AGENDA

PLANNING & ZONING COMMISSION REGULAR MEETING TUESDAY, APRIL 21, 2020 - 3:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

The Planning and Zoning Commission meeting will be held via video and teleconference due to COVID-19 **Video**-https://mcallen.webex.com/mcallen/j.php?MTID=m14d2a34cfa73de1c101c7f1144624b49

Password: Zoning Phone: (408) 418-9388 Access code: 262 295 882

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 for Regular Meeting held on April 7, 2020

2) PUBLIC HEARING:

- a) REZONING:
 - Rezone from R-1 (single family residential) District to R-3A (multifamily residential apartment) District: 0.862 acre tract of land out of Lot 151, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas; 609 South Bentsen Road. (REZ2020-0001) (Tabled 03/03/2020) (Tabled 04/07/2020)
- b) CONDITIONAL USE PERMITS:
 - 1. Request of David A. Lisauckis for a Conditional Use Permit, for one year, for a Bar at Lot A-1, Nolana Tower Subdivision, Hidalgo County, Texas; 400 Nolana Avenue, Suite H-1. (CUP2020-0026)
 - Request of Estanislada Chimeo Palmero, for a Conditional Use Permit, for one year, for a Home Occupation (Office/Massage) at Lot 73, Rowland Addition #2, Hidalgo County, Texas; 901 S. 26th Street (CUP2020-0024)
 - **3.** Request of John A. Simon, for a Conditional Use Permit, for one year, for a Bar at Lot 23, Continental Trade Center Subdivision, Hidalgo County, Texas; 2007 Orchid Avenue. **(CUP2020-0025)**
 - **4.** Request of Olga A. Ramirez, for a Conditional Use Permit, for one year, for a Home Occupation (Daycare) at Lot 21, Lark Crossing Subdivision, Hidalgo County, Texas; 6300 North 20th Street. **(CUP2020-0028)**
 - 5. Request of Antonio Ybarra for a Conditional Use Permit, for Life Of Use, for an Institutional Use (Church) at a 1.87 acre tract of land of Lot 257, John H. Shary Subdivision, Hidalgo County, Texas; 4902 Pecan Boulevard. (CUP2020-0018) (Tabled 04/07/2020)

- Request of Nancy Gomez, for a Conditional Use Permit, for one year, for a Bar at Lots 1 and 2, Shary Gateway Subdivision, Hidalgo County, Texas; 4901 Expressway 83, Suite 150. (CUP2020-0027)
- 7. Request of Alberto Dominguez, for a Conditional Use Permit, for life of the use, for an institutional use (church) at the West 275.4 ft. of the South 269 ft. of the North 610 ft. of Lot 129, La Lomita (HOIT) Subdivision, Hidalgo County, Texas, 2900 North Ware Road. (CUP2019-0163)
- 8. Request of Melissa Burton for a Conditional Use Permit, for life of the use, for a Dog Kennel at a 1.00 acre tract of land out of the South 19.39 acres of Lot 387, John H. Shary Subdivision, Hidalgo County, Texas; 6820 North Taylor Road. (CUP2020-0008) (Tabled 04/07/2020)
- 9. Request of Claudia J. Gonzalez for a Conditional Use Permit, for one year, for a Home Occupation (Daycare) at Lot 25, Regency Park Estates Subdivision, Unit 4, Hidalgo County, Texas, 6600 North 32nd Street. (CUP2020-0021) (Tabled 04/07/2020)

3) SUBDIVISIONS:

- a) Krane Subdivision; 12820 North Shary Road Jose Pablo Garza (Final) (SUB2020-0016) SEA
- **b)** El Dorado at Thousand Oaks Subdivision; 12500 North Ware Road Red Rock Real Estate Development, LTD. **(Preliminary) (SUB2020-0019)** QHA
- c) Vacate and resubdivision of Lots 73, 74, 75 Spanish Oaks at Frontera Subdivision to Spanish Oaks at Frontera Lot 73A Subdivision; 8412 North 10th Street 8400/8500 N. 10th Development, LLC (Preliminary) (SUB2020-0020) JHE
- d) Just A Closet #1 Subdivision Phase II; 5700 Mile 4 Road- Shary 80 Phase I, LLC-(Preliminary) (SUB2020-0015) JHE
- e) The Villas on Freddy Phase II Subdivision; 1500 Freddy Gonzalez Road- The Villas on Freddy, LLC (Preliminary) (SUB2020-0021) M&H
- f) Los Vecinos Subdivision; 2801 South Bentsen Road Tres Vecinos, LLC (Revised Preliminary) (SUB2019-0088) (Tabled 04/07/2020) HA

4) INFORMATION ONLY:

a) City Commission Actions: April 13, 2020

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, April 7, 2020 at 3:31 p.m. in the McAllen City Hall City Commission Room at 1300 Houston Avenue, McAllen, Texas.

Present: Daniel Santos Vice-Chairperson

Rogelio Cervantes Member
Gabriel Kamel Member
Michael Fallek Member
Pepe Cabeza de Vaca Chairperson
Jose B. Saldana Member
Michael Hovar Member

Staff Present: Evaristo Garcia Assistant City Attorney

Edgar Garcia Planning Director

Berenice Gonzalez Planner III
Jose H. De La Garza Planner III
Omar Sotelo Planner II
Liliana Garza Planner II
Carlos Garza Planner I

Juan Martinez Development Coordinator

Martina Mejia Traffic Department

Bilkis Olazaran Martinez Engineering Department Engineering Department

Porfirio Hernandez Technician II

Mario Escamilla, Jr. Planning Technician
Claudia Mariscal Administrative Secretary

CALL TO ORDER - Pepe Cabeza de Vaca, Chairperson

PLEDGE OF ALLEGIANCE

INVOCATION- Daniel Santos, Vice- Chairperson

1) MINUTES:

a) Minutes for Regular Meeting held on March 3, 2020.

The minutes for the regular meeting held on March 3, 2020 were approved as submitted. The motion to approve was made by Mr. Gabriel Kamel. The motion was seconded by Mr. Jose Saldana and the item received unanimous approval with six members present and voting.

b) Minutes for Special Meeting held on March 10, 2020.

The minutes for the regular meeting held on March 10, 2020 were approved as submitted. The motion to approve was made by Mr. Gabriel Kamel. The motion was seconded by Mr. Jose

Saldana and the item received unanimous approval with six members present and voting.

3) PUBLIC HEARING

a) REZONINGS:

Rezone from R-1 (single family residential) District to A-O (agricultural-open space) District: an irregular tract of land being the west 315 ft. of the east 530 ft. of the south 199.27 ft. (1.035 acres) out of Lot 368, John H. Shary Subdivision, Hidalgo County, Texas; 6001 North Well Springs Road. (REZ2020-0004)

Ms. Gonzales stated that the property was located on the west side of North Well Spring Road, approximately 1,135 ft. south of Lark Avenue. The lot had 199.27 ft. along North Well Spring Road and a depth of 240.55 ft. for a total area of 45,118.27 sq. ft., or 1.035 acres.

The applicant was proposing to rezone the property to A-O (Agricultural-Open space) District in order to build a barn to accommodate steers for the applicant's son who participates in FFA (Future Farmers of America) activities. The applicant is also planning to store construction equipment in this barn.

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

The subject property is vacant. Surrounding land uses are agricultural open space, Sharyland ISD Junior High School, and single-family residences.

The Foresight McAllen Comprehensive Plan designates the future land use as Auto Urban Residential and Estate Residential.

The development trend for this area along Lark Avenue was single-family residential uses. The property was initially zoned A-O District upon annexation in 1999. Lark Avenue was designated as a minor arterial with 100 ft. of right-of-way and currently has varying right-of-way and is considered as a rural local street with two travel lanes and no shoulders. In 2015, this property along with ten other parcels were rezoned to R-1 as part of the City Initiated A-O Zoning Project. The applicant did not own this property at the time. The applicant is wishing to down zone to A-O for the purpose of raising steers for his son.

The requested zoning does not conform to the Auto Urban Residential and Estate Residential land use designation indicated on the Foresight McAllen Comprehensive Plan.

This property, in addition to ten other parcels were rezoned R-1 in 2015 as part of the City initiated AO Project.

Animal Control had indicated only one steer will be allowed per acre, due to the surrounding zoning of this property being residential; and as an effort to avoid complaints from the residents regarding smell, and any other issues that may arise.

The applicant has been informed that no permits will be issued until the property is subdivided. The applicant has submitted a site plan showing the location of the proposed barn. Staff had not received any calls or emails in opposition.

Staff recommended approval of the A-O rezoning request.

Chairperson Pepe Cabeza de Vaca asked if there was anyone in attendance for opposition of the rezoning request. There was none.

After a brief discussion, Mr. Daniel Santos moved to approve based on staff recommendation with conditions noted. Mr. Gabriel Kamel seconded the motion, which was approved with six members present and voting.

Rezone from R-3A (multifamily residential apartments) District to C-3 (general business) District: the South 230 ft. (0.58 acres) out of Lot 1, Block 1, Coddington Addition, Hidalgo County, Texas; 601 North 2nd Street. (REZ2020-0005)

Mr. Camacho stated that the property is located on the west side of North 2nd street, approximately 400 ft. south of Hackberry Avenue. The subject property is a rectangular shaped tract with 230 ft. of frontage along North 2nd street, and a lot depth of 110.68 ft. at its deepest point for a tract size of 0.58 acre.

After clarifying the proposed land use, the applicant is proposing to rezone the property to C-3 (general business) District in order to build an Office/Retail plaza. A feasibility plan had not been submitted to the Planning Department.

The subject property was currently zoned R-3A (multifamily residential apartment) District. The adjacent zoning is C-2 (neighborhood commercial) District to the north, R-3A (multifamily residential apartment) to the west and R4 (mobile home) District to the east and south.

The property was currently vacant. Surrounding land uses include, a vacant building that previously housed the respite center and Colonial Manor Apartments, a residential house, Baldwin Mobile Home Manor, Paradise Park Inc. (Mobile Homes), an office retail plaza (Isavela Enterprises) and vacant land.

The Foresight McAllen Comprehensive Plan designates the future land use as Auto Urban Single Family, which is comparable to the R-1 (single family residential) District.

The development trend along this area is C-2 (neighborhood commercial) District to the north of the subject property, which was zoned from R-3A to C-2 in 1993, and residential zones/uses to the east, south and west. South of Hackberry Avenue, a tract of land was zoned C-2 in 1979 as part of the comprehensive zoning and later rezoned to C-1(office building) District in 2016. There has not been any rezoning request in the area since that time.

The requested zoning did not conform to the Auto Urban Single Family land use designation for the property as indicated on the Foresight McAllen Comprehensive Plan. The proposed zoning is not consistent with rezoning and commercial development trends for this area.

The nearest C-3 District is located 680 ft. south of the subject property. The proposed land use is office/ retail, which are permitted uses in the C-3 District.

Staff recommended disapproval of the rezoning request to C-3 (general business) District; however, alternatively recommends approval of the C-2 (neighborhood commercial) District.

Chairperson Pepe Cabeza de Vaca if there was anyone present in opposition to this item. There was none.

Applicant Fred Harms was present via videoconference and stated that he requested a C-3 initially because everything to the south seemed to be automotive and would receive tenants related to automotive. Chairperson Pepe Cabeza de Vaca stated that C-2 is more of office use, he asked Mr. Harms is he would consider a C-2 but Mr. Harms stated that he designed the building was to create two larger units of about 4,000 square feet with a retail front and a storage area in the back like a retail warehouse something like he did on McColl. Mr. Harms said he believes in order to do that type of building he would need a C-3. Chairperson Pepe Cabeza de Vaca asked staff which zone is suitable for Mr. Harms. Mr. Camacho stated that a warehouse and storage is not permitted it would be higher district such as a C-4 or higher. Mr. Harms clarified that the type of storage warehouse he was thinking of building was for example a plumbing that needs to hold all their extra equipment. Mr. Fallek understood what Mr. Harms developed at McColl and asked him to show the board members what he was referring to. Mr. Fallek stated that he felt what Mr. Harms was applying for was more suitable. Mr. Harms showed the picture of what he developed on McColl and Mr. Fallek asked if development Mr. Harms did on McColl required a C-3 and Mr. Garcia confirmed. Chairperson Pepe Cabeza de Vaca asked staff to explain what a C-2 entails. Mr. Camacho explained that a C-2 consists of retail businesses such as Tortillerias, bakeries, watch repairs, shoe repairs. Light commercial. Mr. Fallek asked if the businesses south of the proposed property were zoned as C-3 and Mr. Camacho confirmed.

Chairperson Pepe Cabeza de Vaca asked if there was more discussion and there was none.

After a brief discussion, Mr. Michael Fallek moved to approve rezone district to a C-3. Mr. Jose Saldana seconded the motion, which was approved with six members present and voting.

3. Rezone from C-1 (office building) District to R-3A (multifamily residential apartments) District: the North ½ of Lot 18 and all of Lots 19 & 20, Waldron's Subdivision, Hidalgo County, Texas; 408 South 9th Street. (REZ2020-0006)

Ms. Liliana Garza stated that the property was located at the southwest corner of Dallas Avenue and South 9th Street. The tract comprises two and one half lots and has frontage of 152.75 ft. along South 9th Street and a depth of 139 ft. for a total area of 21,232.25 sq. ft. or 0.487 acres.

The applicant was proposing to rezone the property to R-3A (multifamily residential apartments) District to construct apartments. A revised feasibility plan had not been submitted.

The adjacent zoning was C-3 (general business) District to the west, R-2 (duplex-fourplex residential) District to the south, and C-1 District to the north and east.

The subject property was vacant. Surrounding land uses are J. Saenz Law Firm, Perez Consulting Engineers, NAI Rio Grande Valley, Colors Daycare Center, fourplexes and single-family residences.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Auto Urban Commercial, which is comparable to C-3 District.

The development trend for this area along 9th Street is residential. The property was zoned to R-2 (duplex-fourplex residential) District in 1978. A rezoning request for the subject property to C-1 (office building) District was approved by the City Commission in March 25, 2002 but no development occurred.

A rezoning request to the east at 615 Dallas Avenue, from C-1 District to R-3A District was approved by the City Commission on February 24, 2020.

The requested zoning does not conform to the Auto Urban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan.

Section 110-49 (a) Vegetation Ordinance requires a masonry screen eight ft. in height where a commercial, industrial or multifamily use has a side or rear property line in common with a single-family use or zone. The Vegetation Ordinance allows a cedar fence 8 ft. in height with masonry columns every 10 ft. where the property line in common is 200 ft. or less.

The rezoning request provides opportunities for a variety of housing types throughout the city that responds to the residents' economic and social lifestyles. The proximity of the proposed development to an elementary school are compatible uses since institutional uses locate within residential neighborhoods.

A recorded subdivision plat and approved site plan are required prior to building permit issuance. Required Parkland Dedication or a variance for fees in lieu of parkland dedication comprising \$700 per dwelling unit is required prior to recording a subdivision plat.

Staff had not received any calls or emails in opposition.

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

Chairperson Pepe Cabeza de Vaca if there was anyone present in opposition to this item. There was none. After he asked if the applicant was there which he was via video conference. Chairperson Pepe Cabeza de Vaca wanted clarification on the size of the lot, which Ms. Garza answered 0.487 then asked how many apartments the applicant was proposing to put. Ms. Garza explained that the applicant did meet with all departments however; the site plan did not comply with most departments. The traffic department did not allow a curb cut on Dallas Avenue it does not meet access-facing requirement for a collector road. In addition, the site plan indicated that he proposed to build on half of the south side lot but if he were to, he would need to subdivide. The site plan submitted to all departments proposed 30 units of one-bedroom apartments.

After a brief discussion, Mr. Michael Fallek moved to approve based on staff recommendation with

conditions noted. Mr. Jose Saldana seconded the motion, which was approved with six members present and voting.

4. Rezone from C-3 (general business) District to R-3A (multifamily residential apartment) District: Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, Phase One Office Park Subdivision, Hidalgo County, Texas; 201,205,209,213,217,225,229,233,and 221 South 2nd Street. (REZ2020-0003)

Mr. Garza stated that the property was located on the east side of Col. Rowe Blvd. (S. 2nd St.) approximately 330 ft. south of U.S. Business 83. The tract had a frontage of 446.67 ft. along Hidalgo County Water Improvement District No. 2 Main Canal right-of-way with an access agreement to Col. Rowe Blvd. of 55 ft. in width and a depth of 446.67 ft. for a total area of 3.93 acres.

The applicant was proposing to rezone the property to R-3A (multifamily residential apartments) District in order to construct a multifamily housing development of approximately 100 apartment units called Avanti Legacy Valor Heights. A feasibility plan had been submitted to the Planning Department.

The adjacent zoning was C-3 (general business) District to the north and east, R-4 (mobile home and modular home) District to the west and R-1 (single family residential) District also to the north, south, and southeast.

The property was currently vacant. Surrounding land uses included single-family residential lots, Mama Mia Pizzeria, East Side Auto Clinic, Scalise & Co Inc., Tru Fit Athletic Club, McAllen Careers Institute, and vacant land.

The property was being used for an underground canal and irrigation district right-of-way.

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.

The development trend along the area to the south is single family residential. A large portion of the subject property was zoned R-4 District during comprehensive zoning in May 1979. A small portion of the subject property was zoned C-3 District during comprehensive zoning in May 1979.

A rezoning request for a portion of the subject property to C-1 (office building) District was disapproved by City Commission on November 13, 2000. Alternatively, the Board approved a conditional use permit for a parking facility with sidewalk and landscaping provided as part of the McAllen hike and bike trails plan.

A rezoning request for a portion of the subject property to C-3 District was approved by City Commission on July 14, 2003.

The requested zoning does not conform to the Auto Urban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan.

The R-3A District would provide a transition between C-3 District and R-1 District. The lot size of

3.93 acres complies with the minimum lot size requirement for apartments in an R-3A District.

An approved site plan are required prior to building permit issuance.

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

Chairperson Pepe Cabeza de Vaca if there was anyone present in opposition to this item. There was none.

After a brief discussion, Mr. Gabriel Kamel moved to approve based on staff recommendation with conditions noted. Mr. Daniel Santos seconded the motion, which was approved with six members present and voting.

5. Rezone from R-1 (single family residential) District to R-3A (multifamily residential apartments) District: 39.83 acres out of Lots 13, 14, 16, 17, and 18, Section 234, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas; 12512 North Ware Road (REZ2020-0008)

Mr. Garza stated that the property was located at the east side of North Ware Road, approximately 2,000 ft. south of 8 ½ Mile Road. The vacant tract has an irregular shape that comprises a total area of 39.83 acres.

