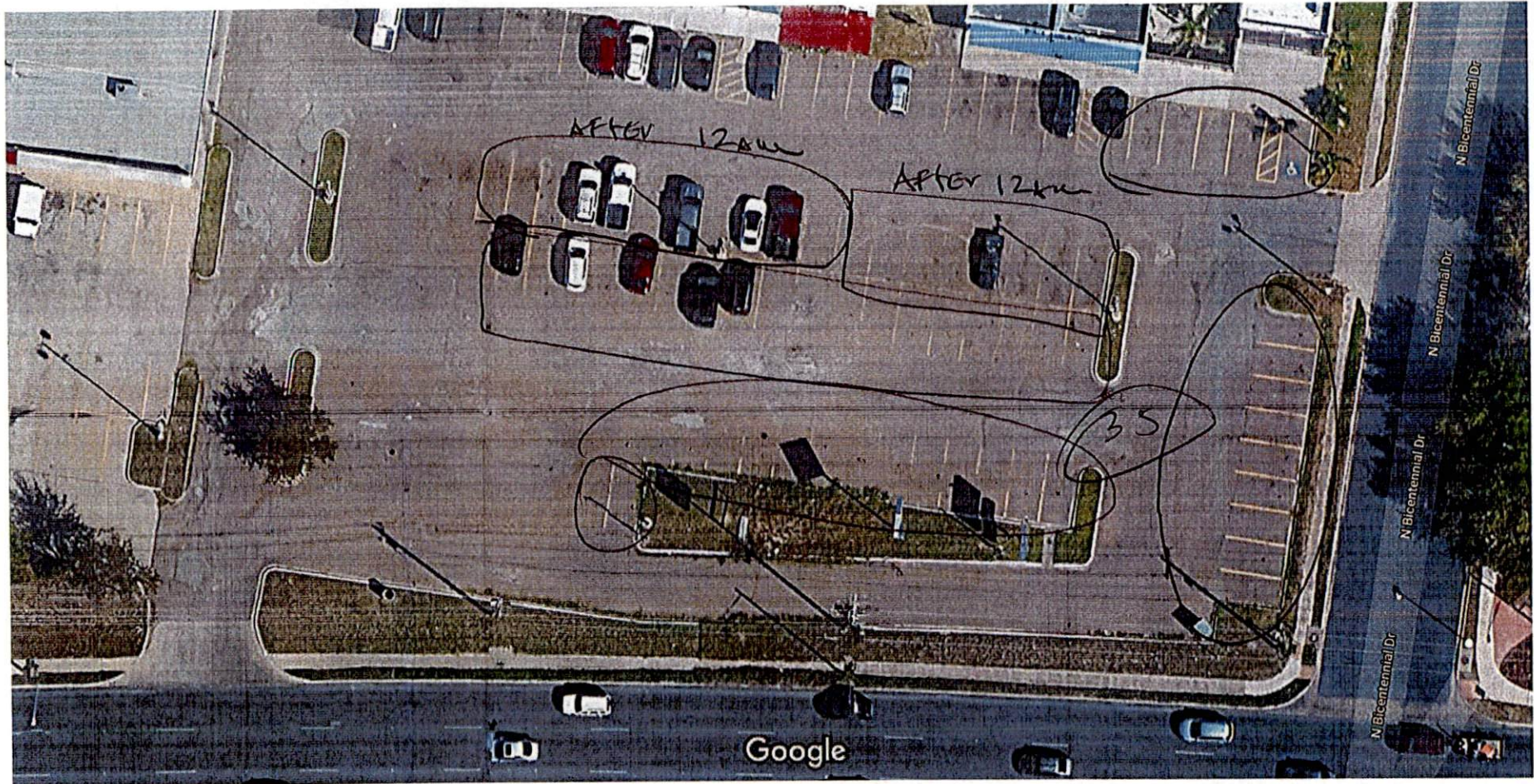






CALANDRIAS Patio Bar

2000 WEST NOLANA MCALLEN TEXAS 78504



Map data ©2020, Map data ©2020 20 ft

ENTERED  
AUG 18 2021  
Initial: *DM*





## Planning Department

### Memo

**TO:** Planning and Zoning Commission

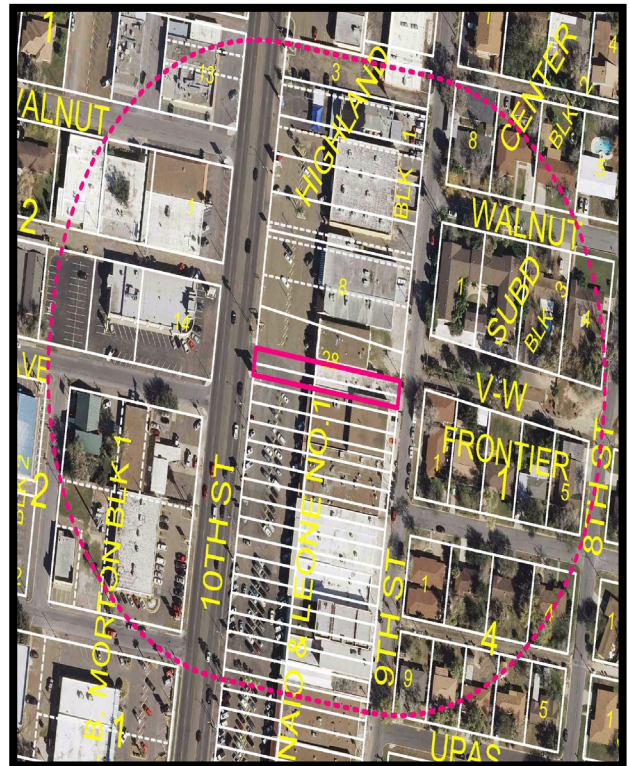
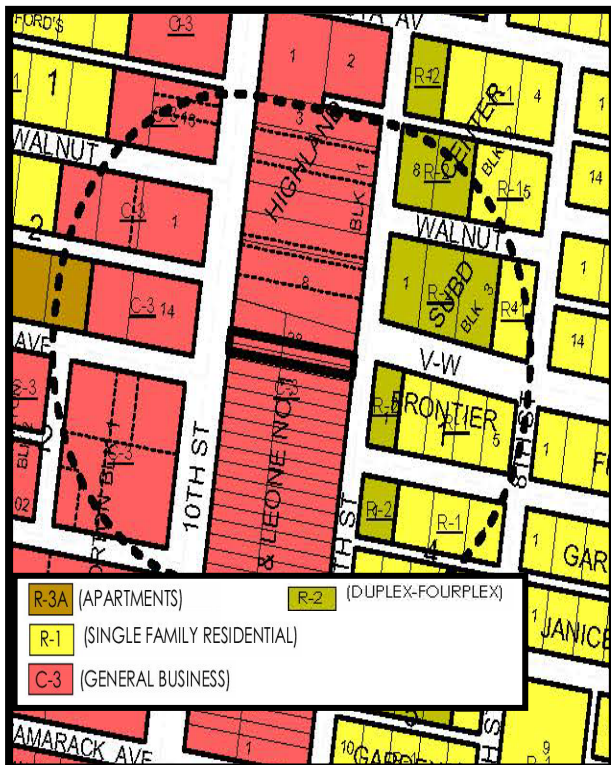
**FROM:** Planning Staff

**DATE:** September 13, 2021

**SUBJECT: REQUEST OF DALIA C. MARTINEZ, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT NORTH 15' OF LOT 27 AND SOUTH 20' OF LOT 28, SPINAIO & LEONE SUBDIVISION NO.1, HIDALGO COUNTY, TEXAS; 2210 NORTH 10TH STREET. (CUP2021-0120)**

#### BRIEF DESCRIPTION:

The property is located at the east side of North 10<sup>th</sup> Street and is zoned C-3 (general business) District. The adjacent zoning is C-3 to the north, west, and south, R-2 (duplex-fourplex) District to the east, and R-1 (single family residential) District to the southeast. Surrounding land uses include, retail stores, offices, beauty salons, Melba's Dance School, La Michoacana, Tokyo Market, auto services, and single and multifamily residences. A bar and lounge is allowed in a C-3 zone with a Conditional Use Permit and in compliance with the requirements.





**REQUEST/ANALYSIS:**

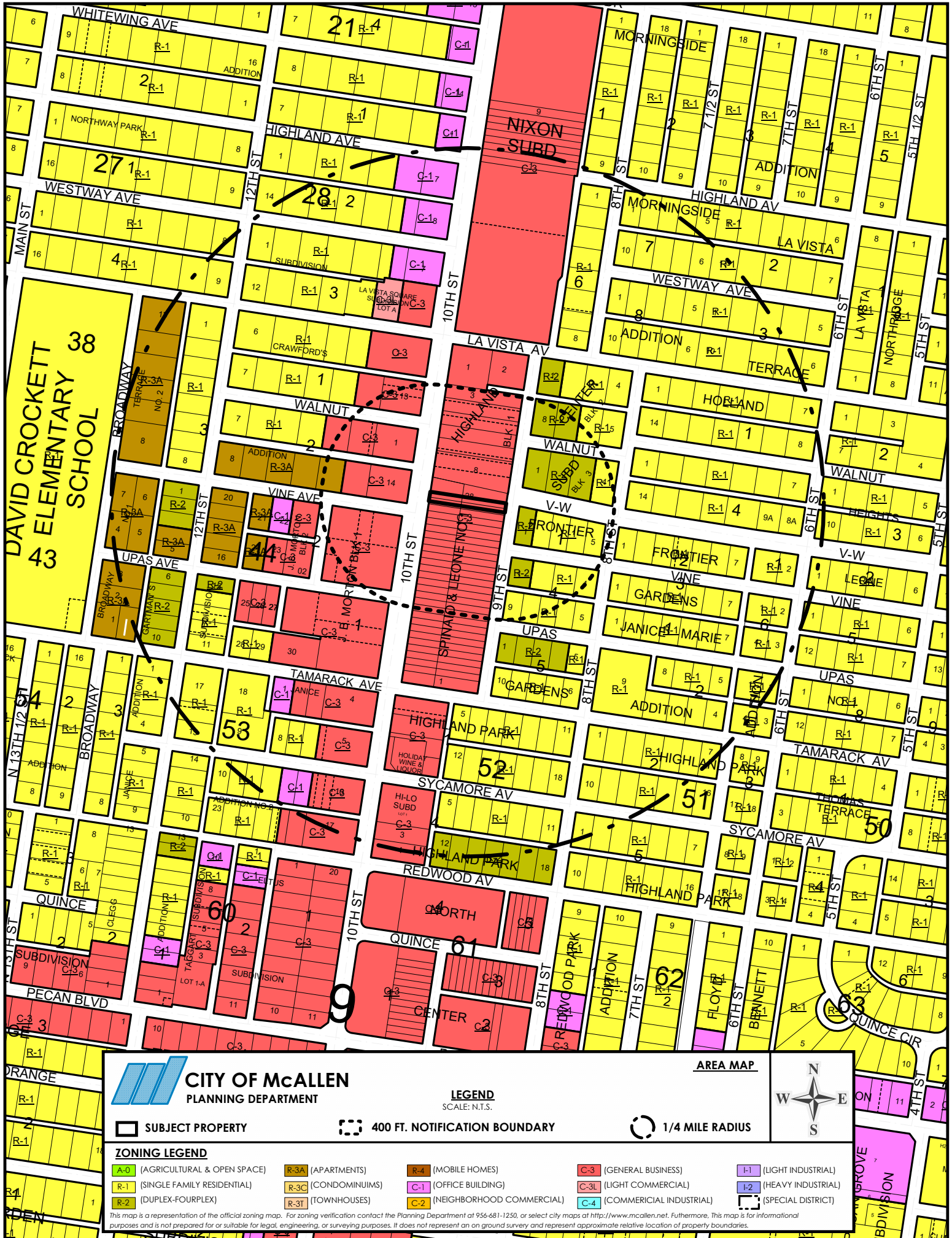
The applicant is proposing to operate the 4,200 sq. ft. building for a bar and grill. The hours of operation will be Monday to Sunday, from 10:00 a.m. to 2:00 a.m.

A police activity report indicating service calls from September 2020 to the present is attached. The Fire Department has inspected the establishment; no violations were found. Staff has not received any calls in opposition to the request. The establishment must comply with 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 establishment is within 400 ft. of a residential area;
- 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 establishment has direct access to North 10<sup>th</sup> Street and does not generate traffic into residential areas;
- 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. Currently, there is a multi-tenant commercial plaza on the property. Based on the current uses, including the bar, 298 parking spaces are required; 342 spaces are provided on-site.
- 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 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 taking into account the recommendations of the Fire Marshal, Building Official, and Planning Director. This number cannot exceed the number provided for in existing city ordinances.

**RECOMMENDATION:**

Staff recommends disapproval of the request based on non-compliance with requirement #1 (distance) of Section 138-118(4) and Section 138-400 (off-street parking standards) of the Zoning Ordinance.



# CITY OF McALLEN PLANNING DEPARTMENT

## LEGEND SCALE: N.T.S.

SUBJECT PROPERTY

400 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



### ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.



**SUBJECT PROPERTY**

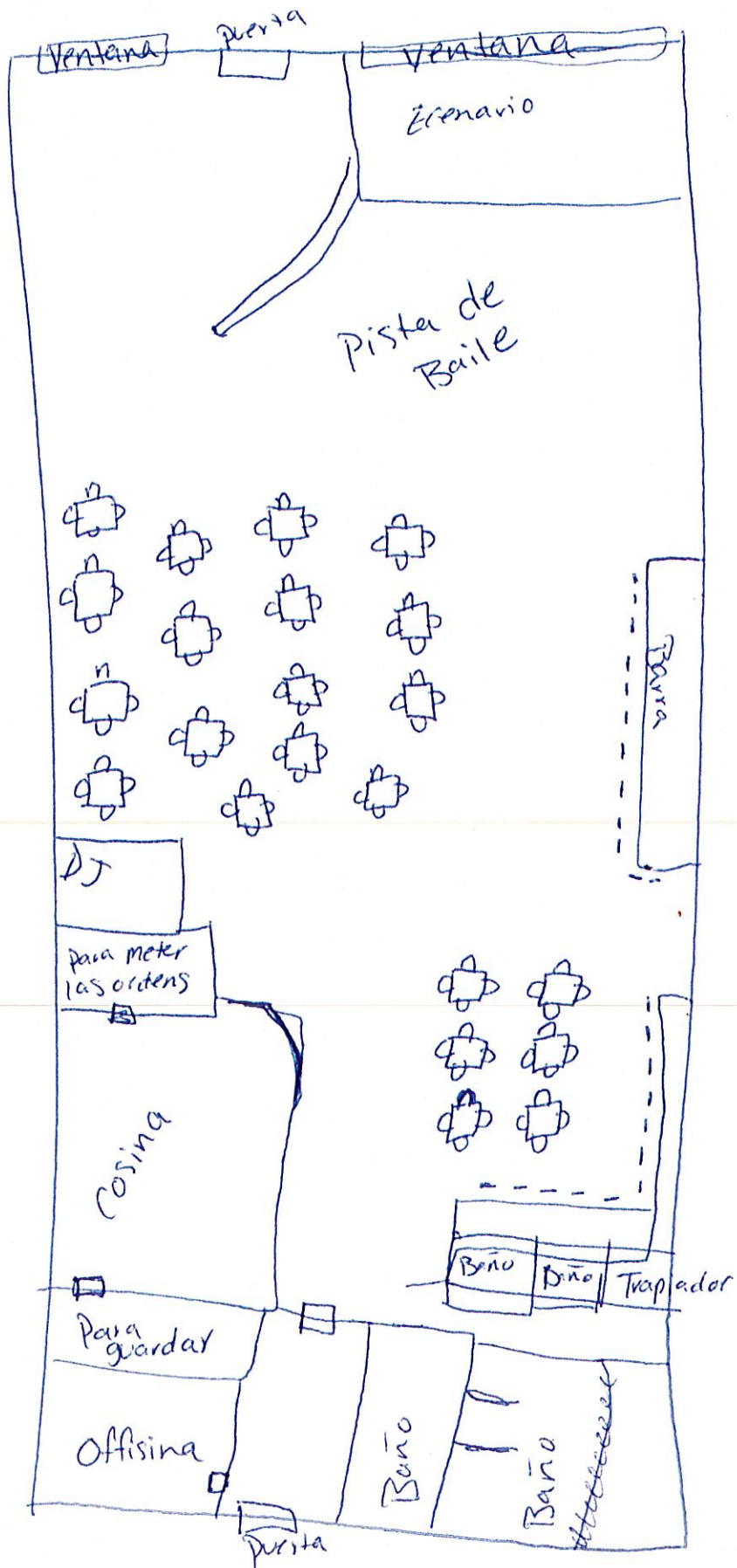


**400 FT. NOTIFICATION BOUNDARY**



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes.











MASSAGE  
SPA  
956-612-9898

AI  
ND



NOTICE  
BAR  
FOR  
THIS PROPERTY  
CUP 2021-0120  
CITY OF MCALLEN PLANNING DEPT.  
956-681-1250  
WWW.MCALLE.NET





# Planning Department

## Memo

**TO:** Planning and Zoning Commission

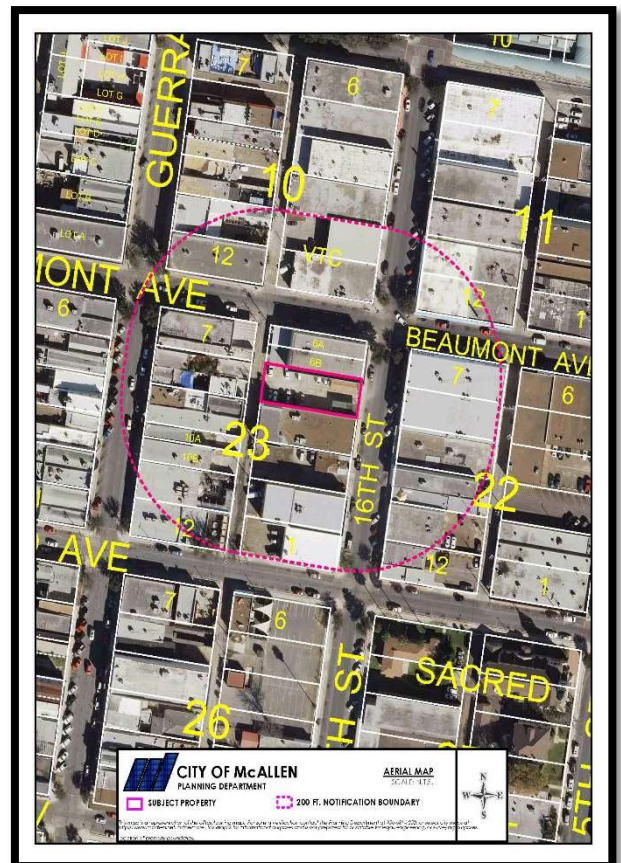
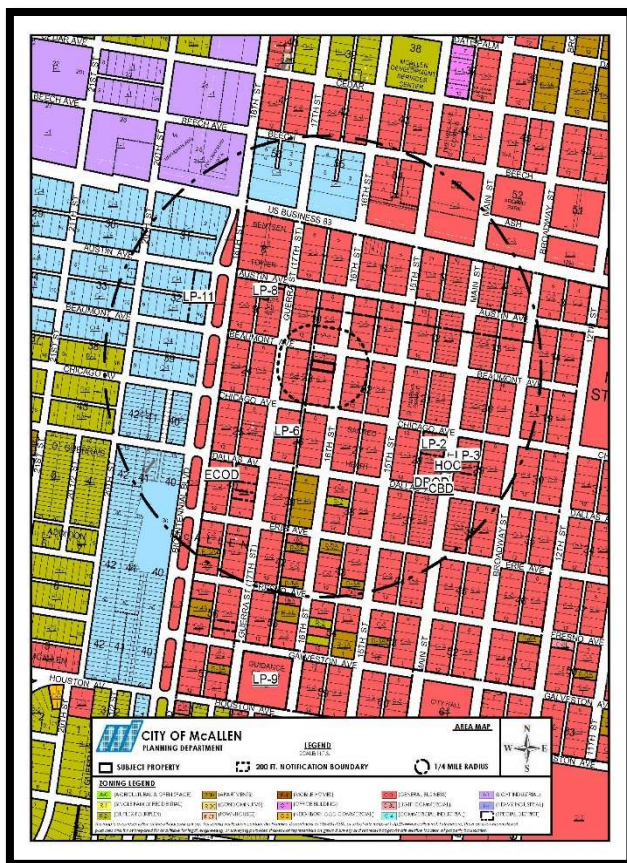
**FROM:** Planning Staff

**DATE:** September 16, 2021

**SUBJECT: REQUEST OF JUAN ANGEL VILLANUEVA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A PORTABLE FOOD CONCESSION STAND, AT LOTS 5, BLOCK 23, MCALLEN ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 204 SOUTH 16TH STREET. (CUP2021-0112)**

### BRIEF DESCRIPTION:

The property is located on the west side of South 16<sup>th</sup> Street, approximately 50 ft. south of Beaumont Avenue. The property is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. A portable food concession stand is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.



**SUMMARY/ANALYSIS**

The applicant is proposing to continue to operate a portable food trailer (Don Juanitos) on the subject property. The portable food trailer business is already in place; however, the applicant is proposing to add a covered area around the existing trailer. 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 portable food trailer and proposed dining area 8 parking spaces are required 22 parking spaces are being provided. The proposed days and hours of operation are, Monday through Saturday from 8:00 AM to 6:00 PM.

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

The Fire Department has completed its inspection. Health Department is pending inspection. The portable building must also meet the requirements set forth in Section 138-1189(a)(9) of the Zoning Ordinance and specific requirements as follows:

- 1) Cannot be located in residentially zoned area;
- 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;
- 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.

**RECOMMENDATION:**

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.



PN 2-9/21/2021



CITY OF McALLEN, TEXAS  
311 NORTH 15<sup>TH</sup> STREET, McALLEN, TX 78501

P. O. BOX 220, McALLEN, TEXAS 78505-0220 • (956) 681-1250 • FAX (956) 681-1279

## PORTABLE FOOD CONCESSION STAND

Permit No. \_\_\_\_\_

CUP2021-0112  
\*New\*

CONDITIONAL USE PERMIT APPLICATION

(Please print or type)

Application Date \_\_\_\_/\_\_\_\_/\_\_\_\_

JUAN Angel Villanueva  
Applicant (first) (initial) (last)

PHONE NO.: 956-570-1531

2917 W BUS B. 83 McALLEN, TX 78501  
Mailing Address (city) (state) (zip)

Dario GUERRA  
Property Owner (first) (initial) (last)

PHONE NO.: (956) 432 8079

1021 CANTON RD EDINBURG  
Mailing Address (city) (state) (zip)

2045 S. 16TH ST. McALLEN TX 78501  
Property Location (street address)

McALLEN ADDITION LOT #5 BLC 23  
Property Legal Description (if metes and bounds, attach survey of the property) (subdivision) (block) (lot)

Food Concession Stand ← The Same  
Current use of property Proposed use of property

LUN-SABADO  
8-AM-6 PM

TERM OF PERMIT: \_\_\_\_ 1 YEAR

\_\_\_\_ MORE THAN 1 YEAR (requires City Commission approval)

### SITE PLAN (attach a drawing of the property showing the following)

- \_\_\_\_ Scale, north arrow, legal description of property
- \_\_\_\_ Location and height of all structures
- \_\_\_\_ Setback from property lines and between structures
- \_\_\_\_ Proposed changes and uses

Attached  
Page 2

- \_\_\_\_ Landscaping and fencing of yard
- \_\_\_\_ Off-street parking and loading
- \_\_\_\_ Driveway location & design
- \_\_\_\_ Location, type, height and lighting of all signs

Juan Villanueva  
(Applicant signature)

7/28/21  
(date)

[Signature]  
(Property owner signature)

8/5/21  
(date)

### GENERAL INFORMATION

DARIO GUERRA

**NOTIFICATION AND PUBLIC HEARING:** Property owners within 200' of the subject property shall be notified within at least 10 working days of the Planning and Zoning Commission public hearing. Upon considering the recommendation of the Director of Planning, the Planning and Zoning Commission shall approve or disapprove the application.

**APPEALS PROCEDURE:** Any decision of the Planning and Zoning Commission may be appealed to the City Commission by presenting a petition to the City Commission within 10 days after the decision of the Planning and Zoning Commission and specifying the grounds for the appeal. A vote of 3/4 of the City Commission is required to overrule a vote of the Planning and Zoning Commission denying a conditional use permit.

**CANCELLATION:** A conditional use permit is automatically cancelled if not used within 6 months.

**REVOCATION:** A conditional use permit may be revoked by the Planning and Zoning Commission at a public hearing upon failure of the applicant to remedy a violation of the conditions of the permit within a specified time period (10 to 30 days) as specified in a written notice to the applicant by the Code Enforcement Officer or Building Inspector.

**RENEWAL PERIOD:** A conditional use permit shall expire within 1 year unless otherwise specified by the Planning and Zoning Commission. Application for renewal of a permit shall be made prior to 20 days before permit expiration. A permit for more than 1 year shall be approved by the City Commission.

### DEFINITIONS

**Itinerant Vendor** - A person engaged in the temporary or transient business of selling merchandise. Temporary and transient are defined as a period of 120 days or less.

### COMMENT

Itinerant vendors do not require a conditional use permit, but are regulated by Chapter 78: Peddlers and Itinerant Vendors. Applications and licenses for itinerant vendors are issued by the City Secretary.

LG

2



.....FOR OFFICIAL USE ONLY.....

APPLICATION FILING FEE:

☐ \$300.00 One Year    ☐ \$150.00 APPEAL    ☐ \$500.00 Life of the Use  
cash/check # \_\_\_\_\_ Amount paid

**ZONING DISTRICT REQUIREMENTS**

REQUIRED ZONING DISTRICT: C-1 TO I-2

CURRENT ZONING DISTRICT:

REZONING REQUIRED: \_\_\_\_\_ NO

\_\_\_\_\_ YES, attach rezoning application

SETBACKS: FRONT \_\_\_\_\_ SIDE \_\_\_\_\_ REAR \_\_\_\_\_

MAXIMUM HEIGHT: \_\_\_\_\_

MINIMUM LOT SIZE:

**CONDITIONAL USE REQUIREMENTS**

The proposed use meets all the minimum standards established in applicable city ordinances; and will not be detrimental to the health, welfare and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring properties.

**GENERAL REQUIREMENTS:**

1. No form of pollution shall emanate beyond the immediate property line of the permitted use.
2. Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use.

**SPECIFIC REQUIREMENTS:**

1. The proposed use shall not be located in a residentially zoned area.
2. The proposed use shall be inspected by the Building Inspector and comply with applicable building codes.
3. The proposed use and adjacent business shall comply with the Off-street Parking and Loading Ordinance.
4. A portable building or trailer used for the proposed use shall be properly anchored to the ground.
5. The proposed use shall comply with the zoning district setback requirements.
6. Water and sewer facilities shall be required to the tract and may be required to the proposed use.

**DEPARTMENTAL REQUIREMENTS**

Complies with regulations	Health Inspection	/
Meet standard requirements	Fire Inspection	/
Subject to section: 138-118 ( )	Planning	/
Permit #	Building/Electrical/Plumbing	/
	Other	/

**CITY BOARD REQUIREMENTS**

PLANNING & ZONING COMMISSION DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ 1 YEAR \_\_\_\_\_ OTHER \_\_\_\_\_  
REQUIRED CONDITIONS: \_\_\_\_\_

CITY COMMISSION DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ 1 YEAR \_\_\_\_\_ OTHER \_\_\_\_\_  
REQUIRED CONDITIONS: \_\_\_\_\_

**ACKNOWLEDGEMENT AND AGREEMENT TO CONDITIONS**

Note: Approval of this permit does not constitute approval to construct, alter or repair. Appropriate building permits must be obtained. The foregoing is a true and correct description of the existing conditions and contemplated action and I will have full authority over the operation and/or construction of same, and hereby agree to comply with all ordinances of the City and applicable Deed Restrictions and assume all responsibility for such compliance. I further agree to discontinue any violations of the conditions of the permit upon notice given to me or anyone in charge of the above property by the Code Enforcement Officer. If the permit is revoked I agree to cease operation of the use upon notification of revocation. I understand that any violation of this ordinance is subject to a Five Hundred Dollar (\$500.00) fine for each day of violation. **Please note that approval of this permit may result in a higher sanitation rate on your utility bill.**

\_\_\_\_\_  
(Applicant signature)

\_\_\_\_\_  
(date)

In consideration of the above application, a permit is hereby granted for the above action conditioned upon the terms and specifications set forth above, and the faithful observance of all provisions of the City Building Code, Zoning Ordinance, and all other ordinances applicable to the same.

\_\_\_\_\_  
City Manager (or Agent)

\_\_\_\_\_  
(date)

Rev  
8/16/21

4 ft  
prop. Roof

→ 160

12/9/21

→ 160

NOE 10 + E 140

100 ft

14-16  
FT

8 1/8

KITCHEN

20

Grill

SERVICE AREA

SERVING COUNTER

2' serving window

6' 9"

→ N

property line

8 ft

sidewalk

street

8-16

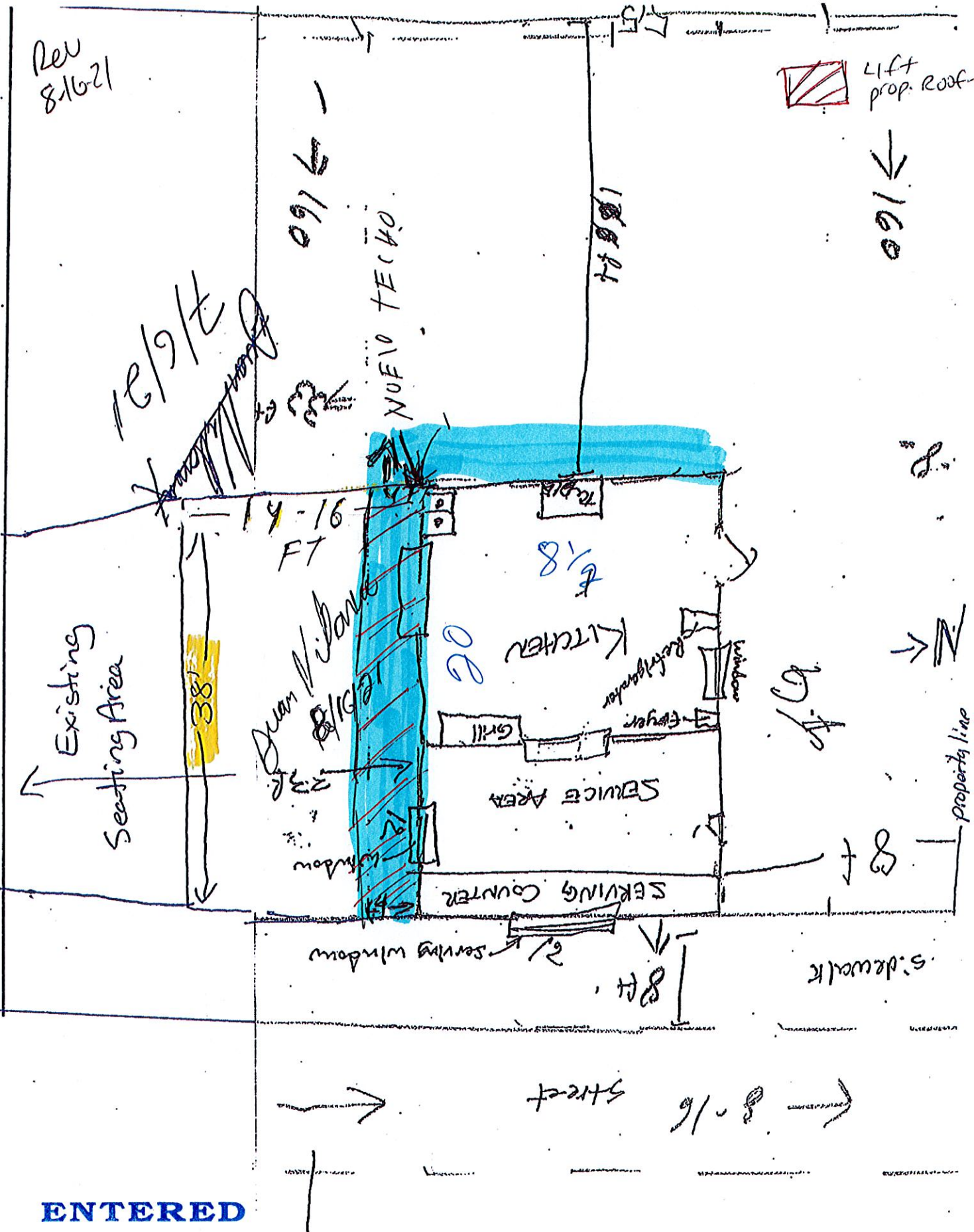
ENTERED

SEP 16 2021

Initial:

Page 2

site plan





← 8-16 street ←

sidewalk

8 ft

serving window

SERVING COUNTER

8 ft

SERVICE AREA

Window

33 ft

Fryer

Grill

Refrigerator

KITCHEN

Window

9/3/21

Dean Dillard

TOILET

33 ft

property line

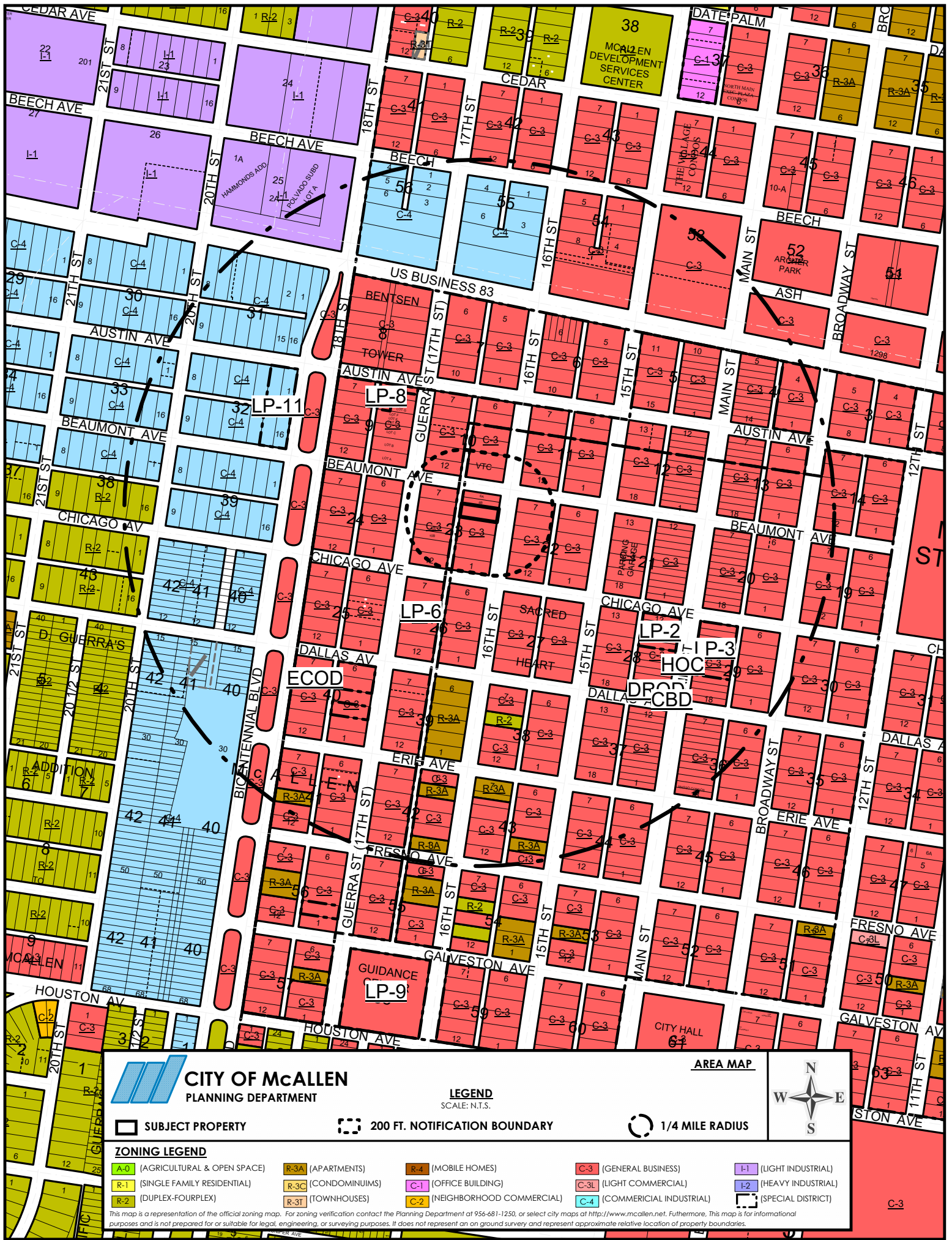
22-PARKING

→ 160

100 ft

→ 160

RECEIVED  
Date: 11/5 09/03/21



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**

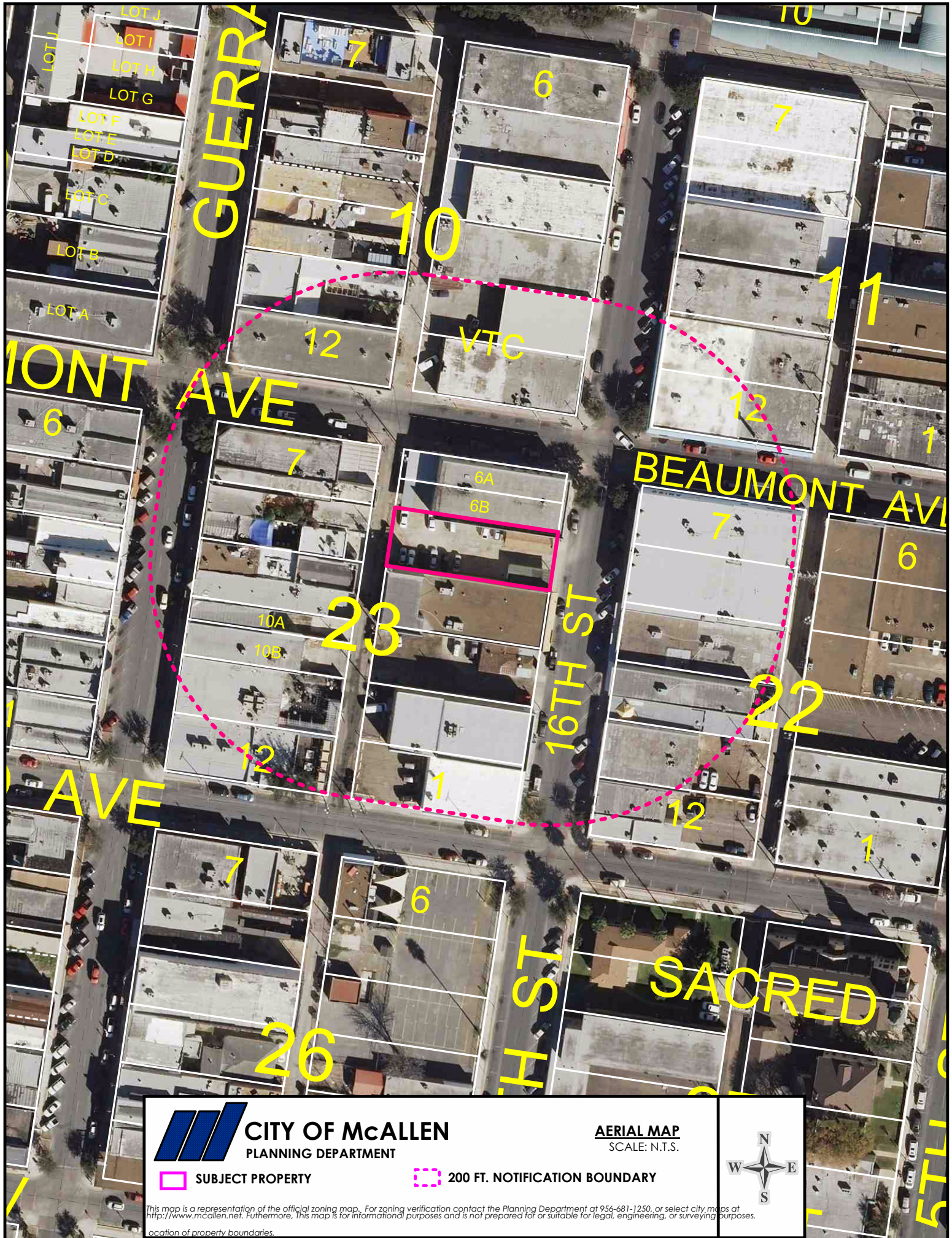


**ZONING LEGEND**

<b>A-0</b> (AGRICULTURAL & OPEN SPACE)	<b>R-3A</b> (APARTMENTS)	<b>R-4</b> (MOBILE HOMES)	<b>C-3</b> (GENERAL BUSINESS)	<b>I-1</b> (LIGHT INDUSTRIAL)
<b>R-1</b> (SINGLE FAMILY RESIDENTIAL)	<b>R-3C</b> (CONDOMINIUMS)	<b>C-1</b> (OFFICE BUILDING)	<b>C-3L</b> (LIGHT COMMERCIAL)	<b>I-2</b> (HEAVY INDUSTRIAL)
<b>R-2</b> (DUPLIX-FOURPLEX)	<b>R-31</b> (TOWNHOUSES)	<b>C-2</b> (NEIGHBORHOOD COMMERCIAL)	<b>C-4</b> (COMMERCIAL INDUSTRIAL)	<b>(SPECIAL DISTRICT)</b>

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**



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NOTICE  
PORTABLE FOOD  
FOR  
THIS PROPERTY  
CUP2021-0112





## Memo

**TO:** Planning and Zoning Commission

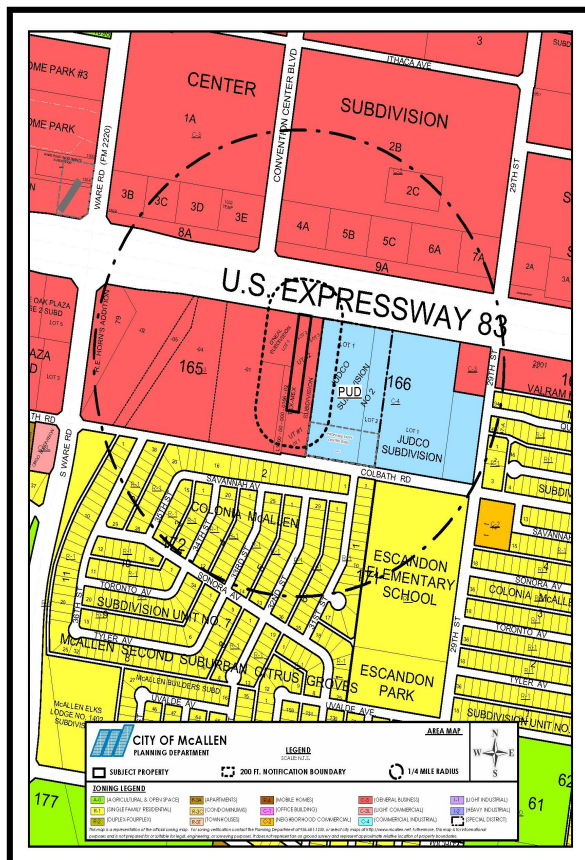
**FROM:** Planning Staff

**DATE:** September 15, 2021

**SUBJECT: REQUEST OF LEE R. RIVERA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR AUTOMOTIVE SERVICE AND REPAIR (AUTO COLLISION SHOP/ACCESSORIES) AT LOT 2, TEX-MEX ADDITION SUBDIVISION UNIT NO.2, HIDALGO COUNTY, TEXAS; 3321 EXPRESSWAY 83, BUILDING B. (CUP2021-0116)**

### BRIEF DESCRIPTION:

The property is located on the south side of Expressway 83 eastbound frontage road, approximately 1,310 ft. east of North Ware Road and is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions, there is C-4 (commercial industrial) District to the east, and R-1 (single family residential) District to the south. Surrounding land uses include commercial businesses, single family residential, Escandon Elementary School, and vacant land. An automotive service and repair business is allowed in a C-3 zone with a conditional use permit and in compliance with requirements.