The applicant was requesting to rezone the property to R-3A (multifamily residential apartments) District in order to build approximately 162 multifamily duplex units. A feasibility plan has been submitted to the Planning Department with a development plan of (2) 2 bedroom and 2 bathroom units and (2) 3 bedroom and 2 bathroom units.

The adjacent zoning is R-1 (single family residential) District to the north and east, A-O (agriculture and open space) District to the south, and C-3 (general business) District to the west.

The property is currently vacant. Surrounding land uses are single-family residences, The Vineyards, Sharyland Water Supply Corporation and vacant land.

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

The development trend for the area along North Ware Road is single family residential. The property was initially zoned A-O District upon annexation in 1995.

A portion of the property to the east was rezoned to R-1 District in 2006 and then to R-3A District in 2014. The western part of the subject property was zoned R-2 District in 2014. The properties were then rezoned to R-1 District in 2015.

The requested zoning did not conform to the Auto Urban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan. The proposed zoning is not consistent with the development and rezoning trends for this area.

There had been no calls received in opposition to the request.

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

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

Chairperson Pepe Cabeza de Vaca if there was anyone present in opposition to this item. There was none.

Chairperson Pepe Cabeza de Vaca asked to hear from the developer and engineer. Once the engineer Alfonso Quintanilla from Quintanilla Associates spoke, he explained everything that was proposed and said by staff. He also mentioned another development that they worked on, on South McColl and Yuma to be similar to this one. Chairperson Pepe Cabeza de Vaca asked about the development on McColl and if the proposed development are similar, to which Mr. Quintanilla the engineer answered yes. Chairperson Pepe Cabeza de Vaca wanted to clarify that there is going to be single-family residence and multifamily and if this was a separate project. Mr. Quintanilla explained that there would be a solid wall dividing the single-family residence from the multifamily residence and Mr. Cruz Cantu the developer stated that it was all one project so it would not be done in phases. Chairperson Pepe Cabeza de Vaca asked to staff if single-family can be done in a R3-A zoning and Mr. Garza confirmed it. Mr. Kamel asked about the part where they are rezoning and Mr. Garza answered that it was on the J part.

After a brief discussion, Mr. Gabriel Kamel moved to approve the rezoning request to R-3A (multifamily residential apartments). Mr. Jose Saldana Seconded the motion, which was approved with six members and voting.

6. Rezone from R-1 (single family residential) District to R-3A (multifamily residential apartment) District: 0.862-acre tract of land out of Lot 151, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas; 609 South Bentsen Road. (REZ2020-0001)(TABLED: 03/03/2020)

Mr. Daniel Santos moved to remove item from the table. Mr. Gabriel Kamel seconded the motion, which was approved with six members present and voting.

PLANNING AND ZONING COMMISION MEETING OF MARCH 03, 2020:

At the Planning and Zoning Commission meeting of March 03, 2020, no one appeared in opposition to the rezoning request. The applicant was present and submitted a letter of request to change the rezoning request from R-3A (multifamily residential apartments) District to R-2 (duplex-fourplex residential) District. Staff stated they recommended approval of the alternate rezoning request to R-2 District. Board member Michael Fallek stated he would like to see a feasibility plan of the proposed development since the property could still be subdivided into more than one lot, which would increase density as opposed to if it were just one lot. The Board unanimously voted to table the rezoning request in order to allow the applicant time to submit a feasibility plan. There were four members present and voting.

Subsequent to the Planning and Zoning meeting of March 03, 2020, the applicant submitted a

feasibility plan.

Mr. Jose Saldana had made a motion to approve the item but Chairperson Pepe Cabeza de Vaca wanted to discuss the item prior to voting. Chairperson Pepe Cabeza de Vaca was hesitant about the location of the property; he noticed that the properties surrounding the location were zoned as R1 so he asked Michael Fallek about what was discussed at the prior meeting when the item was tabled. Mr. Michael Fallek explained that when the case was first presented it was a blank slate, which made him want to see what the applicant had in mind before making a final decision. Mr. Fallek asked staff why they were recommending disapproval for this item. Mr. Garza explained that the basis of the proposed zoning is not consistent with the rezoning in this area since there are no other zonings that were multifamily. Mr. Garza added that the applicant submitted a feasibility plan and in the plan, it proposed 3 duplexes in one lot which continues to be an R3-A, however if the applicant wants he can continue to build anything besides what his plan shows. Mr. Fallek asked what staff would recommend if the applicant brought a plan with for R2 to which Carlos stated that, the recommendation would still be disapproval. Mr. Fallek wanted clarification on the zoning in that area and Carlos stated that it was all R1 and to the south was AO. Chairperson Pepe Cabeza de Vaca asked if the applicant was present via video conference or on the phone. The applicant was present via video conference, so Chairperson Pepe Cabeza de Vaca asked for more information about the project. The applicant stated that when he had a meeting with the planning and zoning department had approved and presented a feasibility plan as requested. He asked if he needed to put less units or one fourplex. Chairperson Pepe Cabeza de Vaca asked if the applicant wanted the item tabled again to give the applicant another opportunity to speak with staff and go over other options. The applicant agreed. Mr. Michael Hovar suggested that the applicant to possibly subdivide and agreed with staff to disapprove rezoning the property.

Chairperson Pepe Cabeza de Vaca asked if any members seconded Mr. Jose Saldana's motion to approve to which no one voted, Chairperson Pepe Cabeza de Vaca asked if Mr. Jose Saldana wanted to table the item. Mr. Jose Saldana moved to table the item and Mr. Michael Hovar seconded the motion, which was approved with six members present and voting.

b) CONDITIONAL USE PERMITS:

 Request of Roel Buentello Jr., for a Conditional Use Permit, for one year, for a bar at Lot A - Phase I and Lot B - Phase II , Town & Country Subdivision, Hidalgo County, Texas; 5021 North 10th Street. (CUP2020-0022)

Ms. Garza stated that the property was located at the southwest corner of Zinnia Avenue and North 10th Street, and it is zoned C-3 (general business) District. The surrounding zoning is C-3 to the north, south, and east, and R-1 (single family residential) District to the west. Surrounding land uses include single and multi-family residences, commercial businesses, and Bill Schupp Park. A bar is allowed in a C-3 zone with a conditional use permit and in compliance with requirements.

The initial Conditional Use Permit was approved by the City Commission on May 05, 2017 with a variance to the 600 ft. distance requirement. The applicant stated that no alcohol had been served since the permit expired.

There was a multi-tenant commercial shopping center by the name of Town and Country Shopping

Center on the property. The applicant was proposing to continue operating a barbershop that serves alcohol (Butler's Barber Shop) at 5021 North 10th Street from 11:00 A.M. to 7:00 P.M. Monday through Saturday.

A police activity report was received and indicates calls from March 2019 to present.

The Health Department has inspected the establishment and found the place to be in compliance. The Fire Department inspection is pending. The establishment must comply with 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 above mentioned businesses must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. from the nearest residence and residentially zoned property to the east, and publicly owned property (Bill Schupp Park) to the northeast;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has access from North 10th Street;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. The proposed 1,880 sq. ft. barbershop requires 8 parking spaces. For every business to run simultaneously 371 parking spaces are required; there are 480 parking spaces 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 in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The Building Department confirmed that the maximum occupancy for the above-mentioned business is 71 people.

Staff recommended disapproval of the request due to noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance.

Chairperson Pepe Cabeza de Vaca asked if there was anyone there in opposition, but there was none.

After a brief discussion, Mr. Daniel Santos moved to disapprove with a favorable recommendation.

Mr. Gabriel Kamel seconded the motion, which was approved with six members present and voting

Staff requested to hear this item at this time.

6. Request of Claudia J. Gonzalez for a Conditional Use Permit, for one year, for a Home Occupation (Daycare) at Lot 25, Regency Park Estates Subdivision, Unit 4, Hidalgo County, Texas, 6600 North 32nd Street. **(CUP2020-0021)**

Ms. Gonzalez stated that the property was located on the east side of North 32nd Street, east of Nightingale Court, and is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions, and it <u>was</u> surrounded by single-family residences. A day care was allowed in the R-1 zone with a Conditional Use Permit and in compliance with requirements.

There was a one story single-family residential home on the property. The applicant is proposing to operate a day care facility from the existing residence. The proposed hours of operation are from 7:00 AM to 6:00 PM Monday through Friday.

The Fire and Health Departments have follow up inspections. The proposed use shall meet all the minimum standards and applicable ordinances. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions on the permit. The daycare may not be operational until the issuance of the certificate. The daycare must comply with requirements set forth in Section 138-118(8) of the Zoning Ordinance and other specific requirements as follows:

- 1) Meet the requirements of the Department of Human Services;
- 2) Provide a fenced in area for outside play of children. A fenced area is provided on site;
- 3) Provide paved area adjacent to street for pickup and delivery of children. The existing driveway and garage accommodate the two required parking spaces needed for the residential home and required space for the pick-up and drop off of the children;
- 4) Area used for the day care facility should be clearly secondary to the use of the structure;
- 5) Person who applies for permit must reside at location for which the permit is granted. The applicant resides at this location;
- 6) There shall be no more than two (2) day care facilities within 600 ft. of each other as measured over the shortest distance of street right-of-way between the facilities. There is no other day care within 600 ft.;
- 7) No more than one day-care shall be located on a dead-end street or cul-de-sac; N. 32nd Street is not in a cul-de-sac street; no other daycare exists on this street;
- 8) Day care facilities shall not be located on a half street or a street that is accessed by a half street; N. 32ND Street is not a half street or a street accessed by a half street;

- 9) Day care facilities that care for more than 12 children shall not be permitted in a residential zoning district. The applicant is proposing to care for up to 12 children;
- 10) No signs are permitted; No signs are proposed;
- 11) No more than one additional employee that does not reside on the premises is permitted. The applicant is proposing a total of two employees which include the applicant and her sister, both residing at this location;
- 12) The property owner shall sign the application or the applicant shall provide a letter of authorization from the property owner. Staff was provided an authorization letter from the property owner.

Staff had received one call in opposition from Roy Lopez, who resides at 6516 N. 32nd Street. Mr. Lopez is a retired individual who enjoys spending time in the tranquility of his backyard and he fears the proposed daycare may disturb the character of the neighborhood. Ms. Gonzalez stated that there are more emails.

Chairperson Pepe Cabeza de Vaca asked Ms. Gonzalez to read the email sent to her by Mario Quintanilla

Dear Ms. B. Gonzalez,

My name is Mario Quintanilla and reside at 6604 N. 32nd St. McAllen, TX. This letter is to convey my concerns and opposition of my fairly my new neighbors': Request of Claudia J. Gonzalez for a Conditional Use Permit, for Home Occupation (Daycare) at Lot 25, Regency Park Estates Subdivision, Unit 4, Hidalgo County, Texas, 6600 North 32nd Street (CUP2020-21).

The concerns we have are the following:

- Traffic- For the most part this is a very quiet area with low traffic when only the property owners are passing through.
- Parking This is a residential neighborhood; parking is very limited in our properties. Most
 of the property owners in this area have more than two cars must park them along the curb
 of their property. This also narrows the road as cars are parked along the curbs. If a Daycare
 is opened within the same area, this will affect traffic, space, parking and flow of the street(s).
- Backyard Fence We currently share a fence that separates our backyard. The fence faces inward toward the residents of 6600 N. 32nd St. and is over seventeen (17) years old, which is how long my family and I have resided here. It needs major repairs or replacement. We have dogs in our back yard and over the years, some of the fence boards have broken apart and even fallen. One major concern is if a child/children are in the backyard and make contact with one of our dogs, that would create a substantial liability of a situation like that.
- Gym in area There is currently another resident that is operating a home gym a few houses down off Mynah and 33rd Street. They use their garage and driveway as part of the gym and have multiple people at a single time. (at times beyond 10) Their gym clients park in

neighbors' areas and even do exercises in the middle of the street. This causes problems since it generates congestion along the street and a liability because of the gym clients are exercising in the middle of the street at any time. (lunges and or other exercises)

- Garage Sales We have another resident along 34th St. that has garage sales every day.
 Again, creating a lot of traffic congestion and parking issues for neighbors that live next to them.
- Neighbors at 6608 Neighbor, Antonio Perez at 6608 N. 32nd St. previously applied for the same permit about seven years ago to run a Daycare/Clinic for Autistic children but were denied because parking was inadequate.

Ms. Gonzalez added that the staff records show that Mr. Tony Perez did apply for a conditional use permit for tutoring sessions and was approved in 2008, 2009, and 2011. All three years the conditional use permits were approved.

- Liability / Insurance We would now be at risk of a frivolous lawsuit(s) with a daycare in a residential area from parents for unknown reasons.
- Owners The said Permit for Home Occupation (Daycare) is requested by Claudia J. Gonzalez for 6600 North 32nd St. the attached document labeled as "A" shows the owners being Erasmo Vasquez, Jr and wife Erika Jasmin Gonzalez.

We understand and sympathize with everyone trying to make a living with an honest career. However, this is a residential neighborhood and not a commercial area and would like for it to continue that way.

One of the main reasons my wife and I were attracted to this area and purchased our home in 2003, was because it was quiet and was the place, we wanted to come home to enjoy our time at our sanctuary. We do not rent, nor do we pay a mortgage so for us to pick and up relocate is not an option. This is not a commercial area; this is a residential area in which families have moved in and settled to live a quiet peaceful life without all the chaos from the coming and going of others from a business. We have approximately four (4) of our proximity neighbors who have retired and enjoy their quiet time outside whether it be gardening or drinking a cup of coffee.

Chairperson Cabeza de Vaca asked Ms. Gonzalez to read the letter from Mr. Quintanilla. Ms. Gonzalez began to read the letter as stated below.

Ms. Gonzalez, I hope you take into consideration our concerns on the denial of said Permit. Our denial request is not in the intent to prevent someone from starting a business but to deny a business to be operated out of a home in a residential area. Our former neighbors that sold the home to Erasmo Vasquez Jr and wife, Erika Jasmin moved because they were in search of a "bigger" home for them because their family of four (4) was outgrowing the house in which Claudia J. Gonzalez, non-owner wants to operate a daycare.

Best Regards, Mario Quintanilla,

Owner adjacent to Lot 25, Regency Park Estates Subdivision, Unit 4, Hidalgo County, Texas, 6600 North 32nd Street

Chairperson Pepe Cabeza de Vaca asked if there was anyone there in opposition. Mr. Mario Quintanilla 6600 North 32nd Street attended via video conference. Mr. Quintanilla stated that he had sent his emails and neighbors' emails. Mr. Quintanilla voiced his concerns were the same as what was sent in the emails. Chairperson Pepe Cabeza de Vaca did agree with his concern regarding the fence and dogs and that he would get with staff to check how it can be fixed. Vice Chairperson Daniel Santos as Mr. Quintanilla was type of dogs he owned and Mr. Quintanilla stated they were mixed dogs. Mr. Quintanilla stated that he was concerned with the traffic in the mornings and in the evenings as well as having to buy extra insurance. Chairperson Pepe Cabeza de Vaca asked if there was anyone else in opposition, no one answered. The applicant Claudia Gonzalez was there for the meeting. Chairperson Pepe Cabeza de Vaca asked if Ms. Claudia Gonzalez was aware that her neighbors had concerns but she did not know until the meeting. Chairperson Cabeza de Vaca stated that one of the concerns was that the children would be playing in the street and he asked Ms. Claudia Gonzalez if they children would be taken outside to play in the street. Ms. Claudia Gonzalez stated that by the state they are not allowed to go outside in the front yard they are only allowed to play outside in the back in the morning and in the afternoon. Chairperson Cabeza de Vaca then stated that he was concerned about the fence and asked if a mesh was able to be put on the fence to prevent the children to put their fingers between the gaps. He asked if Mr. Garcia if staff could go out an inspect the fence and Mr. Garcia confirmed. Vice Chairperson Daniel Santos asked how many kids Ms. Claudia Gonzalez was thinking of having in the daycare and Ms. Claudia Gonzalez stated that the state allowed her up to 12. Mr. Roy Lopez 6516 North 32nd voiced his concerned regarding parking and traffic. Chairperson Pepe Cabeza de Vaca explained that the cars were not going to stay they were just going to drop off and pick up. Mr. Roy Lopez also stated that he was concerned with the noise since the neighborhood was very tranquil. Mr. Michael Fallek asked if there was another daycare in the area but there was none. He asked if there was one previous, but it was explained that it was a tutoring service conditional use permit that was no longer active. Vice chairperson Daniel Santos stated that he was concerned with the way the house was situated because there is no buffer behind, north or south. Mr. Fallek also mentioned that there was not going to be kids outside with the tutoring service as appose to a daycare. Chairperson Pepe Cabeza de Vaca stated the kids are not going to be outside all the time playing. Chairperson Cabeza de Vaca suggested tabling the item so that staff can make a site visit and give the application an opportunity to speak with the concerned neighbors.

Staff recommends approval of the request, for one year, subject to compliance with Section 138-118(8) of the Zoning Ordinance, and Health, and Fire Department Requirements.

After discussion, Mr. Gabriel Kamel moved to table the item. Mr. Daniel Santos seconded the motion, which was approved with six members present and voting.

2. Request of Melissa Burton for a Conditional Use Permit, for life of the use, for a Dog Kennel at a 1.00 acre tract of land out of the South 19.39 acres of Lot 387, John H. Shary Subdivision, Hidalgo County, Texas; 6820 North Taylor Road. (CUP2020-0008)

Mr. De La Garza stated that the applicant requested the item to be tabled.

Chairperson Pepe Cabeza de Vaca asked for a motion. Mr. Gabriel Kamel moved to table the item. Mr. Daniel Santos seconded the motion, which was approved with six members present and voting

3. Request of Miguel Carlos Macias Padilla for a Conditional Use Permit, for one year, for an Institutional Use (Beauty School) at a 0.12 acre tract of land out of Lot 5, Block 9, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 1214 North 10th Street. (CUP2020-0013)

Mr. De La Garza stated that the property was located on the east side of North 10th Street, approximately 230 ft. north of Laurel Avenue, and is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. Surrounding uses include commercial business, offices, restaurants, and single-family residences. An institutional use is permitted in the C-3 zone with a conditional use permit and in compliance with requirements.