**REQUEST/ANALYSIS:**

Currently, there are two commercial buildings on the property. The applicant is proposing to utilize one of the buildings (Building B) as an auto collision shop. Titan fitness currently occupies the facility but will be vacating the premises. The applicant is proposing to utilize the existing 9,000 sq. ft. metal building during the hours of 8:00 a.m. to 6:00 p.m. Monday thru Friday and from 8:00 a.m. to 2:00 p.m. on Saturdays. Based on the total square footage, 26 parking spaces are required; 44 parking spaces are to be provided on site as per site plan.

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

The Fire Department has inspected the building, and is pending compliance with safety codes and regulations. The Planning Department has not received any calls in opposition to the request. The business must meet the requirements set forth in Section 138-281 of the Zoning Ordinance and specific requirements as follows:

- 1) A minimum lot size of 10,000 sq. ft. is required. The subject property is approximately 43,631 sq. ft.
- 2) All service, repair, maintenance, painting and other work shall take place within an enclosed area. The work will be performed in the workshop area;
- 3) Outside storage of materials is prohibited.
- 4) The building where the work is to take place shall be at least 100 ft. from the nearest residence.
- 5) A 6 ft. opaque fence to buffer the proposed use from any residential use or residentially zoned area is required (if applicable).
- 6) New buildings and conversions of existing buildings shall meet current building and fire code requirements concerning separation of high hazard uses from other occupancy use classifications.

**RECOMMENDATION:**

Staff recommends approval of the request for one-year subject to compliance with Section 138-281 of the Zoning Ordinance, Fire, Health, and other departments' requirements and conditions.



PNZ-9.21.21

CUP2021-0116

**CITY OF McALLEN, TEXAS**  
 311 NORTH 15<sup>TH</sup> STREET, McALLEN, TX 78501  
 P. O. BOX 220, McALLEN, TEXAS 78505-0220 • (956) 681-1250 • FAX (956) 681-1279

Permit No. \_\_\_\_\_

**AUTOMOTIVE SERVICE AND REPAIR**

..... CONDITIONAL USE PERMIT APPLICATION.....

(Please print or type)

Application Date 9 / 17 / 21Applicant LEE R Rivera  
(first) (initial) (last)PHONE NO.: 956-500-1404  
956-208-2713Mailing Address 2213 N. Ranchita Dr Rio Grande City TX 78582  
(city) (state) (zip)Property Owner ADDIE E Ray  
(first) (initial) (last)PHONE NO.: (956) 687-1128Mailing Address 3100 COLBATH McAllen, TX 78503  
(city) (state) (zip)Property Location (street address) 3100 COLBATH ~~St~~ BLDG BProperty Legal Description (if metes and bounds, attach survey of the property) TEX Mex Unit 2 lot 2  
(subdivision) (block) (lot)Current use of property GymProposed use of property Auto Collision Shop/AccessoriesTERM OF PERMIT: ☒ 1 YEAR ☐ MORE THAN 1 YEAR (requires City Commission approval)**SITE PLAN** (attach a drawing of the property showing the following)

<input type="checkbox"/> Scale, north arrow, legal description of property	<input type="checkbox"/> Landscaping and fencing of yard
<input type="checkbox"/> Location and height of all structures	<input type="checkbox"/> Off-street parking and loading
<input type="checkbox"/> Setback from property lines and between structures	<input type="checkbox"/> Driveway location & design
<input type="checkbox"/> Proposed changes and uses	<input type="checkbox"/> Location, type, height and lighting of all signs

[Signature]  
(Applicant signature)

(date)

[Signature]  
(Property owner signature)8-12-2021  
(date)**GENERAL INFORMATION**

**NOTIFICATION AND PUBLIC HEARING:** Property owners within 200' of the subject property shall be notified within at least 10 working days of the Planning and Zoning Commission public hearing. Upon considering the recommendation of the Director of Planning, the Planning and Zoning Commission shall approve or disapprove the application.

**APPEALS PROCEDURE:** Any decision of the Planning and Zoning Commission may be appealed to the City Commission by presenting a petition to the City Commission within 10 days after the decision of the Planning and Zoning Commission and specifying the grounds for the appeal. A vote of 3/4 of the City Commission is required to overrule a vote of the Planning and Zoning Commission denying a conditional use permit.

**CANCELLATION:** A conditional use permit is automatically cancelled if not used within 6 months.

**REVOCAION:** A conditional use permit may be revoked by the Planning and Zoning Commission at a public hearing upon failure of the applicant to remedy a violation of the conditions of the permit within a specified time period (10 to 30 days) as specified in a written notice to the applicant by the Code Enforcement Officer or Building Inspector.

**RENEWAL PERIOD:** A conditional use permit shall expire within 1 year unless otherwise specified by the Planning and Zoning Commission. Application for renewal of a permit shall be made prior to 20 days before permit expiration. A permit for more than 1 year shall be approved by the City Commission.

**COMMENT**

Automotive repair as an accessory use to a permitted retail use, such as retail sale of automobiles or automotive parts is a permitted use in C-3 districts.  
 Automotive repair as a primary use is a permitted use in C-4 to I-2 districts.

**ENTERED**

Automotive Service &amp; Repair - Pg. 1 - REVISED 10/15

Initial: DM

.....FOR OFFICIAL USE ONLY.....

APPLICATION FILING FEE:

☐ \$300.00 One Year    ☐ \$150.00 APPEAL    ☐ \$500.00 Life of the Use  
cash/check # \_\_\_\_\_ Amount paid \_\_\_\_\_

**ZONING DISTRICT REQUIREMENTS**

REQUIRED ZONING DISTRICT: C-3

REZONING REQUIRED: \_\_\_\_\_ NO

SETBACKS: FRONT \_\_\_\_\_ SIDE \_\_\_\_\_ REAR \_\_\_\_\_

MINIMUM LOT SIZE: 10,000 SQ. FT.

CURRENT ZONING DISTRICT:

\_\_\_\_\_ YES, attach rezoning application

MAXIMUM HEIGHT: \_\_\_\_\_

**CONDITIONAL USE REQUIREMENTS**

The proposed use meets all the minimum standards established in applicable city ordinances; and will not be detrimental to the health, welfare and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring properties.

**GENERAL REQUIREMENTS:**

1. No form of pollution shall emanate beyond the immediate property line of the permitted use.
2. Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use.

**SPECIFIC REQUIREMENTS:**

1. Minimum lot size is 10,000 square feet.
2. All service, repair, maintenance, painting and other work shall take place within an enclosed area.
3. Outside storage of materials is prohibited.
4. The building shall be a minimum of 100' from the nearest residence.
5. A 6' opaque fence may be required to buffer residential uses or districts.
6. New buildings and conversions of existing buildings shall meet current building and fire code requirements concerning separation of high hazard uses from other occupancy use classifications.

**DEPARTMENTAL REQUIREMENTS**

REQUIRED CONDITIONS	DEPARTMENT	MONTH/DAY
Complies with regulations	Health Inspection	/
Meet standard requirements	Fire Inspection	/
Subject to Section: 138-281	Planning	/
Permit #	Building/Electrical/Plumbing	/
	Other	/

**CITY BOARD REQUIREMENTS**

PLANNING & ZONING COMMISSION DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ 1 YEAR \_\_\_\_\_ OTHER \_\_\_\_\_  
REQUIRED CONDITIONS: \_\_\_\_\_

CITY COMMISSION DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ 1 YEAR \_\_\_\_\_ OTHER \_\_\_\_\_  
REQUIRED CONDITIONS: \_\_\_\_\_

**ACKNOWLEDGEMENT AND AGREEMENT TO CONDITIONS**

Note: Approval of this permit does not constitute approval to construct, alter or repair. Appropriate building permits must be obtained. The foregoing is a true and correct description of the existing conditions and contemplated action and I will have full authority over the operation and/or construction of same, and hereby agree to comply with all ordinances of the City and applicable Deed Restrictions and assume all responsibility for such compliance. I further agree to discontinue any violations of the conditions of the permit upon notice given to me or anyone in charge of the above property by the Code Enforcement Officer. If the permit is revoked I agree to cease operation of the use upon notification of revocation. I understand that any violation of this ordinance is subject to a Five Hundred Dollar (\$500.00) fine for each day of violation. Please note that approval of this permit may result in a higher sanitation rate on your utility bill.

\_\_\_\_\_  
(Applicant signature)

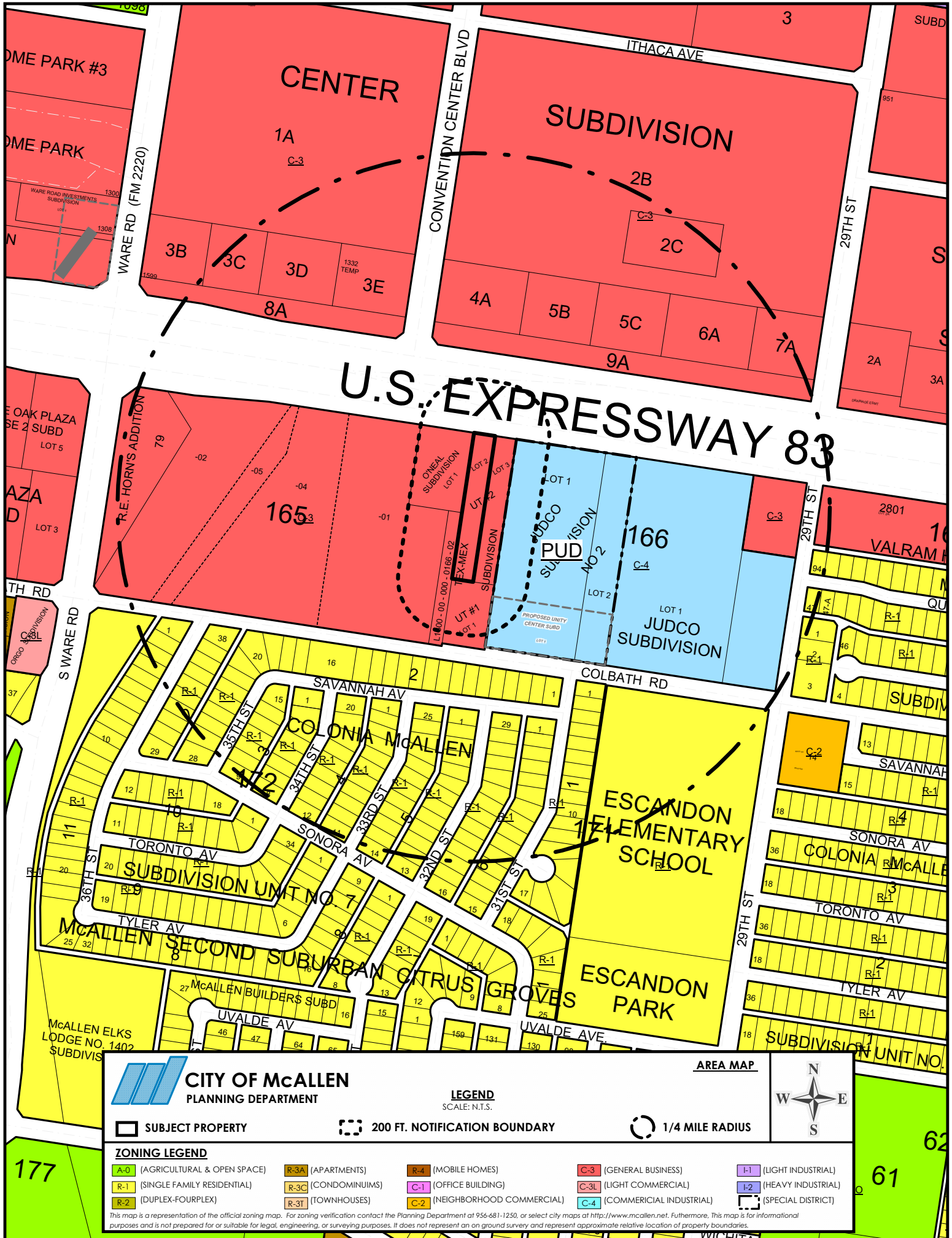
\_\_\_\_\_  
(date)

In consideration of the above application, a permit is hereby granted for the above action conditioned upon the terms and specifications set forth above, and the faithful observance of all provisions of the City Building Code, Zoning Ordinance, and all other ordinances applicable to the same.

\_\_\_\_\_  
City Manager (or Agent)

\_\_\_\_\_  
(date)







9A  
U.S. EXPRES

O'NEAL  
SUBDIVISION  
LOT 1

UT #2

TEX-MEX  
SUBDIVISION

UT #7  
LOT 1

LOT 1

JUDCO  
SUBDIVISION  
NO 2

LOT 2

PROPOSED UNITY  
CENTER SUBD  
LOT 1

COLBATH RD

COLBAT

SAVANNAH AV



CITY OF McALLEN  
PLANNING DEPARTMENT

AERIAL MAP  
SCALE: N.T.S.



SUBJECT PROPERTY



200 FT. NOTIFICATION BOUNDARY



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes.



# AUDIE E. RAY REAL ESTATE

3100 Colbath Avenue \* McAllen, Texas 78503

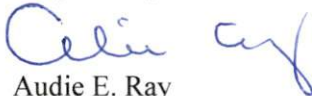
Tel. (800 ) 945-6699 \* Tel. (956) 687-1128 \* Fax (956) 630-6446

August 12, 2021

Details of 9,000 sf Metal Building  
3100 Colbath Building B  
McAllen, TX 78503  
Building Year Built 1987

Size 60' x 150" Metal building with UL90 approved roof system, Roof standard R panel Metal.  
Electric 400 Amp Three Phase Electric Service  
One (1) office appx 400 s.f. with central a/c  
One (1) Room appx 400 s.f. with central a/c  
Two (2) Restrooms  
Two (2) 10' x 10" over head doors, North and South Side  
Two (2) 3070 Metal Personal doors, North and South Side  
Building has it's own City of McAllen Water Meter  
Building is connected to City of McAllen Sewer System.

Respectfully



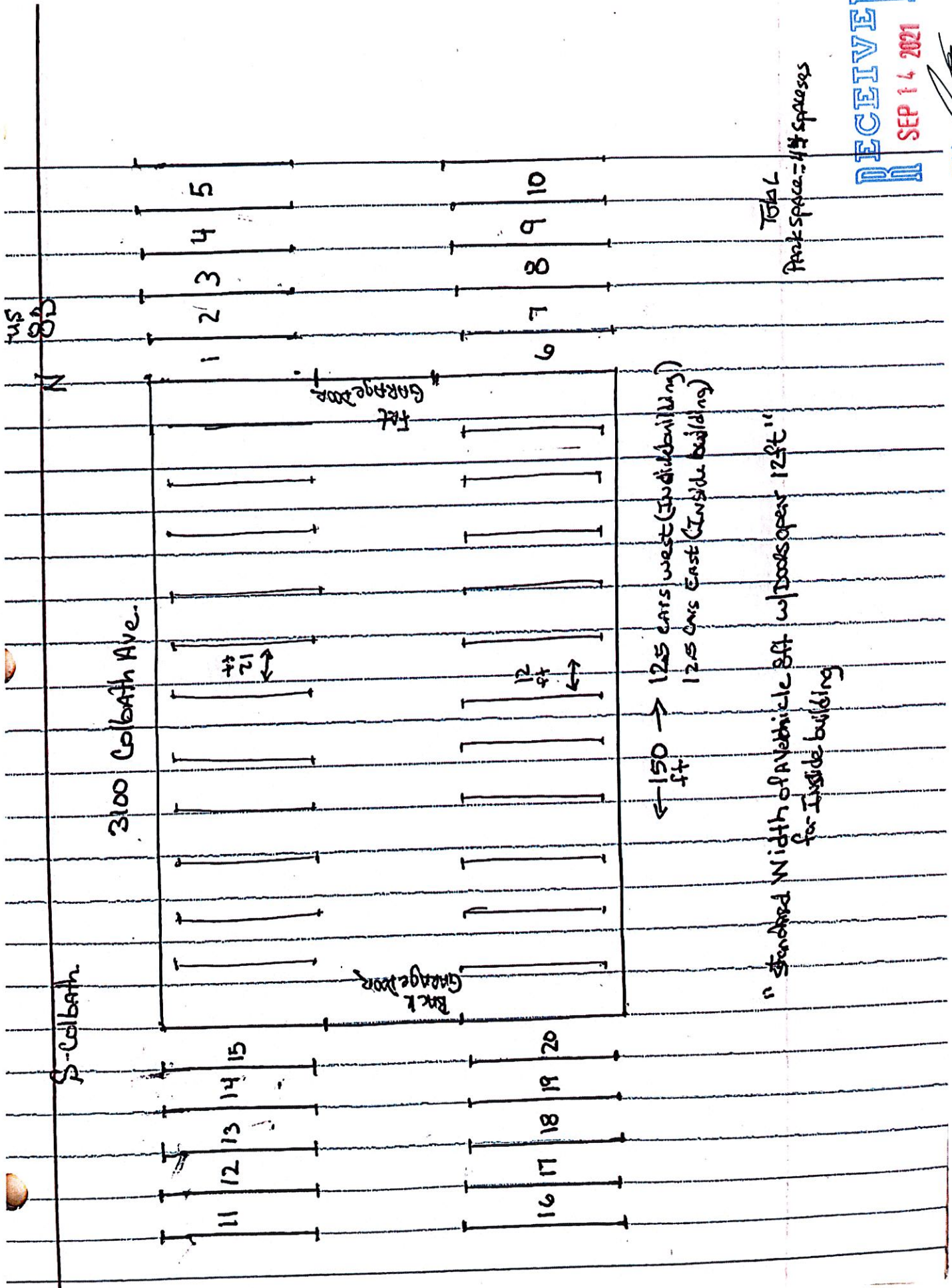
Audie E. Ray  
Owner

**ENTERED**

**AUG 17 2021**

Initial: \_\_\_\_\_





Total  
Park Space = 44 Spaces

RECEIVED  
SEP 14 2021

BY:













## Planning Department

### Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

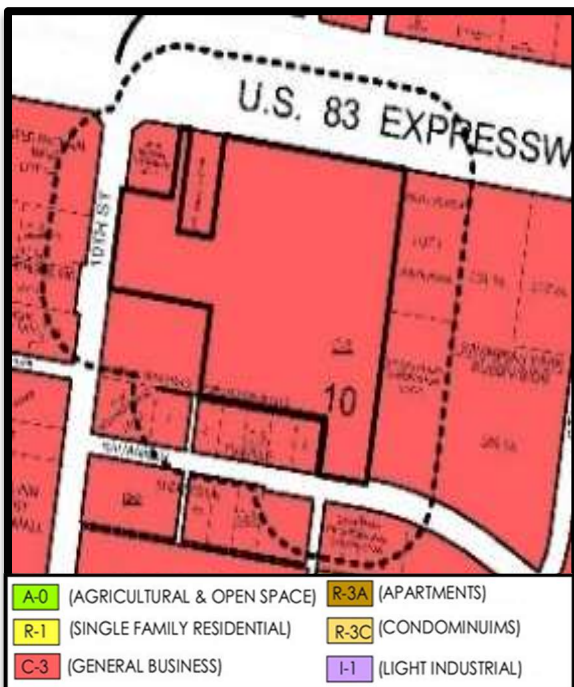
**DATE:** September 15, 2021

**SUBJECT: REQUEST OF NORMA S. PIMENTEL ON BEHALF OF CATHOLIC CHARITIES OF THE RIO GRANDE VALLEY FOR A CONDITIONAL USE PERMIT, FOR LIFE OF USE, FOR AN INSTITUTIONAL USE (RESPITE CENTER) AT THE NORTHWEST 12.81 ACRES OUT OF LOT 10, SECTION 7, EXCLUDING 2.63 ACRES, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 1801 SOUTH 10TH STREET. (CUP2021-0121)**

#### **STAFF RECOMMENDS TABLING OF THE REQUEST**

##### **DESCRIPTION:**

The property is located approximately 175 feet south of the intersection of South 10<sup>th</sup> Street and U.S. Expressway 83, and is zoned C-3 (general business) District. The adjacent zoning is C-3 (general business) District on all directions. Surrounding land uses include Red Lobster, Plains Capital Bank, Old Navy, Vantage Bank, 76 Gas Station,





Studio 6 Motel and other commercial establishments. An institutional use is permitted in the C-3 District with a Conditional Use Permit and in compliance with requirements.

**REQUEST/ANALYSIS:**

The applicant, Norma S. Pimentel on behalf of Catholic Charities of the Rio Grande Valley, would like to use the existing one story, 128,029 sq. ft. building as a Humanitarian Respite Center. This was previously the site for K-Mart shopping center. Daily operations for the proposed respite center may be similar to those found at the respite center at 111 South 15<sup>th</sup> street. Daily operations for the respite center include but are not limited to, registration, family contact, providing of meals as a one-time event, helping with general wellness (hygiene), and overnight stays during the transition process. Should the conditional use permit be approved, building/remodeling permits would be required as applicable. The applicant is requesting the conditional use permit for life of use; therefore, the item must be presented before the Planning Zoning Commission and the City Commission.

Staff has received one letter in opposition to the conditional use permit request. The written concern was in regards to the effect of a respite center to surrounding commercial retail establishments. The letter stated they would not be opposed to an approval for a six month duration as maximum.

Health and Fire Department inspections are pending. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The institutional use must comply with the Zoning Ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas. The property has direct access to South 10<sup>th</sup> Street and U.S Expressway 83.
- 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.
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences.
- 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 the capacity for the building set by the Fire Marshal and Building Official.



**PLANNING AND ZONING COMMISSION MEETING OF SEPTEMBER 7, 2021:**

At the Planning and Zoning Commission meeting of September 7, 2021, the Board voted at the request of city staff, to table the Conditional Use Permit request. There were five members present and voting.

**RECOMMENDATION:**

Staff recommends tabling of the request.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

 **SUBJECT PROPERTY**

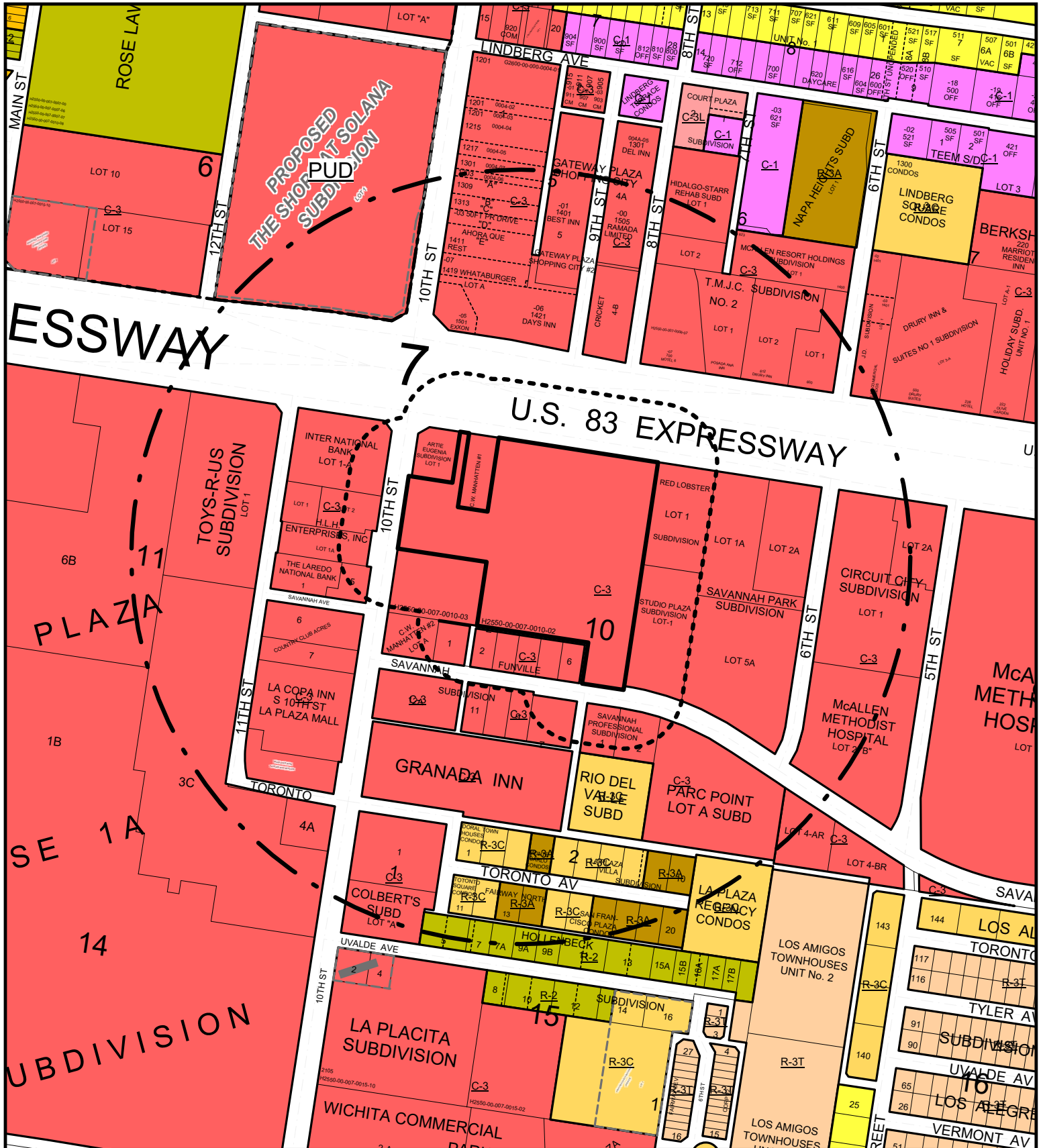
 **200 FT. NOTIFICATION BOUNDARY**




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**LA PLAZA**










**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**

 **1/4 MILE RADIUS**

**ZONING LEGEND**

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	S (SPECIAL DISTRICT)

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**INB PROPERTIES II PASEO, LTD.**

**MRR-GP, L.L.C., General Partner**  
900 E. Lakeview Drive  
McAllen, Texas 78501

(956) 686-5491

FAX (956) 686-5494

September 1, 2021

**VIA FAX NO.: 956-681-1279**  
**& VIA REGULAR U.S. MAIL**

CITY OF MCALLEN  
PLANNING AND ZONING COMMISSION  
City Hall Commission Chambers  
1300 Houston Avenue  
McAllen, Texas 78501

RE: Norma S. Pimentel on behalf of Catholic Charities of the Rio Grande Valley request of a Conditional Use Permit, for life use, for an institutional use (respite center) at the Northwest 12.81 acres out of Lot 10, Section 7, excluding 2.63 acres, Hidalgo Canal Company S/D, Hidalgo County, Texas: **1801 South 10<sup>th</sup> Street (CUP2021-0121)**.

To whom it may concern:

The purported uses by Catholic Charities to open respite centers does not comport with the commercial status of the neighborhood. The vast majority of the surrounding location comprises commercial retail establishments. A respite center with heavy migrant traffic will not better but likely burden the area. Prolonged exposure to this traffic would lead to declining commercial activity and business property values.

We, therefore, cannot remain unopposed to an indefinite CUP.

However, we would be unopposed for a shorter duration, such as six months, provided the City does not automatically renew the application.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

By: MRR-GP, L.L.C., General Partner  
By: MRR Services Company, L.L.C., Manager

By: Robert J. Morehead  
Robert J. Morehead, President

**ENTERED**

SEP 03 2021

Initial: DM  
TOTAL P.01



**NOTICE  
INSTITUTIONAL  
USE  
FOR  
THIS PROPERTY  
CUP2021-0121**

 CITY OF MCALLEN PLANNING DEPT.  
954-681-1250  
WWW.MCALLENNET





## Planning Department

### Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

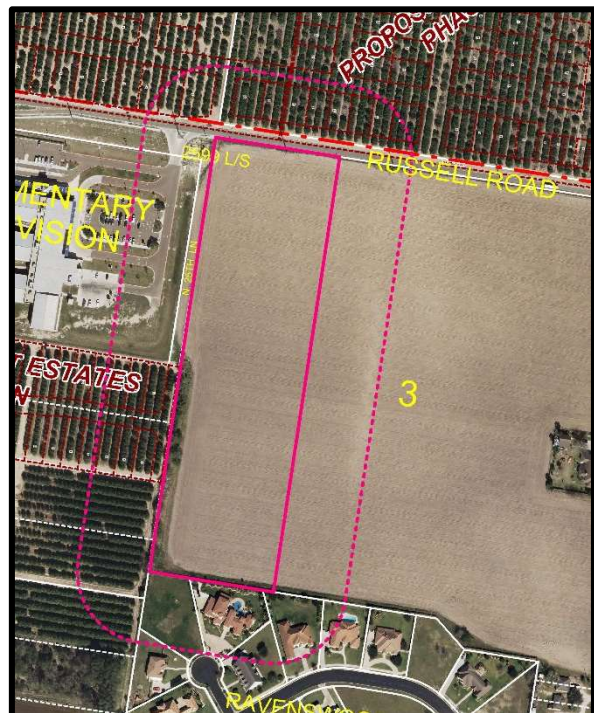
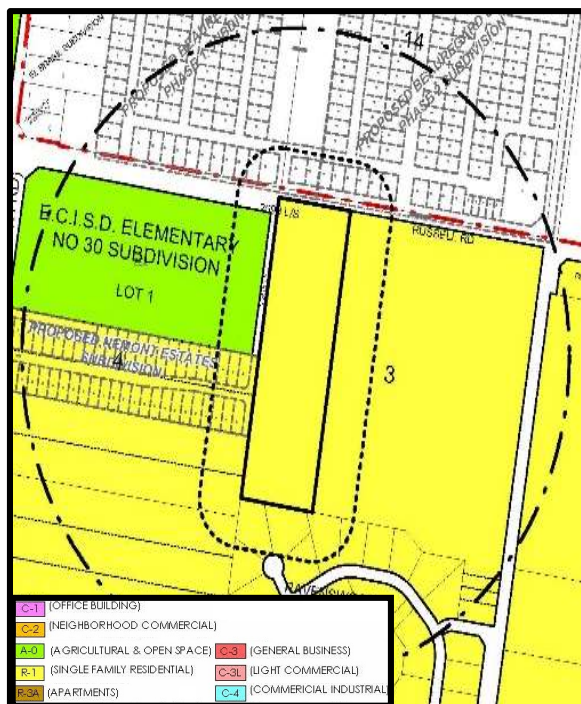
**DATE:** September 15, 2021

**SUBJECT: REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 10 ACRES OUT OF LOT 3, SECTION 233, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS; 2401 RUSSELL ROAD. (REZ2021-0049)**

**LOCATION:** The property is located on the south side of Russell Road approximately 1220 feet east of North Rooth Road. The tract has 348.65ft. of frontage along Russell road with a maximum depth of 1,250 ft. at its deepest point for a lot size of 10.00 acres.

**PROPOSAL:** The applicant is requesting to rezone the property to C-3 (general business) District for a proposed self-storage development.

**ADJACENT ZONING:** The adjacent zoning is R-1 (single-family residential) District to the east, south and west. There is A-O (agricultural and open space) District to west. The area to the north across Russell Road is outside the city limits of McAllen.





LAND USE: The property is currently vacant. Surrounding land uses include Edinburg C.I.S.D. Flores-Zapata Elementary School, Elias Longoria Middle School, IDEA Quest, single family residences on rural tracts, subdivided lots and farmland.

COMPREHENSIVE PLAN: Foresight McAllen Comprehensive Plan designates the future land use as Suburban Residential which is comparable to R-1(single-family residential) District. Russell Road is designated as a minor arterial with 100 feet of right-of-way.

DEVELOPMENT TRENDS: The development trend for the area is single family residential. Ravenswood, Red Rose, La Puerta Phase I, Russell Point and proposed Nemont Estates 1 are single family subdivisions in the area.

HISTORY: The tract was zoned R-1 District upon annexation in November 2017. There have been no other rezoning requests for the subject property since that time.

ANALYSIS: The requested zoning does not conform to the Suburban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan.

Adjacent zoning is A-O (agricultural and open space) District and R-1 (single-family residential) district.

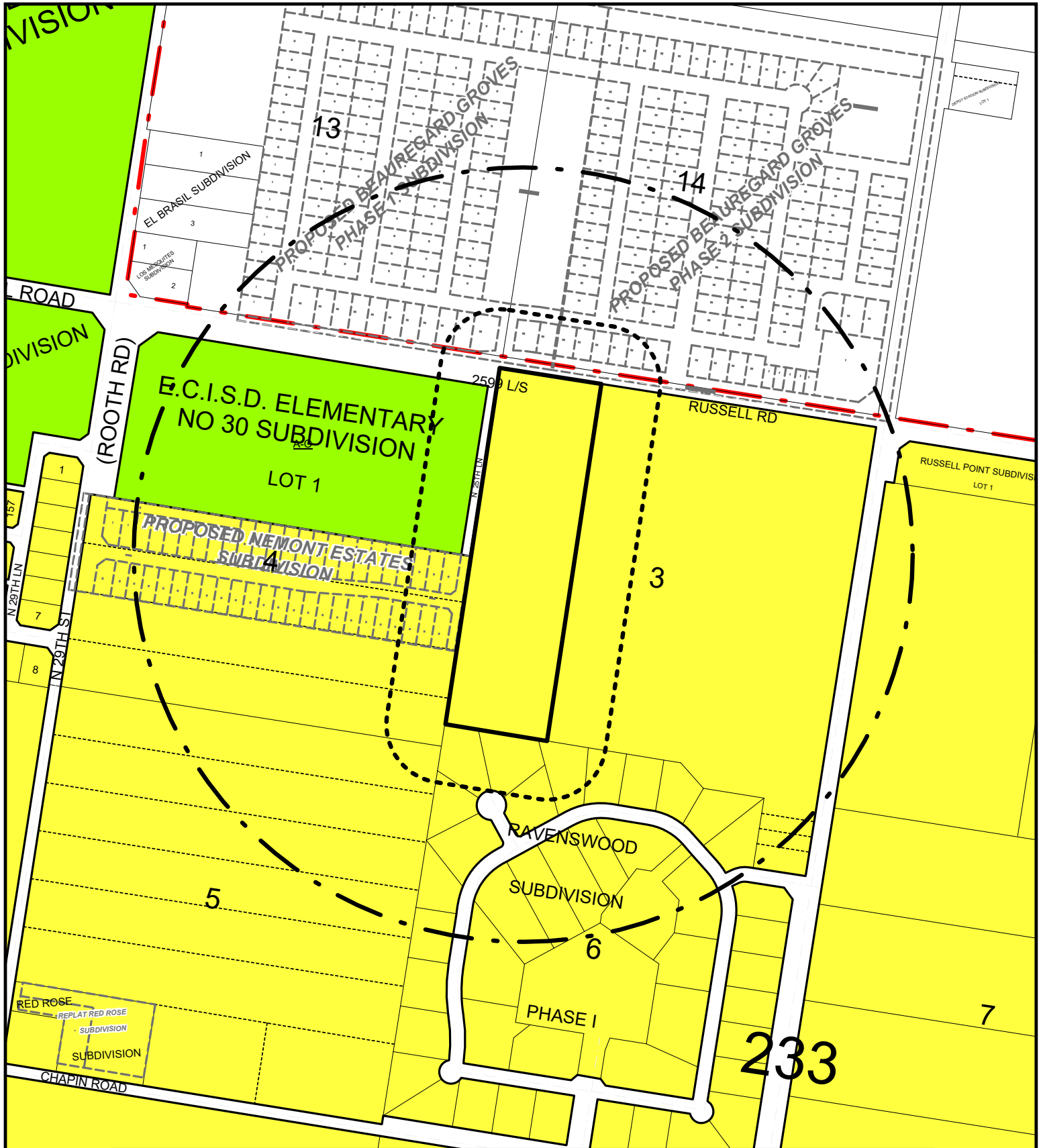
A masonry screen eight feet in height shall be required where a commercial, industrial or multifamily use has a side or rear property line in common with a single family use or zone


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

Staff has not received any calls or letters of opposition to the request.

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










**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.
















**AREA MAP**

 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**

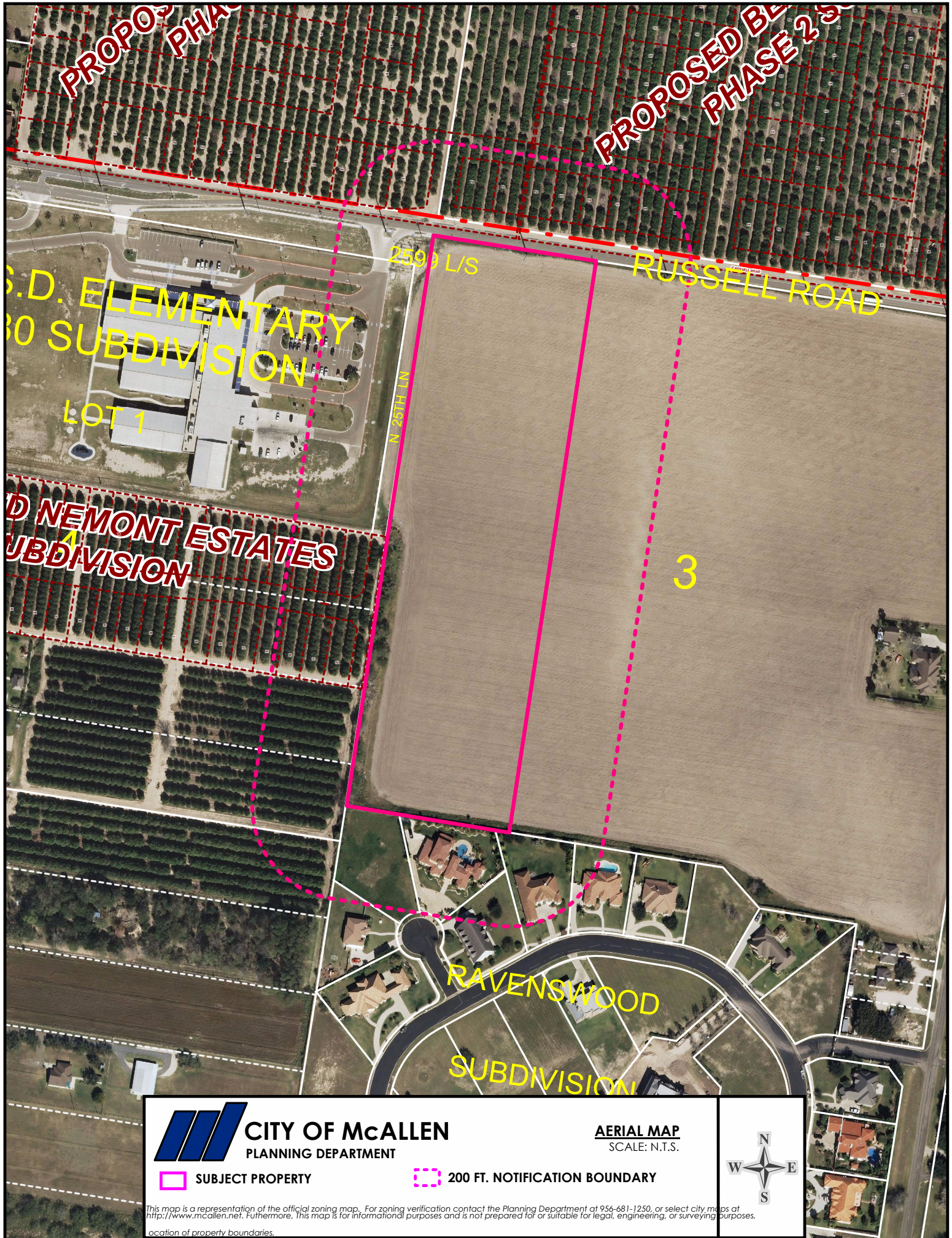
 **1/4 MILE RADIUS**

**ZONING LEGEND**

<p> <b>A-0</b> (AGRICULTURAL &amp; OPEN SPACE)</p> <p> <b>R-1</b> (SINGLE FAMILY RESIDENTIAL)</p> <p> <b>R-2</b> (DUPLEX-FOURPLEX)</p>	<p> <b>R-3A</b> (APARTMENTS)</p> <p> <b>R-3C</b> (CONDOMINIUMS)</p> <p> <b>R-3I</b> (TOWNHOUSES)</p>	<p> <b>R-4</b> (MOBILE HOMES)</p> <p> <b>C-1</b> (OFFICE BUILDING)</p> <p> <b>C-2</b> (NEIGHBORHOOD COMMERCIAL)</p>	<p> <b>C-3</b> (GENERAL BUSINESS)</p> <p> <b>C-3L</b> (LIGHT COMMERCIAL)</p> <p> <b>C-4</b> (COMMERCIAL INDUSTRIAL)</p>	<p> <b>I-1</b> (LIGHT INDUSTRIAL)</p> <p> <b>I-2</b> (HEAVY INDUSTRIAL)</p> <p> <b>(SPECIAL DISTRICT)</b></p>
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**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.