There was an existing 2,422 sq. ft. lease space part of a commercial building of 5,081 sq. ft. from where the applicant is proposing to operate a beauty school. The applicant is proposing to operate the beauty school from 8:00 AM to 3:00 PM Monday thru Friday, and have 18 students. Based on the square footage of the lease space where the beauty school is proposed to operate and the remainder of the commercial building, 16 parking spaces are required and 17 parking spaces are provided. Six parking spaces are located in front of the building, and the applicant obtained a parking agreement from an adjacent business for 11 parking spaces from the parking lot located at the rear of the subject property.

The Fire Department inspection is pending. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to other conditions of the permit. The proposed use must also comply with the zoning ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property fronts and has direct access to North 10th 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. Based on the square footage of the lease space where the beauty school is proposed to operate and the remainder of the commercial building, 16 parking spaces are required and 17 parking spaces are provided. 6 parking spaces are located in front of the building, and the applicant obtained a parking agreement from an adjacent business for 11 parking spaces from the parking lot located at the rear of the subject property.
- 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 use properties shall be screened by a 6 ft. opaque fence.

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

Chairperson Pepe Cabeza de Vaca asked if there was anyone there in opposition, but there was none.

Mr. De La Garza stated that staff has not received any calls or emails in opposition for the Conditional Use Permit.

After a brief discussion, Mr. Gabriel Kamel moved to approve based on staff recommendation with conditions noted. Mr. Jose Saldana seconded the motion, which was approved with six members present and voting.

4. Request of Antonio Ybarra for a Conditional Use Permit, for life of use, for an Institutional Use (Church) at a 1.87-acre tract of land of Lot 257, John H. Shary Subdivision, Hidalgo County, Texas, 4902 Pecan Boulevard. (CUP2020-0018)

Mr. Camacho stated that the property is located on the north side of Pecan Boulevard, approximately 870 ft. east of N. Taylor Road. The 1.87-acre tract is zoned R-1 (single family residential) District, and C-1 (office building) District. The applicant is proposing to convert the vacant home into a church with a proposed seating of twenty four (24) in the main auditorium. The adjacent zoning is R-1 to the west, north and east, C-1 District. Also to the east and C-3 (general business) District to the south. Surrounding land uses include single-family residences, a commercial plaza (Tejas Insulation and Divine Hair Beauty Salon), vacant land and citrus fields. An institutional use is permitted in a C-1 zone with a conditional use permit and in compliance with requirements. There is an existing building with approximately 1545 sq. ft. where the applicant is proposing to operate a church. The building consists of two classrooms, and one existing unused room, a seating area for 24 seats, and both women and men restrooms. The applicant proposes to operate the church on Wednesdays from 7:00PM to 8:00PM and on Sundays from 10:00AM to 12:00PM and 5:00PM to 6:00PM. The applicant stated that there might be gatherings other than the hours of operation in certain Church related events. The applicant proposes to construct a parking lot to the east of the existing building, as well as a driveway southeast of the property to comply with the parking space requirement. Based on a seating capacity of twenty four (24) in the main auditorium; 6 parking spaces are required; eight parking spaces are provided. One of the provided parking spaces must be van accessible with an 8ft. wide aisle. A right of way (ROW) permit is required. The applicant has not yet obtained a ROW permit from the City's Engineering Department. The existing house is currently on a septic tank. McAllen Public Utilities staff has informed the applicant that the request to continue using the septic tank for a church is to be

considered by the Public Utility Board.

Staff has met with the applicant regarding the requirements and is to submit an updated site plan with the required van accessible parking space and the buffer (8ft. masonry) surrounding the subject property from the residential zones/uses. In addition, a landscape plan is needed and has not yet been submitted.

The Fire department has conducted the necessary inspection and no violations were found. 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. The proposed use must also comply with the zoning ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property fronts Pecan Boulevard.
- 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 seating area of 24 seats, 6 parking spaces are required. One of the provided parking spaces is required to be van accessible with an 8 ft. wide aisle; eight parking spaces are provided on site. The parking must be clear of potholes and properly striped per city requirements. A Right-of-Way Permit is required.
- 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 use property shall be screened by an 8 ft. masonry buffer.

Staff recommended to table the item based on the following:

- 1) Submittal of the updated site plan and landscape plan:
- 2) The applicant obtains the required ROW permit for the proposed driveway and parking lot; and
- 3) Public Utility Board action on the request to continue using the existing septic tank.

Chairperson Pepe Cabeza de Vaca stated that staff recommends the item to be table and asked for a motion

Mr. Gabriel Kamel moved to table the item based on staff recommendation. Mr. Jose Saldana seconded the motion, which was approved with six members present and voting.

5. Request of Sarahi Cardoza, for a Conditional Use Permit, for one year, for a portable food concession stand at Lot A1, All in One Subdivision No. 3, Hidalgo County, Texas; 6101 North 23rd Street. (CUP2020-0020)

Mr. Garza stated that the property is located on the west side of North 23rd Street, approximately 250 ft. south of Lark Avenue. The property is zoned C-3 (general business) District. The adjacent zoning is C-3 to the north, R-3A (multifamily residential apartment) District to the south and west, A-0 (agricultural & open space) to the northeast and R-1 (single family residential) District to the east. A portable building is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements. The previous Conditional Use Permit for a similar use was approved by the Planning and Zoning Commission on August 19, 2014. The same applicant renewed it until 2019. The new applicant is applying for a Conditional Use Permit for a snow cone stand. The portable building (19 ft. X 22 ft.) is already in place and will be maintaining its current footprint, with the proposed days and hours of Monday – Sunday from 11 am – 11 pm.

The Fire and Health Department have completed their inspections and found the establishment to be in compliance. The portable building must also meet the requirements set forth in Section 138-118(3) of the Zoning Ordinance as follows:

- 1) Portable buildings must not be used for living quarters. The portable building is proposed for a snow cone stand.
- 2) Must be located in such a manner as to have access to a public right-of-way within 200 ft. The property fronts North 23rd Street.
- 3) The proposed use and adjacent businesses shall comply with the off-street parking and loading ordinance. Based on the square footage, four (4) parking space are required. They are part of a common area for parking.
- 4) Must provide for garbage and trash collection and disposal. As per the shopping center a dumpster area is provided;
- 5) Must be connected to an approved water distribution and sewage disposal system.
- 6) No form of pollution shall emanate beyond the immediate property line of the permitted use;
- 7) 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.

Staff recommended approval of the request, for one year, subject to compliance with requirements from Section 138-118(3) of the Zoning Ordinance, Building Permit, Health and Fire Department requirements.

Chairperson Pepe Cabeza de Vaca asked if there was anyone there in opposition, but there was none. Chairperson Pepe Cabeza de Vaca asked staff if they had received any emails or calls in opposition and Carlos stated there were not.

After a brief discussion, Mr. Daniel Santos moved to approve based on staff recommendation with conditions noted. Mr. Rogelio Cervantes seconded the motion, which was approved with six members present and voting.

7. Request of Maria E. Garcia for a Conditional Use Permit, for one year, for a Home Occupation (Daycare) at Lot 50, Bedford Park Estates, Hidalgo County, Texas, 3929 Quail Avenue. (CUP2020-0023)

Ms. Liliana Garza stated that The property is located on the south side of Quail Avenue, 63.29 ft. east of North 40th Street, and is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions. Surrounding land use is single family residential. A day care was allowed in an R-1 District with a Conditional Use Permit and in compliance with requirements.

There are no Conditional Use Permits granted for this property in the past.

Currently there is a two story single-family residential home on the property. The applicant is proposing to operate a day care facility from a 206 sq. ft. area on the first floor of the existing residence. The proposed hours of operation are from 7:30 AM to 5:30 PM Monday through Friday. The Fire Department has conducted an initial inspection; however, a follow-up inspection is pending. The Health Department has inspected and found the property to be in compliance. The proposed use shall meet all the minimum standards and applicable ordinances. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions on the permit. The occupation may not be operational until the issuance of the certificate. The business must comply with requirements set forth in Section 138-118(8) of the Zoning Ordinance and other specific requirements as follows:

- 1) Meet the requirements of the Department of Human Services;
- 2) Provide a fenced in area for outside play of children. A fenced area was provided on site;
- 3) Provide paved area adjacent to street for pickup and delivery of children. The existing driveway and garage accommodate the required two parking spaces needed for residential home and required space for the pick-up and drop off the children;
- 4) Area used for the day care facility should be clearly secondary to the use of the structure:
- 5) Person who applies for permit must reside at location for which the permit is granted. The applicant lives in the residence;
- 6) There shall be no more than two (2) day care facilities within 600 ft. of each other as

measured over the shortest distance of street right-of-way between the facilities. There is no other day care within 600 ft.;

- 7) No more than one day-care shall be located on a dead-end street or cul-de-sac; Quail Avenue is not a cul-de-sac street; no other daycare exists on this street;
- 8) Day care facilities shall not be located on a half street or a street that is accessed by a half street; Quail Avenue is not a half street or a street accessed by a half street;
- 9) Day care facilities that care for more than 12 children shall not be permitted in a residential zoning district. The applicant is proposing to care for up to 12 children;
- 10) No signs are permitted; No signs are proposed;
- 11)No more than one additional employee that does not reside on the premises is permitted. The applicant is proposing no additional employees; and
- 12) The property owner shall sign the application or the applicant shall provide a letter of authorization from the property owner.

Staff recommends approval of the request, for one year, subject to compliance with Section 138-118(8) of the Zoning Ordinance, Health, and Fire Department Requirements.

Ms. Garza stated that there have been no calls or emails in opposition.

Chairperson Pepe Cabeza de Vaca clarified that if a second inspection is needed and Ms. Garza stated that the fire department needed to re inspect the location. Asked if there was anyone there in opposition, but there was none

After a brief discussion, Mr. Gabriel Kamel moved to approve based on staff recommendation with conditions noted. Mr. Jose Saldana seconded the motion, which was approved with six members present and voting.

Chairperson Pepe Cabeza de Vaca asked if there was anyone there in opposition, but there was none

8. Request of Hershal B. Patel for a Conditional Use Permit, for life of the use, for a guesthouse at Lot 49, Via Cantera (Amended) Subdivision, Hidalgo County, Texas, 216 East Duke Avenue. (CUP2020-0017)

Ms. Liliana Garza The property was located on the south side of Duke Avenue, approximately 880 ft. east of North 2nd Street, and was zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions. Surrounding land uses are single-family residences. A guesthouse was allowed in R-1 District with a conditional use permit and in compliance with requirements.

There have been no Conditional Use Permits granted for this property.

The applicant is proposing to construct a two-story guesthouse at the rear of the property. The guesthouse consisted of approximately 1,142 sq. ft. and will serve as an accessory use to the main house. A building permit application for the single-family residence and guesthouse was submitted on February 11, 2020. A building permit was issued for the construction of a single family home and guesthouse, with the applicant understands that if the conditional use permit for the guesthouse were disapproved, he would have to revise the guesthouse floor plans to not include a kitchen and second floor.

The guesthouse must meet the requirements set forth in Section 138-118(5) of the Zoning Ordinance and specific requirements as follows:

- 1) Only one guesthouse shall be permitted on the property;
- 2) The proposed use shall comply with setback requirements. Proposed structure's setbacks are in compliance.
- 3) The proposed use shall be connected to the same utilities as the primary residence.
- 4) Lot size must be a minimum 8,000 sq. ft. The subject property is approximately 12,155 sq. ft.
- 5) Separate driveways or garages for the proposed use shall not be permitted. Applicant is not proposing an independent driveway for the proposed guesthouse.
- 6) The proposed use shall not be rented;
- 7) The permit shall be revoked if money is ever paid for rent or utility expenses are shared with the proposed use.

Staff recommended approval of the request, for life of the use, subject to compliance with requirements from Section 138-118 (5) of the Zoning Ordinance, and Fire Department requirements.

Chairperson Pepe Cabeza de Vaca asked if all the requirements were good and staff confirmed that it was. Chairperson Pepe Cabeza de Vaca asked if there was anyone in opposition of this and there was none. There was also no emails or phone calls in opposition.

After a brief discussion, Mr. Jose Saldana moved to approve based on staff recommendation with conditions noted. Mr. Gabriel Kamel seconded the motion, which was approved with six members present and voting.

c) DISCUSSION:

1. Consideration and Possible Approval on Ordinance Exempting Restaurants from Certain ECOD Requirements

Currently, all entertainment and cultural establishments, which includes restaurants, in the

Entertainment and Cultural Overlay District (ECOD) are required to make necessary and reasonable efforts to discourage criminal activity and vandalism. Part of these requirements include providing security personnel, installing security cameras, and the use of age-verification devices and the marking of all occupants under the age of 21 with UV ink.

The Planning Department has fielded concerns from restaurants within the ECOD in regards to being required to provide security personnel as well as the use of age-verification devices. Specifically, restaurant owners believe the presence of security personnel affects the ambience of their establishment and causes patrons to believe the restaurants have safety issues. Likewise, restaurants operating during normal lunch and dinner hours believe the use of UV ink on all occupants under the age of 21 to be excessive.

ECOD regulations presently do not distinguish between restaurants and bars. All ECOD requirements apply equally to any entertainment or cultural establishments, which are defined as cabarets, dancehalls, discotheques, discos, music venues, nightclubs, restaurants, bars, and schools of dance. The proposed ordinance would exempt restaurants in the ECOD from safety requirements aimed at bars, nightclubs, and cabarets. All other ECOD requirements would remain unchanged.

- Recommend approval of ordinance exempting restaurants in the ECOD from providing security personnel
- 2. Recommend disapproval of ordinance exempting restaurants in the ECOD from providing security personnel
- 3. Take no recommendation action and send ordinance back to Ordinance Review Committee for further discussion

After a brief discussion, Mr. Michael Fallek moved to approve based on staff recommendation with conditions noted. Mr. Daniel Santos seconded the motion, which was approved with six members present and voting.

3) SITE PLAN:

a) Site plan approval for Lot 4B, North McAllen Shopping Center Lots 4A & 4B Subdivision; 7301 North 7th Street. (SPR2020-0005)

Ms. Liliana Garza The property was located on the west side of North 7th Street, approximately 238 ft. north of Trenton Road. The property is vacant and was zoned C–3 (general business) District. Surrounding zoning was C–3 to the north, south and west, and A–O (agricultural and open space) to the east.

The applicant was proposing to construct a 5,450 sq. ft. building for restaurant and drive thru use. The plat states that a site plan must be approved by the Planning & Zoning Commission prior to building permit issuance.

The proposed restaurant with patio area will be 5,691 square feet, which required 57 parking spaces. Three of the provided parking spaces must be accessible, one of which must be van accessible with

an 8 ft. wide aisle. Based on the restaurant area (5,243 sq. ft.) and patio area (448 sq. ft.), 57 parking spaces are required; 70 parking spaces are being proposed. Three access points to the site are being proposed; one of which was a 15 ft. wide curb cut and two of which are 26 ft. wide curb cuts along N. 7th Street. Traffic Department has indicated that stacking for eleven vehicles is required for the drivethru area, as well as a trip generation to determine if a traffic impact analysis is required. Required landscaping is 4,265 sq. ft. with trees required as follows: 15 -2 ½" caliper trees or 8- 4" caliper trees, or 4- 6" caliper trees, or 30 palm trees. A minimum 10 ft. wide landscape strip is required inside the property line along N. 7th Street. Fifty percent of the landscaping must be visible in front areas, and each parking space must be within 50 ft. of a landscaped area with a tree, as required by ordinance. A 6 ft. buffer is required around the dumpster if visible from the street. No structures were permitted over easements. All setbacks will be in compliance with the plat note requirements and the zoning ordinance.

Staff recommended approval of the site plan subject to the conditions noted, Traffic Department requirements, paving and building permit requirements, and the subdivision and zoning ordinances.

After a brief discussion, Mr. Gabriel Kamel moved to approve based on staff recommendation with conditions noted. Mr. Jose Saldana seconded the motion, which was approved with six members present and voting.

4) SUBDIVISIONS:

a) JR Frontera Subdivision; 1701 Frontera Road - John Rodriguez (Tabled 02/18/2020) (Remained Tabled 03/03/2020) (SUB2020-0004) UIG

Ms. Gonzalez stated that this item had been tabled four times and she received an email from the engineer requesting to remove the item from the agenda. The email should be included in the packet. A revised plat will be submitted once they solve some issues that need to be clarified.

No action needed. Item was withdrawn.

b) Zavi Estates Subdivision; 3601 South McColl Road- Zaida and Benigno Villarreal (Final) (SUB2020- 0017) MAS

Ms. Gonzalez stated that the subject property was located on the southeast corner of McColl Road and Augusta Avenue. S. McColl Road had an additional 10 ft. of ROW dedication for 50 ft. from centerline for 100 ft. of ROW with 65 ft. of paving and curb & gutter on both sides. The owner must escrow monies if improvements were not constructed prior to recording. The engineer must label centerline on the plat. The plat submitted on March 19, 2020 does not show centerline, the engineer must revise as noted above prior to recording. S. "K" Center Street had 20 ft. of dedication for 70 ft. of ROW with 44 ft. of paving and curb and gutter on both sides. The owner must escrow monies if improvements were not constructed prior to recording. The engineer must label centerline to determine dedication requirements prior to final. The plat submitted on March 19, 2020 does not show centerline, the engineer must revise as stated above prior to recording. E/W Interior Streets had 50 ft. of ROW with 40 ft. of paving and curb & gutter on both sides. The revised plat submitted on October 21, 2019 proposed a stub out street to connect to E. Augusta Avenue which had 50 ft. of ROW with 20 ft. of paving for the entrance section and the exit paving would

need to be finalized. The access would be gated which must comply with Traffic requirements. Exit paving for the stub out was proposed to be 16 ft. based on plans submitted on March 19, 2020. The plat submitted on February 3, 2020 proposed a 50 ft. ROW; plat would need to be revised to include a 5 ft. utility and sidewalk easement prior to recording. E. Augusta Avenue had 50 ft. of ROW with 40 ft. of paving and curb and gutter on both sides. The plat submitted on March 19, 2020 provided a stub out connecting to E. Augusta Avenue but it did not show the required 800 ft. block length, the engineer must revise as noted above. The alley had 20 ft. of ROW with 16 ft. of paving. Front setbacks were 10 ft. or greater for easements. Rear setbacks were 10 ft. or greater for easements. Side setbacks were in accordance with the Zoning Ordinance, or greater for easements. Corner setbacks were 10 ft. or greater for easements. Garage setbacks were 18 ft. except where greater were required, greater setback applied. All setbacks were subject to increase for easements or approved site plan. A 5 ft. minimum sidewalk was required on S. McColl Road. A 4 ft. wide minimum sidewalk was required on S. "K" Center Street, E. Augusta Avenue and on both sides of all interior streets. Perimeter sidewalks must be built or money escrowed if not built at this time. A 6 ft. opaque buffer was required from adjacent/between multi-family residential and commercial, and industrial zones/uses, and along S. McColl Road, S. "K" Center Street and E. Augusta Ave. The engineer must revise Note #7 on plat submitted on March 19, 2020 to reflect S. McColl Rd., S. "K" Center St. & E. Augusta Ave. An 8 ft. masonry wall was required and complied 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 was permitted along S. McColl Road, S. "K" Center Street and E. Augusta Ave. The engineer must revise Note #11 to add S. to "K" Center St. Common Areas, Private Streets and gate easements 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. The engineer must revise Note #14 on plat submitted on March 19, 2020 to reflect Section 134-168 for private subdivisions, and must also label both common areas as Lot "A" Common Area and Lot "B" Common Area and include them in note #14. reference sample provided. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. A Park Fee of \$700 per dwelling unit must be paid prior to recording. Based on 53 dwelling units/lots, a park fee of \$37,100 must be paid prior to recording. Should the number of dwelling units/lots change, fees would be adjusted accordingly as per Parks Department. As Per Traffic Department Trip Generation had been waived. Must comply with City's Access Management Policy. Must Comply with Fire Department requirements regarding secondary access. Revise Note #14 to include maintenance of the 2 ft. gate easement adjacent to lots 26 and 53.