**SUBJECT PROPERTY**

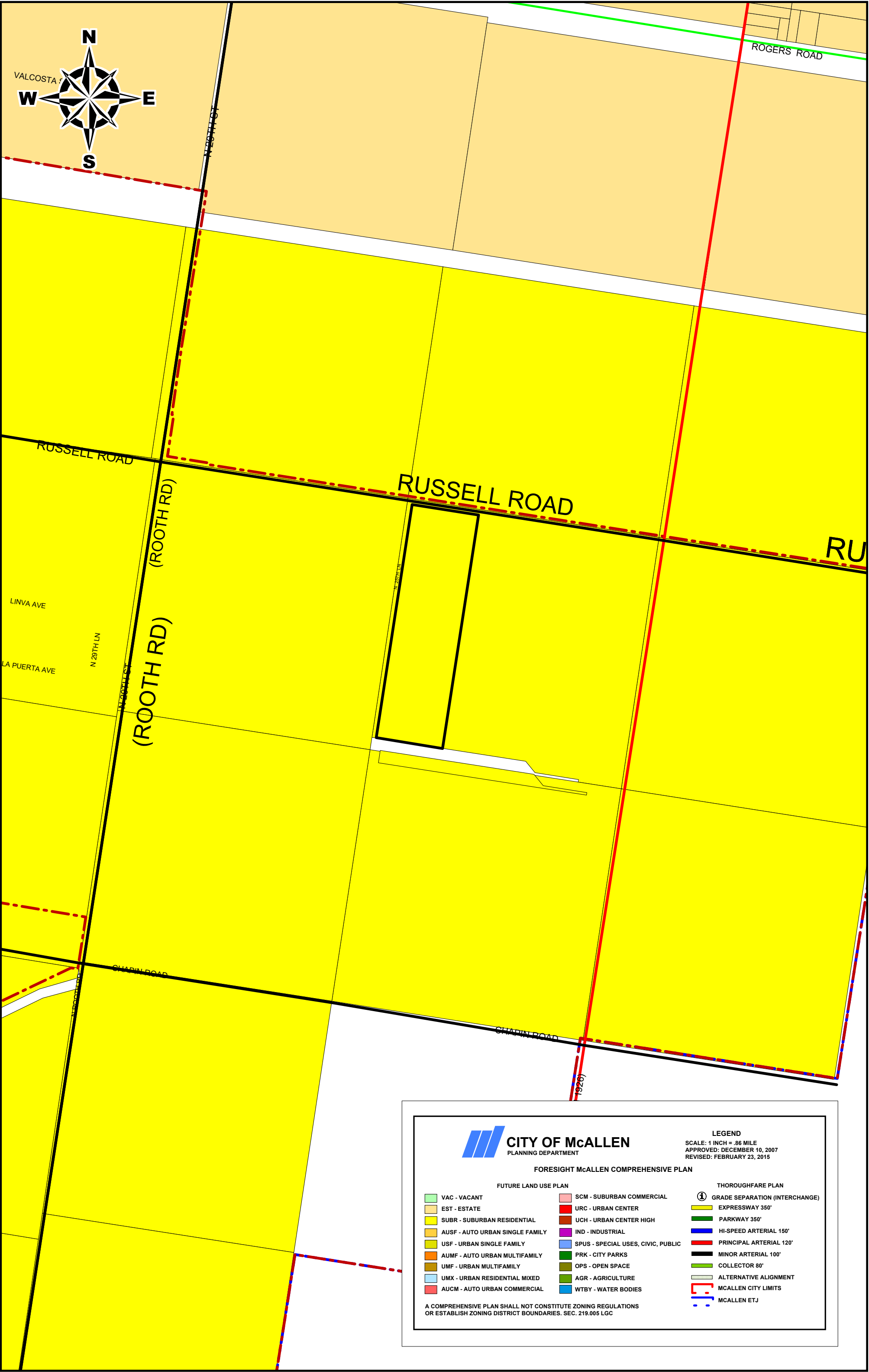



**200 FT. NOTIFICATION BOUNDARY**



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location of property boundaries.







**CITY OF McALLEN**  
PLANNING DEPARTMENT

**FORESIGHT McALLEN COMPREHENSIVE PLAN**

**FUTURE LAND USE PLAN**

VAC - VACANT	SCM - SUBURBAN COMMERCIAL
EST - ESTATE	URC - URBAN CENTER
SUBR - SUBURBAN RESIDENTIAL	UCH - URBAN CENTER HIGH
AUSF - AUTO URBAN SINGLE FAMILY	IND - INDUSTRIAL
USF - URBAN SINGLE FAMILY	SPUS - SPECIAL USES, CIVIC, PUBLIC
AUMF - AUTO URBAN MULTIFAMILY	PRK - CITY PARKS
UMF - URBAN MULTIFAMILY	OPS - OPEN SPACE
UMX - URBAN RESIDENTIAL MIXED	AGR - AGRICULTURE
AUCM - AUTO URBAN COMMERCIAL	WTBY - WATER BODIES

**LEGEND**

SCALE: 1 INCH = .86 MILE  
APPROVED: DECEMBER 10, 2007  
REVISED: FEBRUARY 23, 2015

**THOROUGHFARE PLAN**

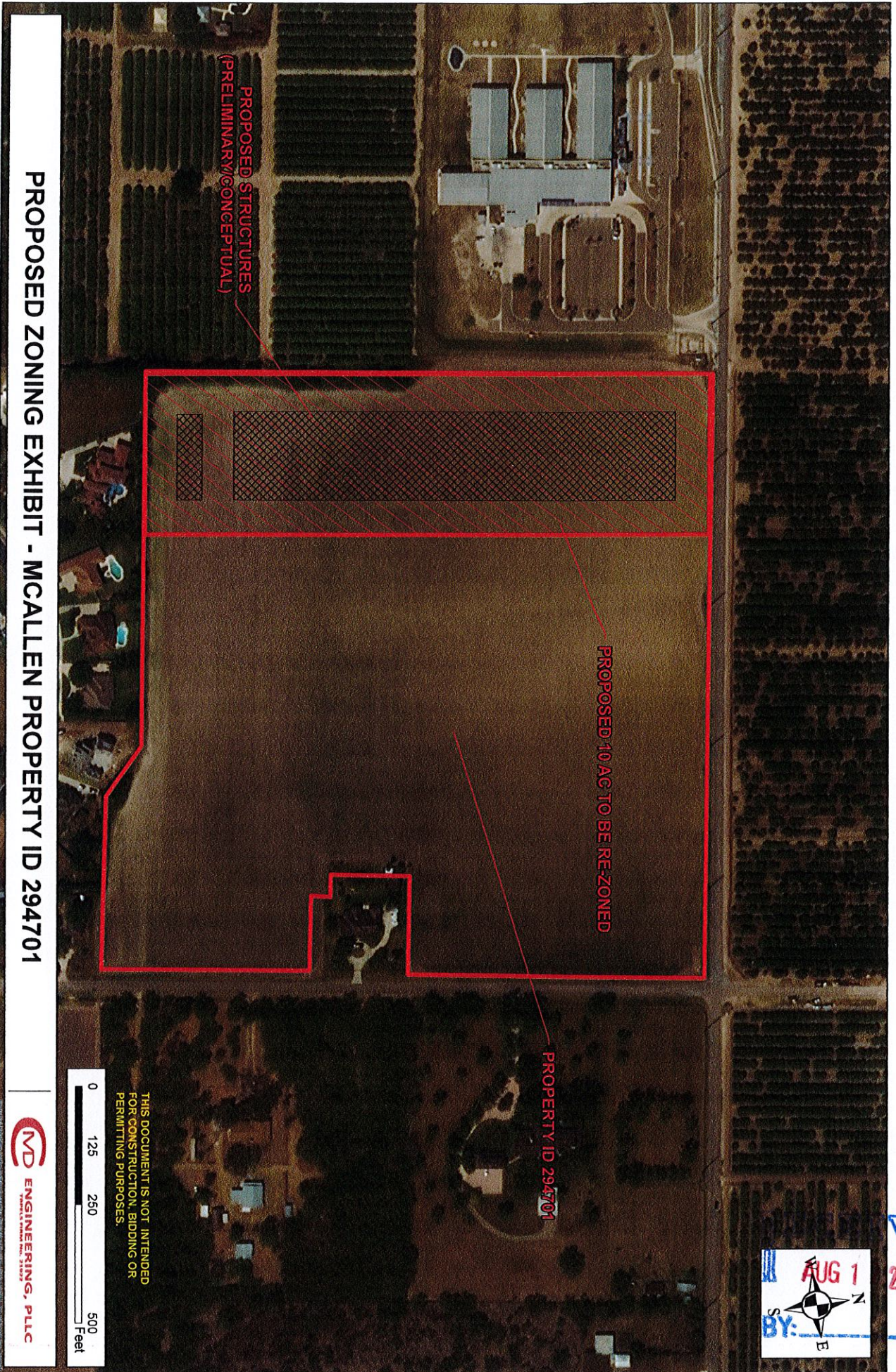
① GRADE SEPARATION (INTERCHANGE)
EXPRESSWAY 350'
PARKWAY 350'
HI-SPEED ARTERIAL 150'
PRINCIPAL ARTERIAL 120'
MINOR ARTERIAL 100'
COLLECTOR 80'
ALTERNATIVE ALIGNMENT
McALLEN CITY LIMITS
McALLEN ETJ

A COMPREHENSIVE PLAN SHALL NOT CONSTITUTE ZONING REGULATIONS OR ESTABLISH ZONING DISTRICT BOUNDARIES. SEC. 219.005 LGC









PROPOSED ZONING EXHIBIT - MCALLEN PROPERTY ID 294701



THIS DOCUMENT IS NOT INTENDED  
FOR CONSTRUCTION, BIDDING OR  
PERMITTING PURPOSES.



**NOTICE  
REZONING  
FOR  
THIS PROPERTY  
REZ 2021-0049**

 CITY OF MCALLEN PLANNING DEPT.  
956-681-1250  
WWW.MCALLE.NET 



# Planning Department

## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

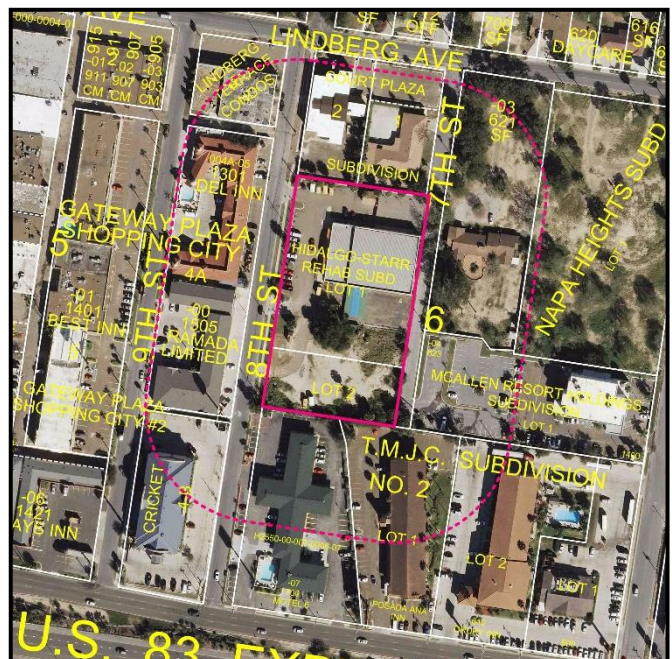
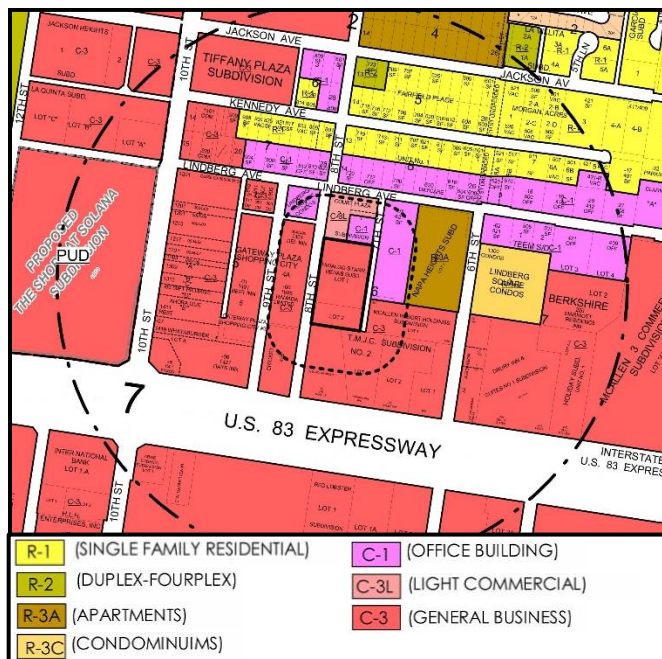
**DATE:** September 16, 2021

**SUBJECT: REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO C-4 (COMMERCIAL-INDUSTRIAL) DISTRICT: LOTS 1 AND 2, HIDALGO-STARR REHAB. SUBDIVISION, HIDALGO COUNTY, TEXAS; 1301 AND 1401 SOUTH 8TH STREET. (REZ2021-0044) (TABLED ON 9/7/2021)**

**LOCATION:** The property is located on the east side of South 8<sup>th</sup> Street, 345 ft. north of U.S. Expressway 83. The tract has 402 ft. of frontage along South 8<sup>th</sup> Street with a depth of 229 ft., for a lot size of 2.11 acres.

**PROPOSAL:** The applicant is requesting to rezone the property to C-4 (commercial-industrial) District for a warehouse. A feasibility plan has not been submitted.

**ADJACENT ZONING:** The adjacent zoning is C-3 (general business) District to the east, south, and west, C-1 (office building) District to the east and northeast, and C-3L (light commercial) District to the northwest.





LAND USE: The property on Lot 1 used to be a daycare and is currently undergoing interior remodeling for a proposed furniture retail store and office spaces, with a warehouse as an accessory use. Lot 2 is currently vacant. Surrounding land uses include hotels such as Comfort Suites, Motel 6, Super 8 by Windham, offices, single-family residences, and apartments.

COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan designates the future land use for this property as Auto Urban Commercial which is comparable to C-1 (office building) to C-3 (general business) Districts.

DEVELOPMENT TRENDS: The development trend for this area along South 8<sup>th</sup> Street is hotel and motel.

HISTORY: The subject property was annexed and initially zoned R-1 (single-family residential) District during the comprehensive zoning in 1979. A rezoning request to C-1 (office building) District for the subject property was approved by the City Commission on May 13, 1991. A rezoning request to C-3 (general business) District for the subject property was approved by the City Commission on February 8, 1993. There has been no other rezoning request for the subject property since then.

ANALYSIS: The requested spot zoning does not conform to the Auto Urban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan. It does not follow the development trend in this area either.

South 8<sup>th</sup> Street is a local street with 50 ft. of right-of-way according to the plat, and approximately 27 ft. of pavement; therefore, it is not suitable for any traffic related to C-4 (commercial-industrial) District uses. Some of the permitted uses in a C-4 District include auto paint and body work, lumberyards or contractor yards, farm equipment or other heavy equipment sales and service, warehousing, any wholesale trade including livestock, commercial or industrial machinery or supplies, petroleum bulk stations and terminals, scrap or junk waste materials.

There is no other C-4 (commercial-industrial) District in the vicinity of the subject property. If the request is approved, it may encourage other property owners to apply for a rezoning to C-4 District.

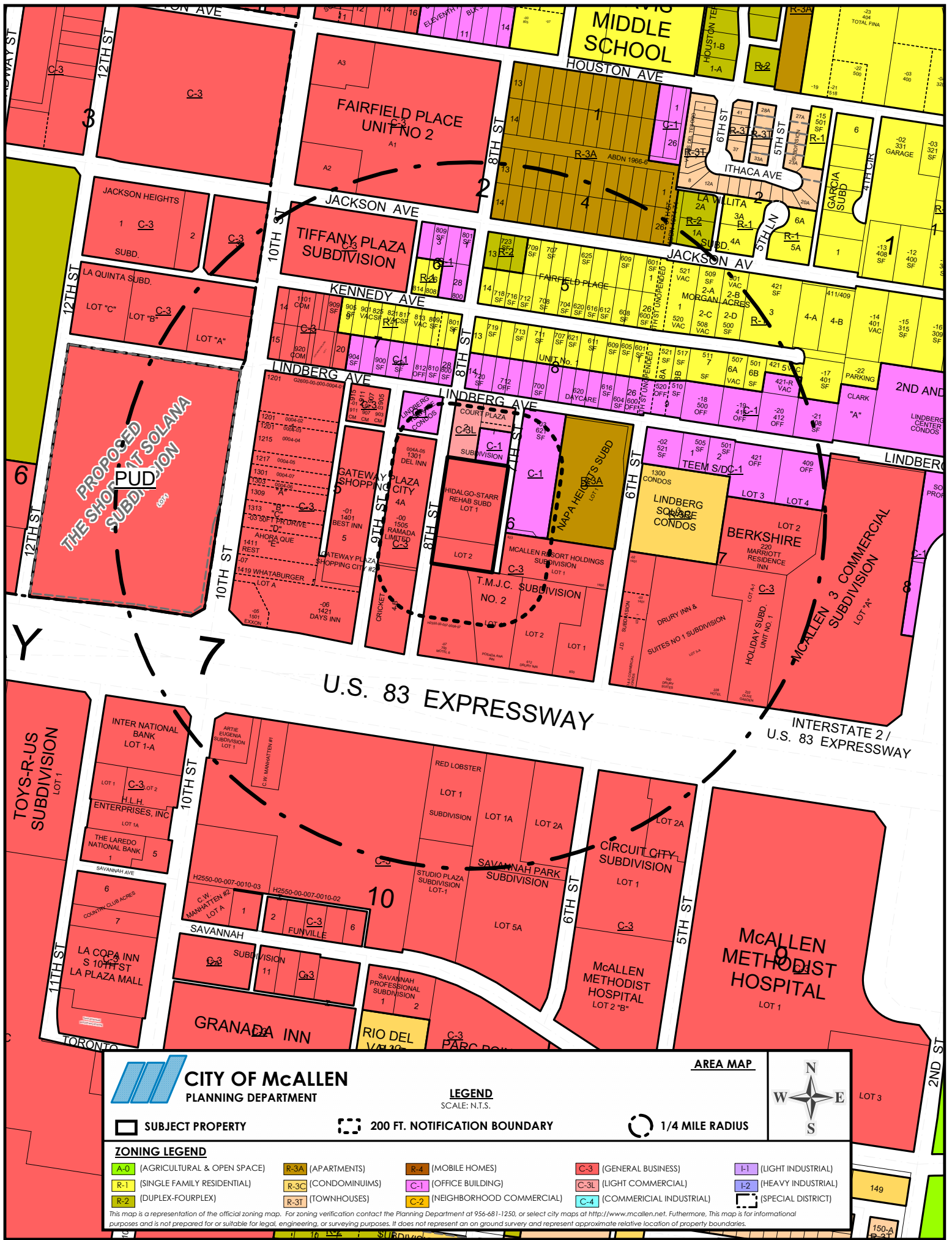
Staff has not received any calls or emails in opposition to the rezoning request.

RECOMMENDATION: Staff recommends disapproval of the rezoning request to C-4 (commercial-industrial) District.

**PLANNING AND ZONING COMMISSION MEETING OF SEPTEMBER 7, 2021:**

At the Planning and Zoning Commission meeting of September 7, 2021, no one appeared in opposition to the rezoning request. After a brief discussion, the Board unanimously voted to table the request with five members present and voting.









**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**



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9TH ST

8TH ST

7TH ST



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**FORESIGHT McALLEN COMPREHENSIVE PLAN**

**FUTURE LAND USE PLAN**

VAC - VACANT	SCM - SUBURBAN COMMERCIAL
EST - ESTATE	URC - URBAN CENTER
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AUSF - AUTO URBAN SINGLE FAMILY	IND - INDUSTRIAL
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A COMPREHENSIVE PLAN SHALL NOT CONSTITUTE ZONING REGULATIONS  
OR ESTABLISH ZONING DISTRICT BOUNDARIES. SEC. 219.005 LGC

**LEGEND**

SCALE: 1 INCH = .86 MILE  
APPROVED: DECEMBER 10, 2007  
REVISED: MARCH 8, 2021

**THOROUGHFARE PLAN**

GRADE SEPARATION (INTERCHANGE)
EXPRESSWAY 350'
PARKWAY 350'
HI-SPEED ARTERIAL 150'
PRINCIPAL ARTERIAL 120'
MINOR ARTERIAL 100'
COLLECTOR 80'
ALTERNATIVE ALIGNMENT
McALLEN CITY LIMITS
McALLEN ETJ



48-A:144hcc.ld

HIDALGO-STARR REHAB. SUBDIVISION



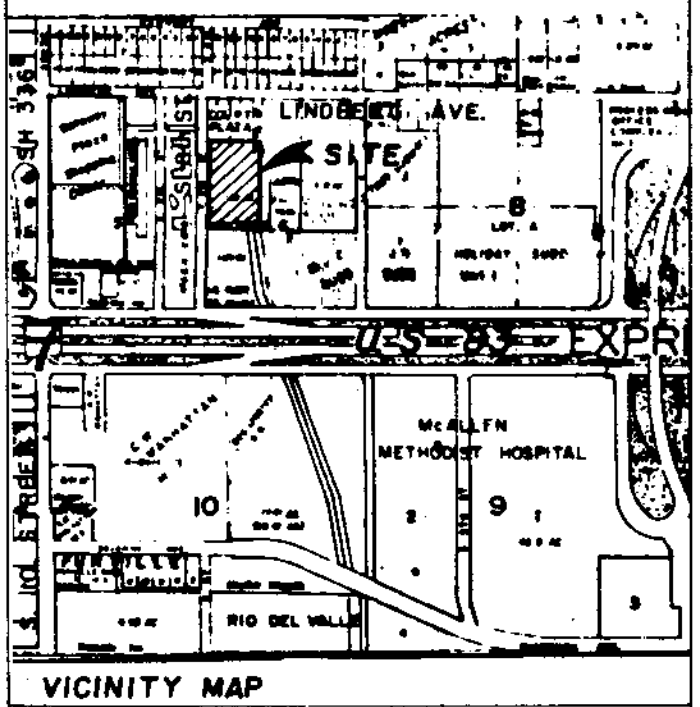
THE SOUTH 402.0 FEET OF THE NORTH 624.1 FEET OF THE WEST  
254.0 FEET OF LOT 6, NORTHEAST 1/4 OF SECTION 7, HIDALGO  
CANAL COMPANY'S SUBDIVISION, OF PORCIONES 64, 65 AND 66,  
HIDALGO COUNTY, TEXAS.

BEGINNING at a point on the West line of said Lot 6, South 8 Deg. 42 Min. 10 Sec. West, 222.1 feet from its Northwest corner, for the Northwest corner of the following described tract of land; said point being also on the East line of 25.0 feet 0th Street in the City of McAllen, Texas; THENCE, parallel with the North line of Lot 6, South 81 Deg. 18 Min. 30 Sec. East, 254.0 feet to a point for the Northeast corner hereof;

THENCE, parallel to the West line of Lot 6, South 8 Deg. 42 Min. 10 Sec. West, 492.0 feet to a point for the Southeast corner hereof;

THENCE, parallel to the North line of Lot 6, North 81 Deg. 18 Min. 30 Sec. West, 254.0 feet to a point for the Southwest corner hereof; said point being also on the East line of 25 foot 8th Street;

THENCE, with the West line of Lot 6 and the East line of 25 foot 8th Street, North 8 Deg. 42 Min. 10 Sec. East, 402.0 feet to the PLACE OF BEGINNING. Containing 2.34 acres of land, more or less.



**NOTES:**

1. MINIMUM FINISH FLOOR ELEV. SHALL BE 122.5
2. MINIMUM BUILDING SETBACK LINE SHALL BE AS FOLLOWS:  
FRONT: 25' OR IN LINE WITH EXISTING STRUCTURES  
WHICHEVER IS GREATER.  
SIDES: AS PER ZONING ORDINANCE OR AS NEEDED FOR  
UTILITY EASEMENT WHICHEVER IS GREATER.  
REAR: 5 FT.
3. A 4' SIDEWALK REQUIRED ALONG EAST SIDE OF 8TH ST.
4. 6' BUFFER REQUIRED ALONG PROPERTY LINE FROM ANY  
RESIDENTIAL ZONING.
5. STORM WATER DETENTION REQUIRED FOR THIS PROPERTY  
IS 0.07 AC-FT.
6. AN ENGINEERED STORM WATER DETENTION PLAN APPROVED  
BY CITY'S ENGINEERING DEPT. PRIOR TO APPLICATION  
FOR BUILDING PERMIT IS REQUIRED.
7. THIS SUBDIVISION IS SUBJECT TO A CONTRACTUAL  
AGREEMENT INVOLVING THE CITY OF MCALLEN CONCERN-  
ING DRAINAGE, EXECUTED NOV. 4, 1991
8. THIS PROPERTY FALLS IN ZONE "B" OF THE FLOOD  
INSURANCE RATE MAP, COMMUNITY PANEL #480343 OONO C,  
DATED NOVEMBER 2, 1982.

APPROVED FOR RECORDING  
BY  
COMMISSIONERS' COURT  
This the 5<sup>th</sup> day of Nov. 1991  
WILLIAM "BILLY" LEO, County Clerk  
Hidalgo County, Texas  
By \_\_\_\_\_ Deputy

APPROVED FOR PASSPORTING  
HIDALGO CO. PLANNING DEPT.  
BY Emilio Garcia  
DATE 11-5-91

9. THIS SUBDIVISION WAS APPROVED BY THE CITY OF MCALLEN AS HIDALGO-STARR REHAB SUBDIVISION II.

STATE OF TEXAS  
COUNTY OF HIDALGO

I, GILBERTO ANTONIO GRACIA, A REGISTERED  
PROFESSIONAL ENGINEER IN THE STATE OF TEXAS,  
HEREBY CERTIFY THAT PROPER ENGINEERING  
CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

Giuseppe T. Gracia  
REGISTERED PROFESSIONAL ENGINEER  
P.E. REGISTRATION NO. 62477

**235951**

LOT 6, SECT 7,  
HIDALGO CANAL CO'S. SUB'D.

**MAP**  
**OF**

HIDALGO-STARR REHAB. SUBDIVISION  
McALLEN, TEXAS.

THE SOUTH 402.0 FEET OF THE NORTH 624.1 FEET OF THE WEST 254.0 FEET OF LOT 6,  
NORTHEAST 1/4 OF SECTION 7, HIDALGO CANAL COMPANY'S SUBDIVISION, OF PORCIONES  
64, 65 AND 66, HIDALGO COUNTY, TEXAS.

PREPARED BY:  
FABIAN, NELSON, & MEDINA, INC.  
CONSULTING ENGINEERS  
320 N. 15th. McALLEN, TEXAS. 78501  
SCALE: 1" = 50' DATE: 8-21-91

BY: Larry Smith



STATE OF TEXAS  
COUNTY OF HIDALGO

I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE HIDALGO-STARR REHAB SUBDIVISION TO THE CITY OF MCALLEN, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, WATER-LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE), WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF MCALLEN ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF MCALLEN.

DR. JOSE R. CARREAS, PRES.  
821 LINDBERG, MCALLEN, TEXAS 78501

STATE OF TEXAS 821 LINDBERG, McALLEN, TEXAS 78501  
COUNTY OF HIDALGO

Dr. RAUL VILLANUEVA  
821 LINDBERG, McALLEN, TX 78501

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ~~THE ABOVE NAMED PERSONS~~ KNOWN TO ME TO BE THE PERSON WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

DATE: 10-29-91

BE THE PERSON WHOSE NAME IS SUBS.  
THEREIN STATED.

Monroe Sauter  
NOTARY PUBLIC

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MCALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CHAIRMAN, PLANNING COMMISSION

STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR #1590 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

PLINIO C. MEDINA  
REGISTERED PROFESSIONAL LAND SURVEYOR  
MCALLEN, TEXAS

I, THE UNDERSIGNED, MAYOR OF THE CITY OF MCALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

Alfred E. Brand  
MAYOR, CITY OF MCALLEN

THIS PLAT APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT NO. 3 ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 1991.

**SECRETARY**


**PRESIDENT**

HIDALGO-STARR REHAB. SUBDIVISION

PR



**NOTICE  
REZONING  
FOR  
THIS PROPERTY  
REZ 2021-0044**

 CITY OF MCALLEN PLANNING DEPT.  
956-681-1250  
WWW.MCALLEN.NET



F.D.C.







## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

**DATE:** September 15, 2021

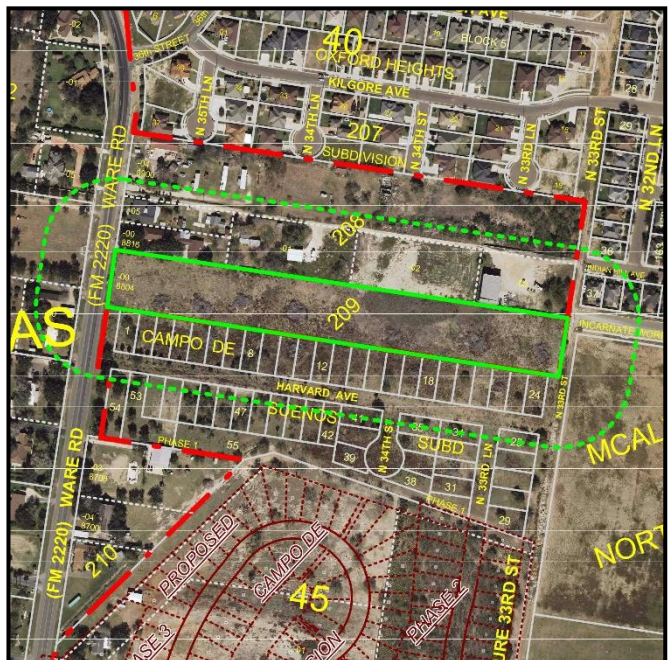
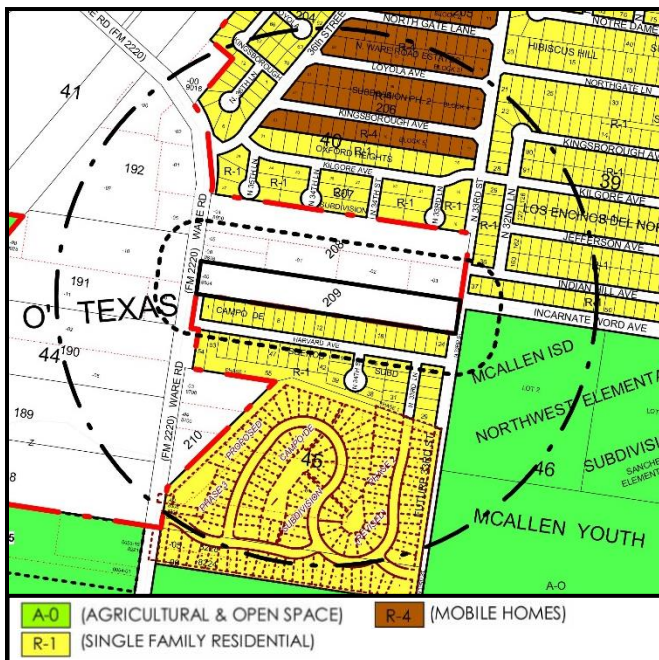
**SUBJECT: INITIAL ZONING TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: THE NORTH 5 ACRES OF LOT 209, PRIDE O' TEXAS SUBDIVISION, HIDALGO COUNTY, TEXAS; 8804 NORTH WARE ROAD. (REZ2021-0050)**

**LOCATION:** The property is located on the east side of North Ware Road, 120 ft. north of Harvard Avenue. The tract has 165 ft. of frontage along North Ware Road with a depth of 1,320 ft. for a lot size of 5 acres.

**PROPOSAL:** The tract is currently outside the City limits and is undergoing voluntary annexation. The initial zoning to R-1 (single-family residential) District will become effective upon the annexation of the tract into the City. The applicant is requesting R-1 District for residential use. A feasibility plan has not been submitted.

**ADJACENT ZONING:** The adjacent zoning is A-O (agricultural and open space) District to the east, and R-1 (single-family residential) District to the south. The properties to the north and west of the subject property are outside the City limits.

**LAND USE:** The property is currently vacant. Surrounding land uses include Campo de Sueños Subdivision, single-family residences, Texan Ranch Apartments, Nava's Paint and Body Shop, and vacant land.





COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan designates the future land use for this property as Auto Urban Single Family, which is comparable to R-1 District.

DEVELOPMENT TRENDS: The development trend for this area along North Ware Road is single-family residential.

HISTORY: The tract has been in the City's ETJ (Extra-Territorial Jurisdiction) since October 15, 1973. Annexation and initial zoning applications for the subject property were submitted on August 12, 2021, and are scheduled to be heard at the City Commission meeting of October 11, 2021.

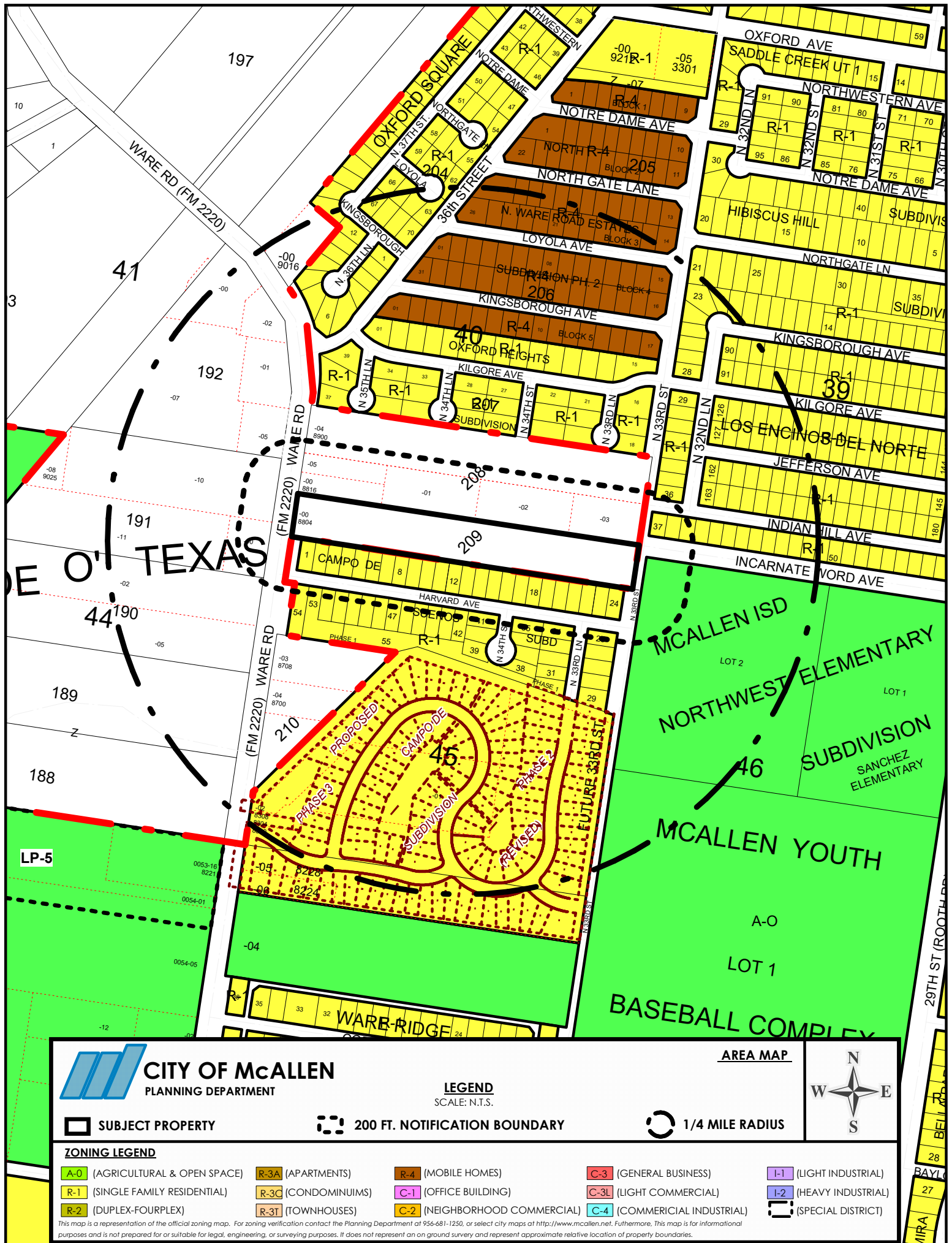
ANALYSIS: The requested zoning conforms to the Auto Urban Single Family land use designation as indicated on the Foresight McAllen Comprehensive Plan. It also follows the R-1 zoning and development trend of the surrounding area.

A recorded subdivision plat is required prior to building permit issuance.

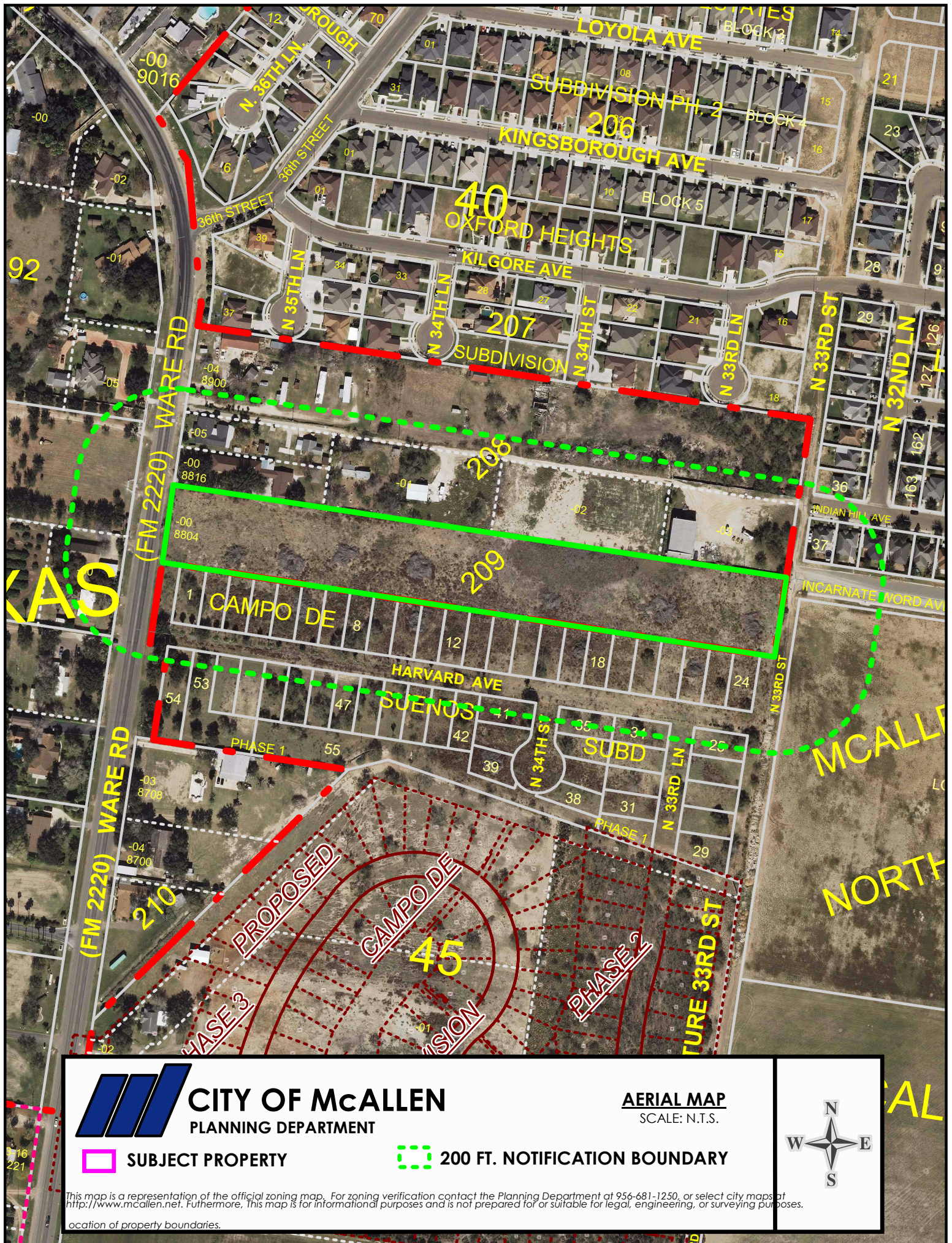
Staff has not received any calls or emails in opposition to the initial zoning request.

RECOMMENDATION: Staff recommends approval of the initial zoning request to R-1 (single-family residential) District.









**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.



**SUBJECT PROPERTY**



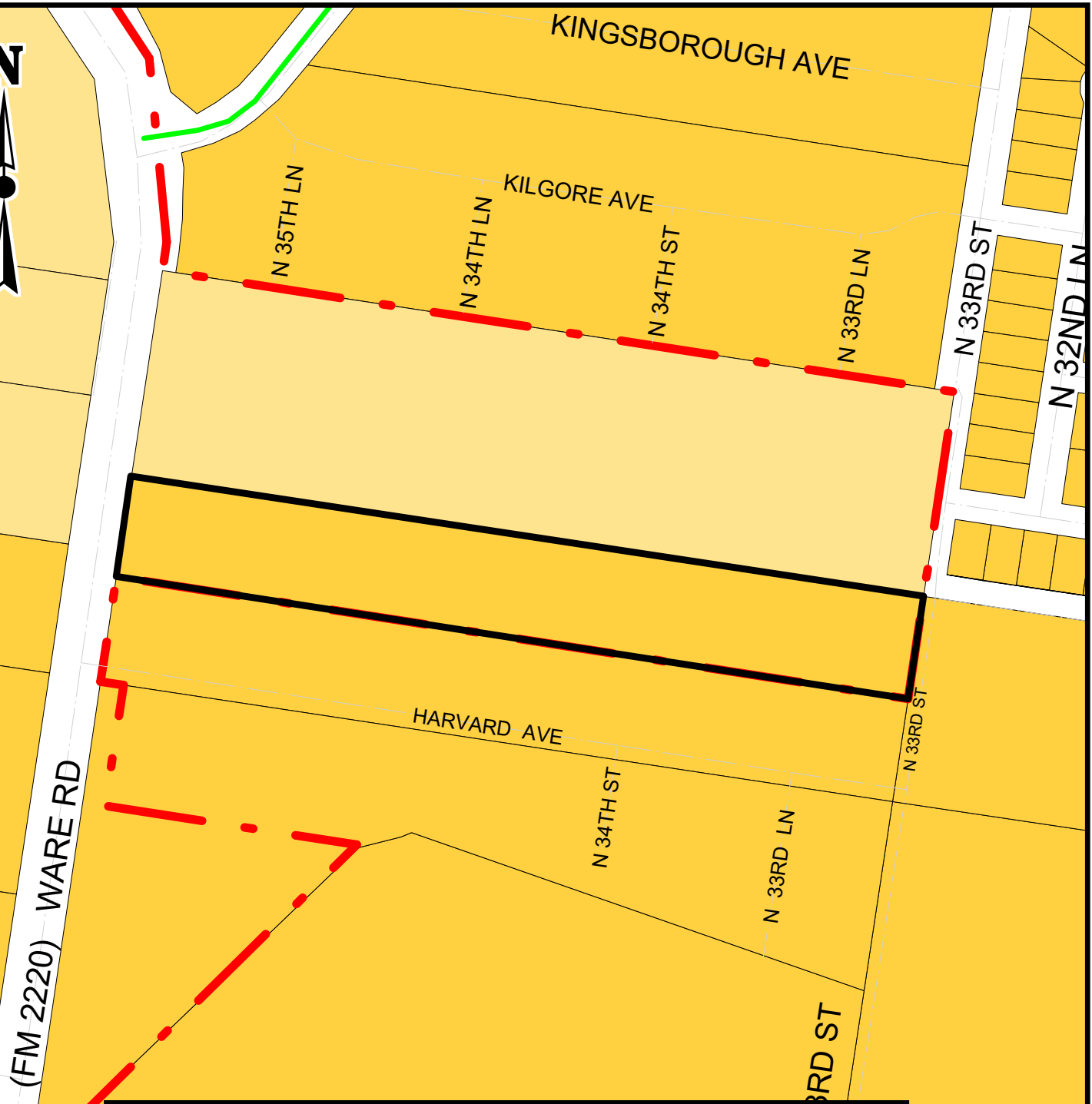
**200 FT. NOTIFICATION BOUNDARY**



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes.