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

After a brief discussion, Mr. Gabriel Kamel moved to approve based on staff recommendation subject to contractual review by staff with conditions noted. Mr. Rogelio Cervantes seconded the motion, which was approved with three members present and voting.

c) Loma Prieta Subdivision; 3420 North Mile 6 1/2 Road - Andres L. Kalifa Sr. and Andres L. Kalifa Jr. (Final) (SUB2017-0001) PE

Ms. Gonzalez stated the subject property was located on Mile 6 1/2 North Road: 40 ft. ROW

dedication for 80 ft. ROW 52 ft. - 65 ft. of paving and curb & gutter on both sides. Must escrow monies if not constructed prior to recording Developer has submitted a variance to the paving improvements for 6 1/2 Mile North Road. City Commission did not approve the request and required escrow to be paid. Brazos Avenue (E/W 1/4 Mile street on the north boundary) 35 ft. ROW dedication for future 70 ft. ROW 44 ft. of paving and curb & gutter on both sides. Must escrow monies if not constructed prior to recording. Developer has submitted a variance to the ROW dedication and paving improvements for Brazos Avenue. City Commission did not approve the request and required escrow to be paid. Revised plat submitted on March 29, 2019 does not extend north to Brazos Avenue. Should the plat be revised again where the property extends to Brazos Avenue, requirements would be applied. 800 ft. Block Length: 600 ft. Maximum Cul-de-Sac: Alley ROW of 20 ft. with 16 ft. of paving for an alley/service drive easement required for commercial properties. Front setbacks were 45 ft. or in line with the average setbacks of existing structures; whichever was greater. Rear setbacks were now proposing a 15 ft. rear setback or greater for easements. Initial submittal required 45 ft. on Brazos Avenue or in line with average setback of existing structures; whichever was greater - (double fronting lot) Revised plats submitted on March 29, 2019 and November 26, 2019 do not extend to Brazos Avenue. Will apply if the plat was again revised. Side setbacks were 6 ft. on the west side of Lot 1 and east side of Lot 2 or greater for easements. A 7.5 ft. on east side of Lot 1 and west side of Lot 2 for easements. Revised plat showed a 10 ft. easement on the east side of Lot 1 and the west side of Lot 2 - need to finalize prior to recording. Plat submitted March 19, 2020 needs clarification on proposed setbacks and easements. Corner and garage setbacks were 18 ft. except where greater setback was required; greater setback applies. All setbacks are subject to increase for easements. A 4 ft. wide minimum sidewalk was required on Mile 6 1/2 North Road. Brazos Ave. was TBD based on variance request to the ROW dedication. City Commission did not approve the variance. Revise plats submitted March 29, 2019 and November 26, 2019 do not extend north to Brazos Avenue. If the plat was again revised and extends to Brazos Avenue, sidewalk requirement will apply. Perimeter sidewalks must be built or money escrowed if not built at this time. A 6 ft. opaque buffer was required from adjacent/between multi-family residential and commercial, or industrial zones/uses, and along Brazos Avenue. Buffer along Brazos Avenue was TBD based on variance to the ROW dedication. City Commission did not approve the variance. Revise plats submitted March 29, 2019 and November 26, 2019 do not extend north to Brazos Ave. If the plat is again revised is extends to Brazos Ave., buffer requirement will apply. An 8 ft. masonry wall was required between singlefamily residential and commercial, industrial, or multi-family residential zones/uses. Add a note on the plat as noted above. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along Brazos Avenue. Revise plat submitted March 29, 2019 and November 26, 2019 does not extend north to Brazos Ave. If the plat is again revised is extends to Brazos Avenue, restriction will apply. Site plan must be approved by the Planning and Zoning Commission prior to building permit issuance. Common Areas, private streets must be maintained by the lot owners and not the City of McAllen. Common Areas for commercial developments provide for common parking, setbacks, landscaping, access, Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Existing zoning was in the ETJ. Proposed zoning was residential. Land dedication in lieu of fee: Park Fee of \$700 per dwelling unit to be paid prior to recording if the property was annexed. Pending review by the Parkland Dedication Advisory Board and CC. Trip Generation to determine if TIA was required, prior to final

plat. Per Traffic, the trip generation would be waived if the proposed use of the property were residential. Traffic Impact Analysis (TIA) required prior to final plat. Preliminary plat approved by the Planning and Zoning Commission on July 19, 2016. Final plat approved by the Planning and Zoning Commission on January 17, 2017. Must escrow monies for improvements not constructed prior to plat recording. Per Traffic, back-up access would not be allowed onto the roadways. Driveway would be needed for head out access; driveway design to be approved by Traffic. P&Z approved the subdivision in revised preliminary form, with conditions, at the meeting of May 7, 2019

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

After a brief discussion, Mr. Jose Saldana moved to approve based on staff recommendation with conditions noted and with the variance. Mr. Rogelio Cervantes seconded the motion, which was approved with six members present and voting.

d) Los Vecinos Subdivision; 2801 South Bentsen Road- Tres Vecinos, LLC (Revised Preliminary) **(SUB2019-0088)** HA

Ms. Gonzalez stated that she received a letter from the engineer to table the item because he was not able to attend the meeting.

After a discussion, Mr. Michael Fallek moved to table the item. Mr. Daniel Santos seconded the motion, which was approved with six members present and voting.

2) INFORMATION ONLY:

a) City Commission Actions; March 23, 2020

Mr. Edgar Garcia, Planning Director, stated that there was a rezoning C-3 to R-2 on Cynthia Street City Commission approved as recommended. Then there were four conditional use permits one for a bar on 400 Nolana, which was approved as recommended.

Another Conditional Use Permit for a bar on State Highway 107 was approved as recommended. There was an institutional use for immigrant youth facility which was approved as recommended.

Last, there was Conditional Use Permit for a school the applicant had applied for life of use but was recommended for one year and was approved as recommended.

There being no further business to come before the Planning & Zoning Commission, Mr. Daniel Santos adjourned the meeting at 5:38 p.m. Mr. Rogelio Cervantes seconded the motion, which carried unanimously with six members present and voting.

ATTEST:	Chairperson Pepe Cabeza de Vaca
Claudia Mariscal, Secretary	

Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: April 17, 2020

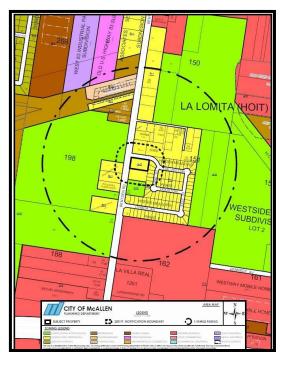
SUBJECT: REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3A

(MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: 0.862 ACRE TRACT OF LAND OUT OF LOT 151, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS: 609 SOUTH

BENTSEN ROAD. (REZ2020-0001)(TABLED)(03/03/2020)

<u>LOCATION</u>: The property is located at the southeast corner of South Bentsen Road and Galveston Avenue. The tract has 151.20 feet of frontage along South Bentsen Road and a depth of 248.21 feet of frontage on Galveston Avenue and comprises a total area of 37,548.72 square feet.

<u>PROPOSAL</u>: The applicant is requesting to rezone the property to R-3A (multifamily residential apartments) District in order to build apartments. A feasibility plan has been submitted to the Planning Department.





<u>ADJACENT ZONING</u>: The adjacent zoning is R-1 (single family residential) District in all directions and there is an A-O (agriculture and open space) District to the northwest.

LAND USE: The property is currently vacant. Surrounding land uses are single family residences

and vacant land.

<u>COMPREHENSIVE PLAN</u>: The Foresight McAllen Comprehensive Plan designates the future land use for this property as Auto Urban Residential, which is comparable to R-1 (single family residential) District.

<u>DEVELOPMENT TRENDS:</u> The development trend for the area along South Bentsen Road is single family residential. The property was zoned A-O (agricultural and open space) District during comprehensive zoning in 1979. A rezoning request for the subject property to R-1 (single family residential) District was approved by the City Commission on April 27, 2015 during the city initiated A-O rezoning project.

Various other rezoning requests this area of South Bentsen Road have been approved for R-1 District.

<u>ANALYSIS:</u> The requested zoning does not conform to the Auto Urban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan. The proposed zoning is not consistent with the development and rezoning trends for this area. The number of apartment units likely to be constructed would be limited based upon parking and landscaping requirements.

There have been no calls received in opposition to the request.

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

<u>RECOMMENDATION:</u> Staff recommends disapproval of the rezoning request to R-2 (duplex-fourplex) District.

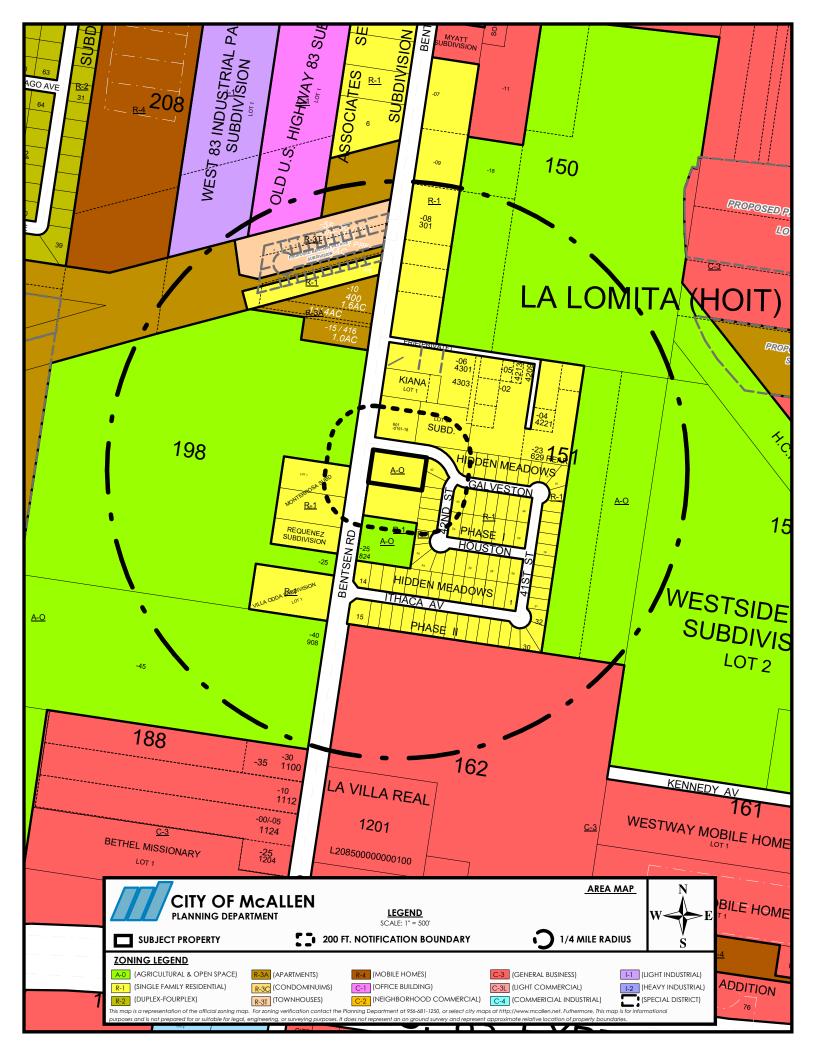
PLANNING AND ZONING COMMISION MEETING OF MARCH 03, 2020:

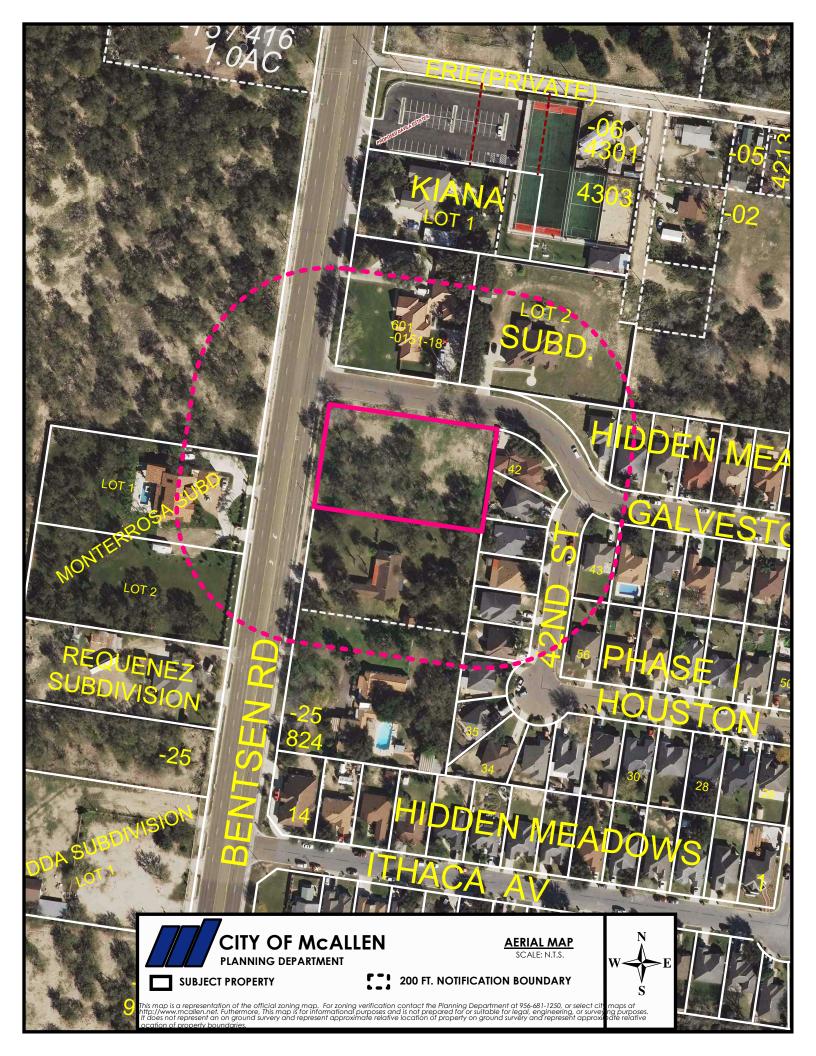
At the Planning and Zoning Commission meeting of March 03, 2020, no one appeared in opposition to the rezoning request. The applicant was present and submitted a letter of request to change the rezoning request from R-3A (multifamily residential apartments) District to R-2 (duplex-fourplex residential) District. Staff stated they recommended approval of the alternate rezoning request to R-2 District. Board member Michael Fallek stated he would like to see a feasibility plan of the proposed development since the property could still be subdivided into more than one lot which would increase density as opposed to if it were just one lot. The Board unanimously voted to table the rezoning request in order to allow the applicant time to submit a feasibility plan. There were four members present and voting.

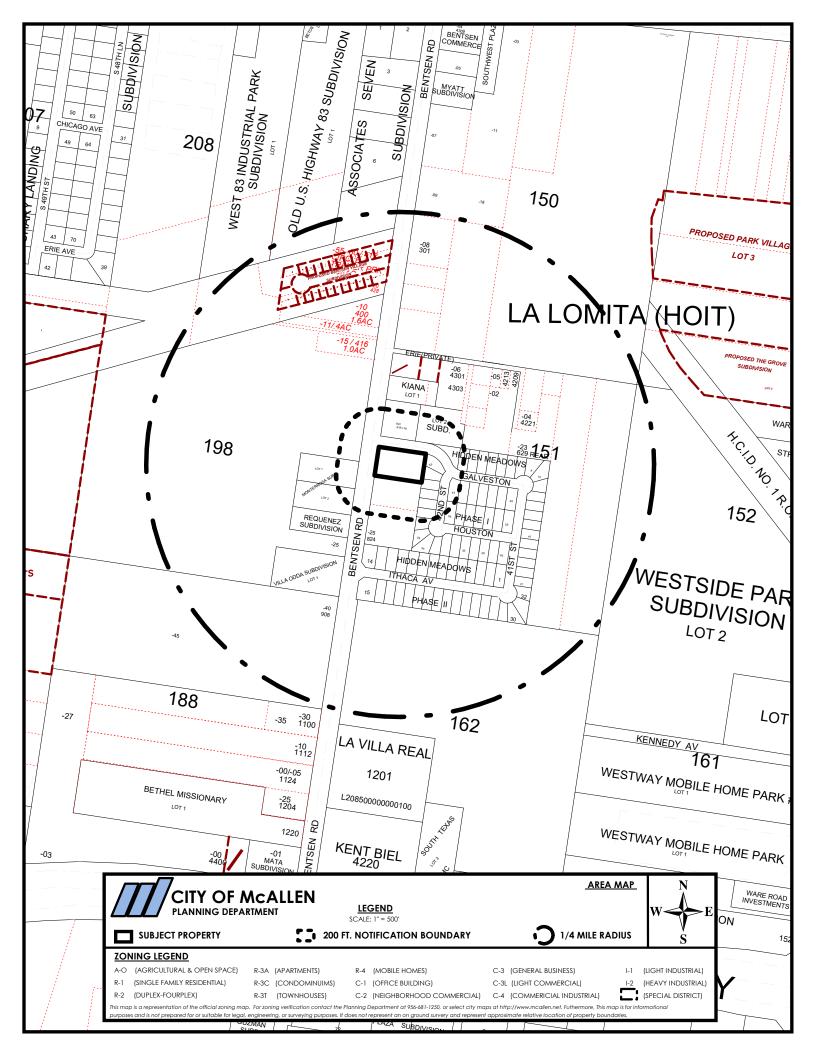
Subsequent to the Planning and Zoning meeting of March 03, 2020, the applicant submitted a feasibility plan.