Location of property boundaries.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**

SCALE: 1 INCH = .86 MILE  
APPROVED: DECEMBER 10, 2007  
REVISED: MARCH 8, 2021

**FORESIGHT McALLEN COMPREHENSIVE PLAN**

**FUTURE LAND USE PLAN**

VAC - VACANT	SCM - SUBURBAN COMMERCIAL
EST - ESTATE	URC - URBAN CENTER
SUBR - SUBURBAN RESIDENTIAL	UCH - URBAN CENTER HIGH
AUSF - AUTO URBAN SINGLE FAMILY	IND - INDUSTRIAL
USF - URBAN SINGLE FAMILY	SPUS - SPECIAL USES, CIVIC, PUBLIC
AUMF - AUTO URBAN MULTIFAMILY	PRK - CITY PARKS
UMF - URBAN MULTIFAMILY	OPS - OPEN SPACE
UMX - URBAN RESIDENTIAL MIXED	AGR - AGRICULTURE
AUCM - AUTO URBAN COMMERCIAL	WTBY - WATER BODIES

**THOROUGHFARE PLAN**

GRADE SEPARATION (INTERCHANGE)
EXPRESSWAY 350'
PARKWAY 350'
HI-SPEED ARTERIAL 150'
PRINCIPAL ARTERIAL 120'
MINOR ARTERIAL 100'
COLLECTOR 80'
ALTERNATIVE ALIGNMENT
McALLEN CITY LIMITS
McALLEN ETJ

A COMPREHENSIVE PLAN SHALL NOT CONSTITUTE ZONING REGULATIONS  
OR ESTABLISH ZONING DISTRICT BOUNDARIES. SEC. 219.005 LGC



# METES AND BOUNDS DESCRIPTION

THE NORTH 5.0 ACRES OF LOT 209, PRIDE O' TEXAS SUBDIVISION, HIDALGO COUNTY, TEXAS, RECORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 5, PAGE 58-59, MAP RECORDS, HIDALGO COUNTY, TEXAS, SAID 5.0 ACRE TRACT OF LAND BEING THE SAME LAND DESCRIBED IN DOC # 3132527 OFFICIAL RECORDS AND IS ALSO BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

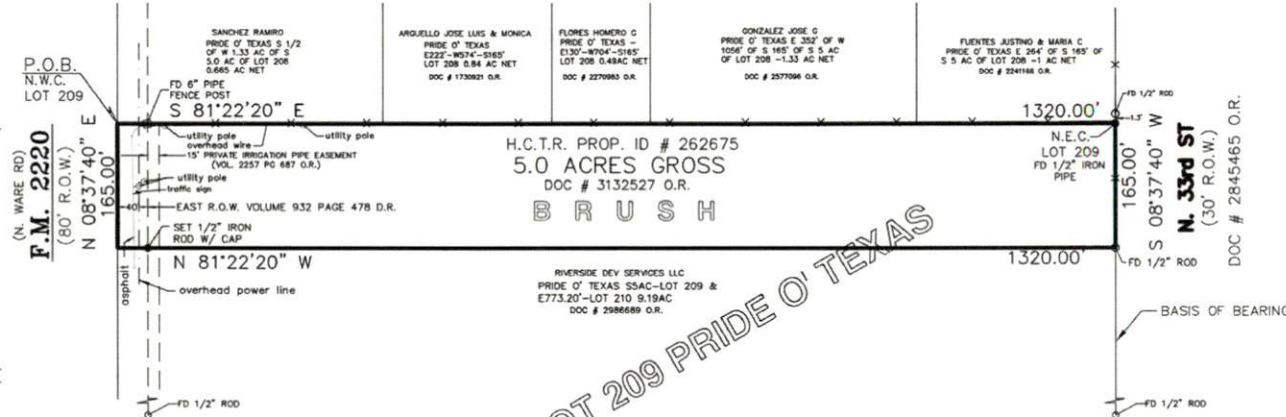
COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 209 FOR THE POINT OF BEGINNING AND THE NORTHWEST CORNER OF THE TRACT DESCRIBED HEREIN; SAID CORNER LIES INSIDE N. WARE ROAD (F.M. 2220).

THENCE, SOUTH 81 DEGREES 22 MINUTES 20 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 209, A DISTANCE OF 40.0 FEET PASS A 6" ROUND FENCE PIPE AT THE EAST RIGHT OF WAY LINE OF N. WARE ROAD (F.M. 2220), AT A TOTAL DISTANCE OF 1320.0 FEET IN ALL TO A FOUND 1/2" PIPE AT THE NORTHEAST CORNER OF SAID LOT 209 FOR THE NORTHEAST CORNER OF THE TRACT DESCRIBED HEREIN;

THENCE, SOUTH 8 DEGREES 37 MINUTES 40 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 209, A DISTANCE OF 165.0 FEET TO A FOUND 1/2" IRON ROD AT THE NORTHEAST CORNER OF THE RIVERSIDE DEV. SERVICE TRACT RECORDED IN DOC # 2986689 O.R. FOR THE SOUTHEAST CORNER OF THE TRACT DESCRIBED HEREIN;

THENCE, NORTH 81 DEGREES 22 MINUTES 20 SECONDS WEST, WITH THE NORTH LINE OF SAID RIVERSIDE TRACT, AND BEING PARALLEL TO THE NORTH LINE OF SAID LOT 209, AT A DISTANCE OF 1280.0 FEET PASS TO A SET 1/2" IRON ROD WITH CAP ON THE EAST RIGHT OF WAY LINE OF N. WARE ROAD (F.M. 2220), AT A TOTAL DISTANCE OF 1320.0 FEET TO A POINT ON THE WEST LINE OF SAID LOT 209 FOR THE NORTHWEST CORNER OF THE SAID RIVERSIDE TRACT AND THE SOUTHWEST CORNER OF THE TRACT DESCRIBED HEREIN;

THENCE, NORTH 8 DEGREES 37 MINUTES 40 SECONDS EAST, INSIDE N. WARE ROAD (F.M. 2220) AND ALONG THE WEST LINE OF SAID LOT 209, A DISTANCE OF 165.0 FEET TO THE POINT OF BEGINNING, CONTAINING 5.0 ACRES OF LAND, MORE OR LESS.



LOT 209 PRIDE O' TEXAS



REQUESTED BY: CWS MARKETING GROUP

ADDRESS: NORTH WARE RD  
MCALLEN TX

SURVEYED: 08-13-2020

GF#: NONE

FLOOD ZONE DESIGNATION: ZONE "X"  
COMMUNITY-PANEL NUMBER: 480334 0295 D  
MAP REVISED: 06-06-2000

I, JOSE MARIO GONZALEZ, CERTIFY THAT THE ABOVE PLAT IS AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN AND THAT ALL CORNERS HAVE BEEN LOCATED AS INDICATED.

08-17-2020

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5571



RIO DELTA SURVEYING

24593 FM 88, MONTE ALTO, TX 78538  
(TEL) 956-380-5154 (FAX) 956-380-5156  
EMAIL: MARIO@RIODELTASURVEYING.COM  
T.B.P.L.S. FIRM # 10013900

JOB NUMBER

RIO 20 179

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ENTERED  
BEARING SHOWN BASED  
ON T.S.P.C. SOUTH ZONE  
Initial: *OR*

SCALE: 1" = 200'



**NOTICE  
REZONING  
FOR  
THIS PROPERTY  
REZ 2021-0050**

 CITY OF MCALLEN PLANNING DEPT.  
956-681-1250  
WWW.MCALLE.NET





## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

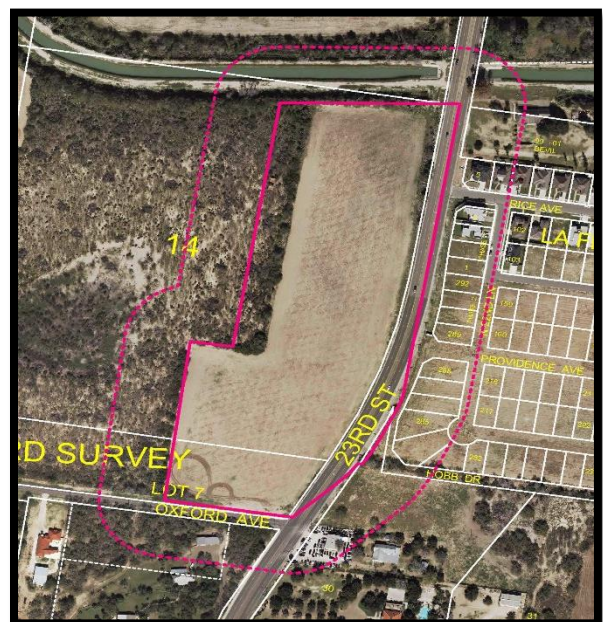
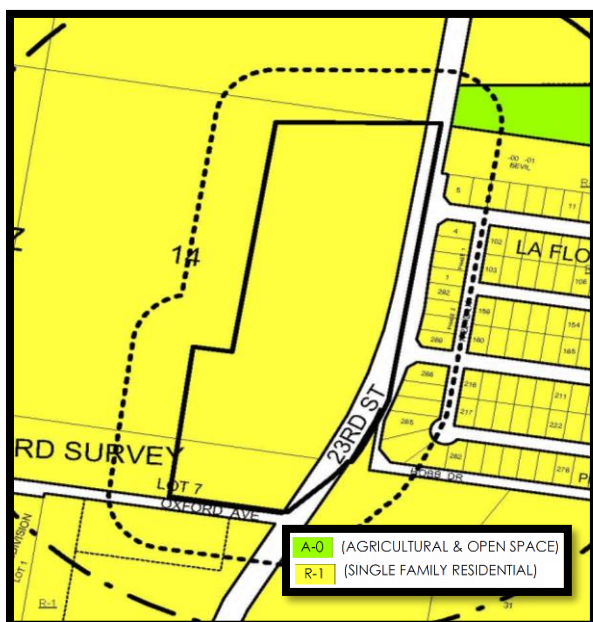
**DATE:** September 14, 2021

**SUBJECT:** REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 19.137 ACRES CONSISTING OF 2.476 ACRES OUT OF LOT 7 E.M CARD SURVEY NO. 1 SUBDIVISION AND 16.661 ACRES OUT OF LOT 14, SECTION 279, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2400 OXFORD AVENUE. (REZ2021-0051)

**LOCATION:** The property is located on the northwest corner of North 23<sup>rd</sup> Street and Oxford Avenue, approximately 730 ft. north of Northgate Avenue. The irregularly shaped tracts have approximately 1,620 ft. of frontage along North 23<sup>rd</sup> Street.

**PROPOSAL:** The applicant is requesting to rezone the property to R-3A (multifamily residential apartments) District in order to construct apartments. The proposed subdivision is under the name of Falcon's Cove; however, no subdivision application has been submitted.

**ADJACENT ZONING:** The adjacent zoning is A-O (agricultural and open space) District to the northeast and R-1 (single-family residential) District in all directions.





LAND USE: The subject property is currently vacant. Surrounding land uses include single-family residences, Northwest Police Center and vacant land.

COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan designates the future land use for these properties as Auto Urban Single Family which is comparable to R-1 (single-family residential) District and City Parks which is comparable to A-O District.

DEVELOPMENT TRENDS: The development trend for this area is single-family residences, commercial use, and a solar energy facility to the west of the subject property that was approved in 2019.

HISTORY: The tract was outside city limits; in 2016, a 315.65-acre tract was annex to the City. Various initial zonings to R-1 District were approved in City Commissions meeting of December 12, 2016. There has been no other rezoning request for the subject property since then.

Various rezoning request North of Freddy Gonzalez Rd to commercial zoning (C-3 and C-3L) were approved between 2015 and 2016, commercial request south of the property have been disapproved and withdrawn.

An attempt to rezone a property at the intersection of N. 23<sup>rd</sup> Street and Freddy Gonzalez Rd (north of subject property) from C-3 District to R-3A District was disapproved in 2019; the request had more than 20% of opposition.

Four other rezoning request were approved for R-1 District between 2003 and 2006 and single-family residential subdivisions were built.

ANALYSIS: The requested zoning does not conform to the Auto Urban Single Family land use and City parks designation and it does not follow the rezoning and development trend in the area.

North 23<sup>rd</sup> Street is designated as a principal arterial with 80ft -100 ft. of ROW (varies due to unsubdivided properties) with a curb-to-curb dimension of approximately 60 ft. with a travel lanes and one turning lane. Oxford Avenue is designated as a collector street with a curb-to-curb of approximately 30 ft. it's constructed as a rural road with two travel lanes.

The proposed development is 19.137 acres (833,607 square feet), based on the maximum density per gross acres in the R-3 multifamily residential district: 833-one bedroom units, 666-two bedroom units or 555- three bedroom units will be allowed.

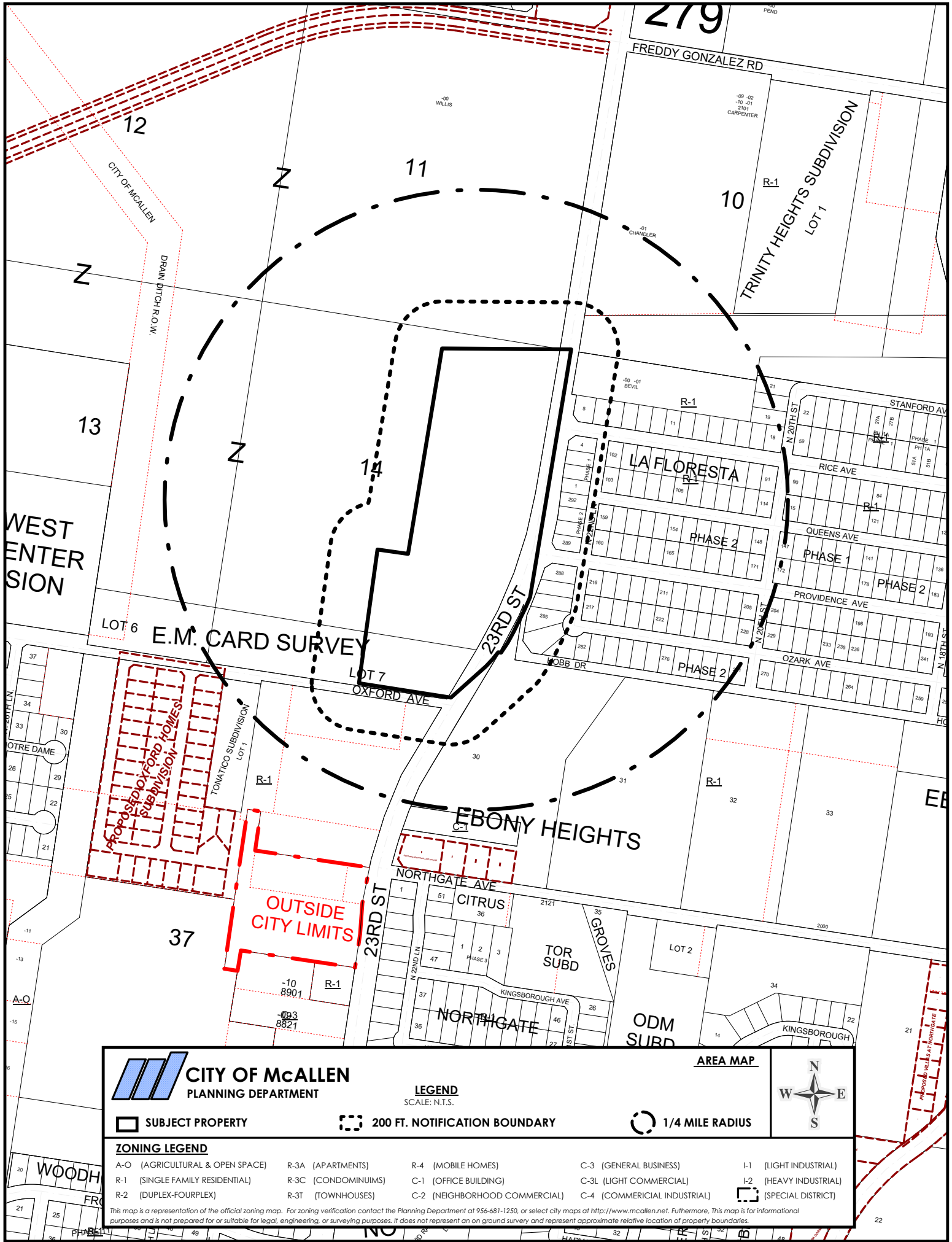
Based on the number of units allowed per gross acre; a TIA report will be required. Must comply with Traffic access requirements.

A recorded subdivision plat and approved site plan is required prior to building permit issuance.

Staff has not received a letter or call in opposition to the rezoning request.

RECOMMENDATION: Staff recommends disapproval of the rezoning request to R-3A (multifamily residential apartment) District.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



**ZONING LEGEND**

A-O (AGRICULTURAL & OPEN SPACE)  
R-1 (SINGLE FAMILY RESIDENTIAL)  
R-2 (DUPLEX-FOURPLEX)

R-3A (APARTMENTS)  
R-3C (CONDOMINIUMS)  
R-3T (TOWNHOUSES)

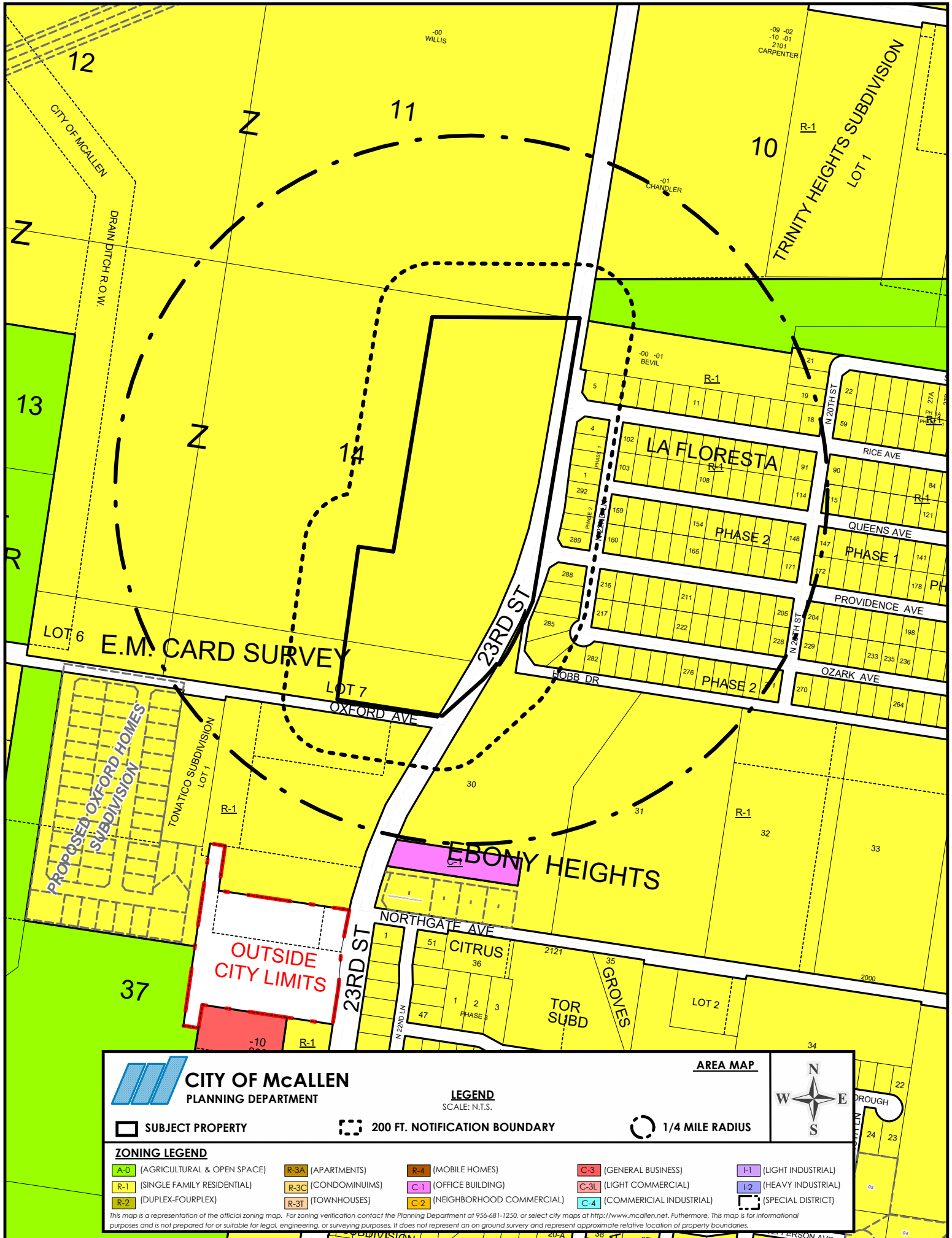
R-4 (MOBILE HOMES)  
C-1 (OFFICE BUILDING)  
C-2 (NEIGHBORHOOD COMMERCIAL)

C-3 (GENERAL BUSINESS)  
C-3L (LIGHT COMMERCIAL)  
C-4 (COMMERCIAL INDUSTRIAL)

I-1 (LIGHT INDUSTRIAL)  
I-2 (HEAVY INDUSTRIAL)  
 (SPECIAL DISTRICT)

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**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**



**ZONING LEGEND**

<b>A-0</b> (AGRICULTURAL & OPEN SPACE)	<b>R-3A</b> (APARTMENTS)	<b>R-4</b> (MOBILE HOMES)	<b>C-3</b> (GENERAL BUSINESS)	<b>I-1</b> (LIGHT INDUSTRIAL)
<b>R-1</b> (SINGLE FAMILY RESIDENTIAL)	<b>R-3C</b> (CONDOMINIUMS)	<b>C-1</b> (OFFICE BUILDING)	<b>C-3L</b> (LIGHT COMMERCIAL)	<b>I-2</b> (HEAVY INDUSTRIAL)
<b>R-2</b> (DUPLEX-FOURPLEX)	<b>R-3T</b> (TOWNHOUSES)	<b>C-2</b> (NEIGHBORHOOD COMMERCIAL)	<b>C-4</b> (COMMERCIAL INDUSTRIAL)	<b>(SPECIAL DISTRICT)</b>

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**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**



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# CITY OF McALLEN

PLANNING DEPARTMENT

## FORESIGHT McALLEN COMPREHENSIVE PLAN

### FUTURE LAND USE PLAN

VAC - VACANT	SCM - SUBURBAN COMMERCIAL
EST - ESTATE	URC - URBAN CENTER
SUBR - SUBURBAN RESIDENTIAL	UCH - URBAN CENTER HIGH
AUSF - AUTO URBAN SINGLE FAMILY	IND - INDUSTRIAL
USF - URBAN SINGLE FAMILY	SPUS - SPECIAL USES, CIVIC, PUBLIC
AUMF - AUTO URBAN MULTIFAMILY	PRK - CITY PARKS
UMF - URBAN MULTIFAMILY	OPS - OPEN SPACE
UMX - URBAN RESIDENTIAL MIXED	AGR - AGRICULTURE
AUCM - AUTO URBAN COMMERCIAL	WTBY - WATER BODIES

### LEGEND

SCALE: 1 INCH = .86 MILE  
APPROVED: DECEMBER 10, 2007  
REVISED: FEBRUARY 23, 2015

### THOROUGHFARE PLAN

① GRADE SEPARATION (INTERCHANGE)
EXPRESSWAY 350'
PARKWAY 350'
HI-SPEED ARTERIAL 150'
PRINCIPAL ARTERIAL 120'
MINOR ARTERIAL 100'
COLLECTOR 80'
ALTERNATIVE ALIGNMENT
MCALLEN CITY LIMITS
MCALLEN ETJ

A COMPREHENSIVE PLAN SHALL NOT CONSTITUTE ZONING REGULATIONS  
OR ESTABLISH ZONING DISTRICT BOUNDARIES. SEC. 219.005 LGC



August 2, 2021

**METES AND BOUNDS DESCRIPTION  
19.137 ACRES CONSISTING OF:  
2.476 ACRES OUT OF LOT 7,  
E.M. CARD SURVEY NO. 1  
AND 16.661 ACRES OUT OF  
LOT 14, SECTION 279,  
TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY,  
CITY OF McALLEN,  
HIDALGO COUNTY, TEXAS**

A tract of land containing 19.137 acres situated in the City of McAllen, Texas, consisting of: 2.476 acres out of Lots 7, E.M. Card Survey No. 1, according to the plat thereof recorded in Volume 8, Page 1, Hidalgo County Map Records, and 16.661 acres out of Lot 14, Section 279, Texas-Mexican Railway Company's Survey, according to the plat thereof recorded in Volume 24, Pages 168-171, Hidalgo County Deed Records, which said 19.137 acres are out of a certain tract conveyed to John R. Willis Management Partnership, LTD., by virtue of a Special Warranty Deed recorded under Document Number 693537, Hidalgo County Official Records, said 19.137 acres also being more particularly described as follows:

COMMENCING at the Northwest corner of said Lot 7;

THENCE, S 08° 50' 53" W along the West line of said Lot 7, a distance of 224.63 feet;

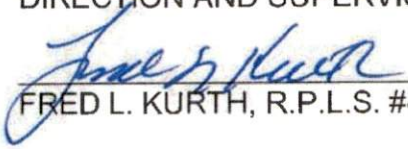
THENCE, S 81° 11' 07" E a distance of 651.29 feet to a No. 4 rebar found for the Southwest corner and POINT OF BEGINNING of this herein described tract;

1. THENCE, N 07° 54' 54" E at a distance of 40.00 feet pass a No. 4 rebar set on the North right-of-way line of Oxford Road, continuing a total distance of 573.08 feet to a No. 4 rebar found for an outside corner of this tract;
2. THENCE, S 81° 53' 23" E a distance of 130.89 feet to a No. 4 rebar set for an inside corner of this tract;
3. THENCE, N 09° 24' 08" E a distance of 883.09 feet to a No. 4 rebar set for the Northwest corner of this tract;
4. THENCE, S 89° 34' 51" E at a distance of 514.54 pass a No. 4 rebar set on the West right-of-way line of N. 23<sup>rd</sup> Street (F.M. 1926), continuing a total distance of 548.05 feet to a Nail set for the Northeast corner of this tract;
5. THENCE, S 09° 25' 53" W a distance of 1,065.29 feet to a No. 4 rebar set for an outside corner of this tract;



6. THENCE, in a Southwesterly direction along a curve to the left, with a central angle of  $006^{\circ} 16' 50''$ , a radius of 1959.86 feet, an arc length of 214.83 feet, a tangent of 107.52 feet, and a chord that bears  $S 26^{\circ} 02' 52'' W$  a distance of 214.73 feet to a No. 4 rebar set for an angle point of this tract;
7. THENCE,  $S 33^{\circ} 48' 35'' W$  a distance of 51.68 feet to a No. 4 rebar set for an outside corner of this tract;
8. THENCE,  $N 80^{\circ} 59' 37'' W$  a distance of 12.04 feet to a No. 4 rebar set for an inside corner of this tract;
9. THENCE, in a Southwesterly direction along a curve to the left, with a central angle of  $011^{\circ} 07' 29''$ , a radius of 607.30 feet, an arc length of 117.92 feet, a tangent of 59.14 feet, and a chord that bears  $S 43^{\circ} 05' 05'' W$  a distance of 117.73 feet to a Nail set for angle point of this tract;
10. THENCE,  $S 48^{\circ} 34' 57'' W$  a distance of 160.38 feet to a Nail set for the Southeast corner of this tract;
11. THENCE,  $N 81^{\circ} 11' 07'' W$  a distance of 395.27 feet the POINT OF BEGINNING and containing 19.137 acres, of which 2.205 acres lies within the right-of-way, leaving a net of 16.932 acres of land, more or less.

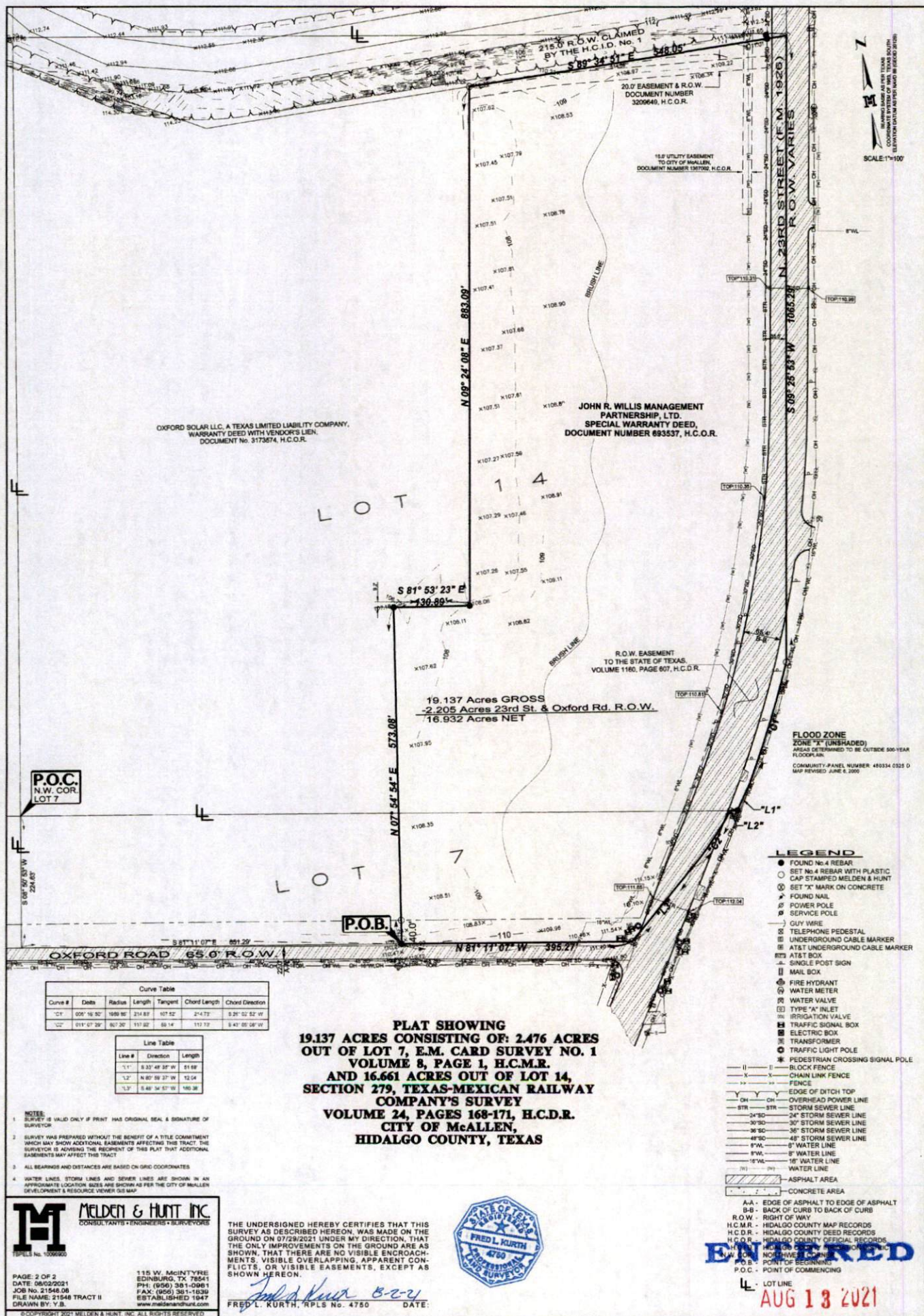
I, FRED L. KURTH, A REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY AFFIRM THAT THIS METES AND BOUNDS DESCRIPTION REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON 07/29/2021 UNDER MY DIRECTION AND SUPERVISION.

  
FRED L. KURTH, R.P.L.S. #4750

8-2-21  
DATE:







**Initial:**

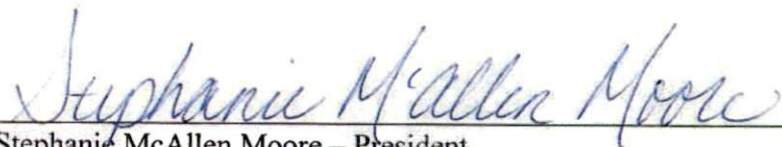


**OWNER'S AUTHORIZATION FORM**

I, **Stephanie McAllen Moore (President) of McAllen Management, LLC, General Partner of John R. Willis Management Partnership, Ltd.,** hereby authorize Mario A. Reyna, P.E. (Vice-President of Melden & Hunt, Inc.), to sign any and all paperwork pertaining to the engineering design, the request for change of zone, and any variance request regarding the proposed subdivision development described as follows:

- Tract I: Being a 51.808-acre tract of land out of Lots 11 and 12, Section 279- Texas-Mexican Railway Company's Survey, Volume 24, Pages 168-171, H.C.D.R. Hidalgo County, Texas; and
- Tract II: Being a 19.135-acre tract of land consisting of: 2.746 acres out of Lot 7, E.M. Card Survey No. 1, Volume 8, Page 1, H.C.D.R. Hidalgo County, Texas and 16.659 acres out of Lot 14, Section 279, Texas-Mexican Railway Company's Survey, Volume 24, Pages 168-171, H.C.D.R. Hidalgo County, Texas; and
- Tract III: Being a 4.393-acre tract of land consisting of: 2.439 acres out of Lot 5, E.M. Card Survey No. 1 H.C.D.R. Hidalgo County, Texas and 1.954 acres out of Lot 12, Section 279, Texas-Mexican Railway Company's Survey, Volume 24, Pages 168-171, H.C.D.R. Hidalgo County, Texas.

This authorization agreement shall terminate and no longer be valid on September 24, 2021.



Stephanie McAllen Moore – President  
McAllen Management, LLC, General Partner of  
John R. Willis Management Partnership, Ltd.  
P.O. Box 1139  
Edinburg, TX 78540-1139

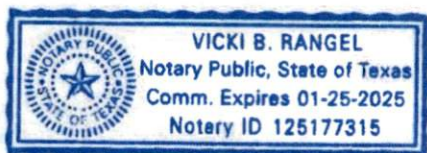
STATE OF TEXAS


§

COUNTY OF HIDALGO §

Before me, the undersigned authority, on this day personally appeared **Stephanie McAllen Moore. (President) of McAllen Management, LLC, General Partner of John R. Willis Management Partnership, Ltd.,** known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and consideration herein stated.

Given under my hand and seal of office, this the 16<sup>TH</sup> day of June, 2021.



  
Notary Public, State of Texas

**ENTERED**

AUG 13 2021

Initial: an



## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

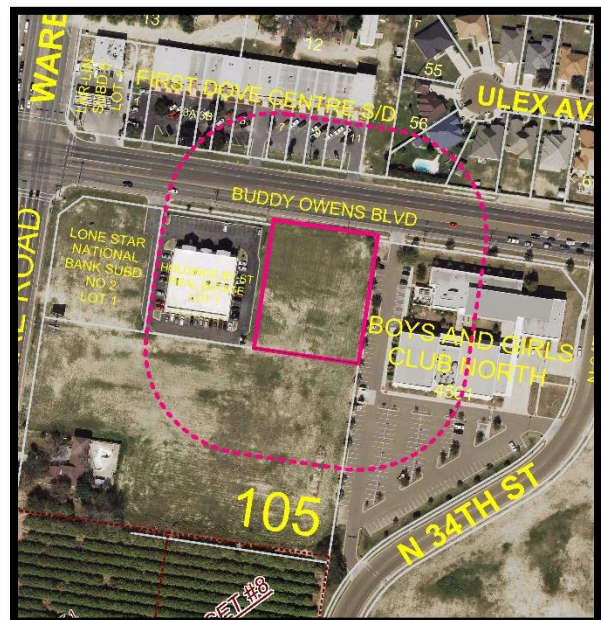
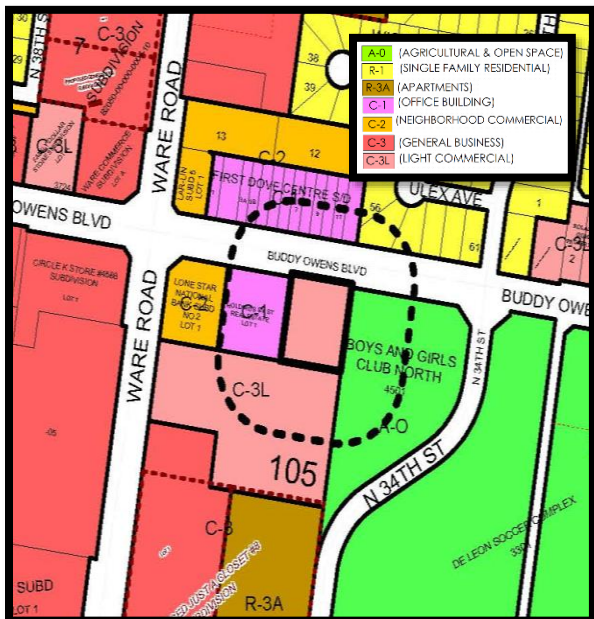
**DATE:** September 13, 2021

**SUBJECT: REZONE FROM C-3L (LIGHT COMMERCIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 1.39 ACRES OUT OF LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 3501 BUDDY OWENS BOULEVARD. (REZ2021-0052)**

**LOCATION:** The property is located on the south side of Buddy Owens Boulevard, approximately 350 ft. east of North Ware Road. The submitted survey depicts that the lot will have 206 ft. of frontage along Buddy Owens Boulevard with a depth of 234.38 ft. for a lot size of approximately 48,282 sq. ft. (1.10 acres) after ROW dedication.

**PROPOSAL:** The applicant is requesting to rezone the property to C-3 (general business) District in order to allow for more commercial options. The proposed subdivision under the name of Owens Commercial Park was approved on preliminary form at the P&Z meeting of September 7, 2021. A site plan application for a proposed carwash was submitted to the Planning Dept. on September 9, 2021.

**ADJACENT ZONING:** The adjacent zoning is A-O (agricultural and open space) District to the east, R-1 (single-family residential) District to the Northeast, C-1 (office) District and C-2 (neighborhood commercial) District to the North and West, and C-3 District, R-3A (multifamily apartment) District and C-3L District to the South.





LAND USE: The subject property is currently vacant. Surrounding land uses include Lone Star National Bank, corner stores, Burger King, an office Plaza, The Boys & Girls Club, McAllen Sports Park, De Leon Middle School, single-family houses and vacant land.

COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan designates the future land use for this property as Auto Urban Commercial which is comparable to C-3 (general business) District.

DEVELOPMENT TRENDS: The development trend for this area is for commercial use.

HISTORY: The property was zoned A-O (agricultural-open space) District upon annexation in December 1989. In 2009, a rezoning request for a 5.78-acre tract from A-O District to C-3 District was submitted; this request included the subject property, and it was disapproved. There was one person in opposition of the request. Alternatively, the City Commission board approved the request for C-3L (light commercial) District. There has been no other rezoning request for this property since.

Various rezoning request to C-3 (general business) District were approved between 2015 and 2016, to the west and south of the subject property. A rezoning request to C-3 District to the north of the subject property was disapproved in 2008.

ANALYSIS: The requested zoning does conform to the Auto Urban Commercial land use designation and it does follow the rezoning and development trend in the area.

Buddy Owens Boulevard is designated as a principal arterial and is constructed with 120 ft. ROW and is constructed with 4 travel lanes and a turning lane. Ware Road is high speed arterial with 120 ft. of ROW, with 6 travel lanes, a median and bicycle lanes.

A recorded subdivision plat and approved site plan is required prior to building permit issuance.

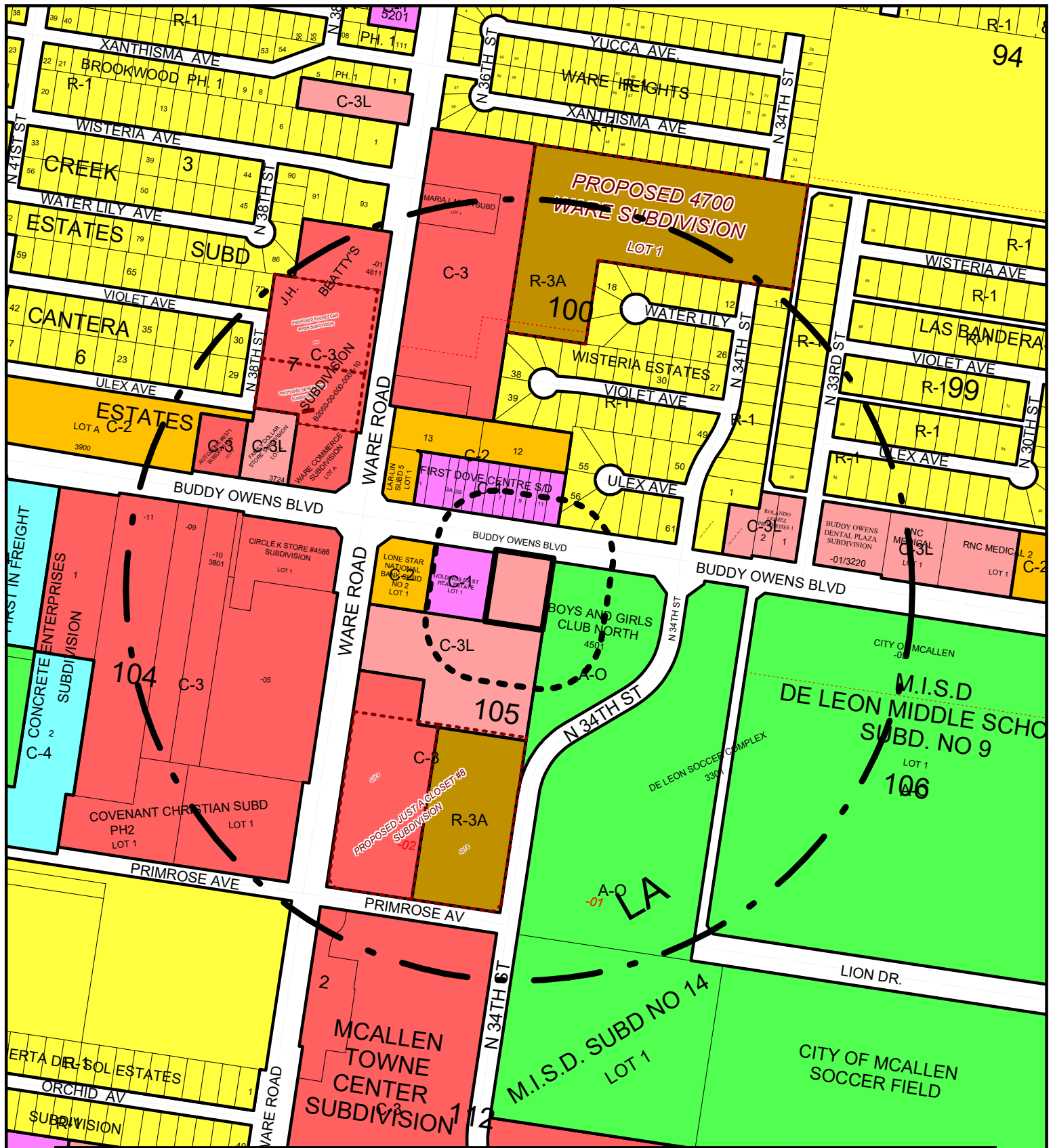
Staff has not received a letter or call in opposition to the rezoning request.