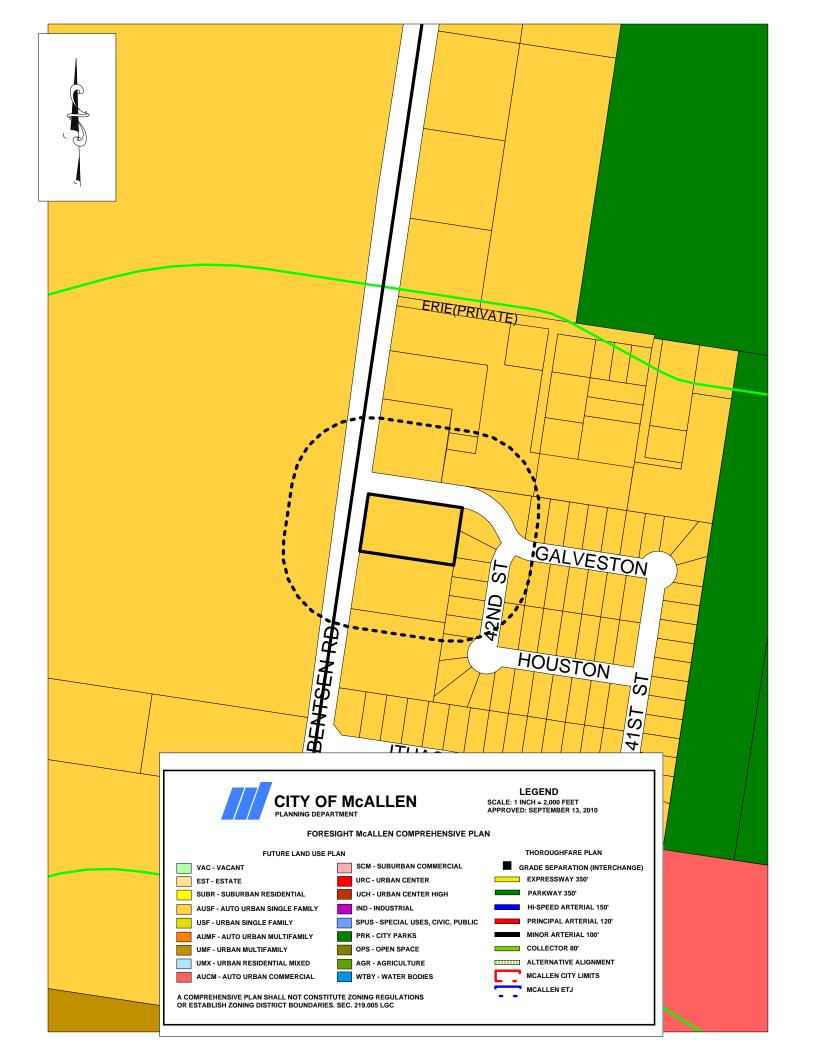
PLANNING AND ZONING COMMISION MEETING OF APRIL 07, 2020:

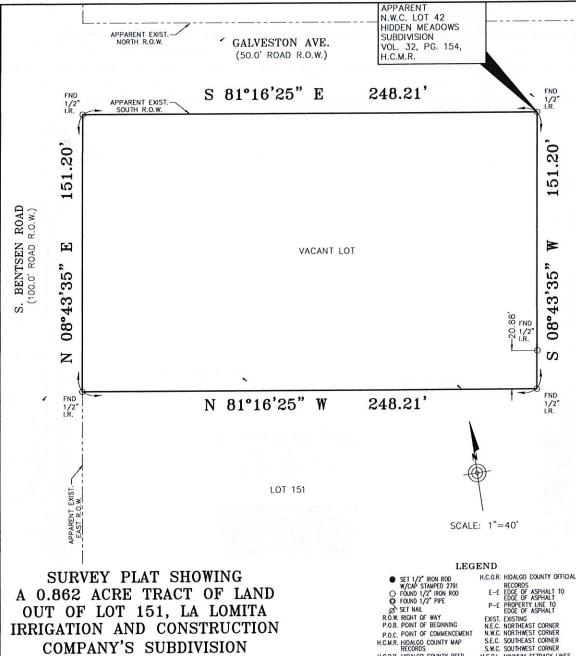
At the Planning and Zoning Commission meeting of April 07, 2020, no one appeared in opposition to the rezoning request. Mr. Saldana made a motion to approve. Since there was no second to the motion, the motion died. After discussion of the applicants feasibility plan, Mr. Hovar suggested that the applicant speak with staff regarding the subdivision of the property. The Board unanimously voted to table the request in order to allow the applicant time to speak with planning staff about subdivision process. There were six members present and voting.











COMPANY'S SUBDIVISION RECORDED IN VOL. 24, PG. 68, H.C.M.R. HIDALGO COUNTY, TEXAS

1. FLOOD ZONE STATEMENT: ZONE "B", AREAS BETWEEN LIMITS OF THE 100-YEAR AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE (1) SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD (MEDIUM SHADING), AS PER COMMUNITY-PANEL NUMBER: 480343 0010 C REVISED NOVEMBER 2, 1982.

- 2. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
- 3. THE EXISTENCE, IF ANY UNDERGROUND GAS LINES OR OTHER UNDERGROUND UTILITIES NOT SHOWN ON THIS SURVEY SHOULD BE THOROUGHLY INVESTIGATED BY THE OWNER PRIOR TO ANY CONSTRUCTION ON THIS SITE. THE SURVEYOR HAS LIMITED HIS INVESTIGATION OF UNDERGROUND UTILITIES ON THIS SITE TO THAT WHICH CAN BE SEEN.
- 4. BASIS OF BEARING AS PER THE WEST LINE OF HIDDEN MEADOWS SUBDIVISION VOL. 32, PG. 154, MAP RECORDS, HIDALGO COUNTY, TEXAS.
- S. SURVEYOR'S STATEMENT: THE PROPERTY CORNERS OF THE TRACT SURVEYED WERE STAKED OUT BASED ON THE BEST FIT OF MONUMENTS FOUND FOR THIS PROPERTY AND OTHERS WITHIN THE IMMEDIATE VICINITY, TAKING INTO ACCOUNT THE INTENT OF THE SURVEYOR'S ORIGINAL FOOT STEPS. A SURVEY OF THE ORIGINAL MOTHER TRACTS TO CORRECTLY ESTABLISH MINOR DISCREPANCIES THAT WERE FOUND IN THE PROPERTY CORNERS WOULD NOT BE FEASIBLE OPTION FOR THE PARTIES CONCERNED. THE CLIENT HAS BEEN MADE AWARE OF ANY DISCREPANCIES FOUND AND THE RESPECTIVE ACTION TAKEN TO STAKE OUT HIS PROPERTY AS PER THE FOUND AND SET MONUMENTS
- 6. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL ELECTRONIC SEAL AND SIGNATURE OF SURVEYOR.
- 7. CURRENT ZONING: R-1 SINGLE FAMILY RESIDENTIAL

H.C.M.R. HIDALGO COUNTY MAP RECORDS

H.C.D.R. HIDALGO COUNTY DEED RECORDS WATER METER

M.S.B.L. MINIMUM SETBACK LINES

Ø POWER POLE

AT&T PEDESTAL

I, HOMERO L. GUITIERREZ, REGISTERED LAND SURVEYOR IN THE STATE OF TEXAS, STATE THAT THE ABOVE PLAT IS AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION ON JANUARY 6, 2020. AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN AND THAT ALL CORNERS HAVE BEEN LOCATED AS INDICATED.

DATE: 1/00 " HOMERO LUIS GUTIERREZ, R.P.L.S. DATE: 1/06
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2791

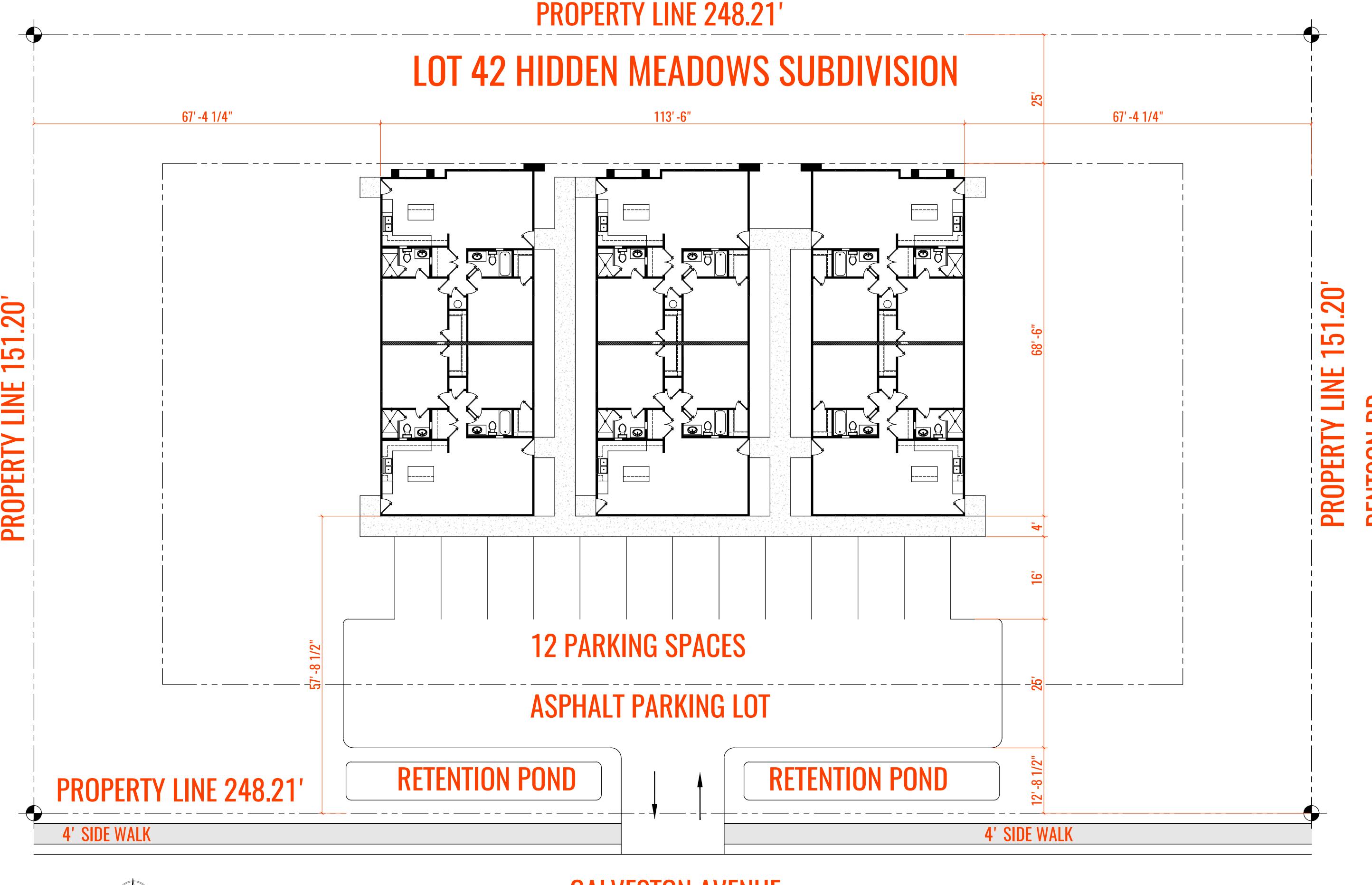


P.E., R.P.L.S. HOMERO LUIS GUTIERREZ.

P.O. Box 548 McAllen, Texas 78505 (956) 369-0988

DATE: 1/08/20

DRAWN BY: I.F.



GALVESTON AVENUE



THE DESIGNER ASSUMES NO LIABILITY FOR ANY STRUCTURE CONSTRUCTED FROM THESE PLANS, IT IS THE RESPONSIBILITY OF THE PURCHASER OF THIS PLAN TO PERFORM THE FOLLOWING BEFORE ACTUAL

CONSTRUCTION COMMENCES.

THESE PLANS MUST BE VERIFIED AND **CHECKED COMPLETELY BY THE** GENERAL CONTRACTOR AND DISCREPANCY, ERROR AND/OR OMISSION, IF FOUND IS TO BE BROUGHT IMMEDIATELY TO THE OWNER BEFORE CONSTRUCTION WORK

FEDERAL, STATE, COUNTY AND LOCAL CITY ORDINANCES AND BUILDING **CODES TAKE PRECEDENCE OVER ANY** PART OF THESE DRAWINGS

ENGINEERING ASPECTS SHOULD INCORPORATE ACTUAL SITE CONDITIONS.

F L J D E S I G N S RESERVES ITS COMMON **COPYRIGHT LAW & OTHER** PLANS & DESIGNS. THESE PLANS ARE NOT TO BE **COPIED IN ANY FORM OR** MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION FROM FLJ DESIGNS

PROJECT

SOSA **APARTMENTS**

LOCATION LOT 42

HIDDEN MEADOWS SUBDIVISION

> MCALLEN, TEXAS DATE: 4-2-2020 PROJECT NO. 202009

AREAS:

2,000 SQFT 2,000 SQFT

2,000 SQFT

6,000 SQFT



JAMES E. DARLING, Mayor
VERONICA WHITACRE, Mayor Pro Tem & Commissioner District 6
JAVIER VILLALOBOS, Commissioner District 1
JOAQUIN J. ZAMORA, Commissioner District 2
J. OMAR QUINTANILLA, Commissioner District 3
TANIA RAMIREZ, Commissioner District 4
VICTOR "SEBY" HADDAD, Commissioner District 5

ROEL "ROY" RODRIGUEZ, P.E., City Manager

March 3, 2020

Gabriel Sosa 704 North 49th Street McAllen, TX 78501

RE: REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: 0.862 ACRE TRACT OF LAND OUT OF LOT 151, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 609 SOUTH BENTSEN ROAD. (REZ2020-0001)

Dear Mr. Sosa:

This letter is to acknowledge your submittal of application for zoning change. Please be aware that the Staff recommendation does not support approval of the rezoning request to R-3A (multifamily residential apartments) District. This recommendation will be forwarded to the members of the Planning and Zoning Commission for their use in evaluating the proposed change at the meeting of March 3, 2020. The public hearing begins at 3:30 pm. The second public hearing is scheduled to be held before the Board of Commissioners of the City of McAllen on March 23, 2020 at 5:00 PM.

If you have any questions concerning this letter or recommendation, please contact my office at 681-1250.

Sincerely,

Edgar I. Garcia, AICP, CNU-A

Director of Planning





Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: April 16, 2020

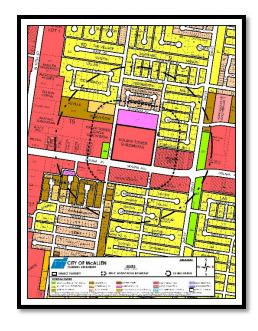
SUBJECT: REQUEST OF DAVID A. LISAUCKIS FOR A CONDITIONAL USE PERMIT,

FOR ONE YEAR, FOR A BAR AT LOT A-1, NOLANA TOWER SUBDIVISION, HIDALGO COUNTY, TEXAS; 400 NOLANA AVENUE,

SUITE H-1. (CUP2020-0026)

BRIEF DESCRIPTION:

The property is located at the northeast corner of Nolana Avenue and North 6th Street, and is zoned C-3 (general business) District. The adjacent zoning is C-1 (office building) District to the north, C-3 District to the east, south and west. There is also R-1 (single family residential) District to the east and A-O (agricultural and open space) District to the west. Surrounding land uses include commercial businesses, offices, restaurants, single and multifamily residences, vacant land, and a water tower. A bar is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.





HISTORY:

The initial conditional use permit for this establishment was approved by the City Commission on August 11, 2008 with a variance to the distance requirement, and was

renewed once after initial approval for one year. From 2009 to 2018, the property was used for a Montessori School and retail use. A conditional use permit was approved for this property by the City Commission on March 26, 2018 for a bar/barber shop with a variance to the distance requirement. The applicant applied for a conditional use permit for a bar last year and was approved with a variance to the distance by City Commission on April 22, 2019.

REQUEST/ANALYSIS:

The applicant is proposing to continue to operate a bar (The Rockwall) from the existing 4,732 sq. ft. lease space within the shopping center. The hours of operation will be from 11:00 a.m. to 2:00 a.m. daily.