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














**CITY OF McALLEN**  
PLANNING DEPARTMENT


**LEGEND**  
SCALE: N.T.S.

**AREA MAP**



 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**

 **1/4 MILE RADIUS**

**ZONING LEGEND**

<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <div style="background-color: #90EE90; border: 1px solid black; margin-bottom: 5px; display: flex; align-items: center; padding: 2px;">A-0</div> (AGRICULTURAL &amp; OPEN SPACE) <div style="background-color: #FFD700; border: 1px solid black; margin-bottom: 5px; display: flex; align-items: center; padding: 2px;">R-1</div> (SINGLE FAMILY RESIDENTIAL) <div style="background-color: #FFA500; border: 1px solid black; margin-bottom: 5px; display: flex; align-items: center; padding: 2px;">R-2</div> (DUPLEX-FOURPLEX) </div> <div style="width: 30%;"> <div style="background-color: #FFD700; border: 1px solid black; margin-bottom: 5px; display: flex; align-items: center; padding: 2px;">R-3A</div> (APARTMENTS) <div style="background-color: #FFD700; border: 1px solid black; margin-bottom: 5px; display: flex; align-items: center; padding: 2px;">R-3C</div> (CONDOMINIUMS) <div style="background-color: #FFD700; border: 1px solid black; margin-bottom: 5px; display: flex; align-items: center; padding: 2px;">R-3T</div> (TOWNHOUSES) </div> <div style="width: 30%;"> <div style="background-color: #FFD700; border: 1px solid black; margin-bottom: 5px; display: flex; align-items: center; padding: 2px;">R-4</div> (MOBILE HOMES) <div style="background-color: #FFD700; border: 1px solid black; margin-bottom: 5px; display: flex; align-items: center; padding: 2px;">C-1</div> (OFFICE BUILDING) <div style="background-color: #FFD700; border: 1px solid black; margin-bottom: 5px; display: flex; align-items: center; padding: 2px;">C-2</div> (NEIGHBORHOOD COMMERCIAL) </div> </div>	<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <div style="background-color: #FF69B4; border: 1px solid black; margin-bottom: 5px; display: flex; align-items: center; padding: 2px;">C-3</div> (GENERAL BUSINESS) <div style="background-color: #FF69B4; border: 1px solid black; margin-bottom: 5px; display: flex; align-items: center; padding: 2px;">C-3L</div> (LIGHT COMMERCIAL) <div style="background-color: #FF69B4; border: 1px solid black; margin-bottom: 5px; display: flex; align-items: center; padding: 2px;">C-4</div> (COMMERCIAL INDUSTRIAL) </div> <div style="width: 30%;"> <div style="background-color: #9370DB; border: 1px solid black; margin-bottom: 5px; display: flex; align-items: center; padding: 2px;">I-1</div> (LIGHT INDUSTRIAL) <div style="background-color: #9370DB; border: 1px solid black; margin-bottom: 5px; display: flex; align-items: center; padding: 2px;">I-2</div> (HEAVY INDUSTRIAL) <div style="background-color: #9370DB; border: 1px solid black; margin-bottom: 5px; display: flex; align-items: center; padding: 2px;">S</div> (SPECIAL DISTRICT) </div> </div>
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This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.



**SUBJECT PROPERTY**



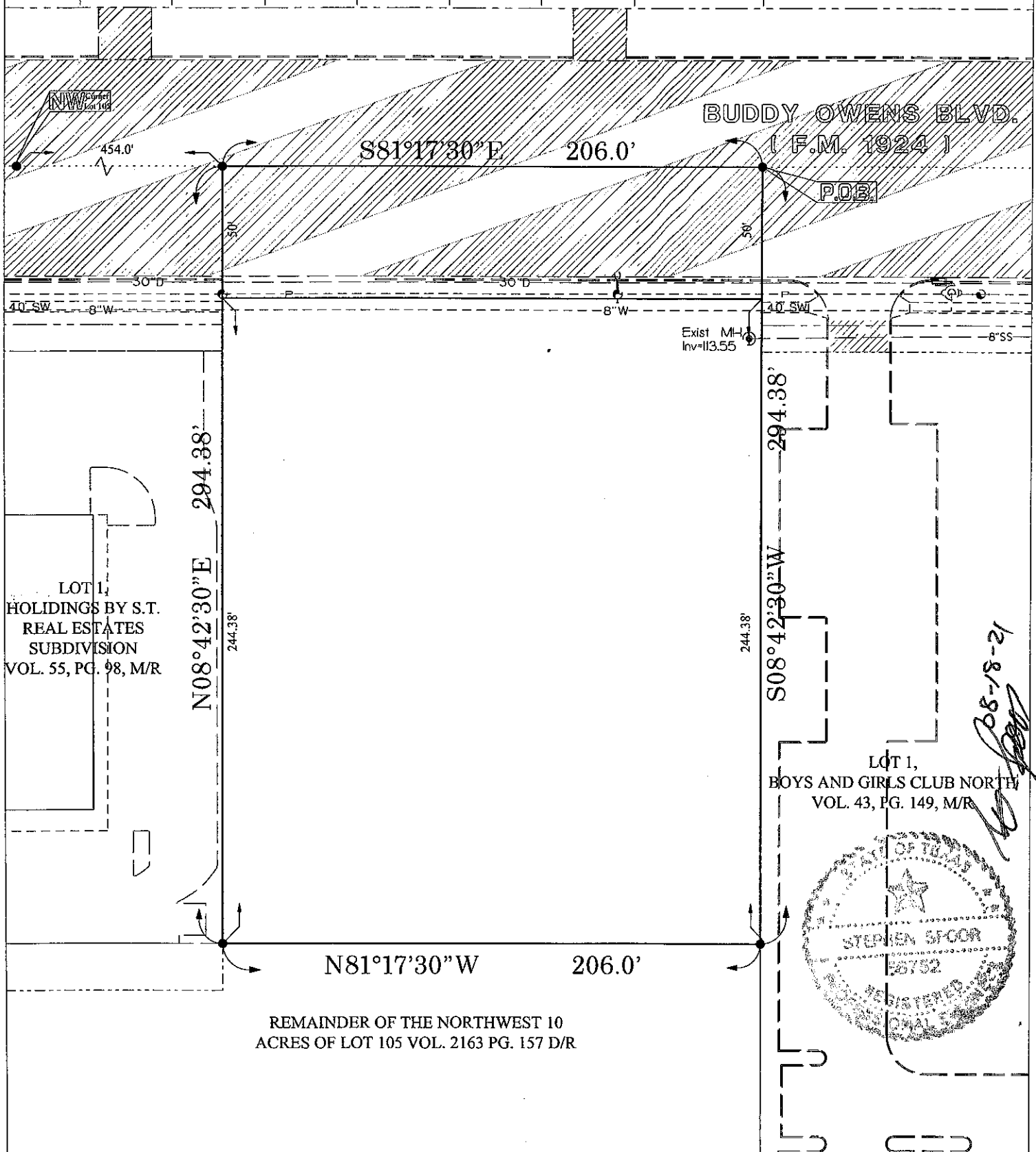
**200 FT. NOTIFICATION BOUNDARY**



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes.

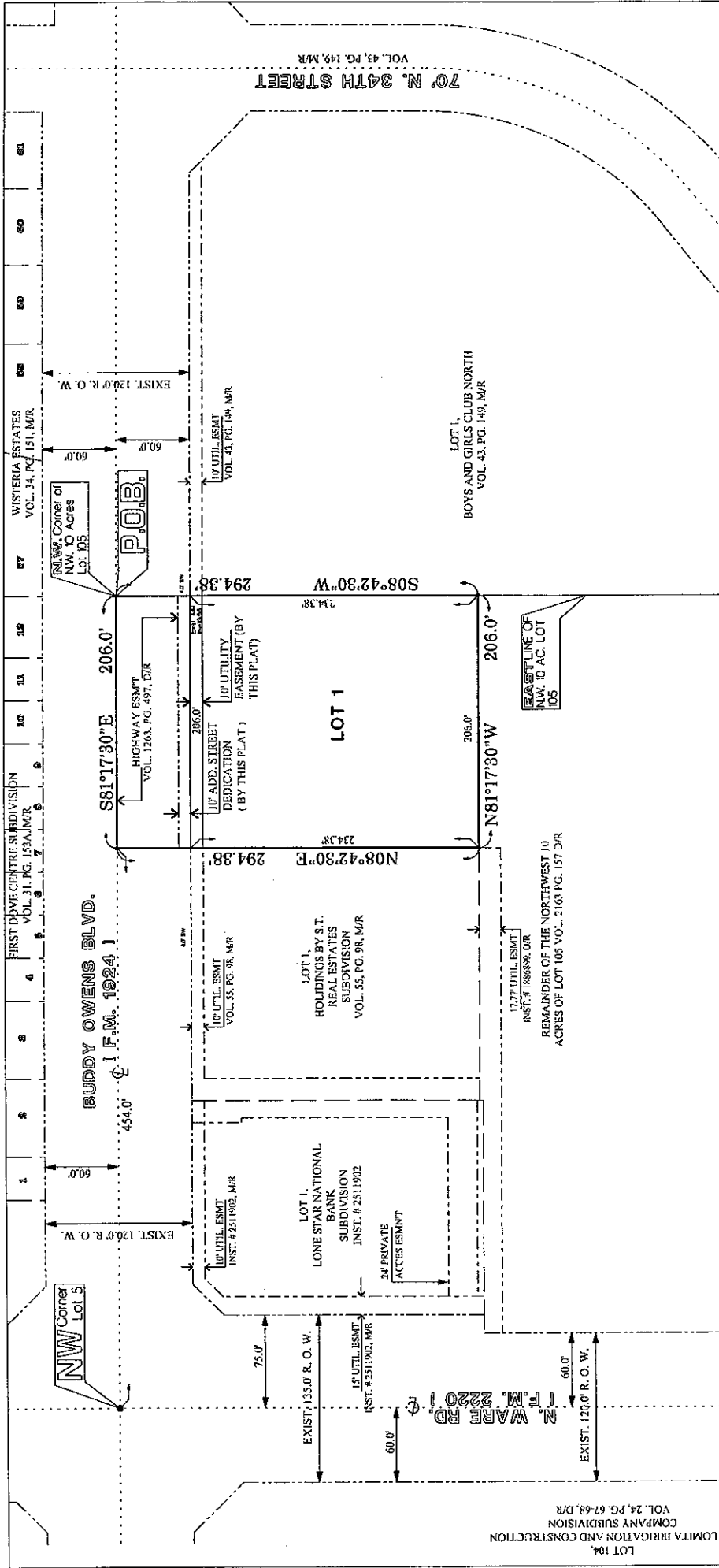


WISTERIA ESTATES  
VOL. 34, PG. 151, M/R



Initial: NM





# MAP OF OWENS COMMERCIAL PARK

*Attest*

BEING A SUBDIVISION OF A 1.39 ACRE TRACT OF LAND OUT OF THE NORTHWEST 10 ACRES OF LOT 105, LA LOMITA IRRIGATION & CONSTRUCTION CO. SUBDIVISION OF PORCIONES 61, 62 AND 63, HIDALGO COUNTY, TEXAS; according to plat recorded in vol. 24, page 68, Deed Records Hidalgo County, Texas.

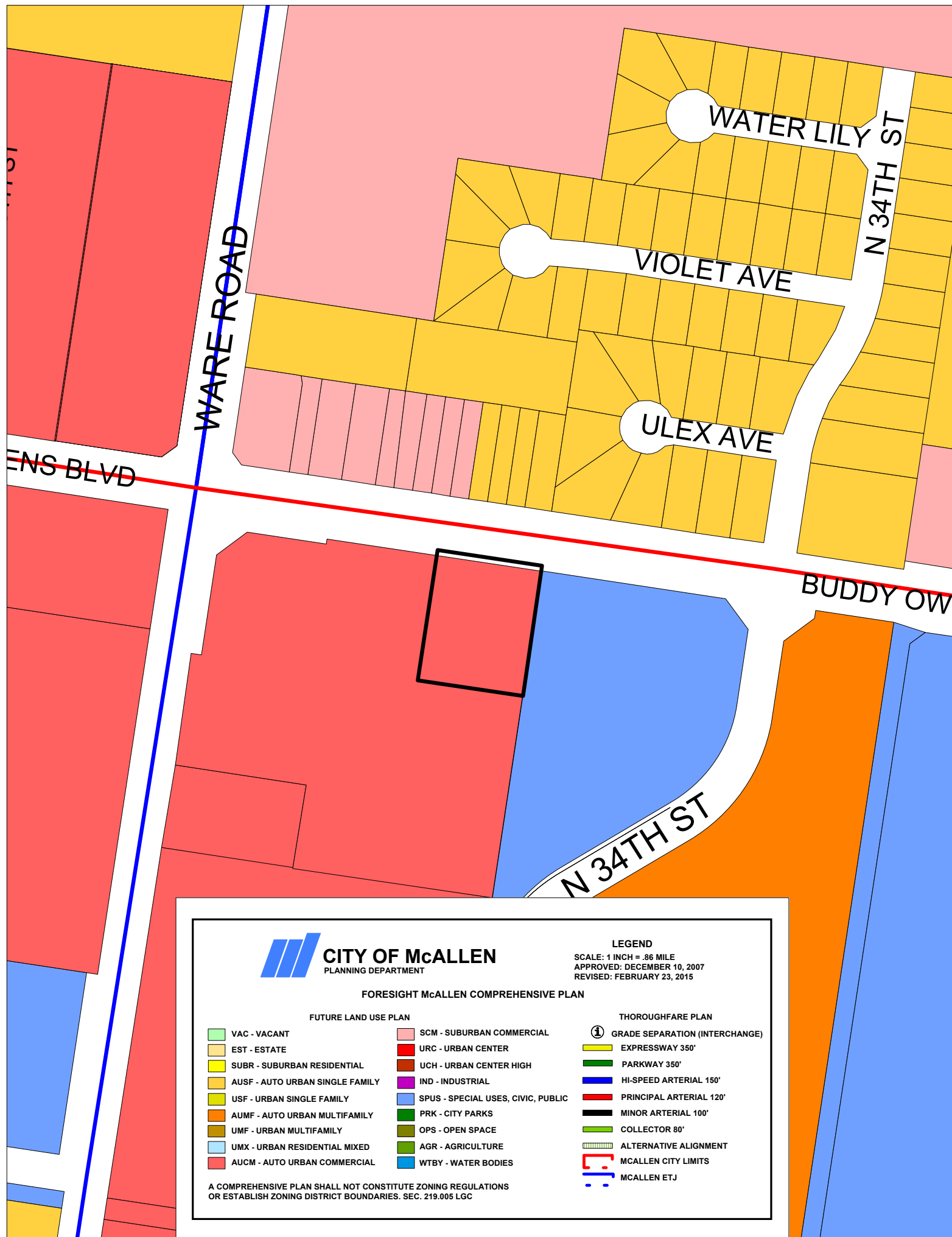


**ENTERED**

AUG 19 2021

Initial: **DN**







SUB2020-0069



City of McAllen  
Planning Department

APPLICATION FOR  
SUBDIVISION PLAT REVIEW

311 North 15<sup>th</sup> Street  
McAllen, TX 78501  
P. O. Box 220  
McAllen, TX 78505-0220  
(956) 681-1250  
(956) 681-1279 (fax)

Project Description	Subdivision Name <u>BELLA VISTA RANCH SUBD.</u> Location <u>1/4 - 4 1/4 MI. NORTH TAYLOR ROAD, REAR, WEST SIDE</u> City Address or Block Number <u>NOT DETERMINED</u> Number of lots <u>1</u> Gross acres <u>2.066</u> Net acres <u>2.066</u> Existing Zoning <u>N/A</u> Proposed <u>N/A</u> Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____ Existing Land Use <u>OPEN</u> Proposed Land Use <u>RESIDENTIAL</u> Irrigation District # <u>UNITED</u> Residential Replat Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Commercial Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> ETJ Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Agricultural Tax Exempt Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Estimated Rollback tax due <u>1500<sup>00</sup></u> Parcel No. _____ Tax Dept. Review _____ Legal Description <u>2.066 AC. 0/0 LOT 368, JOHN H. SHARY SUBD., H.C.T.</u>
Owner	Name <u>JORGE A. BAUTISTA</u> Phone <u>867-1873</u> Address <u>7825 N. 5TH ST.</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u> E-mail <u>reyados27@aol.com</u>
Developer	Name <u>SAME AS OWNER</u> Phone _____ Address _____ City _____ State _____ Zip _____ Contact Person _____ E-mail _____
Engineer	Name <u>DAVID O. SALINAS</u> Phone <u>682-9081</u> Address <u>2221 DAFFODIL AVE.</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u> Contact Person <u>DAVID</u> E-mail <u>dsalinas@salinasengineering.com</u>
Surveyor	Name <u>SAME AS REGR.</u> Phone _____ Address _____ City _____ State _____ Zip _____

RECEIVED  
OCT 02 2020  
BY:



## Proposed Plat Submittal

Minimum Developer's Requirements Submitted with Application

- \_\_\_\_\_ \$225 Preliminary Review Fee and \$75 Final Approval Fee
- \_\_\_\_\_ Title Report
- \_\_\_\_\_ 8 1/2" by 11" Original Sealed Survey showing existing structures/ easements or 3 blueline copies
- \_\_\_\_\_ 2 Location Maps
- \_\_\_\_\_ 2 8 1/2" by 11" copies/legible copies of plat with name & north arrow
- \_\_\_\_\_ 6 Folded blueline prints of the proposed plat
- \_\_\_\_\_ 2 Warranty Deeds (Identifying owner on application)
- \_\_\_\_\_ Autocad 2005 DWG file and PDF of plat
- \_\_\_\_\_ Letter of Authorization from the owner, if applicable
- \_\_\_\_\_ Proof of authority of person signing application on behalf of partnership/corporation, if applicable

### PLAT TO SHOW:

- ✓ Metes and bounds
- ✓ Lots numbered with dimensions and area of irregular lots noted
- ✓ Surrounding platted lots and/or lot lines for unplatted tracts
- ✓ Name and address of owner, lienholder, developer, engineer and surveyor shown along with signature lines
- ✓ North arrow, scale and vicinity map
- ✓ Name & dimension of adjoining street ROWs (total width & width from centerline)

Note: Though the original submittal for application to process a subdivision plat does not require the drainage report or utility plans, it is advisable that they be included with the original submittal to expedite the review process. Complying with the minimum requirements for the original plat submittal does not constitute meeting the deadline for drainage and utility review by the appropriate boards. Additional information will be required during the review to properly complete the subdivision process. Any revisions would require resubmission of blueline copies prints and 8 1/2" by 11" copies/legible copy of the plat, affected by changes.

Owner's Signature

I certify that I am the actual owner of the property described above and (include corporate name if applicable); or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

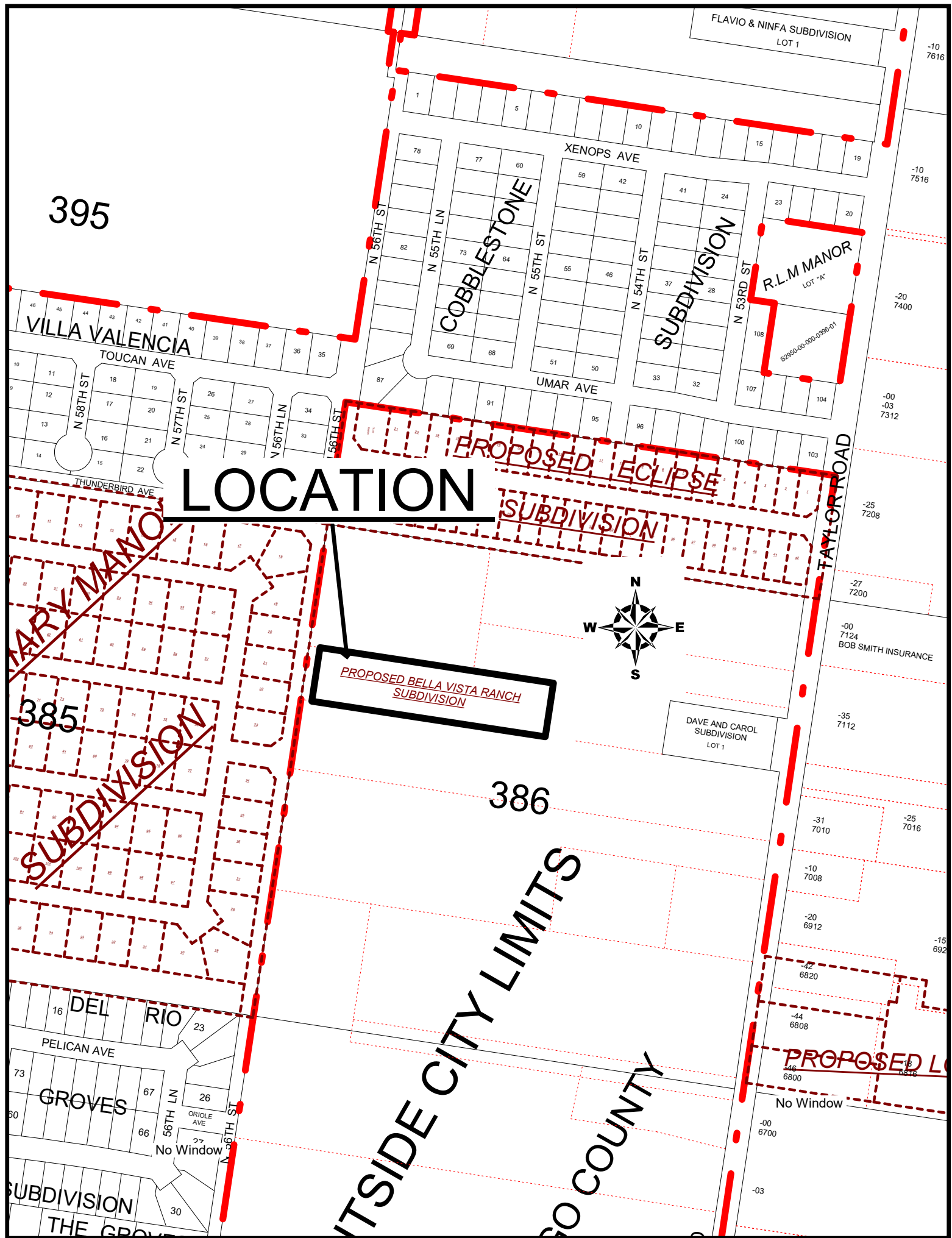
Signature  Date 10/2/20

Print Name Jorge A. Bautista

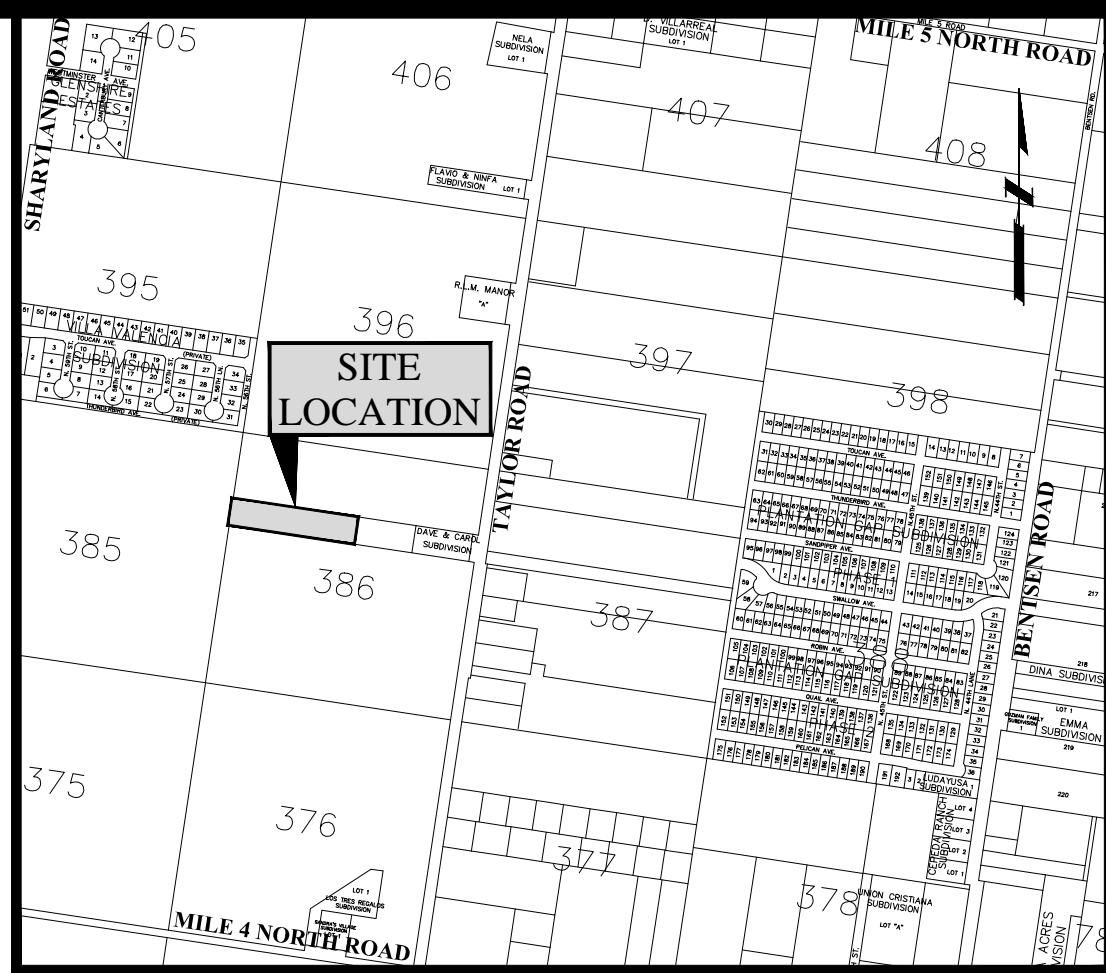
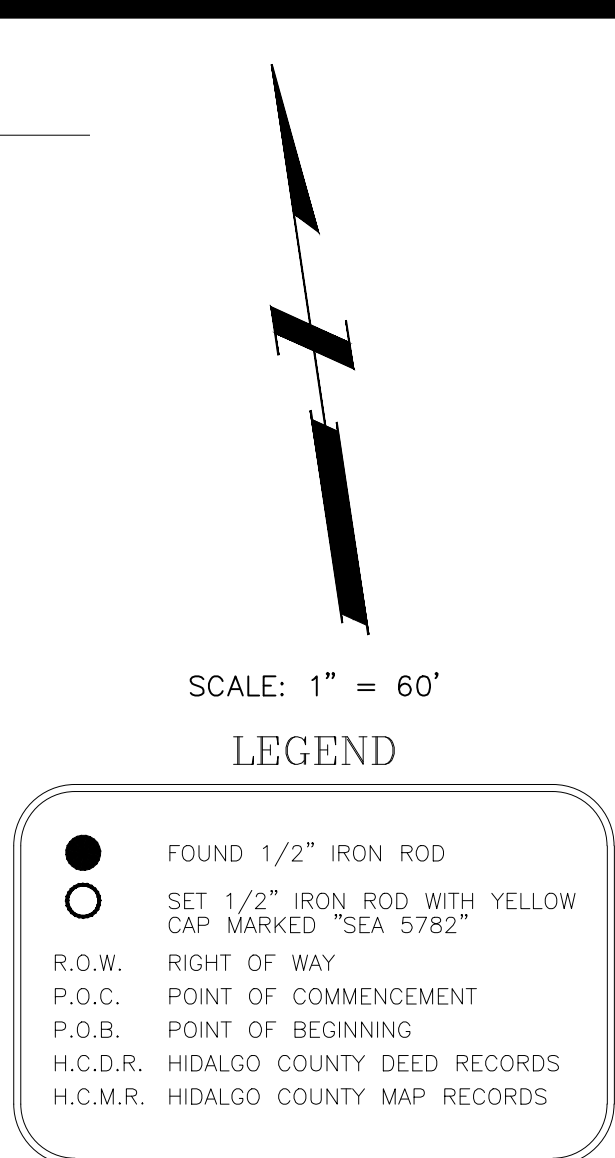
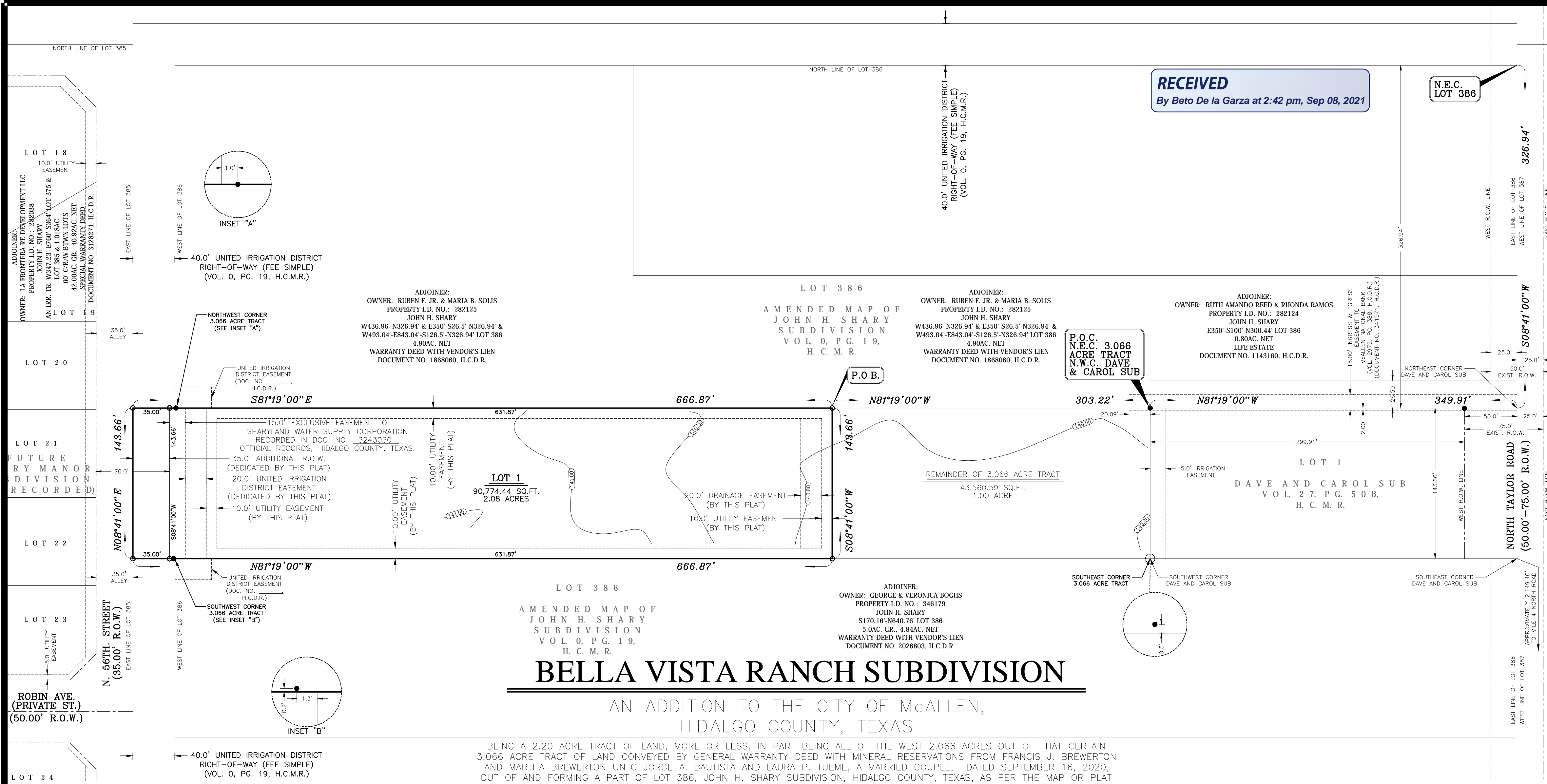
Owner ☒

Authorized Agent ☐









METES AND BOUNDS DESCRIPTION

BEING A 2.20 ACRE TRACT OF LAND, MORE OR LESS, IN PART BEING ALL OF THE WEST 2.066 ACRES OUT OF THAT CERTAIN 3.066 ACRE TRACT OF LAND CONVEYED BY GENERAL WARRANTY DEED WITH MINERAL RESERVATIONS FROM FRANCIS J. BREWERTON AND MARTHA BREWERTON UNTO JORGE A. BAUTISTA AND LAURA P. TUEME, A MARRIED COUPLE, DATED SEPTEMBER 16, 2020, OUT OF AND FORMING A PART OF LOT 386, AMENDED MAP OF JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 0, PAGE 19, MAP RECORDS OF HIDALGO COUNTY, TEXAS, AND, ALL OF THAT CERTAIN 40.0 FOOT UNITED IRRIGATION DISTRICT CANAL RIGHT-OF-WAY LOCATED ADJACENT TO AND WEST OF SAID 3.066 ACRE TRACT; SAID 2.20 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT 1/4 INCH DIAMETER IRON ROD FOUND ON THE NORTHWEST CORNER OF LOT 1, DAVE AND CAROL SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 27, PAGE 508, MAP RECORDS OF HIDALGO COUNTY, TEXAS, AND, LOCATED SOUTH 08 DEGREES 41 MINUTES WEST, A DISTANCE OF 326.94 FEET AND THENCE, NORTH 81 DEGREES 19 MINUTES WEST, A DISTANCE OF 349.91 FEET FROM THE NORTHEAST CORNER OF SAID LOT 386; SAID NORTHWEST CORNER OF LOT 1 ALSO BEING THE NORTHEAST CORNER OF SAID 3.066 ACRE TRACT; THENCE,

NORTH 81 DEGREES 19 MINUTES WEST, COINCIDENT WITH THE NORTH LINE OF SAID 3.066 ACRE TRACT, A DISTANCE OF 303.22 FEET TO A 1/4 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET FOR THE NORTHEAST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

(1) THENCE, SOUTH 08 DEGREES 41 MINUTES WEST, ALONG A LINE PARALLEL TO THE EAST LINE OF SAID 3.066 ACRE TRACT, A DISTANCE OF 143.66 FEET TO A 1/4 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON INTERSECTION WITH THE SOUTH LINE OF SAID 3.066 ACRE TRACT FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

(2) THENCE, NORTH 81 DEGREES 19 MINUTES WEST, COINCIDENT WITH THE SOUTH LINE OF SAID 3.066 ACRE TRACT, A DISTANCE OF 626.87 FEET PASS A 1/4 INCH DIAMETER IRON ROD FOUND ON THE SOUTHWEST CORNER OF SAID 3.066 ACRE TRACT AND FURTHER BEING LOCATED ON THE EAST LINE OF SAID 40.0 FOOT IRRIGATION DISTRICT CANAL RIGHT-OF-WAY, AT A DISTANCE OF 666.87 FEET IN ALL TO A 1/4 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON INTERSECTION WITH THE WEST LINE OF SAID 40.0 FOOT IRRIGATION DISTRICT CANAL RIGHT-OF-WAY FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

(3) THENCE, NORTH 08 DEGREES 41 MINUTES EAST, COINCIDENT WITH THE WEST LINE OF SAID 40.0 FOOT IRRIGATION DISTRICT CANAL RIGHT-OF-WAY, A DISTANCE OF 143.66 FEET TO A 1/4 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

(4) THENCE, SOUTH 81 DEGREES 19 MINUTES EAST, A DISTANCE OF 40.0 FEET PASS THE EAST LINE OF SAID 40.0 FOOT IRRIGATION DISTRICT CANAL RIGHT-OF-WAY AND FURTHER PASSING A 1/4 INCH DIAMETER IRON ROD FOUND ON THE NORTHWEST CORNER OF SAID 3.066 ACRE TRACT, CONTINUING COINCIDENT WITH THE NORTH LINE OF SAID 3.066 ACRE TRACT, AT A DISTANCE OF 666.87 FEET IN ALL TO THE POINT OF BEGINNING, CONTAINING 2.20 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARING: RECORDED PLAT OF AMENDED MAP OF JOHN H. SHARY SUBD., H.C.T.  
N1/4SUBDIVISION PLATS(BELLAVISTA.SUBD.2.20.120720)

SHARYLAND APPROVAL:

I, SHERILYN DAHLBERG, HEREBY CONDITIONALLY CERTIFY THAT POTABLE WATER SERVICE IS AVAILABLE FOR THE BELLA VISTA RANCH SUBDIVISION LOCATED AT McAllen IN HIDALGO COUNTY, TEXAS, SUBJECT TO THE SUBDIVISION'S POTABLE WATER SYSTEM MEETING THE APPROVAL OF THE DEVELOPER'S DESIGN ENGINEER, ALL APPLICABLE RULES AND REGULATIONS OF SHARYLAND WATER SUPPLY CORPORATION, AND LOCAL, STATE, AND FEDERAL AGENCIES.

DEVELOPER AND ITS DESIGN ENGINEER SHALL BEAR FULL RESPONSIBILITY TO ENSURE THAT THE ABOVE REFERENCED POTABLE WATER SYSTEM IS CONSTRUCTED WITHIN THE DESIGNATED SHARYLAND WATER SUPPLY CORPORATION EXCLUSIVE EASEMENT.

BELLA VISTA RANCH  
SUBDIVISION

PREPARED BY: SALINAS ENGINEERING & ASSOC.  
DATE OF PREPARATION: JULY 19, 2021  
JOB NUMBER: SP-20-25245

OWNER: JORGE A. BAUTISTA 7825 N. 5TH. STREET McALLEN, TEXAS 78504  
OWNER: LAURA P. TUEME 7825 N. 5TH. STREET McALLEN, TEXAS 78504

SEA  
SALINAS ENGINEERING & ASSOC.  
(P-6675) (TBPLS-10065700)  
CONSULTING ENGINEERS & SURVEYORS  
2221 DAFFODIL BLVD., McALLEN, TEXAS 78501  
(956) 682-9081 (956) 686-1489 (FAX)  
TBPLS 12100 PARK 35 CIRCLE BLDG. A, SUITE 156, MC-230, AUSTIN, TEXAS 78753 (512) 239-5263

- GENERAL PLAT NOTES:
- MINIMUM SETBACK LINES = FRONT: 20.0 FT. OR GREATER FOR EASEMENTS.  
SIDE: IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR EASEMENTS.  
REAR: 10.0 FT. OR GREATER FOR EASEMENTS.  
GARAGE: 18.0 FT. EXCEPT WHERE GREATER SETBACK IS REQUIRED; GREATER SETBACK APPLIES.
  - LANDS CONTAINED WITHIN THIS SUBDIVISION LIE IN ZONE "C" ACCORDING TO THE FIRM (FLOOD INSURANCE RATE MAP) DATED 11/16/82, COMMUNITY PANEL NO. 480334 (OKO) C. ZONE "C" DEFINED AS AREAS OF MINIMAL FLOODING. (NO SHADING)
  - MINIMUM FINISHED FLOOR ELEVATION ON ALL NEW CONSTRUCTION SHALL BE A MINIMUM OF 18.0 INCHES ABOVE THE TOP OF THE ROAD AS MEASURED FROM THE CENTER OF THE LOT ALONG TAYLOR ROAD.
  - MINIMUM 4 FT. WIDE SIDEWALK IS REQUIRED ON N. 56TH STREET.
  - THIS SUBDIVISION PLAT SHALL BE REQUIRED TO DETAIN A TOTAL OF 2,782.00 CUBIC FEET, OR, 0.06 ACRE-FEET OF DRAINAGE RUNOFF VOLUME.
  - THE CONSTRUCTION OF ANY STRUCTURES ON OR WITHIN ANY UTILITY EASEMENTS SHALL BE PROHIBITED.
  - A 6' OPAQUE BUFFER IS REQUIRED FROM ANY ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL OR INDUSTRIAL ZONE/USE. AN 8' MASONRY WALL IS REQUIRED BETWEEN SINGLE-FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTI-FAMILY RESIDENTIAL ZONE/USE.
  - AN ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, MAY BE REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS.
  - BENCHMARK: McALLEN SURVEY CONTROL POINT NO. 52, LOCATED ALONG THE EAST BOUND OF TAYLOR ROAD, 106.8 FEET NORTH OF THE CENTERLINE OF MILE 4 NORTH ROAD AND 17 FEET EAST FROM THE EDGE OF PAVEMENT OF TAYLOR ROAD. EAST OF THE MONUMENT, THERE IS A 2 STORE HOUSE. ELEV.= 132.94.
  - THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAINING AND ACCOMMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT IF IT IS DETERMINED, AT THE PERMIT STAGE, THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT, DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.
  - ALL SHARYLAND WATER SUPPLY CORPORATION EASEMENTS ARE EXCLUSIVE. NO OTHER USE OF EASEMENT IS PERMITTED WITHOUT THE EXPRESS WRITTEN APPROVAL OF SHARYLAND WATER SUPPLY CORPORATION.

FILED FOR RECORD IN  
HIDALGO COUNTY  
ARTURO GUAJARDO, JR.  
HIDALGO COUNTY CLERK

ON: \_\_\_\_\_ AT \_\_\_\_\_ AM/PM

INSTRUMENT NUMBER \_\_\_\_\_

OF MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: \_\_\_\_\_ DEPUTY

STATE OF TEXAS  
COUNTY OF HIDALGO

WE, THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS BELLA VISTA RANCH SUBDIVISION, TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH WE WILL CAUSE TO BE INSTALLED THEREON, SHOWN OR NOT SHOWN, IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

OWNER: JORGE A. BAUTISTA 7825 N. 5TH. STREET McALLEN, TEXAS 78504  
OWNER: LAURA P. TUEME 7825 N. 5TH. STREET McALLEN, TEXAS 78504

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED JORGE A. BAUTISTA AND LAURA P. TUEME, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2021.

NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS  
MY COMMISSION EXPIRES: \_\_\_\_\_

STATE OF TEXAS  
CITY OF McALLEN

I, THE UNDERSIGNED, MAYOR OF THE CITY McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY WHEREIN MY APPROVAL IS REQUIRED.

MAYOR

DATE

STATE OF TEXAS  
CITY OF McALLEN

I, THE UNDERSIGNED CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CHAIRMAN,  
PLANNING AND ZONING COMMISSION

DATE

STATE OF TEXAS  
COUNTY OF HIDALGO

I, DAVID OMAR SALINAS, P.E., A REGISTERED PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF TEXAS, REGISTRATION NUMBER TX. 71973, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN GIVEN PROPER AND ADEQUATE ENGINEERING CONSIDERATION.

DAVID OMAR SALINAS, P.E.  
REG. PROFESSIONAL ENGINEER #71973

DATE

STATE OF TEXAS  
COUNTY OF HIDALGO

I, DAVID O. SALINAS, THE UNDERSIGNED A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

DAVID O. SALINAS, R.P.L.S.  
REG. PROFESSIONAL LAND SURVEYOR #5782

DATE

PRINCIPAL CONTACTS

	NAME	ADDRESS	CITY & ZIP	PHONE	FAX
OWNER:	JORGE A. BAUTISTA	7825 N. 5TH. STREET	McALLEN, TEXAS 78504	(956) 867-1873	NONE
OWNER:	LAURA P. TUEME	7825 N. 5TH. STREET	McALLEN, TEXAS 78504	(956) 867-1873	NONE
ENGINEER:	DAVID O. SALINAS	2221 DAFFODIL AVE.	McALLEN, TEXAS 78501	(956) 682-9081	(956) 686-1489
SURVEYOR:	DAVID O. SALINAS	2221 DAFFODIL AVE.	McALLEN, TEXAS 78501	(956) 682-9081	(956) 686-1489





# City of McAllen

## SUBDIVISION PLAT REVIEW

Reviewed On: 9/9/2021

### SUBDIVISION NAME: BELLA VISTA RANCH SUBDIVISION

#### REQUIREMENTS

##### STREETS AND RIGHT-OF-WAYS

N. 56th Street: 35 ft. ROW dedication for 70 ft. ROW  
 Paving: 44 ft. Curb & gutter: both sides  
 \*\*\*Please clarify "alley" reference on the west side of centerline for North 56th Street.  
 \*\*\*Escrow monies if improvements not built prior to plat recording  
 Paving \_\_\_\_\_ Curb & gutter \_\_\_\_\_  
 \* 800 ft. Block Length.  
 \* 600 ft. Maximum Cul-de-Sac.