The Fire Department and Health Department have inspected the establishment, and the property is in compliance. Attached is the police report from April 1, 2019 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:

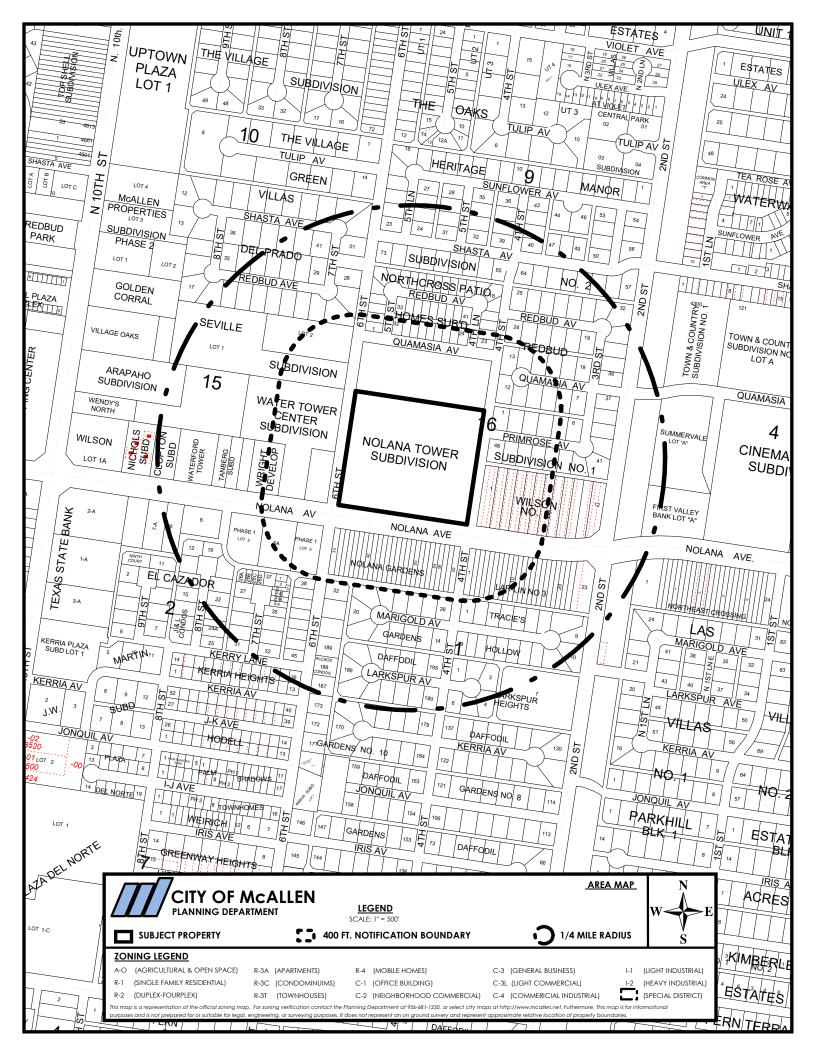
- a) The property line of the lot of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of residential zones and uses, and a water tower;
- b) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The property has direct access to Nolana Avenue, North 4th Street, and North 6th Street. The existing gates on North 4th Street need to be closed as required from other Conditional Use Permits issued in this commercial plaza;
- c) The abovementioned business must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. Currently there is a multi-tenant commercial building on the property. The shopping center consists of various uses including office, retail, vacant suites, restaurants, a children's event center, and bars. The proposed bar requires 48 parking spaces; 729 parking spaces are provided on the common parking area in the front and rear of the building. For the 729 parking spaces of the common parking area, 15 accessible parking spaces are required and are provided on site:
- d) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;
- e) The abovementioned business should do everything possible and be designed to

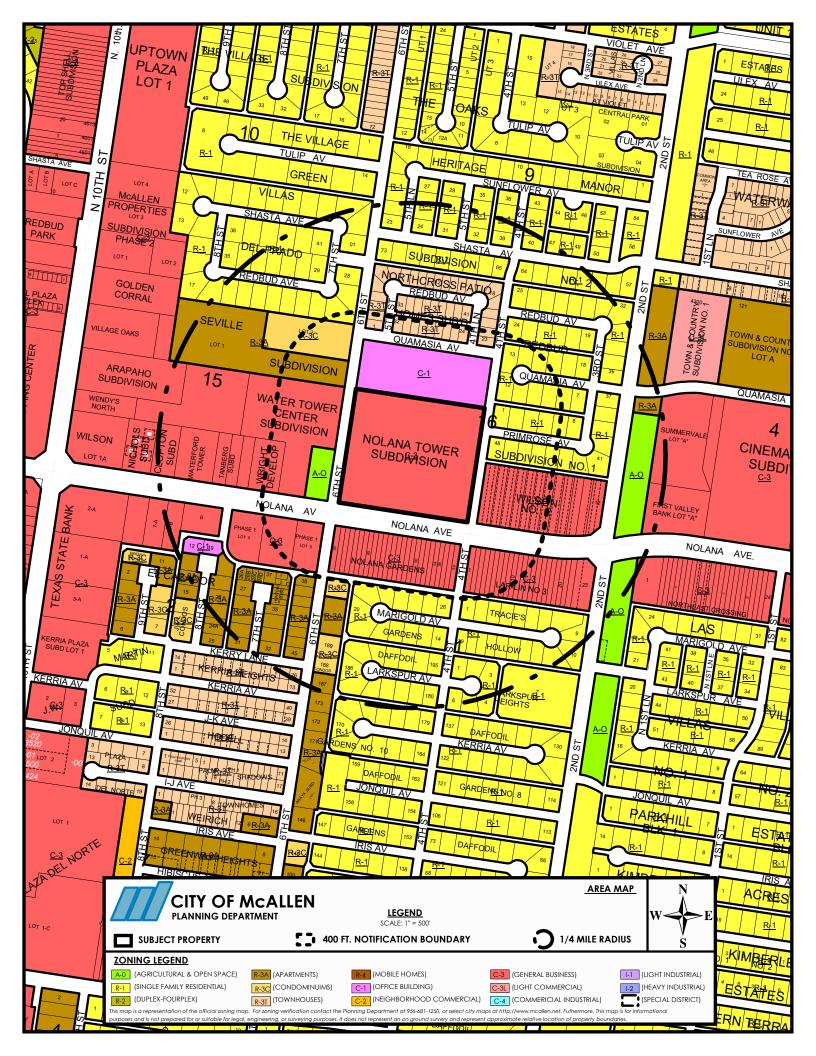
discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility as much as possible of the site from a public street;

- f) The abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- g) The abovementioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Director of Planning. The occupancy load for this establishment will be established by the Building Inspections Department as part of the building permit review process.

RECOMMENDATION:

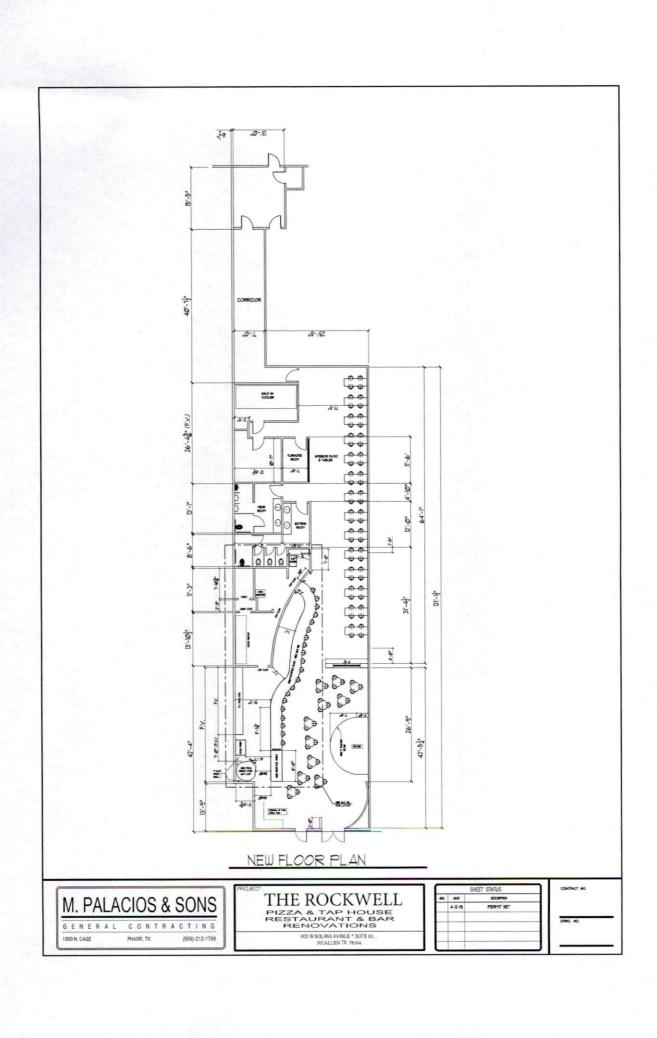
Staff recommends disapproval of the request based on noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance.







ed: So Parking







McAllen Police Department

ORI Number:

TX1080800



Login ID:

Incident Analysis Report

Summary

Print Date/Time: 04/06/2020 16:03

mcpd7004 From Date: 04/01/2019 00:01

Incident Type: All To Date: 04/06/2020 16:00 Officer ID: All

Call Source: All Location: 400 NOLANA AVE H1, MCALLEN

	Incident Date/Time	Incident Number	r Incident Type	Location
_	04/24/2019 15:16	2019-00028792	Alarm Burglary	400 NOLANA AVE H1
	07/15/2019 22:29	2019-00050520	CIVIL MATTER	400 NOLANA AVE H1
	10/07/2019 09:46	2019-00072308	Alarm Burglary	400 NOLANA AVE H1
	10/16/2019 08:16	2019-00074492	Alarm Burglary	400 NOLANA AVE H1
	10/23/2019 10:15	2019-00076252	Alarm Burglary	400 NOLANA AVE H1
	11/22/2019 13:27	2019-00084107	Alarm Burglary	400 NOLANA AVE H1
	11/22/2019 14:18	2019-00084119	Alarm Burglary	400 NOLANA AVE H1
	11/22/2019 15:06	2019-00084135	Alarm Burglary	400 NOLANA AVE H1
	11/23/2019 12:29	2019-00084383	Alarm Burglary	400 NOLANA AVE H1
	11/24/2019 13:34	2019-00084671	Alarm Burglary	400 NOLANA AVE H1
	12/23/2019 02:36	2019-00092189	Domestic Disturbance	400 NOLANA AVE H1
	01/15/2020 12:13	2020-00003614	Alarm Burglary	400 NOLANA AVE H1
	01/16/2020 12:05	2020-00003881	Alarm Burglary	400 NOLANA AVE H1

Total Matches: 13

Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: April 16, 2020

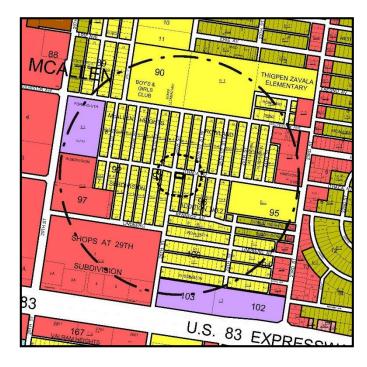
SUBJECT: REQUEST OF ESTANISLADA CHIMEO PALMERO, FOR A CONDITIONAL

USE PERMIT, FOR ONE YEAR, FOR A HOME OCCUPATION (OFFICE/MASSAGE) AT LOT 73, ROWLAND ADDITION #2, HIDALGO

COUNTY, TEXAS; 901 S. 26TH STREET. (CUP2020-0024)

BRIEF DESCRIPTION:

The property is located at the southeast corner of South 26th Street and Ithaca Avenue. It has 53 ft. of frontage with 90 ft. of depth, which is part of Rowland Addition #2, recorded on March 31, 1951. The property is zoned R-1 (single-family residential) District, and the adjacent zoning is R-1 District in all directions. Surrounding land uses are single-family residences. A home occupation is permitted in the R-1 zone with a Conditional Use Permit and in compliance with requirements.





HISTORY:

The initial Conditional Use Permit for the property was approved by the Planning and Zoning Commission on March 5, 2013. The applicant renewed the permit annually through September 18, 2018; however, she failed to renew in 2019. The applicant filed a new application on March 6, 2020,

and stated that the business was not operational after the permit expired.

REQUEST/ANALYSIS:

The applicant is proposing to operate a massage business from approximately 150 sq. ft. of the existing 760 sq. ft. residence. The proposed hours of operation are daily within the hours of 9 a.m. and 9 p.m. The applicant stated that she and her husband would be the main employees; however, three of her adult children who live elsewhere would occasionally come over to help them. At a preliminary conversation, the applicant mentioned that she lived in Weslaco, and no one lived at the property at the moment. She intended to use the permit as proof of residency in McAllen if a police officer stopped her, due to the shelter in place mandate. However, in a follow-up conversation, she clarified that she was planning to come back and live at the property soon.

The staff verified the utility account and ownership of the property. According to the Hidalgo County Appraisal District, the applicant and Mr. Ramon Montalvo are the owners of the property, and Mr. Montalvo is the utility account holder.

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 occupation may not be operational until the issuance of the certificate. The Fire Department has inspected the building, and a re-inspection is pending. The business must comply with requirements set forth in Section 138-118(1) of the Zoning Ordinance and the specific requirements are as follows:

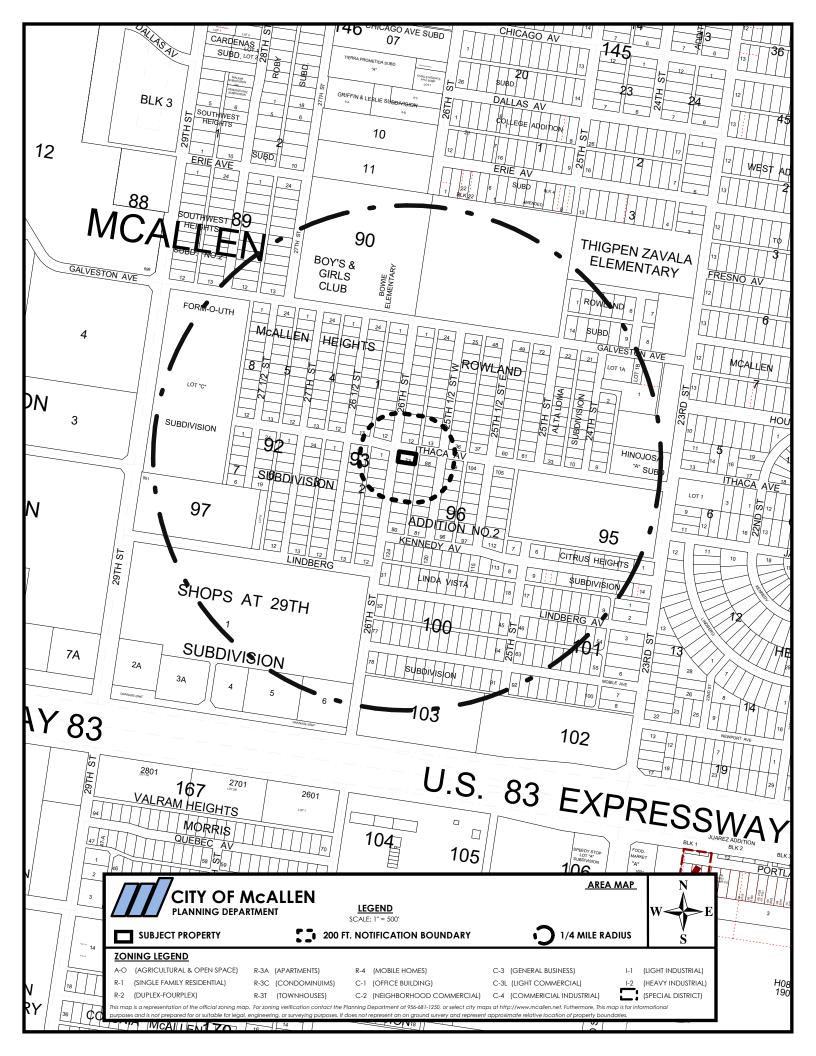
- 1) The home occupation must be clearly secondary to the residential use. The applicant does not live at the residence currently;
- 2) No signs are permitted. No sign is proposed or installed;
- 3) There shall be no exterior display or alterations indicating that the building is being used for any purpose other than that of a dwelling;
- 4) There shall be no more than one additional unrelated employee other than immediate members of the family residing on the premises. Three of the employees live elsewhere;
- 5) There shall be no outside storage of materials or products. The applicant does not propose an outside storage;
- The permitted use shall not create frequent or heavy traffic, not greater than ten percent (10%) of the average load per hour as determined by the city traffic engineer. The applicant stated that customers would visit by appointment only within the hours of 9 a.m. and 9 p.m.;
- 7) No retail sales (items can be delivered). The applicant did not propose any retail sales from home;
- 8) No additions to the residence or accessory building specifically to accommodate the

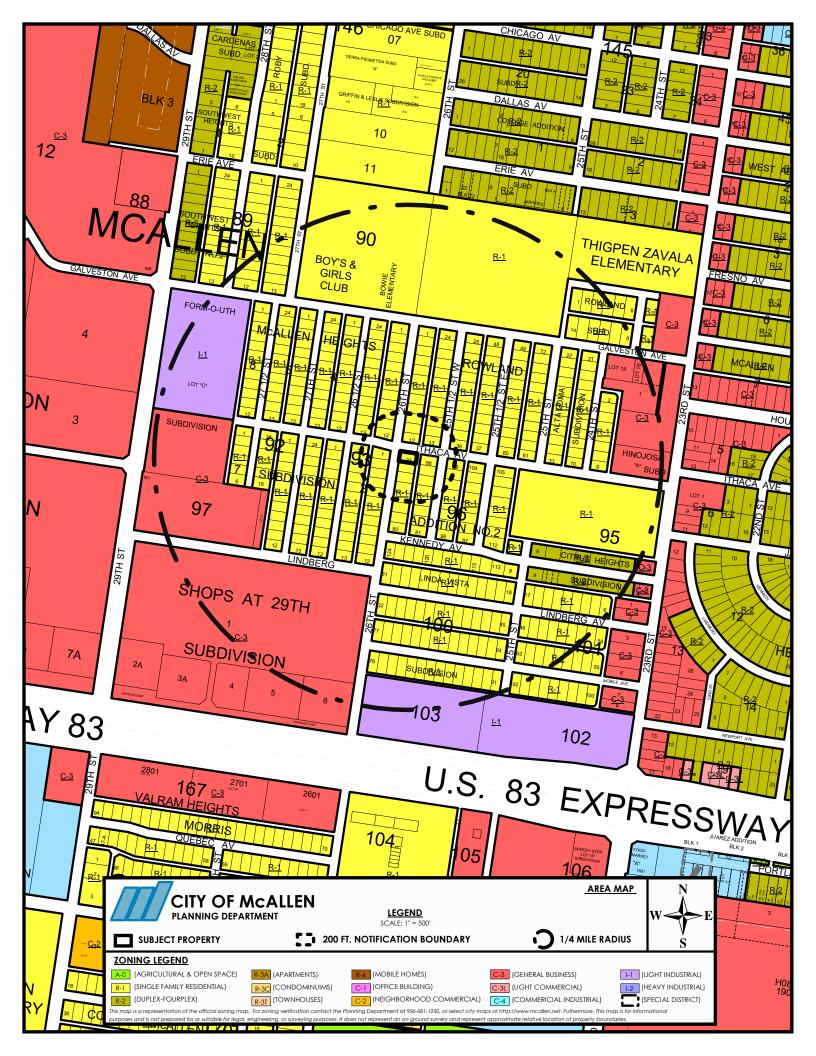
business. The applicant proposes no additions or accessory building to accommodate the business;

- 9) The business must take place in the primary residential structure on the property rather than in a detached garage or separate accessory building. The occupation is proposed to take place in the primary residential structure; and
- 10) The activity must take place at the location of which the permit was issued.