Applied

Applied

NA

NA

##### ALLEYS

ROW: 20 ft. Paving: 16 ft.  
 \*Alley/service drive easement required for commercial properties

NA

##### SETBACKS

\* Front: 45 ft. or greater for easements or inline with existing structures.  
 \* Rear: 10 ft. or greater for easements.  
 \* Interior Sides: 10 ft. or greater for easements.  
 \*\*Please revise plat note prior to recording.  
 \* Corner:  
 \* Garage: 18 ft. except where greater setback is required; greater setback applies.  
 \*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN

Required

Applied

Required

NA

Applied

Applied

##### SIDEWALKS

\* 4 ft. wide minimum sidewalk required on North 56th Street.  
 \* Perimeter sidewalks must be built or money escrowed if not built at this time.

Applied

Applied

##### BUFFERS

\* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses.  
 \* 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.

Applied

Applied

Applied

##### NOTES

\* No curb cut, access, or lot frontage permitted along.

NA

**These comments are for subdivision requirements only – additional requirements may apply at time of site plan review**



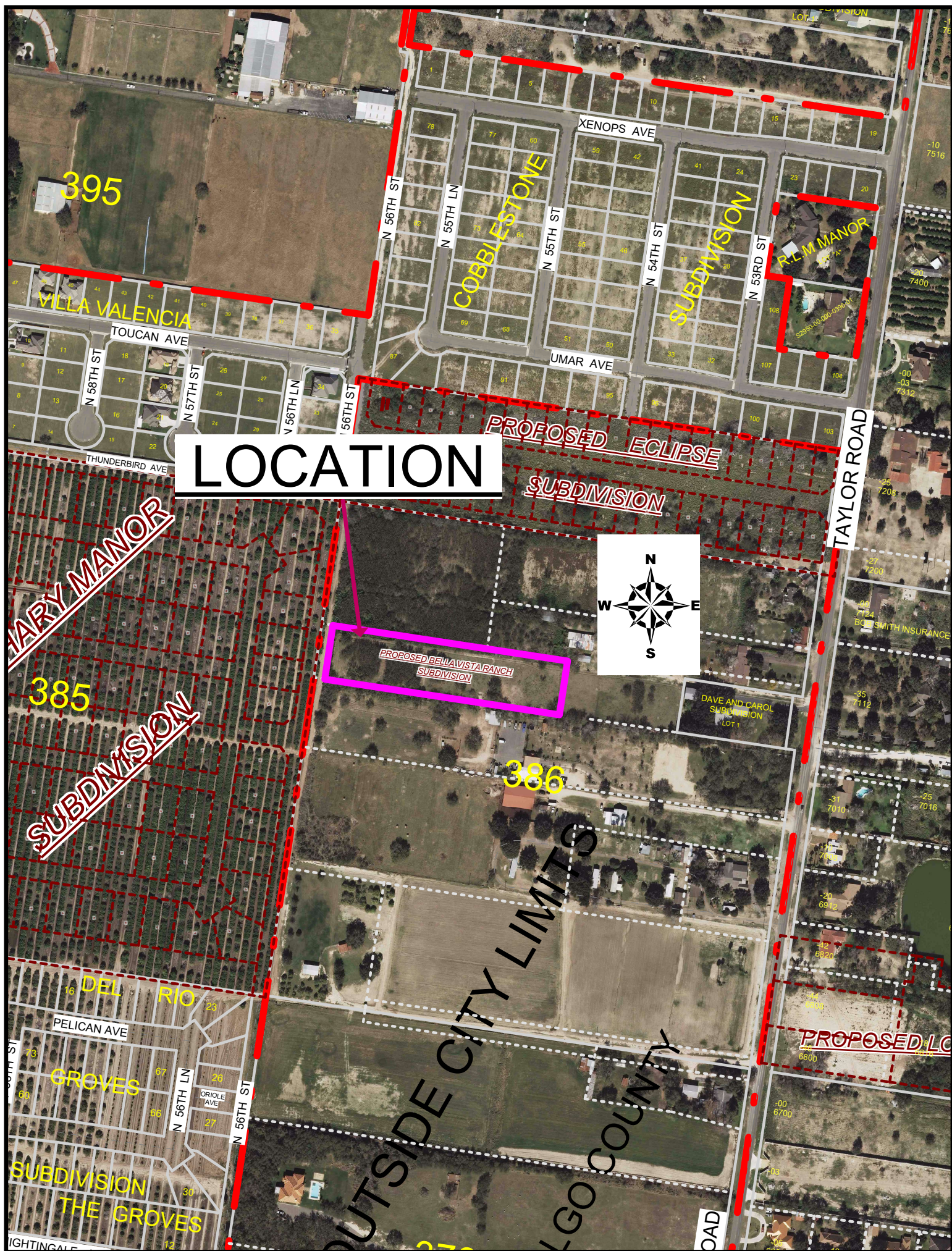
<ul style="list-style-type: none"> <li>* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.</li> <li>* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.</li> <li>* Common Areas, any private streets/drives must be maintained by the lot owners and not the City of McAllen</li> <li>* 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.</li> <li>****Section 110-72 applies if a public subdivision is proposed.</li> <li>* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.</li> </ul>	NA
	NA
	Required
	Applied
	NA
<b>LOT REQUIREMENTS</b>	
<ul style="list-style-type: none"> <li>* Minimum lot width and lot area.</li> <li>* Lots fronting public streets.</li> <li>*****Engineer has indicated that the applicant is acquired 40 ft. United Irrigation District ROW that is located along the west property line, of which the western 35 ft. are proposed to be dedicated to the City of McAllen for North 56th Street.</li> </ul>	Compliance
	Compliance
<b>ZONING/CUP</b>	
<ul style="list-style-type: none"> <li>* Existing: R-1 Proposed: R-1</li> <li>**Annexation and initial zoning approved by City Commission on June 28, 2021.</li> <li>* Rezoning Needed Before Final Approval</li> <li>**Annexation and initial zoning approved by City Commission on June 28, 2021.</li> </ul>	Completed
	Completed
<b>PARKS</b>	
<ul style="list-style-type: none"> <li>* Land dedication in lieu of fee.</li> <li>* Park Fee of \$700 per lot/dwelling unit to be paid prior to recording.</li> <li>* Pending review by the Parkland Dedication Advisory Board and CC.</li> </ul>	NA
	Required
	NA
<b>TRAFFIC</b>	
<ul style="list-style-type: none"> <li>* As per Traffic Department, Trip Generation waived for one single family residence. No TIA required.</li> <li>* As per Traffic Department, Trip Generation waived for one single family residence. No TIA required.</li> </ul>	Completed
	NA
<b>COMMENTS</b>	
<p>Comments: Comments: Must comply with City's Access Management Policy.</p> <p>**Annexation and Initial Zoning approved at City Commission meeting of June 28, 2021.</p> <p>***Planning and Zoning Board disapproved the subdivision in Preliminary form at their October 20, 2020.</p> <p>****Planning and Zoning Board approved the subdivision in Preliminary form at their December 3, 2020.</p>	Applied

**These comments are for subdivision requirements only – additional requirements may apply at time of site plan review**



RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN FINAL FORM SUBJECT TO CONDITIONS NOTED.	Applied







SUB2021-0095



## City of McAllen Planning Department

311 NORTH 15<sup>TH</sup> STREET • (956) 681-1250 • (956) 681-1279 (fax)

### SUBDIVISION PLAT REVIEW APPLICATION

Project Information	Subdivision Name <u>Premier Storage Subdivision</u>		
	Location <u>North side of Trenton - Approx. 825' East of N. 2nd St</u>		
	City Address or Block Number <u>101 E. Trenton</u>		
	Number of Lots <u>1</u>	Gross Acres <u>2.82</u>	Net Acres <u>2.82</u> ETJ <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Existing Zoning <u>C31</u>	Proposed Zoning <u>C31</u>	Rezoning Applied for <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____
	Existing Land Use <u>vacant</u>	Proposed Land Use <u>Storage</u>	Irrigation District # <u>2</u>
	Replat <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No Commercial <input checked="" type="checkbox"/> Residential _____		
	Agricultural Exemption <input type="checkbox"/> Yes <input type="checkbox"/> No Estimated Rollback Tax Due _____		
	Parcel # <u>289980</u> Tax Dept. Review _____		
	Water CCN <input checked="" type="checkbox"/> MPU <input type="checkbox"/> Sharyland Water SC Other _____		
Legal Description <u>2.82 ac of Lot 4 Blk 3, Steele &amp; Pershing</u>			
Owner	Name <u>El Norte Holdings, LLC</u>	Phone <u>(956) 381-0981</u>	
	Address <u>26565 FM 1017</u>	E-mail <u>%f.kurth@meldenandhunt.com</u>	
	City <u>Linn</u> State <u>Tx</u> Zip <u>78563</u>		
Developer	Name <u>Baake Development</u>	Phone <u>(214) 835-5188</u>	
	Address <u>207 Roosevelt</u>	E-mail <u>bbake@baake.de.com</u>	
	City <u>San Antonio</u> State <u>Tx</u> Zip <u>78210</u>		
	Contact Person <u>Brandt Baake</u>		
Engineer	Name <u>Melden &amp; Hunt, Inc.</u>	Phone <u>(956) 381-0981</u>	
	Address <u>115 W. McIntyre St.</u>	E-mail <u>f.kurth@meldenandhunt.com</u>	
	City <u>Edinburg</u> State <u>Tx</u> Zip <u>78541</u>		
	Contact Person <u>Fred Kurth</u>		
Surveyor	Name <u>Melden &amp; Hunt, Inc.</u>	Phone <u>(956) 381-0981</u>	
	Address <u>115 W. McIntyre St.</u>	E-mail <u>f.kurth@meldenandhunt.com</u>	
	City <u>Edinburg</u> State <u>Tx</u> Zip <u>78541</u>		

ENTERED

SEP 08 2021

Initial: \_\_\_\_\_



## Proposed Plat Submittal

Minimum Developer's Requirements Submitted with Application

- ☒ \$225 Preliminary Review Fee and \$75 Final Approval Fee
- ☒ Title Report
- ☒ 8 ½" by 11" Original Sealed Survey showing existing structures/easements or 3
- ☒ blueline copies 2 Location Maps
- ☒ 2 8 ½" by 11" copies/legible copies of plat with name & north arrow
- ☒ 6 Folded blueline prints of the proposed plat
- ☒ 2 Warranty Deeds (identifying owner on application)
- ☒ AutoCAD 2005 DWG file and PDF of plat
- ☒ Letter of Authorization from the owner, if applicable
- ☒ Proof of authority of person signing application on behalf of partnership/corporation, if applicable

### PLAT TO SHOW:

- ☐ Metes and bounds
- ☐ Lots numbered with dimensions and area of irregular lots noted Surrounding platted lots and/or lot lines for unsubdivided tracts
- ☐ Name and address of owner, lienholder, developer, engineer and surveyor shown along with signature lines
- ☐ North arrow, scale and vicinity map
- ☐ Name & dimension of adjoining street ROWs (total width & width from centerline)

Note: Though the original submittal for application to process a subdivision plat does not require the drainage report or utility plans, it is advisable that they be included with the original submittal to expedite the review process. Complying with the minimum requirements for the original plat submittal does not constitute meeting the deadline for drainage and utility review by the appropriate boards. Additional information will be required during the review to properly complete the subdivision process. Any revisions would require resubmission of blueline copies prints and 8 ½" by 11" copies/legible copy of the plat, affected by changes.

Owners Signature

I certify that I am the actual owner of the property described above and (include corporate name if applicable); or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

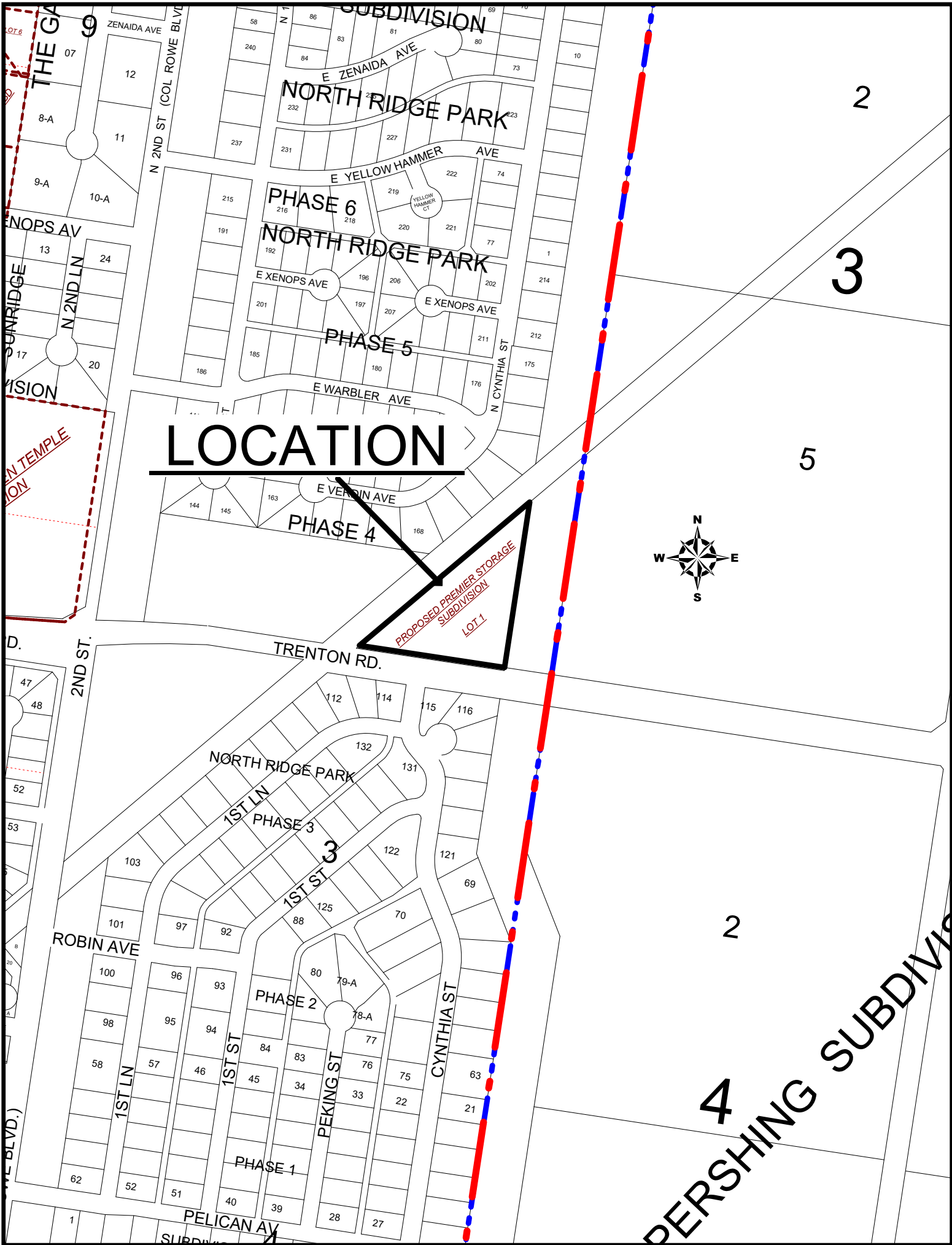
Signature Fred L. Kuhn Date 9-2-21

Print Name Fred L. Kuhn, P.E., R.P.L.S.

Owner ☐

Authorized Agent ☒





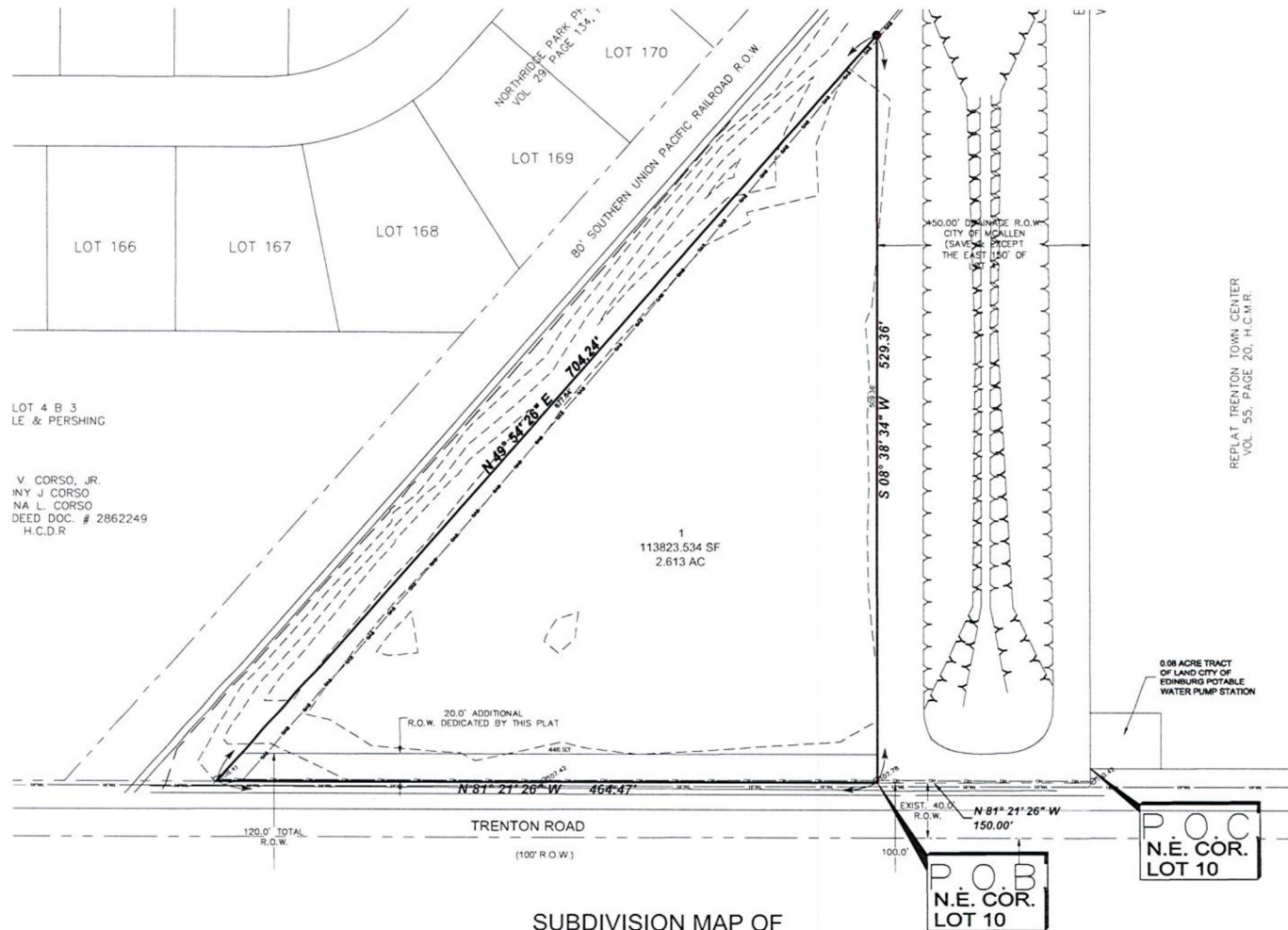
LOCATION

PROPOSED PREMIER STORAGE  
SUBDIVISION  
LOT 1



4  
PERSHING SUBDIVISION





SUBDIVISION MAP OF  
**PREMIER STORAGE  
 SUBDIVISION**

BEING A SUBDIVISION OF 2.822 ACRES SITUATED IN THE CITY OF MCALLEN,  
 COUNTY OF HIDALGO, TEXAS, BEING A PART OR PORTION OUT OF LOT 4,  
 BLOCK 3, STEELE AND PERSHING'S SUBDIVISION, ACCORDING TO THE PLAT  
 THEREOF RECORDED IN VOLUME 8, PAGE 114, HIDALGO COUNTY DEED  
 RECORDS





# City of McAllen

## SUBDIVISION PLAT REVIEW

Reviewed On: 9/13/2021

<b>SUBDIVISION NAME: PREMIER STORAGE SUBDIVISION</b>	
<b>REQUIREMENTS</b>	
<b>STREETS AND RIGHT-OF-WAYS</b>	
Trenton Road: 20 ft. dedication for 60 ft. from centerline for 120 ft. total ROW Paving: 65 ft. Curb & gutter: Both sides **Monies must be escrowed if improvements are not built prior to recording. ***Label centerline and ROW on both sides of centerline to verify compliance with ROW requirements prior to final. ***COM Thoroughfare Plan Paving _____ Curb & gutter _____	Non-compliance
* 800 ft. Block Length.	Applied
**Subdivision Ordinance: Section 134-118	NA
* 600 ft. Maximum Cul-de-Sac.	NA
**Subdivision Ordinance: Section 134-105	
<b>ALLEYS</b>	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial properties. **Subdivision Ordinance: Section 134-106	Non-compliance
<b>SETBACKS</b>	
* Front: Proposed 60 ft. or greater for easements or approved site plan.	Applied
**Zoning Ordinance: Section 138-356	
* Rear: In accordance with Zoning Ordinance or greater for easements or approved site plan.	Non-compliance
**Revise plat note #3 as shown above prior to final.	
**Zoning Ordinance: Section 138-356	
* Interior Sides: In accordance with Zoning Ordinance or greater for easements or approved site plan.	Non-compliance
**Revise plat note #3 as shown above prior to final.	
**Zoning Ordinance: Section 138-356	
* Corner:	Non-compliance
**Clarify plat note #3 prior to final.	
**Zoning Ordinance: Section 138-356	
* Garage:	NA
**Zoning Ordinance: Section 138-356	
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
<b>SIDEWALKS</b>	
* 5 ft. wide minimum sidewalk required on Trenton Road as per Engineering Department.	Applied
**Subdivision Ordinance: Section 134-120	
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied

**These comments are for subdivision requirements only – additional requirements may apply at time of site plan review**



<b>BUFFERS</b>	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. **Landscaping Ordinance: Section 110-46	Applied
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. **Landscaping Ordinance: Section 110-46	Applied
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
<b>NOTES</b>	
* No curb cut, access, or lot frontage permitted along.	TBD
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance. **Clarify plat note below plat note #3 in regards to site plan approval. Plat note for site plan approval is not required on plat.	Non-compliance
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	Required
* Common Areas, any private streets/drives, private alleys, etc. must be maintained by the lot owners and not the City of McAllen ****Landscaping Ordinance: Section 110-72 *****Subdivision Ordinance: Section 134-168	Required
* 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 110-72 applies if private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA
<b>LOT REQUIREMENTS</b>	
* Minimum lot width and lot area. ***Zoning Ordinance: 138-1	Compliance
* Lots fronting public streets. **Zoning Ordinance: Section. 138-356	Compliance
<b>ZONING/CUP</b>	
* Existing: C-3L Proposed: C-3L **Zoning Ordinance: Article V	Applied
* Rezoning Needed Before Final Approval **If any rezoning are required, they must be finalized and approved prior to final plat approval. **Zoning Ordinance: Article V	NA
<b>PARKS</b>	
* Land dedication in lieu of fee.	NA

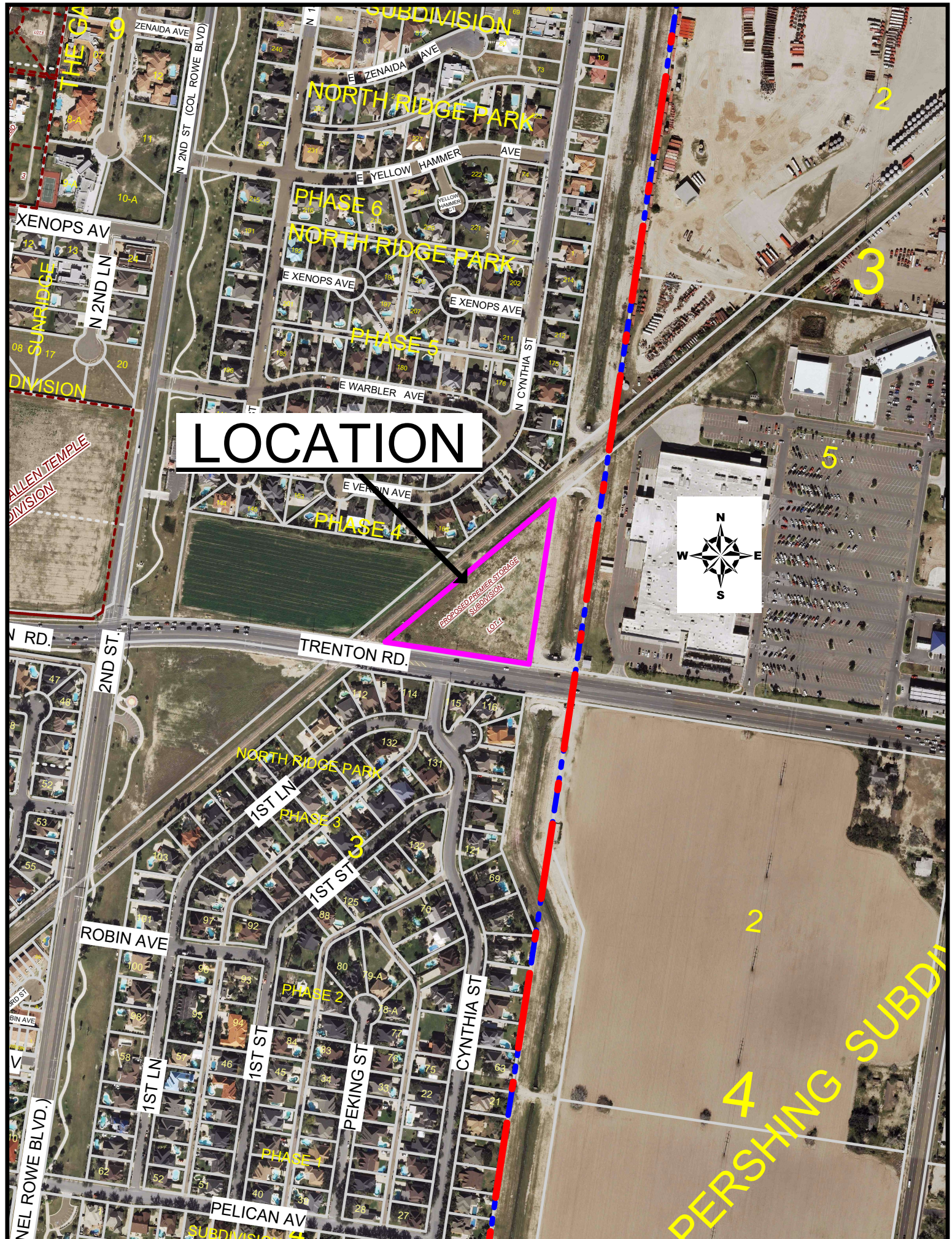
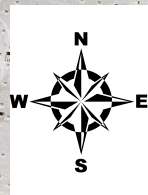
**These comments are for subdivision requirements only – additional requirements may apply at time of site plan review**



* Park Fee of \$700 per lot dwelling/ unit to be paid prior to recording	NA
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
<b>TRAFFIC</b>	
* As per Traffic Department, submit Trig Generation to determine if a TIA will be required prior to final.	Non-compliance
* As per Traffic Department, submit Trig Generation to determine if a TIA will be required prior to final.	TBD
<b>COMMENTS</b>	
Comments: Must comply with City's Access Management Policy **Gate details must be approved prior to final if applicable. ***As per Fire Department, auto-turn study might be required prior to final to verify compliance with maneuverability requirements. ****Additional requirements might be required at time of site plan review.	Applied
<b>RECOMMENDATION</b>	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, DRAINAGE AND UTILITIES APPROVALS.	Applied



# LOCATION





SUB 2020-0021



City of McAllen  
Planning Department  
APPLICATION FOR

311 North 15<sup>th</sup> Street  
McAllen, TX 78501  
P. O. Box 220  
McAllen, TX 78505-0220  
(956) 681-1250  
(956) 681-1279 (fax)

SUBDIVISION PLAT REVIEW

Project Description	Subdivision Name	The Villas on Freddy Phase II		
	Location	NEC Freddy Gonzalez & Bicentennial		
	City Address or Block Number	to be determined		
	Number of lots	97	Gross acres	14.888
			Net acres	14.680
	Existing Zoning	R3T	Proposed	R3T
			Rezoning Applied For	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date
	Existing Land Use	vacant	Proposed Land Use	residential
			Irrigation District #	1
		Residential Replat	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Commercial Replat
		ETJ	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
	Agricultural Tax Exempt	Yes <input type="checkbox"/> No <input type="checkbox"/>	Estimated Rollback tax due	8,160.31
	Parcel No.	297558	Tax Dept. Review	
	Legal Description	Approx. 14.888 ac. 0/0 Lot 5 section 278, Texas Mexican RCS		
Owner	Name	The Villas on Freddy, LLC		
	Phone	90(956) 381-0981		
	Address	200 S. 10th St., Ste. 1700		
	City	McAllen	State	TX
			Zip	78501
	E-mail	90 fKurth@meldenandhunt.com		
Developer	Name	The Villas on Freddy, LLC		
	Phone	90(956) 381-0981		
	Address	200 S. 10th St., Ste. 1700		
	City	McAllen	State	TX
			Zip	78501
	Contact Person	90 Fred L. Kurth, P.E.		
	E-mail	90 fKurth@meldenandhunt.com		
Engineer	Name	Melden & Hunt, Inc.		
	Phone	(956) 381-0981		
	Address	115 W. McIntyre St.		
	City	Edinburg	State	Tx
			Zip	78541
	Contact Person	Fred L. Kurth, P.E.		
	E-mail	fKurth@meldenandhunt.com		
Surveyor	Name	Melden & Hunt, Inc.		
	Phone	(956) 381-0981		
	Address	115 W. McIntyre St.		
	City	Edinburg	State	Tx

RECEIVED  
APR 03 2020

RC# 710990 pd \$300

BY: CW 3:38 pm

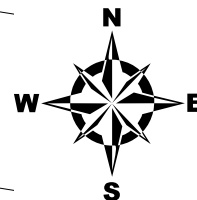


# LOCATION

4  
TRIPLE "B" MOBILE PARK  
SUBDIVISION

LOT 1

TRIPLE "B" MOBILE PARK II



N BICENTENNIAL BLVD

PROPOSED THE VILLAS ON FRENCH

16-3-2019

STANDARD

5

PALM ESTATES

12TH ST.

YALE AVE

LAS TORRES  
SIB

LOT 4

10TH ST

2

**FREE**

EZ RD

# NTARY ON

-00  
1401

FR  
-08  
1101

-07  
1001

12

-22  
9901

-13  
9817



IRRIGATION EASEMENT  
DEED WITHOUT WARRANTY  
DOCUMENT NO. 810546, H.C.D.R.

N:16633912.546  
E:1076113.926

FWW, INC.  
DEED WITHOUT WARRANTY  
DOCUMENT NO. 810546, H.C.D.R.

S 80° 57' 12" E  
994.69'

LOT 4, SECTION 278 TEXAS-MEXICAN RAILWAY SURVEY  
VOLUME 24, PAGE 168, H.C.D.R.

15'0" IRRIGATION EASEMENT  
TO H.C.D.R. #1  
DOC. NO. 137515, H.C.D.R.

UTILITY CROSSING TO  
CITY OF McALLEN  
DOC. NO. 611798, H.C.D.R.

N:16633909.448  
E:1075985.410

CITY OF McALLEN  
10' SANITARY SEWER LINE EASEMENT  
AGREEMENT (WITHOUT WARRANTY)  
DOCUMENT NO. 564350, H.C.D.R.

N 08° 45' 19" E  
1318.65'

125' CANAL R.O.W. (H.C.D.R. NO. 1)

CITY OF McALLEN  
DEED WITHOUT WARRANTY  
INSTRUMENT NO. 138584, H.C.D.R.

ADD. R.O.W. DEDICATED  
BY THIS PLAT  
(BICENTENNIAL BLVD.)

SEE  
DETAIL "A"

N:16632609.262  
E:1075913.210

P.O.C.  
S.W. COR.  
LOT 5  
SECTION 278

P.O.B.

N 80° 50' 20" W  
302.50'

20'00' ADD. R.O.W.  
DEDICATED BY THIS PLAT

TO: CITY OF McALLEN  
ROW AND UTILITY EASEMENT  
DOCUMENT NO. 686557, H.C.D.R.

LOT 12, SECTION 278  
TEXAS-MEXICAN RAILWAY SURVEY  
VOLUME 24, PAGE 168-171, H.C.D.R.

N:16632454.628  
E:1076888.306

# SUBDIVISION MAP OF THE VILLAS ON FREDDY PHASE II

(PRIVATE SUBDIVISION)  
BEING 14.888 ACRES OUT OF LOT 5, SECTION 278  
TEXAS-MEXICAN RAILWAY COMPANY SURVEY  
RECORDED IN VOLUME 24, PAGES 168-171, H.C.D.R.,  
CITY OF McALLEN, HIDALGO COUNTY, TEXAS

RECEIVED

By Nikki Marie Cavazos at 9:21 am, Apr 06, 2020



AS PREPARED BY  
NICKI MARIE CAVAZOS  
REGISTERED PROFESSIONAL SURVEYOR  
DOCUMENT NO. 278  
TEXAS-MEXICAN RAILWAY COMPANY SURVEY  
RECORDED IN VOLUME 24, PAGE 168-171, H.C.D.R.





# City of McAllen

## SUBDIVISION PLAT REVIEW

Reviewed On: 9/15/2021

<b>SUBDIVISION NAME: THE VILLAS ON FREDDY PHASE II</b>	
<b>REQUIREMENTS</b>	
<b>STREETS AND RIGHT-OF-WAYS</b>	
<p>Freddy Gonzalez Road - 20 ft. ROW dedication, for 50 ft. from center line for 100 ft. ROW Paving: 65 ft. Curb &amp; gutter: both sides.            *Must escrow monies if improvements are not constructed prior to recording.</p>	Applied
<p>N. 17th Street (Private), Xavier Ave. (Private), Zurich Ave. (Private) and N. 13th St. (Private): 30 ft. ROW            Paving 30 ft. Curb &amp; 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.</p>	Applied
<p>Bicentennial Boulevard - Proposed 25 ft. additional ROW for 150.50-150.87 ft. total ROW Paving: By the state Curb &amp; gutter: Both sides</p>	Applied
<p>* 800 ft. Block Length            **Variance request to the 800 ft. block length requirement approved by City Commission at the May 13, 2019 meeting.</p>	Compliance
<p>* 600 ft. Maximum Cul-de-Sac</p>	NA
<b>ALLEYS</b>	
<p>ROW: 20 ft. Paving: 16 ft.            *Alley/service drive easement required for commercial properties</p>	NA
<b>SETBACKS</b>	
<p>* Front:            LOTS 96-100 SHALL BE 23 FEET (FRONTING WEST)            LOTS 101-120 SHALL BE 23 FEET (FRONTING SOUTH)            LOTS 121-138 SHALL BE 10 FEET (FRONTING SOUTH)            LOTS 139-162 SHALL BE 10 FEET (FRONTING EAST)            LOTS 163-192 SHALL BE 23 FEET (FRONTING EAST)</p>	Applied
<p>* Rear:            LOTS 96-100 SHALL BE 10 FEET (EAST)            LOTS 101-120 SHALL BE 10 FEET (EAST)            LOTS 121-138 SHALL BE 23 FEET (GARAGE NORTH)            LOTS 139-162 SHALL BE 23 FEET (GARAGE WEST)            LOTS 163-192 SHALL BE 10 FEET (WEST)</p>	Applied
<p>* Interior sides:            LOTS 96-100 SHALL BE 3 FEET NORTH SIDE AND 7 FEET SOUTH SIDE            LOTS 101-120 SHALL BE 3 FEET EAST SIDE AND 7 FEET WEST SIDE            LOTS 121-138 SHALL BE 3 FEET WEST SIDE AND 7 FEET EAST 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</p>	Applied
<p>* Side Corner: 5 FEET, OR GREATER FOR EASEMENTS</p>	Applied
<p>* Garage: 23 ft. except where greater setback is required, greater setbacks applies.            **Garage setback proposed so vehicles don't overlap over the sidewalks            ***Based on meetings engineer/developer and staff, garage setbacks provided to increase to assure vehicles don't overhang over the sidewalks, prior to recording.</p>	Applied



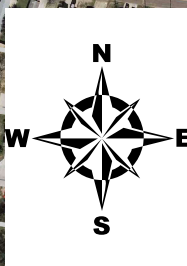
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
<b>SIDEWALKS</b>	
<p>* 4 ft. wide minimum sidewalk required on Freddy Gonzalez Rd., Bicentennial Blvd. and both sides of all interior streets; however Engineer submitted a Walking Trails plan for the interior street which provides for sidewalks along the front of each unit. Sidewalks are located along some streets, while others are within common areas.</p> <p>**Variance request for sidewalk requirement approved by City Commission on May 13, 2019 as per Walking Trails Plan for the interior streets, etc.</p> <p>* Perimeter sidewalks must be built or money escrowed if not built at this time.</p>	Required
	Applied
<b>BUFFERS</b>	
* 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.	Applied
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses.	Applied
*Perimeter buffers must be built at time of Subdivision Improvements.	Required
<b>NOTES</b>	
* No curb cut, access, or lot frontage permitted along Freddy Gonzalez Rd. and/or Bicentennial Blvd.	Required
* Site plan must be approved by the Planning and other Development Department prior to building permit issuance.	NA
* Common Areas, Private Streets must be maintained by the lot owners and not the City of McAllen	Compliance
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* 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.	Required
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	Applied
<b>LOT REQUIREMENTS</b>	
* Lots fronting public streets	Compliance
* 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.	Compliance
<b>ZONING/CUP</b>	
* Existing : R3T Proposed: R3T	Applied
* Rezoning Needed Before Final Approval	NA
<b>PARKS</b>	
<p>* Land dedication in lieu of fee* Land dedication in lieu of fee</p> <p>**Park Land Dedication Advisory Board approved a variance for land dedication in lieu of fees at the meeting held on September 19, 2019. City Commission approved the variance to waive fees due to 3.9 acres of green space allocation at the meeting of October 28, 2019.</p> <p>* Park Fee of \$700 to be paid prior to recording</p> <p>* Land dedication in lieu of fee</p> <p>**Park Land Dedication Advisory Board approved a variance for land dedication in lieu of fees at the meeting held on September 19, 2019. City Commission approved the variance</p>	Applied
	Applied



<p>to waive fees due to 3.9 acres of green space allocation at the meeting of October 28, 2019.</p> <p>* Pending review by the Parkland Dedication Advisory Board and CC.</p> <p>* Land dedication in lieu of fee</p> <p>**Park Land Dedication Advisory Board approved a variance for land dedication in lieu of fees at the meeting held on September 19, 2019. City Commission approved the variance to waive fees due to 3.9 acres of green space allocation at the meeting of October 28, 2019.</p>	Complete
<b>TRAFFIC</b>	
<p>* Trip Generation to determine if TIA is required, prior to final plat.</p> <p>**Per Traffic Department Trip generation has been approved.</p>	Completed
<p>* Traffic Impact Analysis (TIA) required prior to final plat.</p>	NA
<b>COMMENTS</b>	
<p>Comments:</p> <p>*Must comply with City's Access Management Policy</p> <p>**Engineers to clarify required ROW for Bicentennial Blvd. and along the north side.</p> <p>***Gate detail must be submitted and approved, prior to recording</p>	Applied
<b>RECOMMENDATION</b>	
<p>Recommendation: STAFF RECOMMENDS APPROVAL OF THE SIX-MONTH EXTENSION REQUEST, SUBJECT TO CONDITIONS NOTED.</p>	Applied



LOCATION



N BICENTENNIAL BLVD

TRIPLE "B" MOBILE PARK SUBDIVISION

PROPOSED THE VILLAS ON FREDDY

PHASE 2

SUBDIVISION

PROPOSED THE VILLAS ON FREDDY SUBDIVISION

PALM ESTATES

YALE AVE

LAS TO RIES SUB

FREDDY GONZALEZ RD

10TH ST

12

2





TBPELS Firm # F-1435  
TBPELS # 10096900

MELDEN & HUNT INC.

CONSULTANTS • ENGINEERS • SURVEYORS

FRED L. KURTH • ALLAN F. BOOE • KELLEY A. HELLER-VELA • ROBERTO N. TAMEZ • MARIO A. REYNA • RUBEN JAMES DE JESUS

September 9, 2021

Edgar Garcia, Planning Director  
**CITY OF MCALLEN PLANNING DEPT.**  
311 N. 15TH St.  
McAllen, TX 78501

**Re: THE VILLAS ON FREDDY PHASE II SUBDIVISION - REQUEST FOR EXTENSION**

Dear Mr. Garcia:

On behalf of the owners, Rhodes Development, Inc. we are requesting a six month extension on the above referenced subdivision plat. According to our records, the Planning and Zoning Commission gave the plat preliminary and final approval on July 2020. The owners are requesting an additional six-month time frame.

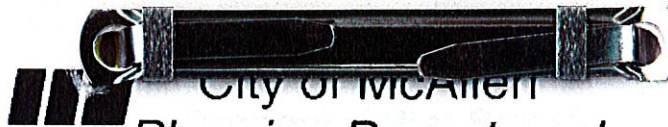
Your consideration on this request at your next board meeting is appreciated. If you have any questions and/or require additional information, please do not hesitate to contact me.

Respectfully,

Fred L. Kurth, P.E., R.P.L.S.  
President

Cc: Rhodes Development, Inc.





City of McAllen  
Planning Department  
**APPLICATION FOR  
SUBDIVISION PLAT REVIEW**

1300 Houston Avenue  
McAllen, TX 78501  
P. O. Box 220  
McAllen, TX 78505-0220  
(956) 681-1250  
(956) 681-1279 (fax)

SUB2018-0002

Project Description	Subdivision Name <u>F.G. 2-31-21 The Woodlands on Taylor</u> SUBDIVISION
	Location <u>FROM THE INTERSECTION OF TAYLOR RD. AND E. 4TH ST. ON THE EAST SIDE OF TAYLOR RD.</u>
	City Address or Block Number <u>701 S. TAYLOR RD</u>
	Number of lots <u>85</u> Gross acres <u>12.90</u> Net acres <u>12.49 ACRES</u>
	Existing Zoning <u>R3-A</u> Proposed _____ Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____
	Existing Land Use <u>AGRICULTURAL</u> Proposed Land Use <u>LOT 1 - COMMERCIAL 2 - RESIDENTIAL AND 3 - MULTIFAMILY</u> Irrigation District # <u>UNITED IRRIGATION DISTRICT</u>
	Residential Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Commercial Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> ETJ Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	Agricultural Tax Exemption Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Estimated Rollback tax due <u>0.00</u>
	Legal Description <u>Being a 12.90 acre tract of land out of and being a part or portion of that part of lot 197 lying north and west of abandoned canal right-of-way, John H. Shary Subdivision recorded in volume 1, page 17, Map Records of Hidalgo County, Texas.</u>
	Owner
Address <u>7825 S. 23RD 2</u>	
City <u>McALLEN</u> State <u>TX</u> Zip <u>78501</u>	
E-mail <u>TGUTIERREZ@MOONRISETRADING.COM</u>	
Developer	Name <u>MADIAM L.P. (TOMAS GUTIRREZ JR.)</u> Phone <u>(956) 445-7631</u>
	Address <u>7825 S. 23RD 2</u>
	City <u>McALLEN</u> State <u>TX</u> Zip <u>78501</u>
	Contact Person <u>TOMAS GUTIRREZ JR.</u>
	E-mail <u>TGUTIERREZ@MOONRISETRADING.COM</u>
Engineer	Name <u>IVAN GARCIA, PE., R.P.L.S.</u> Phone <u>(956) 380-5152</u>
	Address <u>921 S. 10TH AVE.</u>
	City <u>EDINBURG</u> State <u>TX</u> Zip <u>78539</u>
	Contact Person <u>IVAN GARCIA, P.E., R.P.L.S.</u>
	E-mail <u>RIDELTA2004@YAHOO.COM</u>
Surveyor	Name <u>IVAN GARCIA, PE., R.P.L.S.</u> Phone <u>(956) 380-5152</u>
	Address <u>921 S. 10TH AVE.</u>
	City <u>EDINBURG</u> State <u>TX</u> Zip <u>78539</u>
	E-mail <u>RIDELTA2004@YAHOO.COM</u>

RECEIVED

AUG 31 2018

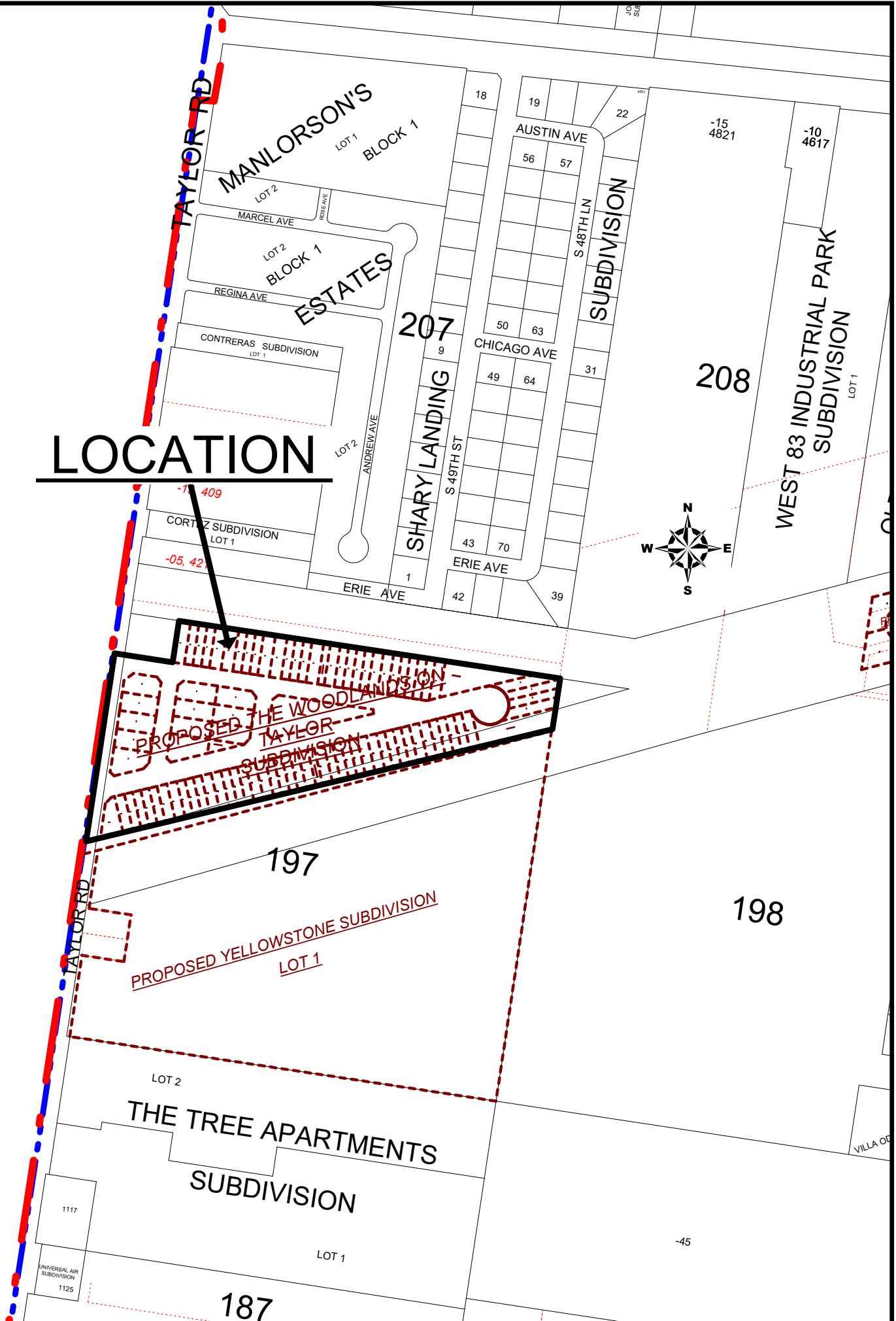
BY:

12:50pm

Ret # 578523 pd \$300



# LOCATION



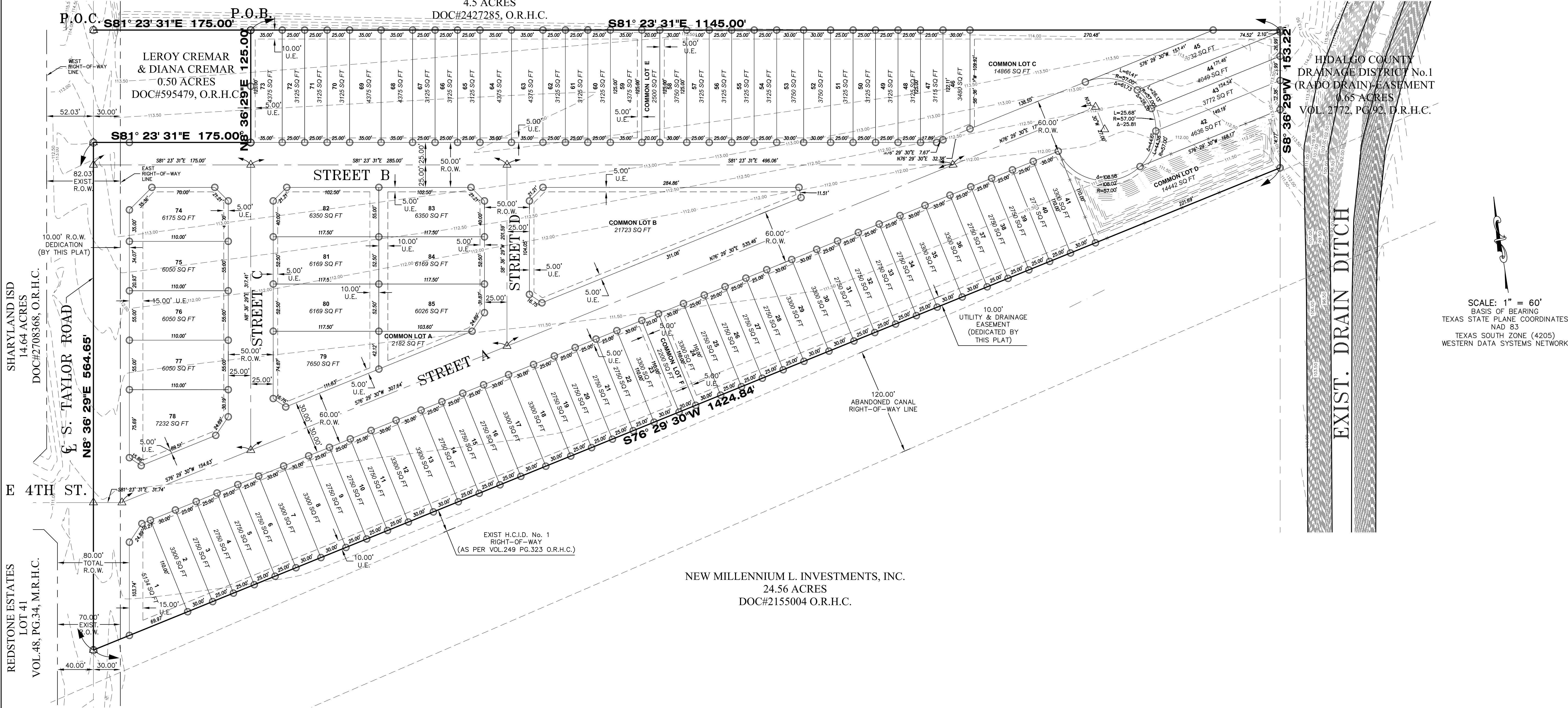


DATE OF PREPARATION: AUGUST 26, 2021

# THE WOODLANDS ON TAYLOR

BEING A 12.27 ACRES TRACT OF LAND OUT OF AND BEING A PART OR PORTION OF THAT PART OF LOT 197 LYING NORTH AND WEST OF ABANDONED CANAL  
RIGHT-OF-WAY, JOHN H. SHARY SUBDIVISION RECORDED IN VOLUME 1, PAGE 17, MAP RECORDS OF HIDALGO COUNTY, TEXAS,

LONGVIEW ASSOCIATE PARTNER, LP  
4.5 ACRES  
DOC#2427285, O.R.H.C.



NEW MILLENNIUM L. INVESTMENTS, INC.  
24.56 ACRES  
DOC#2155004 O.R.H.C.





# City of McAllen

## SUBDIVISION PLAT REVIEW

Reviewed On: 9/15/2021

<b>SUBDIVISION NAME: THE WOODLANDS ON TAYLOR SUBDIVISION</b>	
<b>REQUIREMENTS</b>	
<b>STREETS AND RIGHT-OF-WAYS</b>	
S. Taylor Road: 10 ft. dedicated for 40 ft. from centerline for an 80 ft. ROW Paving: 52 ft. - 65 ft. Curb & gutter: both sides *Owner must escrow monies for improvements not built prior to plat recording.	Compliance
Street A: 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides **Name to be revised prior to final	Applied
Street B, Street C, Street D: 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides **Name to be revised prior to final ***Streets need to be at least 60 ft. width.	Non-compliance
* 800 ft. Block Length **Streets A & C dead end onto Lot 54 which is zoned R-3A. Revise plat accordingly prior to final to extend streets and or provide cul-de-sac/turnaround.	Non-compliance
* 600 ft. Maximum Cul-de-Sac **Streets A & C dead end onto Lot 54. Plat needs to be revised prior to final, extend the street and/or provide a turnaround/cul-de-sac. ***Minimum 96 ft. paved diameter required, may increase prior to final.	Non-compliance
<b>ALLEYS</b>	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial properties **Service drive / turnarounds needed at east of Streets A & C currently shown per Public Works Department.	Non-compliance
<b>SETBACKS</b>	
* Front: Proposing 25 ft. or greater for easements. **Will be established once the zoning/use has been clarified, but not less than the ordinance requirements for single family, multi-family use, etc.	TBD
* Rear: In accordance with the zoning ordinance, or greater for easements. **Will be established once the zoning/use has been clarified, but not less than the ordinance requirements for single family, multi-family use, etc.	TBD
* Sides: In accordance with the zoning ordinance, or greater for easements. **Will be established once the zoning/use has been clarified, but not less than the ordinance requirements for single family, multi-family use, etc.	TBD
* Corner: Proposing 10 ft. or greater for easements. **Will be established once the zoning/use has been clarified, but not less than the ordinance requirements for single family, multi-family use, etc.	TBD
* Garage: 18 ft. except where greater setback is required, greater setback applies. **Will be established once the zoning/use has been clarified, but not less than the ordinance requirements for single family, multi-family use, etc.	TBD
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
<b>SIDEWALKS</b>	
* 4 ft. wide minimum sidewalk required on S. Taylor Rd. and both sides of all interior streets. **Revise plat as noted above.	Non-compliance



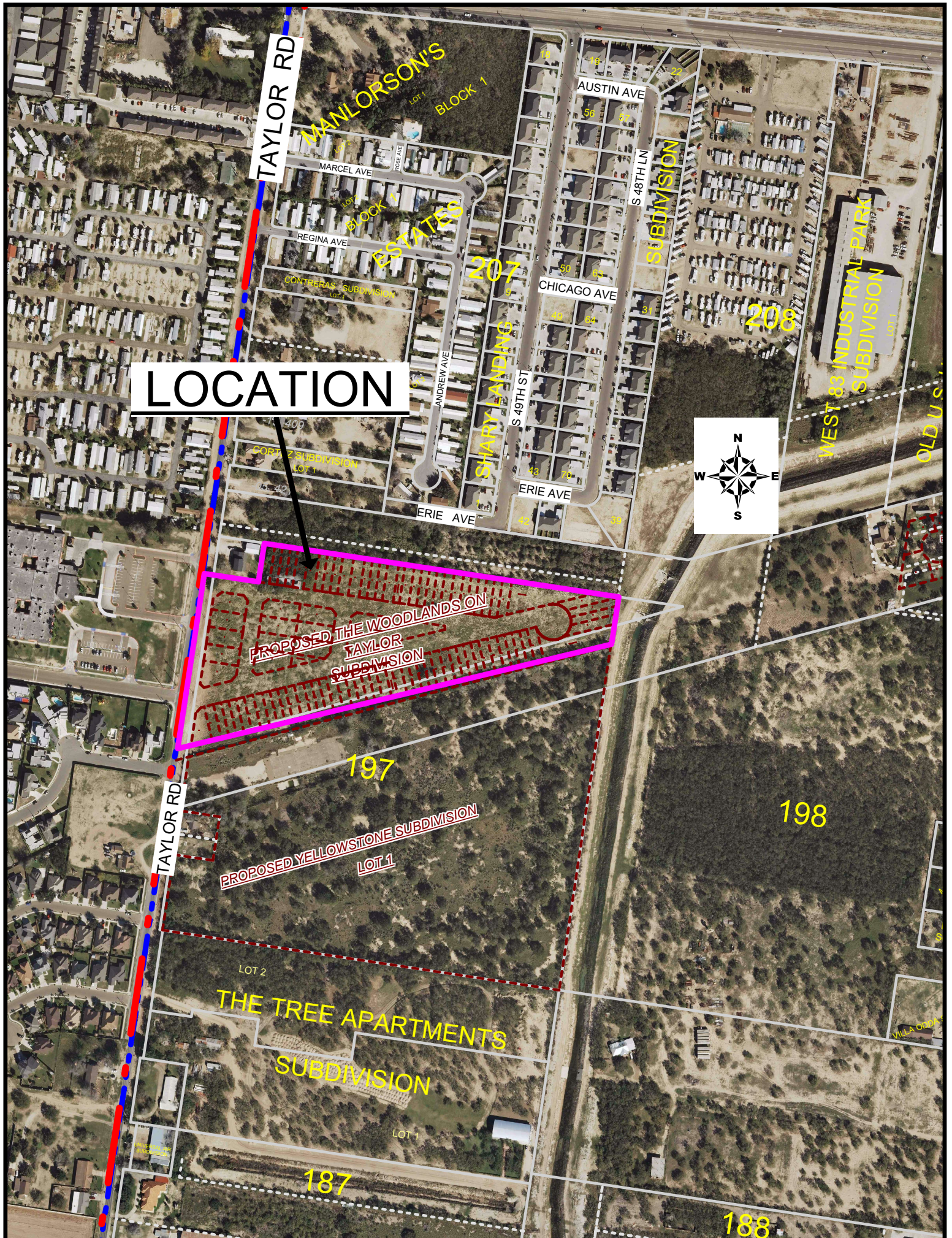
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Required
<b>BUFFERS</b>	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses, and along S. Taylor Rd.	Applied
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses.	Applied
*Perimeter buffers must be built at time of Subdivision Improvements.	Required
<b>NOTES</b>	
* No curb cut, access, or lot frontage permitted along	NA
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	Required
* Common Areas, private drives, etc. must be maintained by the lot owners and not the City of McAllen	Applied
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* 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.	Required
**Section 110-72 applies for public subdivisions.	
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	Applied
<b>LOT REQUIREMENTS</b>	
* Lots fronting public streets	Non-compliance
**Show existing dimensions, per Traffic Department 200 ft. spacing required on Taylor Rd.	
***Need to clarify if any of the streets are private, prior to final.	
* Minimum lot width and lot area	Applied
<b>ZONING/CUP</b>	
* Existing: R-3A Proposed: R-1 and R-3T	Completed
**Rezoning applications from R-3A to R-1 and R-3T to be presented at the P&Z meeting scheduled for December 16, 2020.	
* Rezoning Needed Before Final Approval	Completed
<b>PARKS</b>	
* Land dedication in lieu of fee	NA
* Park Fee of \$700 per dwelling unit/lot to be paid prior to recording. Per application, 85 Lots are proposed x \$700 = \$59,500 due prior to recording	Applied
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
<b>TRAFFIC</b>	
* Master Trip Generation required by Traffic Department to determine if TIA is required, prior to final plat.	Non-compliance
* Traffic Impact Analysis (TIA) required prior to final plat.	TBD
<b>COMMENTS</b>	
Comments: Must comply with City's Access Management Policy	Applied
**Number of lots has increased from 53 to 85	
***Subdivision was formerly known as Taylor Grove Subdivision	
<b>RECOMMENDATION</b>	



Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN REVISED PRELIMINARY FORM, SUBJECT TO CONDITIONS NOTED, UTILITIES, AND DRAINAGE APPROVALS.

Applied





LOCATION







City of McAllen  
Planning Department  
**APPLICATION FOR  
SUBDIVISION PLAT REVIEW**

311 North 15<sup>th</sup> Street  
McAllen, TX 78501  
P. O. Box 220  
McAllen, TX 78505-0220  
(956) 681-1250  
(956) 681-1279 (fax)

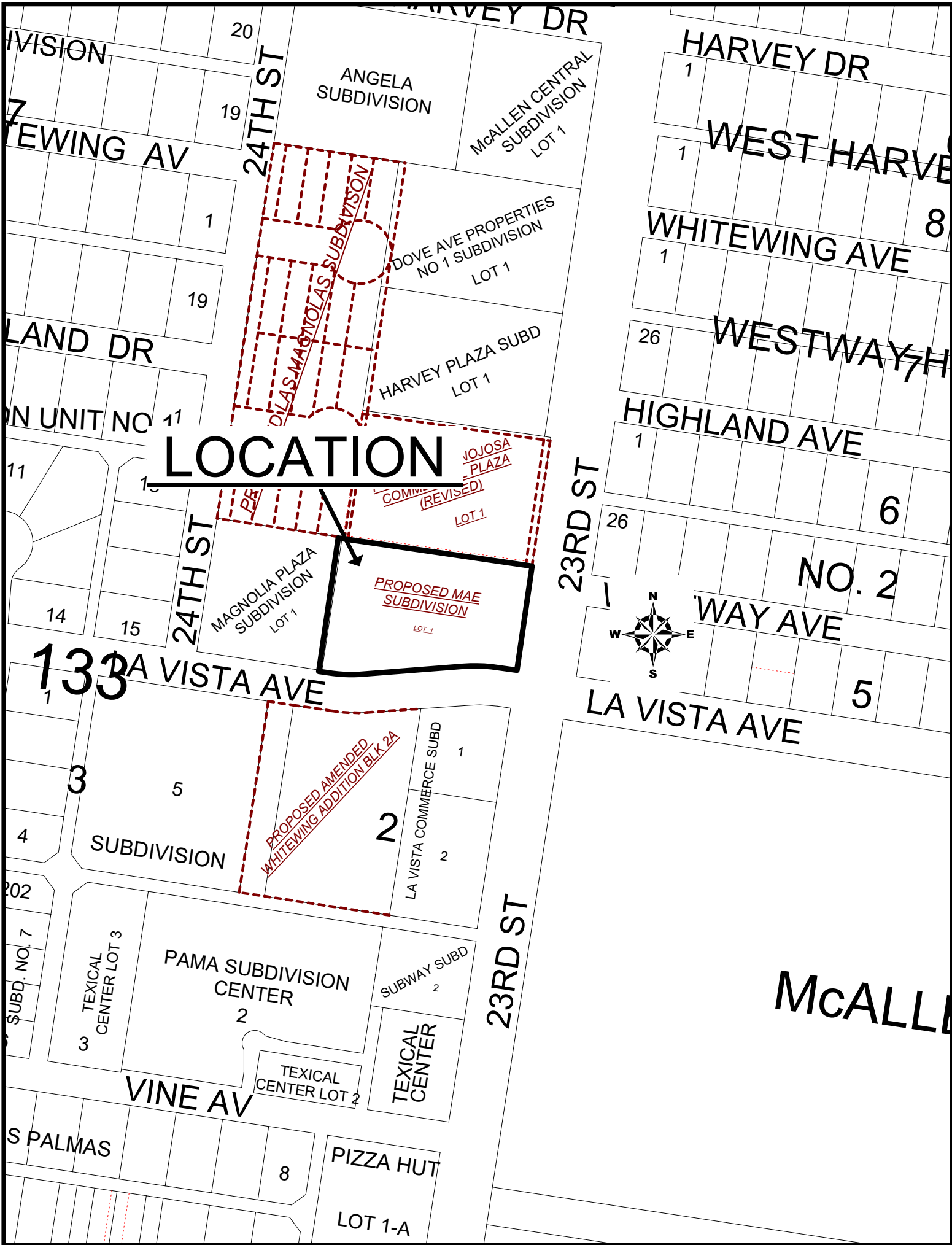
<b>Project Description</b>	<p>Subdivision Name <u>MAE Subdivision</u></p> <p>Location <u>Northwest corner of La Vista Ave &amp; N. 23rd Street</u></p> <p>City Address or Block Number <u>2301 LA VISTA AVE</u></p> <p>Number of lots <u>1</u> Gross acres <u>1.34</u> Net acres <u>1.34</u></p> <p>Existing Zoning <u>C-3</u> Proposed <u>C-3</u> Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____</p> <p>Existing Land Use <u>Vacant</u> Proposed Land Use <u>Comercial</u> Irrigation District # <u>1</u></p> <p>Residential Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Commercial Replat Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> ETJ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Agricultural Tax Exempt Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Estimated Rollback tax due <u>N/A</u></p> <p>Parcel No. <u>328783</u> Tax Dept. Review _____</p> <p>Legal Description <u>A 1.34 acre tract of land being a portion of Block 1, Whitewing Addition Subdivision, Unit 1,</u></p>
<b>Owner</b>	<p>Name <u>Aguilar &amp; Aguilar Rentals, LLC</u> Phone <u>(956) 821-5696</u></p> <p>Address <u>2321 E. Sprague St.</u></p> <p>City <u>Edinburg</u> State <u>Texas</u> Zip <u>78542</u></p> <p>E-mail <u>eaguilar2519@gmail.com,</u></p>
<b>Developer</b>	<p>Name <u>Irineo Aguilar, Jr.</u> Phone <u>(956) 821-5696</u></p> <p>Address <u>2321 E. Sprague St.</u></p> <p>City <u>Edinburg</u> State <u>Texas</u> Zip <u>78542</u></p> <p>Contact Person <u>Irineo Aguilar, Jr.</u></p> <p>E-mail <u>eaguilar2519@gmail.com,</u></p>
<b>Engineer</b>	<p>Name <u>R. E. Garcia &amp; Associates</u> Phone <u>(956) 381-1061</u></p> <p>Address <u>116 N. 12th</u></p> <p>City <u>Edinburg</u> State <u>Texas</u> Zip <u>78541</u></p> <p>Contact Person <u>Raul E. Garcia, PE, RPLS, CFM</u></p> <p>E-mail <u>regaassoc@aol.com</u></p>
<b>Surveyor</b>	<p>Name <u>R. E. Garcia &amp; Associates</u> Phone <u>(956) 381-1061</u></p> <p>Address <u>116 N. 12th</u></p> <p>City <u>Edinburg</u> State <u>Texas</u> Zip <u>78541</u></p>

ENTERED

AUG 24 2021

Initial: SMH





LOCATION

PROPOSED MAE  
SUBDIVISION  
LOT 1

PROPOSED AMENDED  
WHITEWING ADDITION BLK 2A

LA VISTA COMMERCE SUBD  
1  
2

VOJOSA  
PLAZA  
COMM (REVISED)  
LOT 1

MAGNOLIA PLAZA  
SUBDIVISION  
LOT 1

ANGELA  
SUBDIVISION

McALLEN CENTRAL  
SUBDIVISION  
LOT 1

DOVE AVE PROPERTIES  
NO 1 SUBDIVISION  
LOT 1

HARVEY PLAZA SUBD  
LOT 1

24TH ST

23RD ST

23RD ST

VINE AV

PAMA SUBDIVISION  
CENTER  
2

SUBWAY SUBD  
2

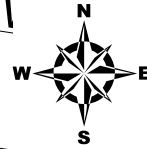
TEXICAL  
CENTER LOT 2

TEXICAL  
CENTER

TEXICAL  
CENTER LOT 3

PIZZA HUT

LOT 1-A



McALL



Q N. 24TH STREET  
(50.0' R.O.W.)

INSTRUMENT NO. 2511058, H.C.O.R.

INSTRUMENT NO. 2365787, H.C.O.R.

N.E. CORNER OF  
LOT 1 MAGNOLIA  
PLAZA SUBD.

SEE DETAIL A

LOT 1  
MAGNOLIA PLAZA SUBDIVISION  
DOC. #3084265, H.C.M.R.

INSTRUMENT NO. 3104946, H.C.O.R.

S.E. CORNER OF  
LOT 1 MAGNOLIA  
PLAZA SUBD.

10' R.O.W. EASEMENT VOL. 1082, PG. 376, H.C.D.R.

INSTRUMENT NO.  
1840668, H.C.O.R.

40' SERVICE ALLEY

INSTRUMENT NO. 1840668, H.C.O.R.

PROPOSED INSURED:  
AGUILAR & AGUILAR RENTAL, LLC.

LEGEND:

- F - FOUND 1/2" Ø IRON ROD
- F<sub>1</sub> - FOUND 1" Ø IPIPE
- F<sub>2</sub> - FOUND 3/8" Ø IRON ROD
- S - SET 1/2" Ø IRON ROD WITH  
A CAP LABELED "RPLS 4204"
- ⊙ - MANHOLE
- ⊙ - POWER POLE
- ⊙ - TRAFFIC LIGHT POLE
- ⊙ - FIRE HYDRANT
- SD- - STORM DRAIN LINE
- OP- - OVERHEAD POWER LINE
- SS- - SANITARY SEWER LINE

N.E. CORNER  
OF BLOCK 1

N.E. CORNER  
OF LOT 133

S81°17'30"E 309.92'

70' BUILDING SETBACK

1.34 AC. GROSS

25' BUILDING SETBACK

10' UTILITY EASEMENT DOC. #1637453, H.C.D.R.

10' R.O.W. EASEMENT  
VOL. 1082, PG. 376,  
H.C.D.R.

S.E. CORNER  
OF BLOCK 1

LOT 1  
LA VISTA COMMERCE  
DOC. #2307510, H.C.M.R.

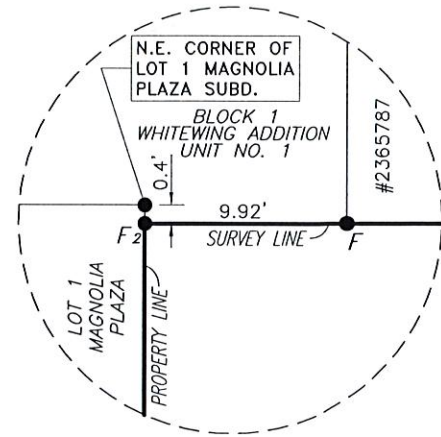
Q LA VISTA AVE.  
(60.0' R.O.W.)

18.66'

5'

VOLUME 1078, PAGE 567, H.C.D.R.

Q N. 23RD STREET (F.M. 1926)  
(100.0' R.O.W.)



DETAIL A  
SCALE: NOT TO SCALE

SCALE: 1" = 60'

BEARINGS BASED ON RECORD BEARINGS OF:  
AMENDED MAP OF WHITEWING ADDITION UNIT #1,  
AS RECORDED IN VOLUME 17, PAGE 2, H.C.M.R.

PROPERTY SUBJECT TO:

STATUTORY EASEMENTS, RULES, REGULATIONS AND RIGHTS IN FAVOR OF HIDALGO COUNTY IRRIGATION DISTRICT No. 1.

RIGHT OF WAY EASEMENT IN FAVOR OF CITY OF McALLEN AS SHOWN BY INSTRUMENT DATED FEBRUARY 20 1964, RECORDED IN VOLUME 1082, PAGE 376, DEED RECORDS OF HIDALGO COUNTY, TEXAS.

UTILITY EASEMENT IN FAVOR OF CITY OF McALLEN AS SHOWN BY INSTRUMENT DATED JULY 6, 2006, FILED JULY 11, 2006, UNDER DOCUMENT NUMBER 2006-1637453, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS.

RIGHT OF WAY EASEMENT IN FAVOR OF CITY OF McALLEN AS SHOWN BY INSTRUMENT DATED OCTOBER 31, 1963, RECORDED IN VOLUME 1078, PAGE 567, DEED RECORDS OF HIDALGO COUNTY, TEXAS.

SUBJECT TO RIGHTS OF WAY, EASEMENTS AND CONDITIONS AS MORE FULLY DESCRIBED AND AS REFLECTED BY COMMITMENT FOR TITLE INSURANCE WITH OF NUMBER 172270 ISSUED BY FIRST AMERICAN TITLE GUARANTY COMPANY, EFFECTIVE DATE: MARCH 5, 2021.

I, RAUL E. GARCIA, REGISTERED PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THE ABOVE IS A TRUE AND ACCURATE PLAT OF THE LANDS AS SURVEYED UNDER MY DIRECTION AND THAT THERE ARE NO VISIBLE DISCREPANCIES, VISIBLE EASEMENTS, CONFLICTS SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, PROTRUSIONS, EXCEPT AS SHOWN.



REGISTERED PROFESSIONAL LAND  
SURVEYOR # 4204

This survey is being provided solely for the use of the current parties and that no license has been created, expressed or implied, to copy the survey except as is necessary in conjunction with the original transaction which shall take place within a six (6) months time period.

NOTES:

OVERHEAD AND UNDERGROUND FACILITIES ARE NOT SHOWN ON THIS SURVEY.  
EXISTING UTILITY SIZES AND LOCATIONS ARE APPROXIMATE AND NOT VERIFIED WITH THE CITY OF McALLEN.

PLAT SHOWING

A 1.34 ACRE TRACT OF LAND BEING A PORTION OF BLOCK 1, WHITEWING ADDITION SUBDIVISION, UNIT 1, AS RECORDED IN VOLUME 17, PAGE 2, MAP RECORDS, HIDALGO COUNTY, TEXAS, ALSO BEING A PORTION OF THAT CERTAIN TRACT II DESCRIBED IN CORRECTION WARRANTY DEED RECORDED IN DOCUMENT #2511058, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

FIRM:  
FLOOD INSURANCE RATE MAP  
COMMUNITY-PANEL NUMBER  
480343 0005 C  
MAP REVISED: 11/02/1982  
THIS AREA IS IN FLOOD ZONE "B"

R.E. Garcia  
PLANNERS  
ENGINEERS  
SURVEYORS  
Associates

R. E. GARCIA & ASSOCIATES  
ENGINEERS, SURVEYORS, PLANNERS  
ENGINEER (F-5001) & SURVEYOR (10015300)  
116 NORTH 12th AVE.  
EDINBURG, TEXAS 78541 (956) 381-1061  
EMAIL: REGAASSOC@AOL.COM

TITLE: **BOUNDARY SURVEY**  
DATE: MARCH 29, 2021 REV:  
JOB # 2021-066 BOOK T-\_\_\_\_/PG.\_\_\_\_  
SCALE: 1" = 60'  
DRAWN BY: E.S.





# City of McAllen

## SUBDIVISION PLAT REVIEW

Reviewed On: 9/3/2021

<b>SUBDIVISION NAME: MAE SUBDIVISION</b>	
<b>REQUIREMENTS</b>	
<b>STREETS AND RIGHT-OF-WAYS</b>	
N. 23rd Street (FM 1926): 50 ft. ROW required from centerline for 100 ft. total ROW Paving: by the state Curb & gutter: by the state *Revise plat to show existing ROW on both sides of centerline to determine if additional ROW is required **Thoroughfare Plan	Non-compliance
La Vista Avenue: 60 ft. ROW Paving: 40 ft. Curb & gutter: both sides *Thoroughfare Plan	Applied
N. 24th Street: 50 ft. ROW Paving: 32 ft. Curb & gutter: both sides *Show ROW on both sides of centerline **Thoroughfare Plan	Non-compliance
Paving _____ Curb & gutter _____	Applied
Paving _____ Curb & gutter _____	Applied
* 800 ft. Block Length **Subdivision Ordinance: Section 134-118	NA
* 600 ft. Maximum Cul-de-Sac *Subdivision Ordinance: Section 134-105	NA
<b>ALLEYS</b>	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial properties **Subdivision Ordinance: Section 134-106	Non-compliance
<b>SETBACKS</b>	
* Front: Proposing 70 ft. along N. 23rd Street (FM 1926) or easement whichever is greater *Plat needs to be revised prior to final approval to establish any additional ROW dedication needed. **Zoning Ordinance: Section 138-356	Non-compliance
* Rear: In accordance with the Zoning ordinance or greater for approved site plan or easements *Zoning Ordinance: Section 138-356	Non-compliance
* Interior Sides: In accordance with the Zoning Ordinance or greater for approved site plan or easements Proposing 25 ft. along La Vista Avenue or greater for easements *Zoning Ordinance: Section 138-356	Non-compliance
* Corner side (La Vista Avenue): 30 ft. or greater for approved site plan or easements *Revise plat as noted above **Zoning Ordinance: Section 138-356	Non-compliance
* Garage *Zoning Ordinance: Section 138-356	NA
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
<b>SIDEWALKS</b>	



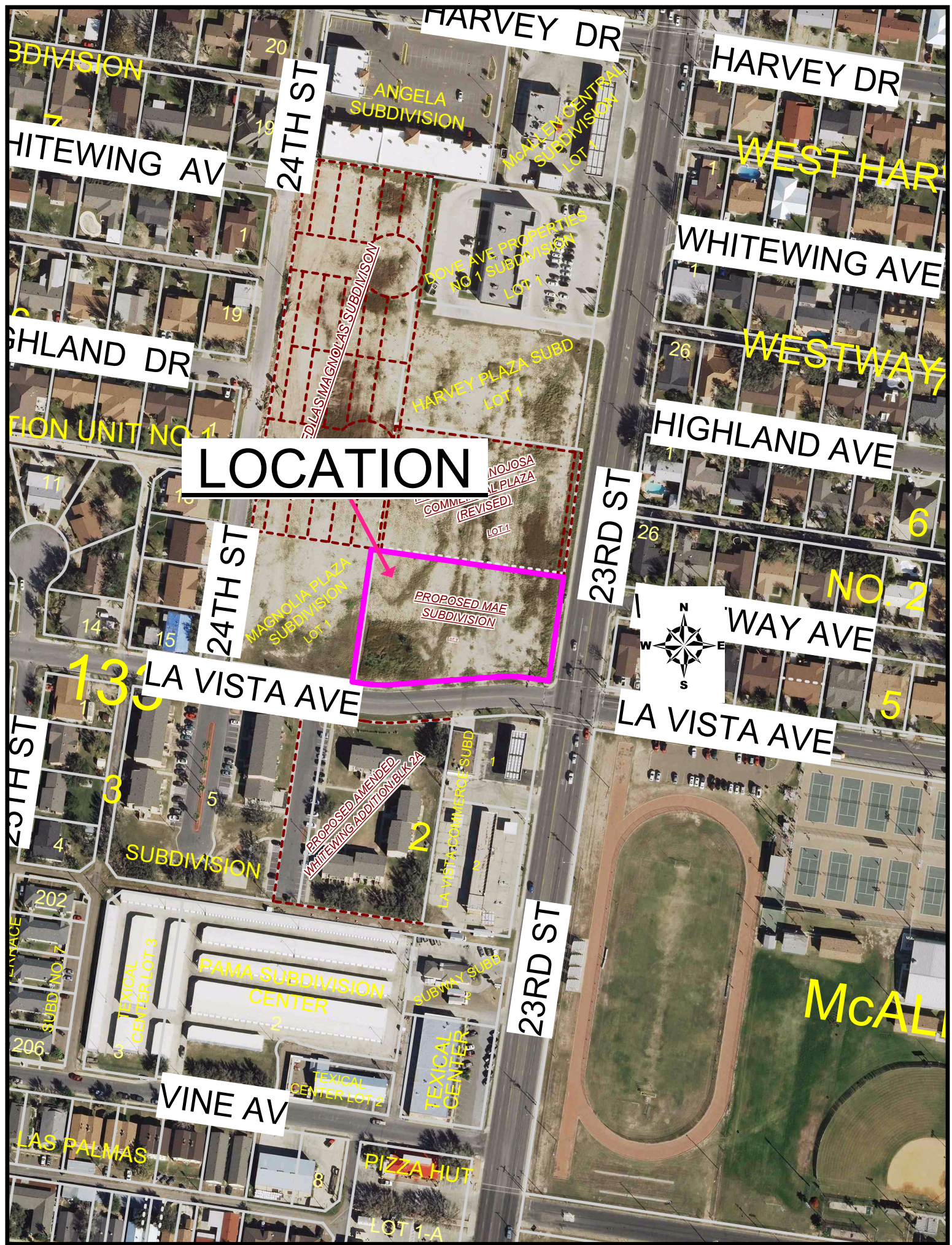
<ul style="list-style-type: none"> <li>* 5 ft. wide minimum sidewalk required on N. 23rd Street (FM 1926) and 4 ft. minimum wide sidewalk required along La Vista Avenue</li> <li>*Revise plat as noted above</li> <li>**5 ft. sidewalk required along N. 23rd Street per Engineering Department</li> <li>***Money must be escrowed if improvements are not built prior to recording</li> <li>****Subdivision Ordinance: Section 134-120</li> <li>* Perimeter sidewalks must be built or money escrowed if not built at this time.</li> </ul>	Non-compliance
	Applied
<b>BUFFERS</b>	
<ul style="list-style-type: none"> <li>* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses</li> <li>*Landscaping Ordinance: Section 110-46</li> <li>* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses</li> <li>*Plat note required</li> <li>**Landscaping Ordinance: Section 110-46</li> <li>*Perimeter buffers must be built at time of Subdivision Improvements.</li> </ul>	Applied
	Non-compliance
	Required
<b>NOTES</b>	
<ul style="list-style-type: none"> <li>* No curb cut, access, or lot frontage permitted along</li> <li>*City's Access Management Policy</li> <li>* Site plan must be approved by the Planning and other Development Departments prior to building permit issuance.</li> <li>* Common areas, private Streets must be maintained by the lot owners and not the City of McAllen</li> <li>* Common areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.</li> <li>* 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.</li> <li>*Section 110-72 applies if private subdivision is proposed</li> <li>* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.</li> </ul>	TBD
	Applied
	Required
	Required
	NA
	NA
<b>LOT REQUIREMENTS</b>	
<ul style="list-style-type: none"> <li>* Lots fronting public streets</li> <li>**Zoning Ordinance: Section 138-356</li> <li>* Minimum lot width and lot area</li> <li>**Zoning Ordinance: 138-1</li> </ul>	Compliance
	Compliance
<b>ZONING/CUP</b>	
<ul style="list-style-type: none"> <li>* Existing: C-3 Proposed: C-3</li> <li>* Rezoning Needed Before Final Approval</li> <li>**Zoning Ordinance: Article V</li> </ul>	Applied
	NA
<b>PARKS</b>	
<ul style="list-style-type: none"> <li>* Land dedication in lieu of fee</li> <li>* Park Fee of \$700 per dwelling unit/lot to be paid prior to recording</li> <li>* Pending review by the Parkland Dedication Advisory Board and CC.</li> </ul>	NA
	NA
	NA
<b>TRAFFIC</b>	
<ul style="list-style-type: none"> <li>* Trip Generation to determine if TIA is required, prior to final plat.</li> <li>* Traffic Impact Analysis (TIA) required prior to final plat.</li> </ul>	Non-compliance
	TBD



COMMENTS	
<p>Comments:</p> <p>*Must comply with City's Access Management Policy</p> <p>**Site plan must be approved by staff prior to building permit issuance ***If a CUP is required. Application needs to be reviewed by P&amp;Z Board and approved by City Commission prior to final plat approval.</p> <p>****Remove instrument numbers shown along adjacent properties. Show only document number and subdivision name and legal description in all directions if applicable or document number and record owners.</p> <p>*****Include 8 ft. masonry note on plat prior to final</p> <p>*****Improvements must be built or money escrowed prior to plat recording.</p>	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM, SUBJECT TO CONDITIONS NOTED, UTILITIES, AND DRAINAGE APPROVALS.	Applied



# LOCATION





SUB2020-0048



City of McAllen  
Planning Department

311 North 15<sup>th</sup> Street  
McAllen, TX 78501  
P. O. Box 220  
McAllen, TX 78505-0220  
(956) 681-1250  
(956) 681-1279 (fax)

## APPLICATION FOR

## SUBDIVISION PLAT REVIEW

Project Description	Subdivision Name <u>Garcia Estates</u> Location <u>SW C Gumwood Avenue &amp; 29th St.</u> City Address or Block Number <u>2901 Gumwood</u> Number of lots <u>3</u> Gross acres <u>0.40</u> Net acres <u>0.40</u> Existing Zoning <u>R1</u> Proposed <u>R1</u> Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____ Existing Land Use <u>vacant</u> Proposed Land Use <u>single family</u> Irrigation District # _____ Residential Replat Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Commercial Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> ETJ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Agricultural Tax Exempt Yes <input type="checkbox"/> No <input type="checkbox"/> Estimated Rollback tax due <u>0</u> Parcel No. <u>185437</u> Tax Dept. Review <u>Norma Guerra</u> Legal Description <u>Approx. 0.40 ac. being East 1/2 Lot 1 of Reub. of N. 1/2 L 72 &amp; 73 BL 2 C &amp; Hammond aka Lot 1 Unicorn Acres</u>
Owner	Name <u>Sonia Garcia / Erik J. Mora</u> Phone <u>956 (956) 381-0981</u> Address <u>7608 N. 20th St.</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u> E-mail <u>90ruben@meldenandhunt.com</u>
Developer	Name <u>Sonia Garcia / Erik J. Mora</u> Phone <u>956 (956) 381-0981</u> Address <u>7608 N. 20th St.</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u> Contact Person <u>Sonia Garcia</u> E-mail <u>sonia910@yahoo.com</u>
Engineer	Name <u>Melden &amp; Hunt, Inc.</u> Phone <u>(956) 381-0981</u> Address <u>115 W. McIntyre</u> City <u>Edinburg</u> State <u>TX</u> Zip <u>78541</u> Contact Person <u>Ruben James De Jesus</u> E-mail <u>ruben@meldenandhunt.com</u>
Surveyor	Name <u>Melden &amp; Hunt, Inc.</u> Phone <u>(956) 381-0981</u> Address <u>115 W. McIntyre St.</u> City <u>Edinburg</u> State <u>TX</u> Zip <u>78541</u>

RC# 728117 PD \$300





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SPYKER SUBDIVISION,  
VOL. 15, PG. 7,  
H.C.M.R.

HINOJOSA ARTURO JR.

Q GUMWOOD AVENUE

P.O.B.