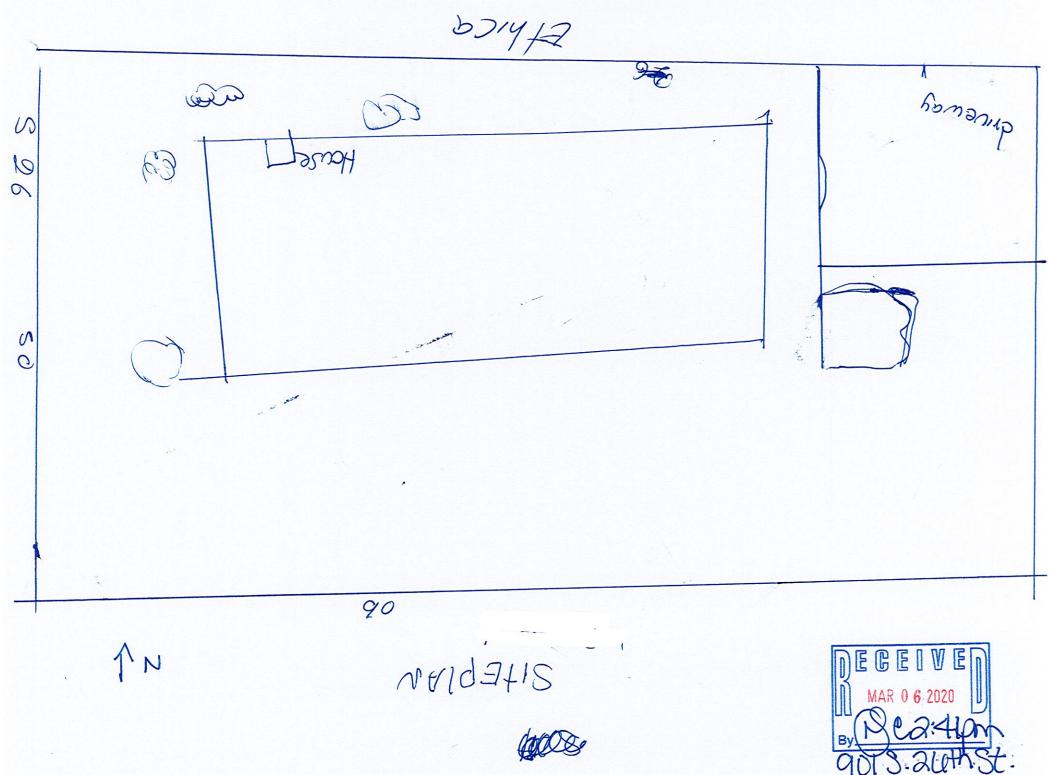
RECOMMENDATION:

Staff recommends disapproval of the request due to noncompliance with requirements #1 (residential use) and #4 (employees) of Section 138-118(1) of the Zoning Ordinance.

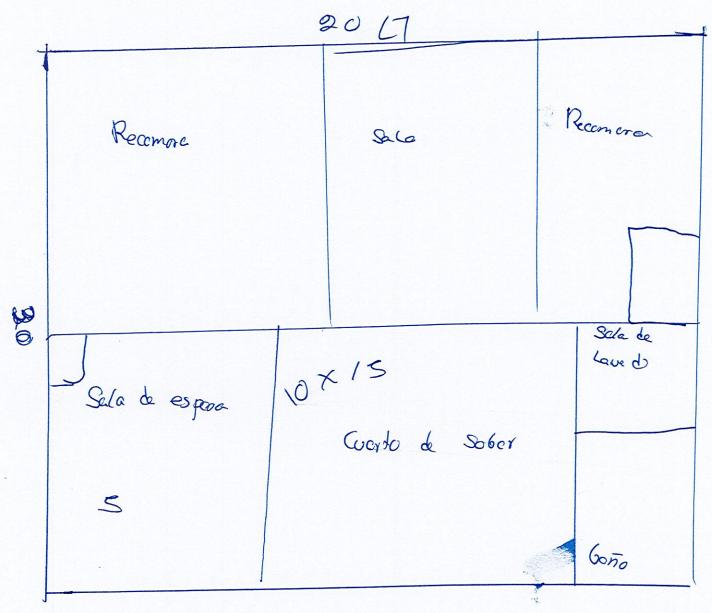


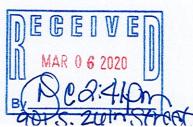






- 3







Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: April 1, 2020

SUBJECT: REQUEST OF JOHN A. SIMON, FOR A CONDITIONAL USE PERMIT, FOR ONE

YEAR, FOR A BAR AT LOT 23, CONTINENTAL TRADE CENTER SUBDIVISION, HIDALGO COUNTY, TEXAS; 2007 ORCHID AVENUE.

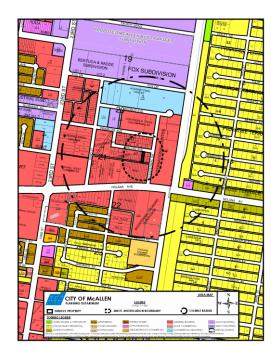
(CUP2020-0025)

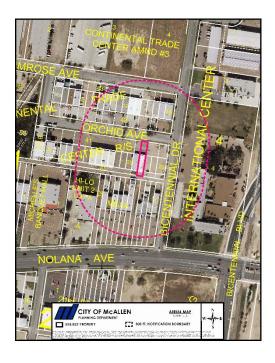
BRIEF DESCRIPTION:

The property is located on the south side of Orchid Avenue, approximately 100 ft. west of North Bicentennial Boulevard and is zoned C-3 (general business) District. The surrounding zoning is C-3 District in all directions. Surrounding land uses include the museum, gymnasium, dance studio, offices, retail, nightclubs and vacant properties. A bar is allowed in a C-3 zone with a conditional use permit and in compliance with requirements.

HISTORY:

The initial conditional use permit for this establishment (Simon Sez II) was approved by the Planning and Zoning Commission on March 16, 1993 and has been renewed annually. The last permit was approved for renewal on January 16, 2019.





SUMMARY/ANALYSIS:

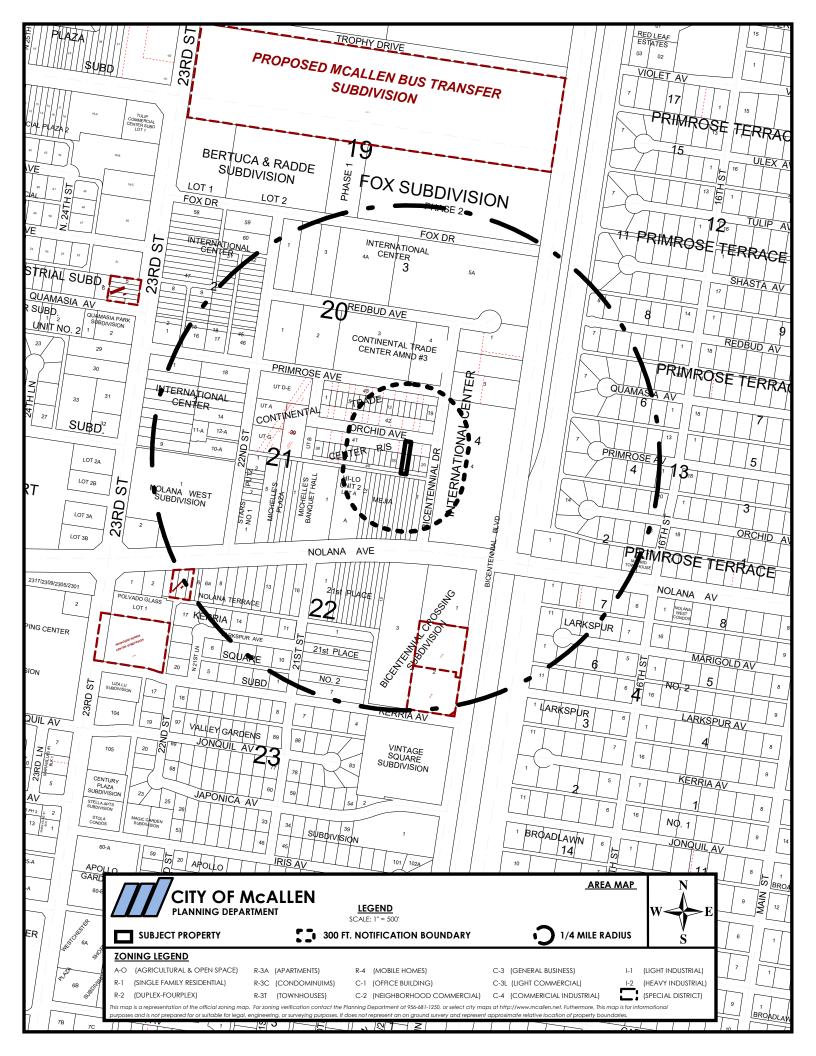
The applicant is proposing to continue to operate a bar from the existing building. The hours of operation will continue to be from 4:00 p.m. to 2:00 a.m. Monday through Friday and 6:00 p.m. through 2:00 a.m. Saturday.

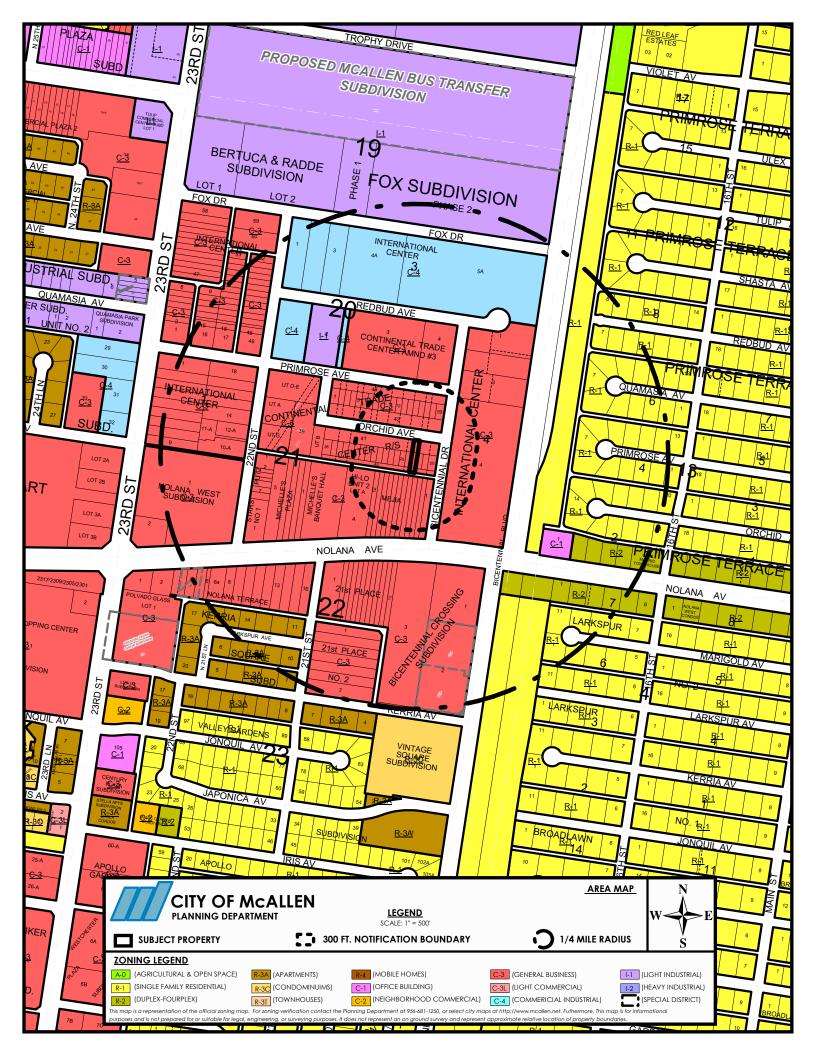
Attached is the Police Activity report for service calls from March 25, 2019 to March 25, 2020. No concerns or complaints have been received by the Planning Department. The Fire and Health Departments have inspected the location; no violations were found. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

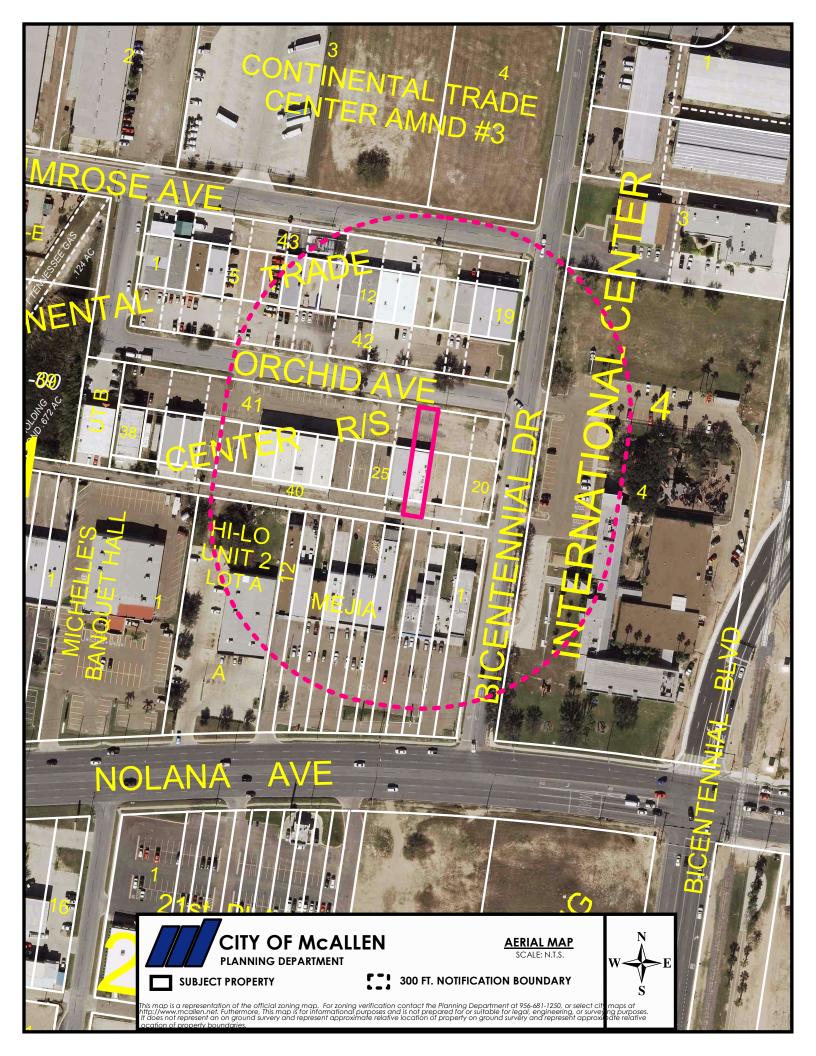
- 1) The property line of those businesses having late hours (after 10:00 p.m.) must be at least 300 ft. from the nearest residence, church, school or publicly-owned property or must provide sufficient buffer and sound insulation of the building such that the building is not visible and cannot be heard from the residential areas. The establishment is within 300 ft. of the McAllen International Museum; however, staff has not received any complaints from the McAllen International Museum Board.
- 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 Orchid Avenue and is near Nolana Avenue.
- 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, 24 parking spaces are required. Seven parking spaces are provided on site. Parking agreements were submitted to meet parking requirements with a total of 20 spaces available, totaling 27 spaces. The parking agreements are currently valid and have an expiration date of August 31, 2021 (five-year term).
- 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. The unpaved areas (east side) cannot be used for parking. This area is not fenced off.
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The allowable number of persons within the building shall be restricted to 96 persons.

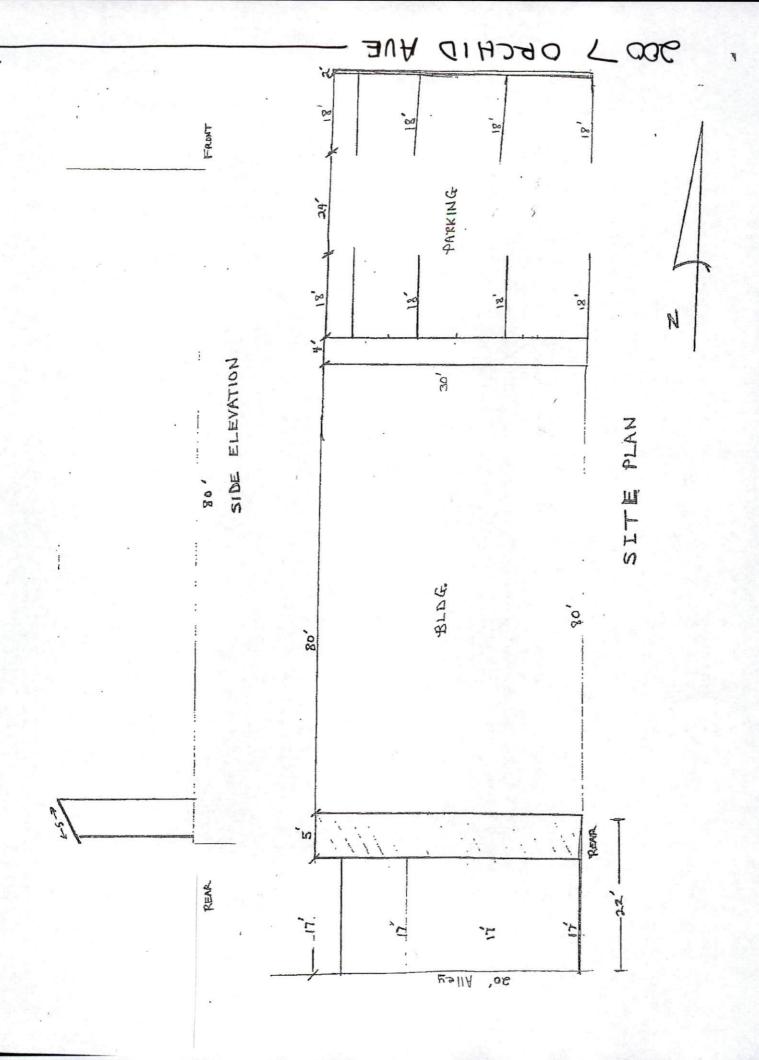
RECOMMENDATION:

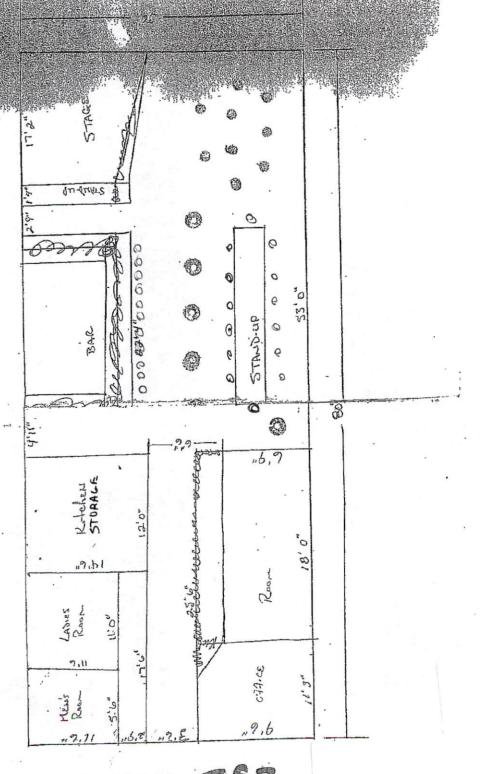
Staff recommends approval of the request, for one year, subject to the conditions noted, compliance with requirements in Section 138-118(4) of the Zoning Ordinance, and Health and Fire Department requirements.