P.O.C.  
N.E. COR. LOT 1,  
UNICORN ACRES

THE FERNANDO GONZALEZ,  
TRUSTEE OF THE MODESTO GONZALEZ  
MANAGEMENT TRUST TRACT: THE EAST  
300.0 FEET OF THE WEST 60.0 FEET  
OF LOT 1, UNICORN ACRES,  
S.W.D. DOC. No. 2205761, H.C.O.R.

N 08° 15' 34" E

81.66'

3  
5490.864 SQ. FT.  
0.126 AC.

15.00' U.E. DEDICATED  
BY THIS PLAT

2  
5490.864 SQ. FT.  
0.126 AC.

1  
5490.864 SQ. FT.  
0.126 AC.

10.00' U.E.  
DEDICATED  
BY THIS PLAT

S 08° 23' 19" W

14.15'

THE CITY OF McALLEN TRACT:  
A 0.020 OF AN ACRE TRACT OUT OF  
LOT 1, UNICORN ACRES,  
W.D. DOC. No. 1112323, H.C.O.R.

N. 29TH STREET

Q

N:16602719.974  
E:1065158.649

100' ALLEY

N:16602688.586  
E:1065371.416

16

15

GERONIMO SUBDIVISION,  
VOL. 20, PG. 169, H.C.M.R.

14

13



BEARING BASIS AS PER  
GERONIMO SUBDIVISION  
VOL. 20, PG. 169 H.C.M.R.

SCALE: 1" = 40'

# PLAT OF **GARCIA ESTATES SUBDIVISION**

BEING A RESUBDIVISION OF 0.40 OF ONE ACRE SITUATED IN THE CITY OF McALLEN,  
HIDALGO COUNTY, TEXAS, BEING A PART OR PORTION OUT OF LOT 1, UNICORN ACRES,  
ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 3, HIDALGO  
COUNTY MAP RECORDS, AND ACCORDING TO WARRANTY DEED WITH VENDOR'S LIEN  
RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 2734788,  
HIDALGO COUNTY OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS





# City of McAllen

## SUBDIVISION PLAT REVIEW

Reviewed On: 8/12/2021

<b>SUBDIVISION NAME: GARCIA ESTATES</b>	
<b>STREETS AND RIGHT-OF-WAYS</b>	
N. 29th Street: 10 ft. ROW dedication required for 50 ft. from centerline required for 100 ft. total ROW Paving: min. 52 ft. Curb & gutter: Both sides *Variance letter submitted by engineer dedicating 5 ft. of additional ROW for N. 29th Street instead of the required 10 ft.	Non-compliance
Gumwood Avenue: 20 ft. dedication required for 40 ft. from centerline for a total of 80 ft. ROW Paving: min. 52 ft. Curb & gutter: Both sides *Variance letter received proposing 10 ft. of additional ROW instead of the required 20 ft. along Gumwood Avenue.	Non-compliance
* 800 ft. Block Length	Compliance
* 600 ft. Maximum Cul-de-Sac	NA
<b>ALLEYS</b>	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial properties **Existing alley to the south currently not paved. ***Review Sec. 134-106 re: alleys fronting collector/arterial roads	Non-compliance
<b>SETBACKS</b>	
* Front: 45 ft. or greater for approved site plan or easements **Please revise plat note as shown above prior to final.	Non-compliance
* Rear: 10 ft. or greater for approved site plan or easements	Applied
* Sides: 6 ft. or greater for approved site plan or easements	Applied
* Corner side: 25 ft. or greater for easements **Revise plat as noted above	TBD
* Garage: 18 ft. except where greater setback is required, greater setback applies	Applied
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
<b>SIDEWALKS</b>	
* 4 ft. wide minimum sidewalk required on Gumwood Avenue and N. 29th Street.	Applied
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Required
<b>BUFFERS</b>	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses	Applied
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses	Applied
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
<b>NOTES</b>	
* No curb cut, access, or lot frontage permitted along **Engineer to show access locations due to Gumwood Avenue being a collector road requiring 200 ft. spacing between accesses	TBD
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	NA



* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* Common Areas, Private Streets, service drives, etc. must be maintained by the lot owners and not the City of McAllen	Applied
* 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 110-72 applies for public subdivisions	Applied
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **If proposed number of lots changes, new requirements might be triggered.	NA
<b>LOT REQUIREMENTS</b>	
* Minimum lot width and lot area	Compliance
* Lots fronting public streets	Compliance
<b>ZONING/CUP</b>	
* Existing: R-1 Proposed: R-1 (Single Family Residences)	Compliance
* Rezoning not required if proposed use is single family residences.	NA
<b>PARKS</b>	
* Land dedication in lieu of fee	NA
* Park Fee of \$700 per dwelling unit/lot to be paid prior to recording. Per parks Department \$700 x 3 lots = \$2,100	Required
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
<b>TRAFFIC</b>	
* As per Traffic Department, Trip Generation waived for three single family residences. No TIA required.	Completed
* As per Traffic Dept., Traffic Impact Analysis (TIA) not required prior to final plat.	NA
<b>COMMENTS</b>	
Comments: *Must comply with City's Access Management Policy **Clarify ROW dedication on Gumwood Avenue and N. 29th Street Subdivision was approved in preliminary form at the P&Z meeting of August 18, 2020. Plat needs to be revised to match variance letter request before it can be presented to P&Z Board. ***Provide an exhibit showing the ROW being dedicated, the existing ROW and where the missing ROW will be acquired from ****Review sec. 134-106 re: lots fronting collector/arterial roads	Applied
<b>RECOMMENDATION</b>	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN REVISED PRELIMINARY FORM, SUBJECT TO CONDITIONS NOTED AND CLARIFICATION ON THE REQUESTED VARIANCES.	Applied









TBPELS Firm # F-1435  
TBPELS # 10096900

MELDEN & HUNT INC.

CONSULTANTS • ENGINEERS • SURVEYORS

FRED L. KURTH • ALLAN F. BOOE • KELLEY A. HELLER-VELA • ROBERTO N. TAMEZ • MARIO A. REYNA • RUBEN JAMES DE JESUS

May 13, 2021

Edgar Garcia, Planning Director  
**CITY OF MCALLEN PLANNING DEPT.**  
311 N. 15<sup>TH</sup> St.  
McAllen, TX 78501

**RE: Variance for Additional R.O.W. Requirement - Garcia Estates**

Dear Mr. Garcia:

On behalf of the owners, Sonia Garcia & Erik Mora, Melden and Hunt, Inc. is requesting a variance to the additional right-of-way being required by City of McAllen Planning Department for **GARCIA ESTATES**.

We will dedicate an additional 10 feet of right of way in lieu of the required 20 feet on Gumwood Avenue. The dedicated 10 feet would complete a 50-foot road right-of-way for Gumwood Avenue fronting **GARCIA ESTATES** which will leave room for the future right-of-way to be 60-feet if the adjacent property to the north dedicates an additional 10 feet. In our observation of the Gumwood corridor at a minimum of a ¼ mile to the West and East of our site, there is a maximum right of way of 50 feet. Due to the nature of the existing improvements along this corridor an 80-foot right-of-way would not be feasible.

In addition, we will dedicate an additional 5 feet of right of way in lieu of the required 10 feet on 29<sup>th</sup> Street. The dedicated 5 feet would complete a 75-foot road right-of-way for 29<sup>th</sup> Street fronting **GARCIA ESTATES**.

If you need additional information, please don't hesitate to contact us. We look forward to presenting this item at your next P&Z Meeting. Thank you.

Sincerely,

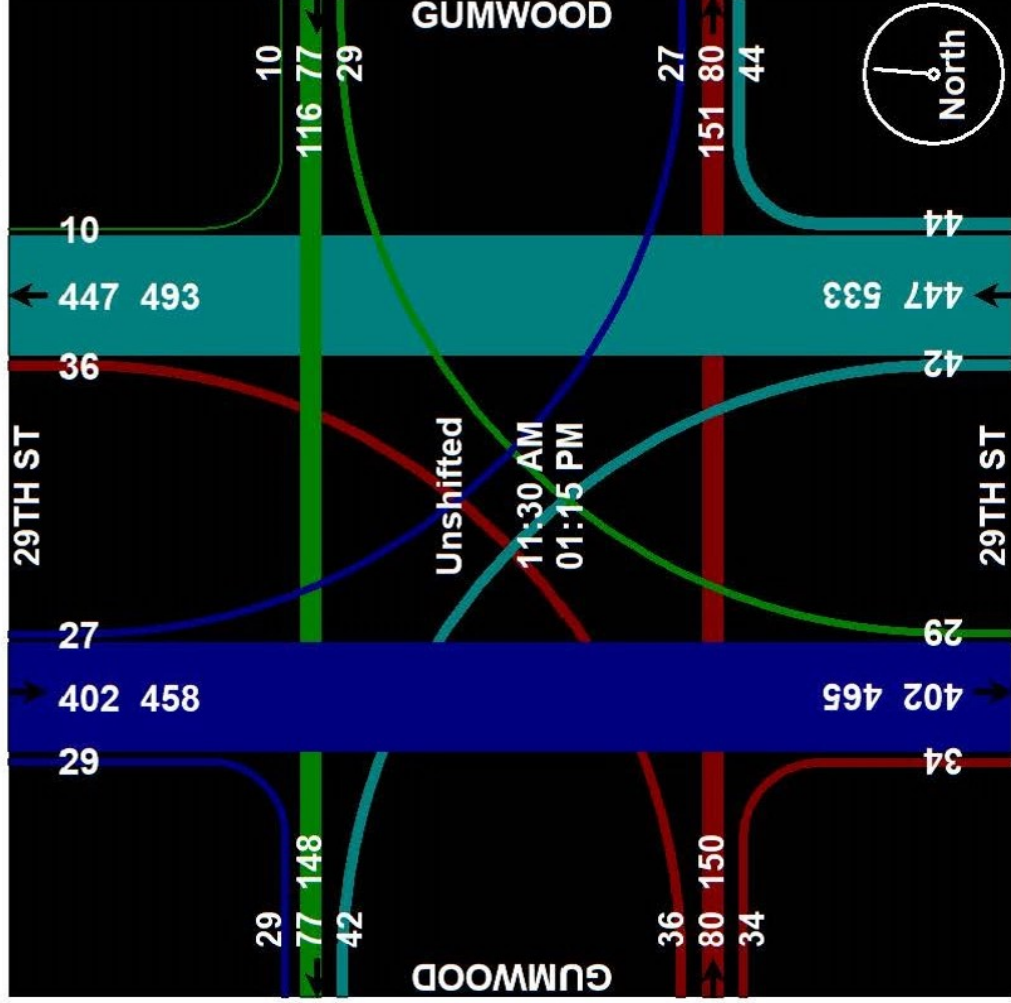


Ruben James De Jesus, P.E., R.P.L.S.  
Vice President











File Name : Noon Peak Hours  
Site Code : 00000000  
Start Date : 6/8/2021  
Page No : 3



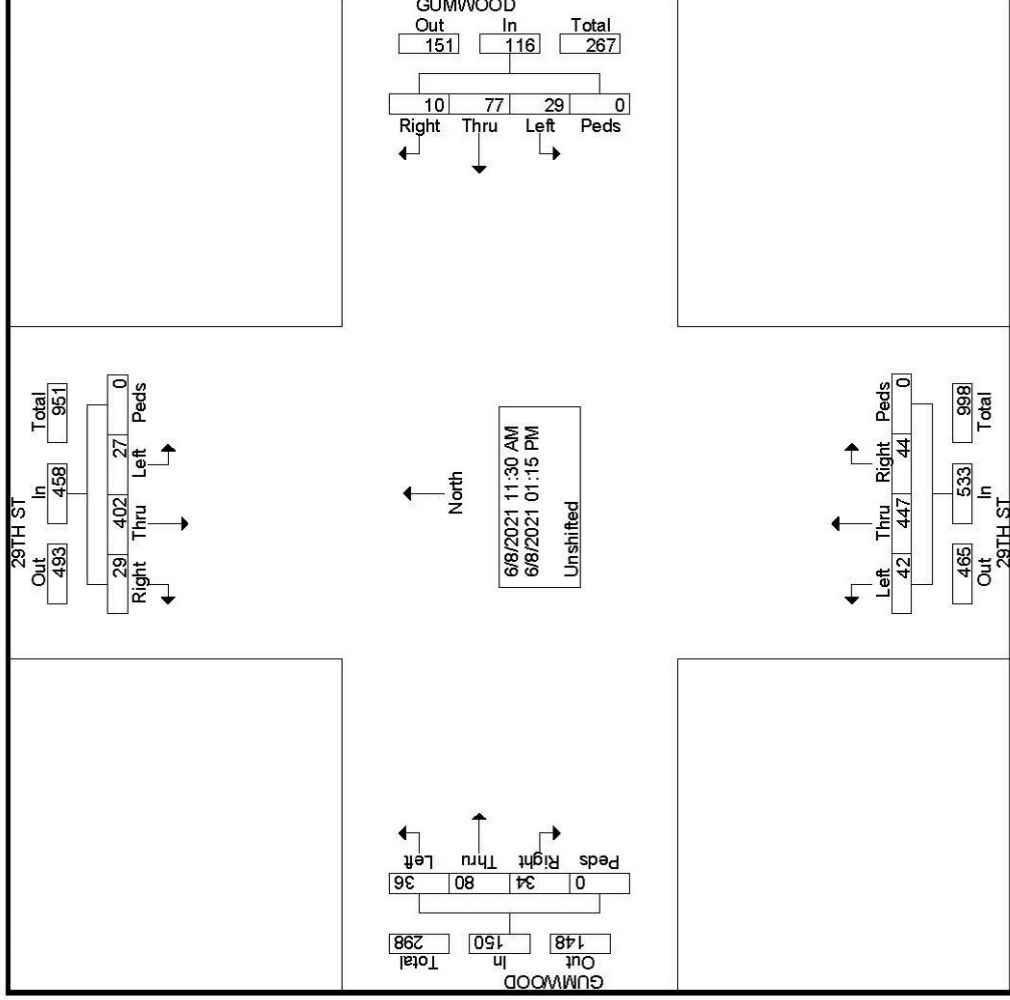


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Change These in The Preferences Window  
Select File/Preference in the Main Screenshot  
Then Click the Comments Tab

File Name : Noon Peak Hours  
Site Code : 00000000  
Start Date : 6/8/2021  
Page No : 1

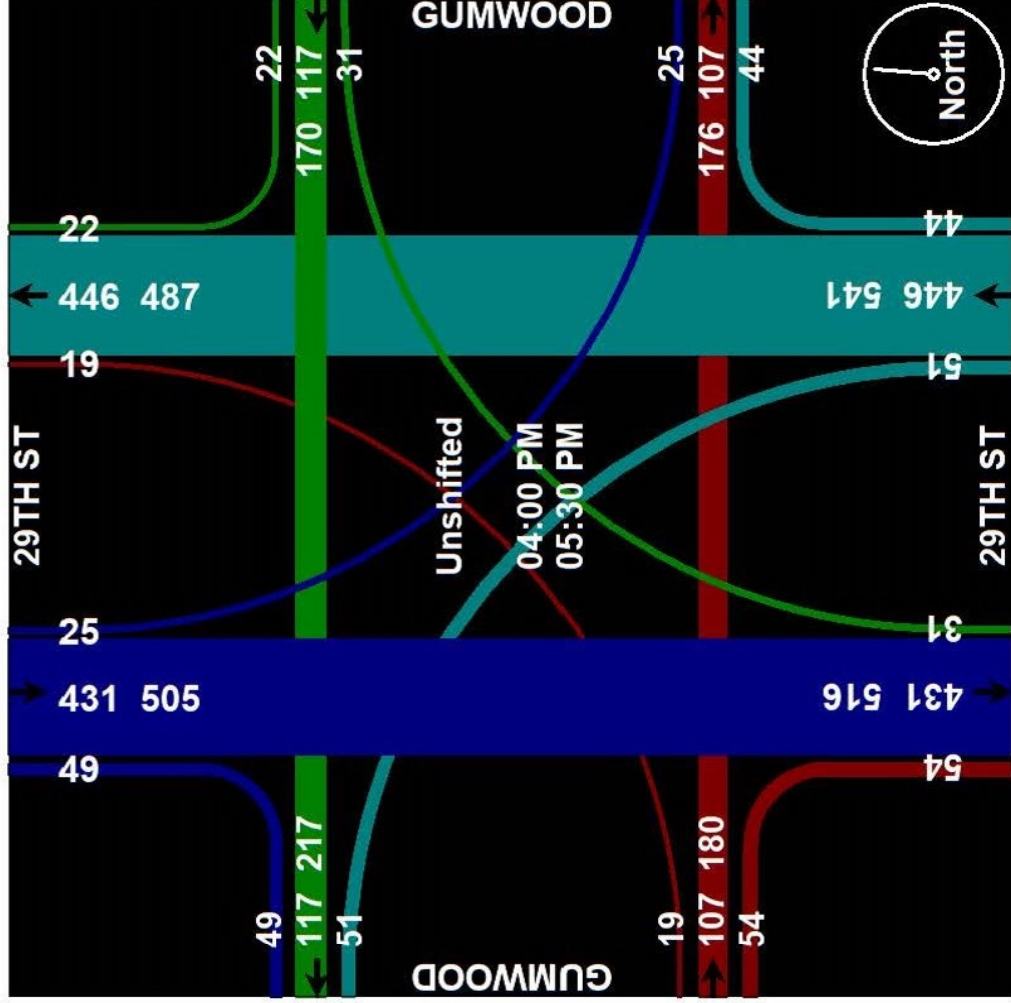
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11:45 AM	1	44	8	0	53	1	8	8	0	17	9	46	5	0	60	1	12	1	0	14
Total	7	97	10	0	114	3	15	9	0	27	16	99	9	0	124	4	24	6	0	34
12:00 PM	3	69	2	0	74	4	17	4	0	25	8	67	5	0	80	6	12	4	0	22
12:15 PM	3	55	3	0	61	0	13	2	0	15	2	63	2	0	67	4	11	3	0	18
12:30 PM	5	41	4	0	50	1	9	6	0	16	4	52	3	0	59	4	7	9	0	20
12:45 PM	2	45	1	0	48	0	10	6	0	16	4	50	7	0	61	4	14	7	0	25
Total	13	210	10	0	233	5	49	18	0	72	18	232	17	0	267	18	44	23	0	85
01:00 PM	6	48	2	0	56	1	4	1	0	6	4	59	6	0	69	7	7	5	0	19
01:15 PM	3	47	5	0	55	1	9	1	0	11	6	57	10	0	73	5	5	2	0	12
Grand Total	29	402	27	0	458	10	77	29	0	116	44	447	42	0	533	34	80	36	0	150
Approch %	6.3	87.8	5.9	0		8.6	66.4	25	0		8.3	83.9	7.9	0		22.7	53.3	24	0	
Total %	2.3	32	2.1	0	36.4	0.8	6.1	2.3	0	9.2	3.5	35.6	3.3	0	42.4	2.7	6.4	2.9	0	11.9



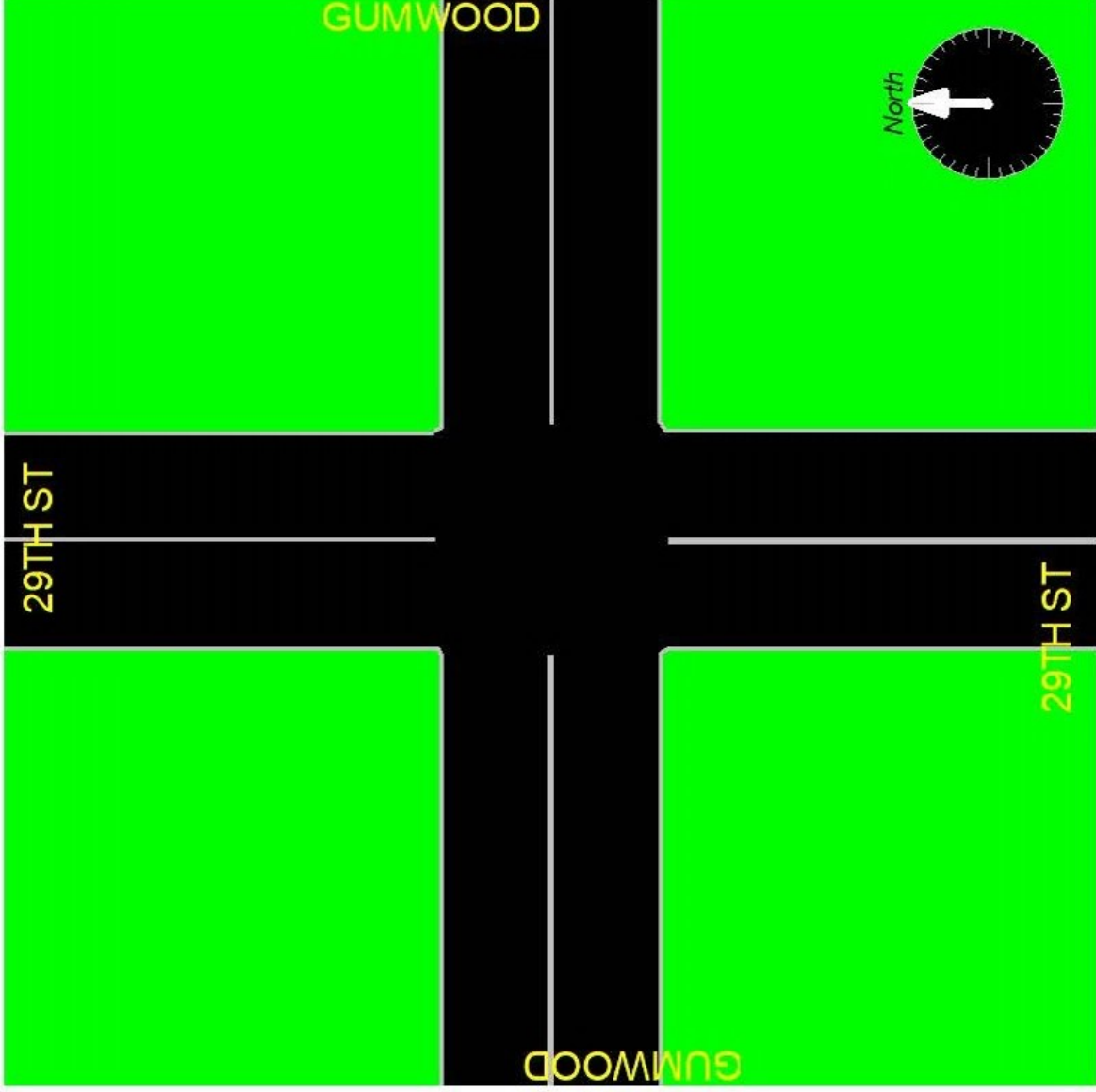


File Name : Evening Peak Hours  
Site Code : 00000000  
Start Date : 6/8/2021  
Page No : 2





File Name : Evening Peak Hours  
Site Code : 00000000  
Start Date : 6/8/2021  
Page No : 3





## Default Comments

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Select File/Preference in the Main Screenshot

Then Click the Comments Tab

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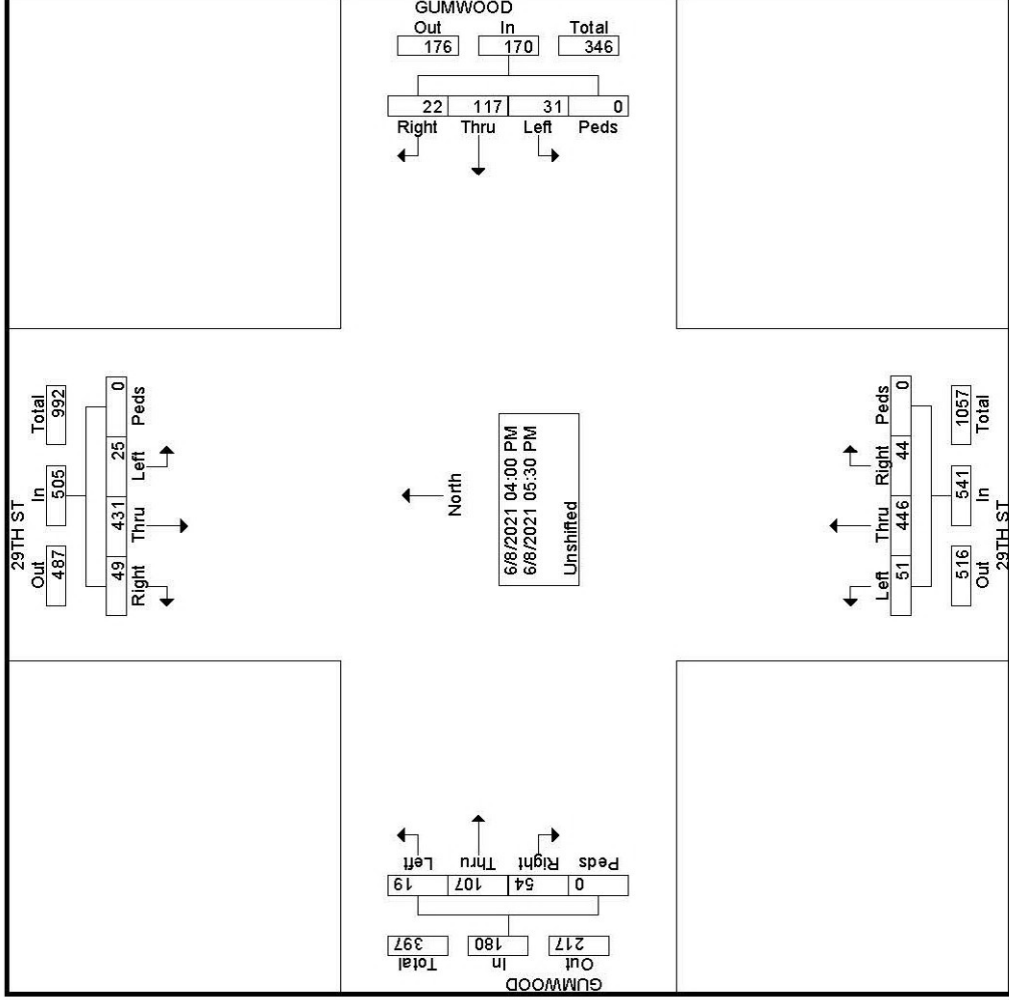
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Start Date : 6/8/2021

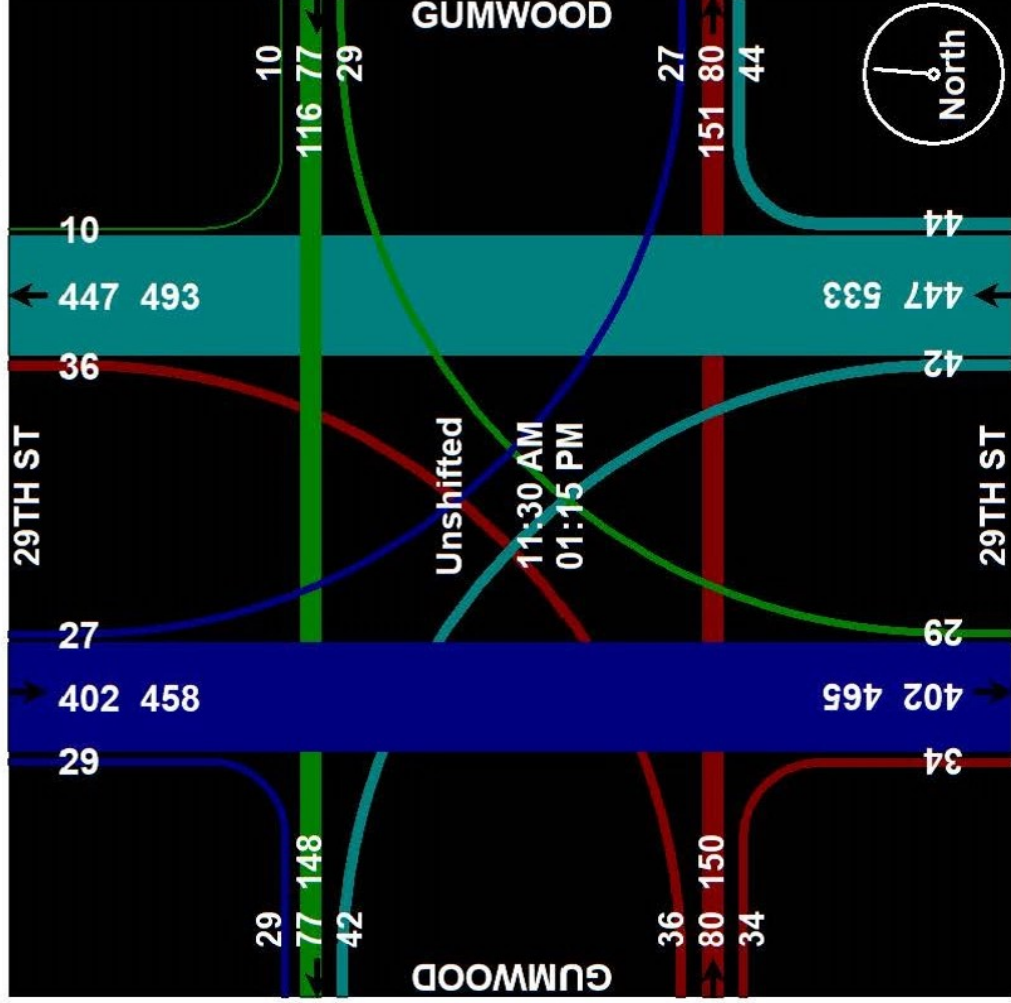
Page No : 1

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Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
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05:30 PM	4	53	2	0	59	1	18	3	0	22	5	61	5	0	71	4	11	0	0	15	4	11	0	0	15	167
Grand Total	49	431	25	0	505	22	117	31	0	170	44	446	51	0	541	54	107	19	0	180	54	107	19	0	180	1396
Approch %	9.7	85.3	5	0	36.2	12.9	68.8	18.2	0	12.2	8.1	82.4	9.4	0	38.8	30	59.4	10.6	0	12.9	30	59.4	10.6	0	12.9	
Total %	3.5	30.9	1.8	0	36.2	1.6	8.4	2.2	0	12.2	3.2	31.9	3.7	0	38.8	3.9	7.7	1.4	0	12.9	3.9	7.7	1.4	0	12.9	









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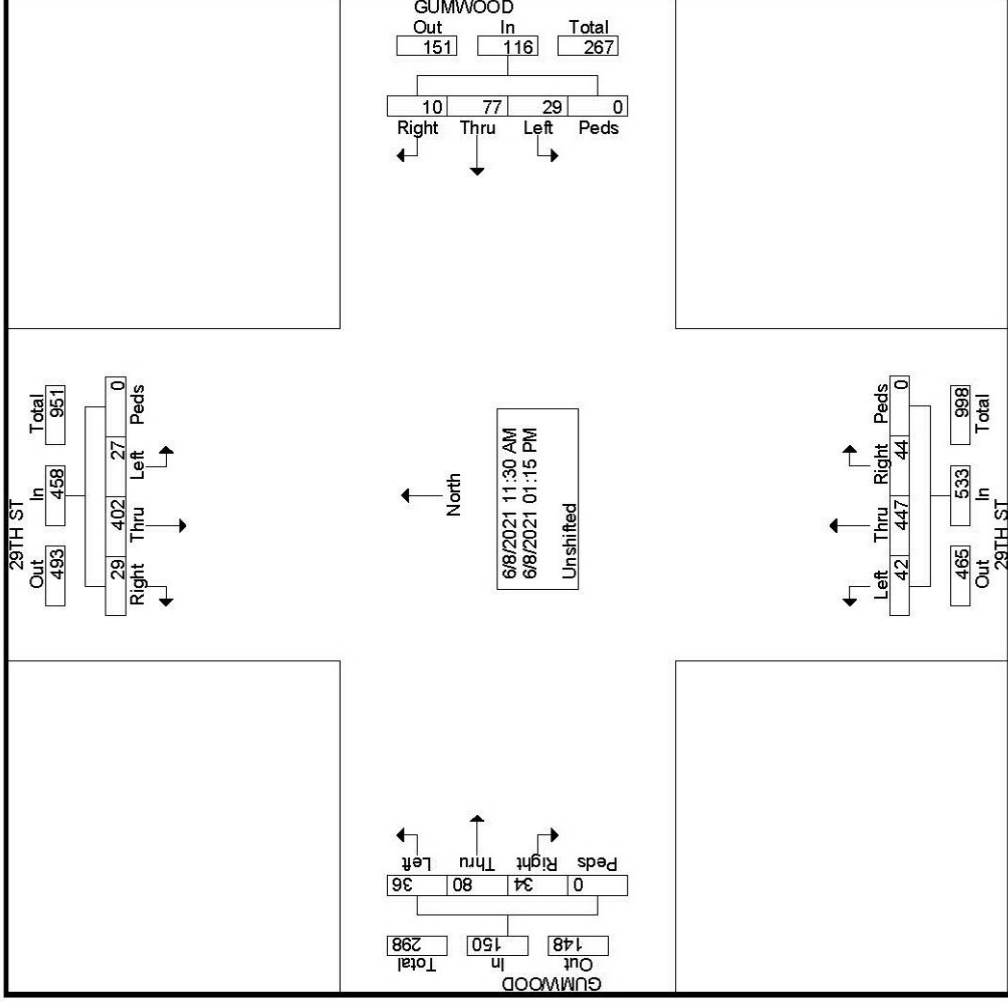


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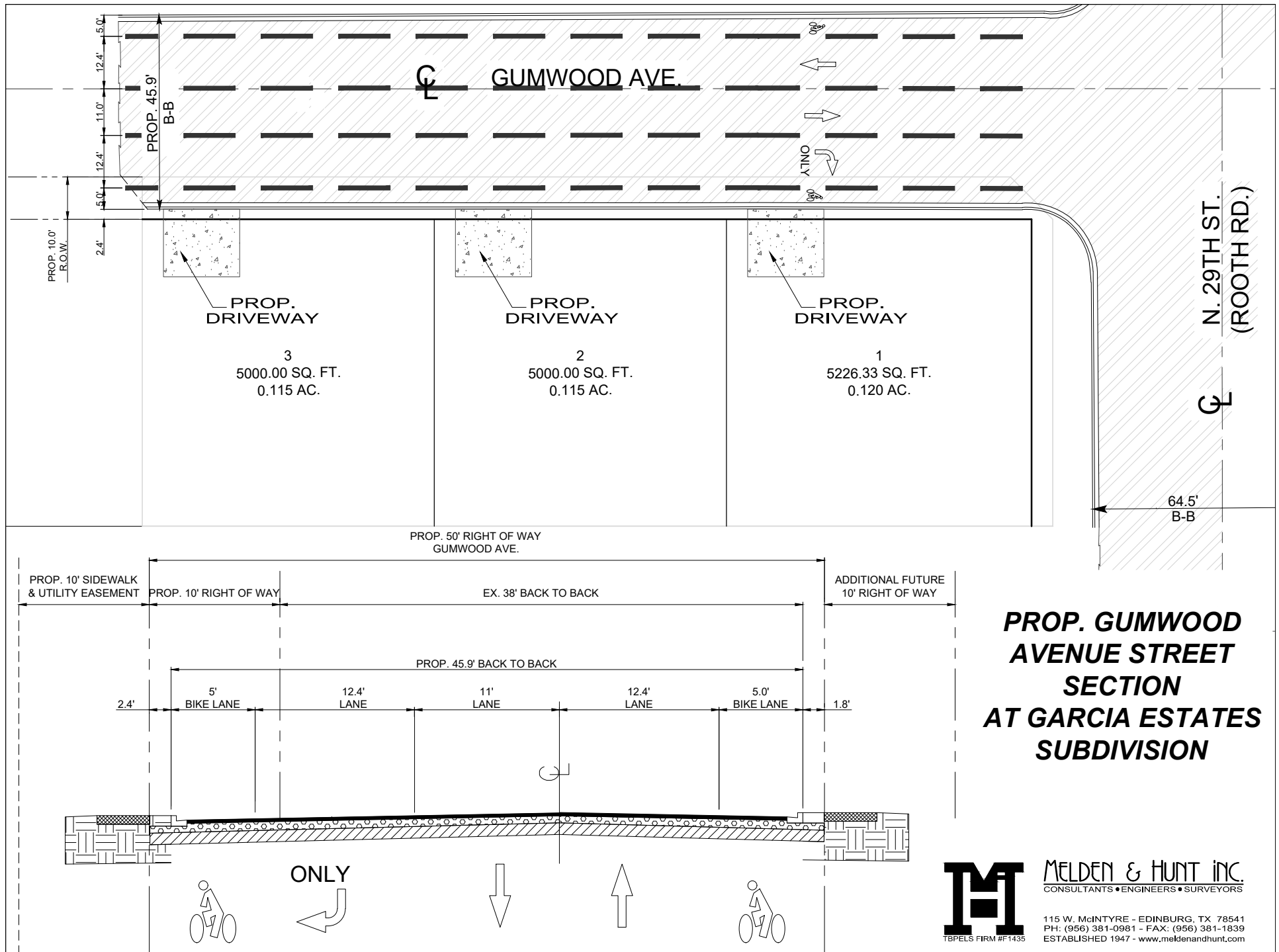
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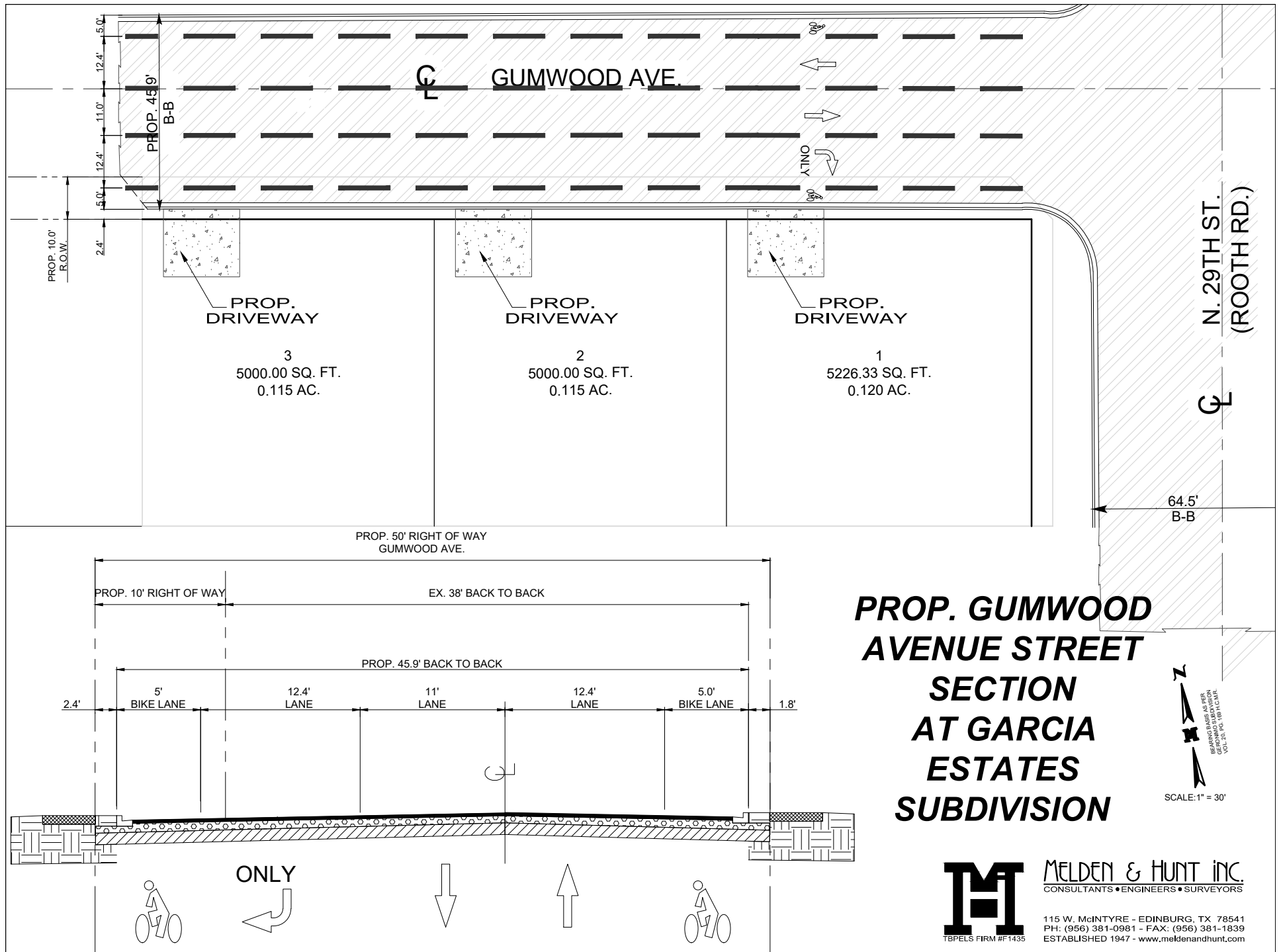
	29TH ST					GUMWOOD					29TH ST					GUMWOOD					
	From North			From East			From South			From West											
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11:45 AM	1	44	8	0	53	1	8	8	0	17	9	46	5	0	60	1	12	1	0	14	144
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Total	13	210	10	0	233	5	49	18	0	72	18	232	17	0	267	18	44	23	0	85	657
01:00 PM	6	48	2	0	56	1	4	1	0	6	4	59	6	0	69	7	7	5	0	19	150
01:15 PM	3	47	5	0	55	1	9	1	0	11	6	57	10	0	73	5	5	2	0	12	151
Grand Total	29	402	27	0	458	10	77	29	0	116	44	447	42	0	533	34	80	36	0	150	1257
Approch %	6.3	87.8	5.9	0		8.6	66.4	25	0		8.3	83.9	7.9	0		22.7	53.3	24	0		
Total %	2.3	32	2.1	0	36.4	0.8	6.1	2.3	0	9.2	3.5	35.6	3.3	0	42.4	2.7	6.4	2.9	0	11.9	











**MELDEN & HUNT INC.**  
CONSULTANTS • ENGINEERS • SURVEYORS

115 W. McINTYRE - EDINBURG, TX 78541  
PH: (956) 381-0981 - FAX: (956) 381-1839  
ESTABLISHED 1947 - www.meldenandhunt.com



**Memo**

**TO:** Planning & Zoning Commission  
**FROM:** Edgar I. Garcia, AICP, CNU-A  
**DATE:** September 17, 2021  
**SUBJECT:** City Commission Actions on September 13, 2021

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**REZONING:**

1. Rezone from C-3 District to R-1 District: 0.14 acres out of Lot 6, Block 4, Hidalgo Canal Company's Survey; 6416 S 10th
  - Planning and Zoning Commission recommended approval
  - Applicant requested tabling

**CONDITIONAL USE PERMITS**

1. Request of Mario A. Reyna, on behalf of Riverside Development Service, LLC, for a Conditional Use Permit, for life of the use, for Planned Unit Development (PUD): 26.663-acre tract of land out of Lot 45 and 52; 8300 N Ware Rd
  - Planning and Zoning Commission recommended approval
  - City Commission approved as recommended
2. Request of Melden & Hunt, Inc., on behalf of Vaquero Ware Partners, LP, for life of the use, for a gasoline service station: 1.421 acres out of Lot 1, Ware Road Investments Subdivision; 1520 S Ware
  - Planning and Zoning Commission recommended approval
  - City Commission approved as recommended