SIMON SEZ-2007 ORCHID MCALLEN,TX

73604











Incident Analysis Report

Summary

Print Date/Time:

Call Source:

03/25/2020 17:11

Login ID: Incident Type:

ΑII ΑII

mcpd7004

To Date:

From Date: 03/25/2019 00:01

03/25/2020 17:00

McAllen Police Department

ORI Number:

TX1080800

Officer ID: All

Location:

2007 ORCHID AVE, MCALLEN

Incident Date/Time **Incident Number Incident Type** Location

03/12/2020 23:10 2020-00018089 2007 ORCHID AVE

Total Matches:

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: April 6, 2020

SUBJECT: REQUEST OF OLGA A. RAMIREZ, FOR A CONDITIONAL USE PERMIT,

FOR ONE YEAR, FOR A HOME OCCUPATION (DAY CARE) AT LOT 21, LARK CROSSING SUBDIVISION, HIDALGO COUNTY, TEXAS; 6300

NORTH 20TH STREET. (CUP2020-0028).

BRIEF DESCRIPTION:

The property is located on the east side of North 20th Street, approximately 255 ft. south of Lark Blvd., and is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions. Surrounding land use is single family residential. A day care is allowed in the R-1 District with a Conditional Use Permit and in compliance with requirements.





HISTORY:

There are have been no Conditional Use Permits granted for this property.

REQUEST/ANALYSIS:

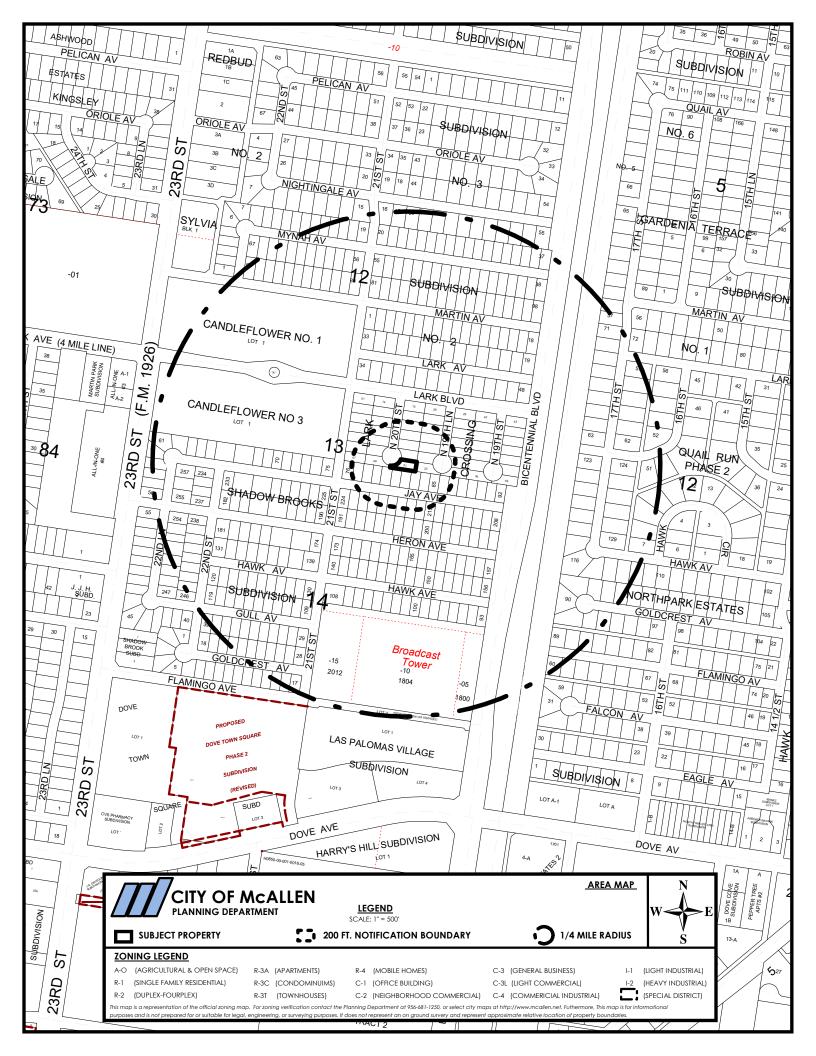
Currently there is a two story single-family residential home on the property. The applicant is proposing to operate a day care facility from a 248.75 sq. ft. area on the first floor of the existing residence. The proposed hours of operation are from 7:00 AM to 5:30 PM Monday through Friday.

The Fire Department has conducted an initial inspection; however, a follow-up inspection is needed. The Health Department has inspected and found the property to be in compliance. The proposed use shall meet all the minimum standards and applicable ordinances. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions on the permit. The occupation may not be operational until the issuance of the certificate. The business must comply with requirements set forth in Section 138-118(8) of the Zoning Ordinance and other specific requirements as follows:

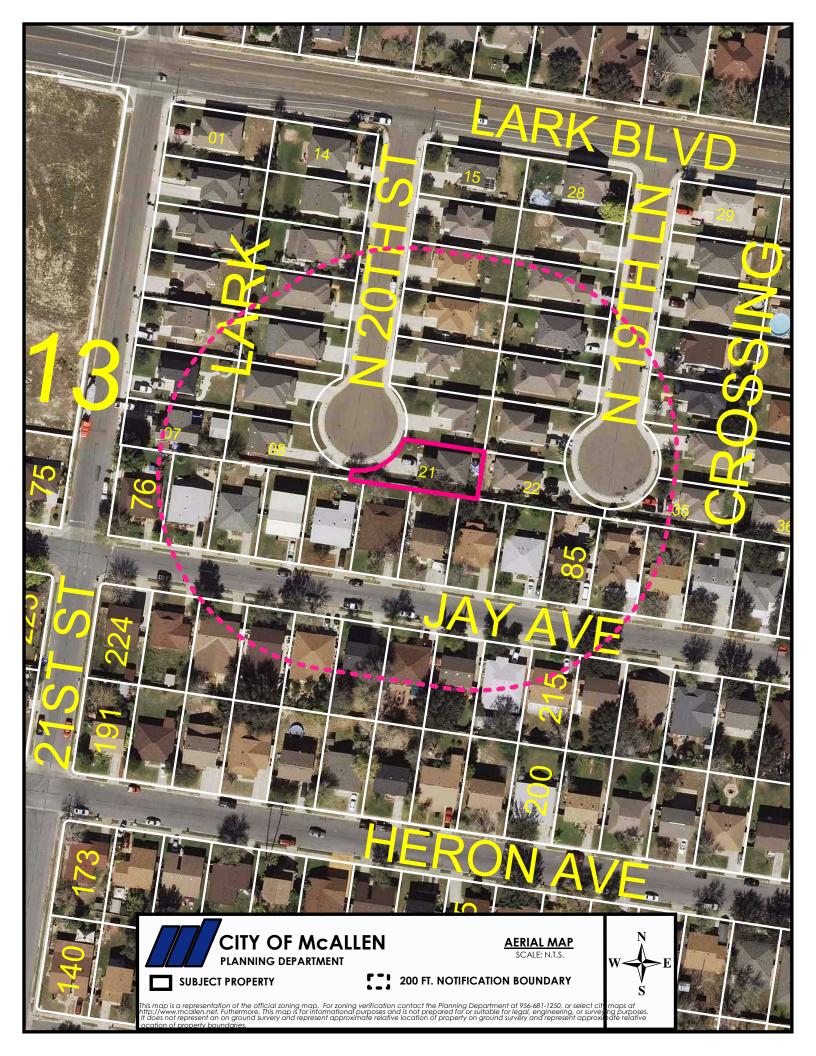
- 1. Meet the requirements of the Department of Human Services;
- 2. Provide a fenced in area for outside play of children. A fenced area is provided on site;
- Provide paved area adjacent to street for pickup and delivery of children. The
 existing driveway and garage accommodate the required two parking spaces
 needed for the residential home and required space for the pick-up and drop off of
 the children:
- 4. Area used for the day care facility should be clearly secondary to the use of the structure;
- 5. Person who applies for permit must reside at location for which the permit is granted. The applicant lives in the residence;
- 6. There shall be no more than two (2) day care facilities within 600 ft. of each other as measured over the shortest distance of street right-of-way between the facilities. There is no other day care within 600 ft.;
- 7. No more than one day-care shall be located on a dead-end street or cul-de-sac; North 20th Street is a cul-de-sac street; no other daycare exists on this street;
- 8. Day care facilities shall not be located on a half street or a street that is accessed by a half street; North 20th street is not a half street or a street accessed by a half street;
- 9. Day care facilities that care for more than 12 children shall not be permitted in a residential zoning district. The applicant is proposing to care for up to 12 children;
- 10. No signs are permitted; No signs are proposed;
- 11. No more than one additional employee that does not reside on the premises is permitted. The applicant is proposing no additional employees; and
- 12. The property owner shall sign the application or the applicant shall provide a letter of authorization from the property owner.

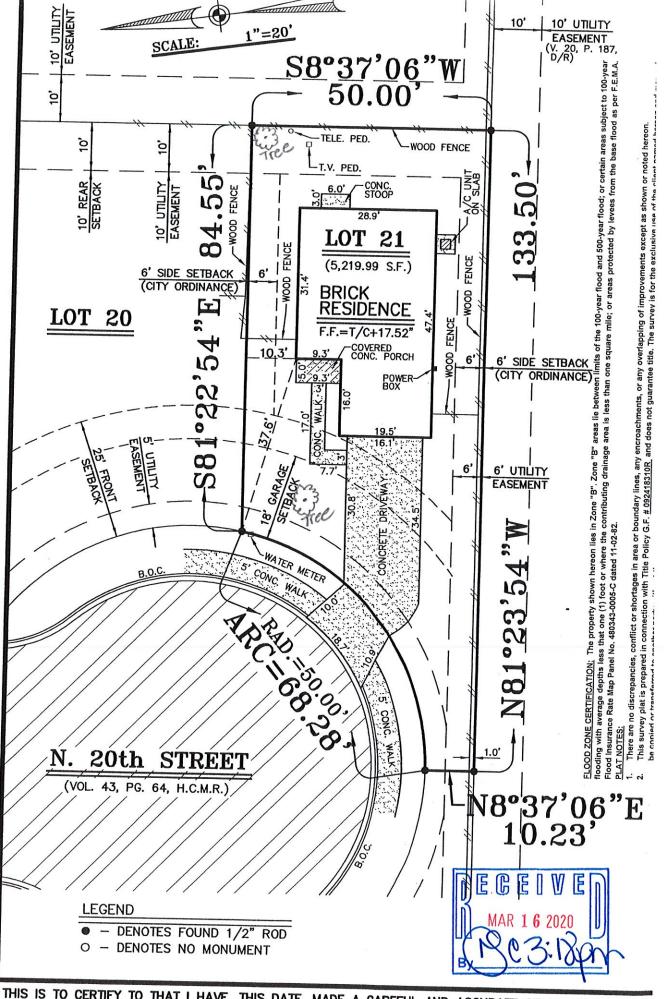
RECOMMENDATION:

Staff recommends approval of the request, for one year, subject to compliance with Section 138-118(8) of the Zoning Ordinance, and Health and Fire Department Requirements.

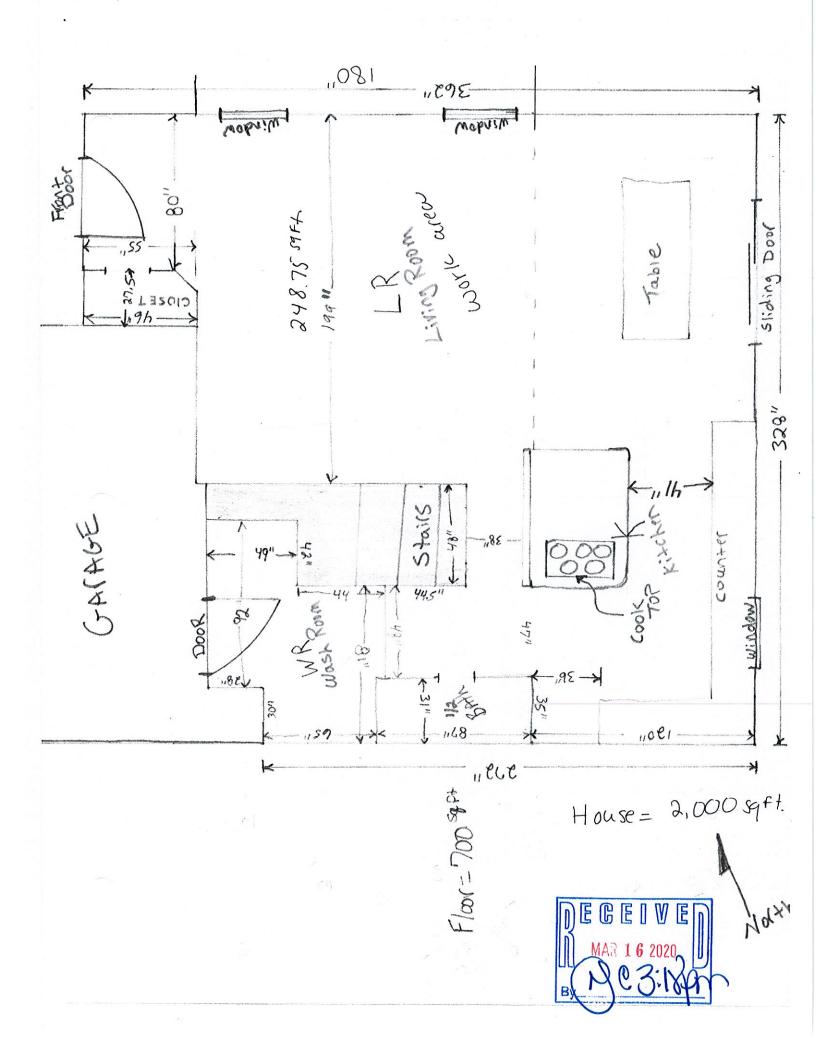








THIS IS TO CERTIFY TO THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE STANDARD LAND SUF GROUND OF PROPERTY WHICH IS LOCATED AT 6300 N. 20th STREET IN MCALLEN, TEXAS, DESCRIBED AS





Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: Abril 15, 2020

SUBJECT: REQUEST OF ANTONIO YBARRA FOR A CONDITIONAL USE PERMIT,

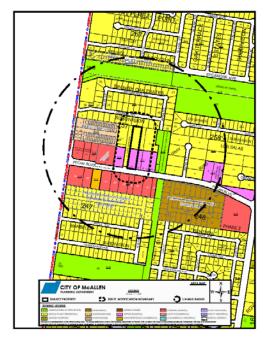
FOR LIFE OF USE, FOR AN INSTITUTIONAL USE (CHURCH) AT A 1.87 ACRE TRACT OF LAND OF LOT 257, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4902 PECAN BOULEVARD. (CUP2020-

0018)

BRIEF DESCRIPTION:

The property is located on the north side of Pecan Boulevard, approximately 870 ft. east of N. Taylor Road. The 1.87-acre tract is zoned R-1 (single family residential) District, and C-1 (office building) District. The applicant is proposing to convert the vacant home into a church with a proposed seating of twenty four (24) in the main auditorium. The adjacent zoning is R-1 to the west, north and east, C-1 District also to the east and C-3 (general business) District to the south. Surrounding land uses include single-family residences, a commercial plaza (Tejas Insulation and Divine Hair Beauty Salon), vacant land and citrus fields. An institutional use is permitted in a C-1 zone with a conditional use permit and in compliance with requirements.





REQUEST/ANALYSIS:

There is an existing building with approximately 1545 sq. ft. where the applicant is proposing to operate a church. The building consists of two classrooms, and one existing

unused room, a seating area for 24 seats, and both women and men restrooms. The applicant proposes to operate the church on Wednesdays from 7:00PM to 8:00PM and on Sundays from 10:00AM to 12:00PM and 5:00PM to 6:00PM. The applicant stated that there might be gatherings other than the hours of operation in certain Church related events.

The applicant proposes to construct a parking lot to the east of the existing building, as well as a driveway southeast of the property to comply with the parking space requirement. Based on a seating capacity of twenty four (24) in the main auditorium; 6 parking spaces are required; eight parking spaces are provided. One of the provided parking spaces must be van accessible with an 8ft. wide aisle. A right of way (ROW) permit is required. The applicant has not yet obtained a ROW permit from the City's Engineering Department. The existing house is currently on a septic tank. McAllen Public Utilities staff has informed the applicant that the request to continue using the septic tank for a church is to be considered by the Public Utility Board.

Staff has met with the applicant regarding the requirements and is to submit an updated site plan with the required van accessible parking space and the buffer (8ft. Cedar) surrounding the subject property from the residential zones/uses. In addition, a landscape plan is needed and has not yet been submitted.

The Fire department has conducted the necessary inspection and no violations were found. 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. The proposed use must also comply with the zoning ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property fronts Pecan Boulevard.
- 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 seating area of 24 seats, 6 parking spaces are required. One of the provided parking spaces is required to be van accessible with an 8 ft. wide aisle; eight parking spaces are provided on site. The parking must be clear of potholes and properly striped per city requirements. A Right-of-Way Permit is required.
- 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 use property shall be screened by an 8 ft. cedar buffer.

PLANNING AND ZONING COMMISSION MEETING OF APRIL 7, 2020:

At the Planning and Zoning Commission Meeting of April 7, 2020, the item was tabled as recommended by the staff.

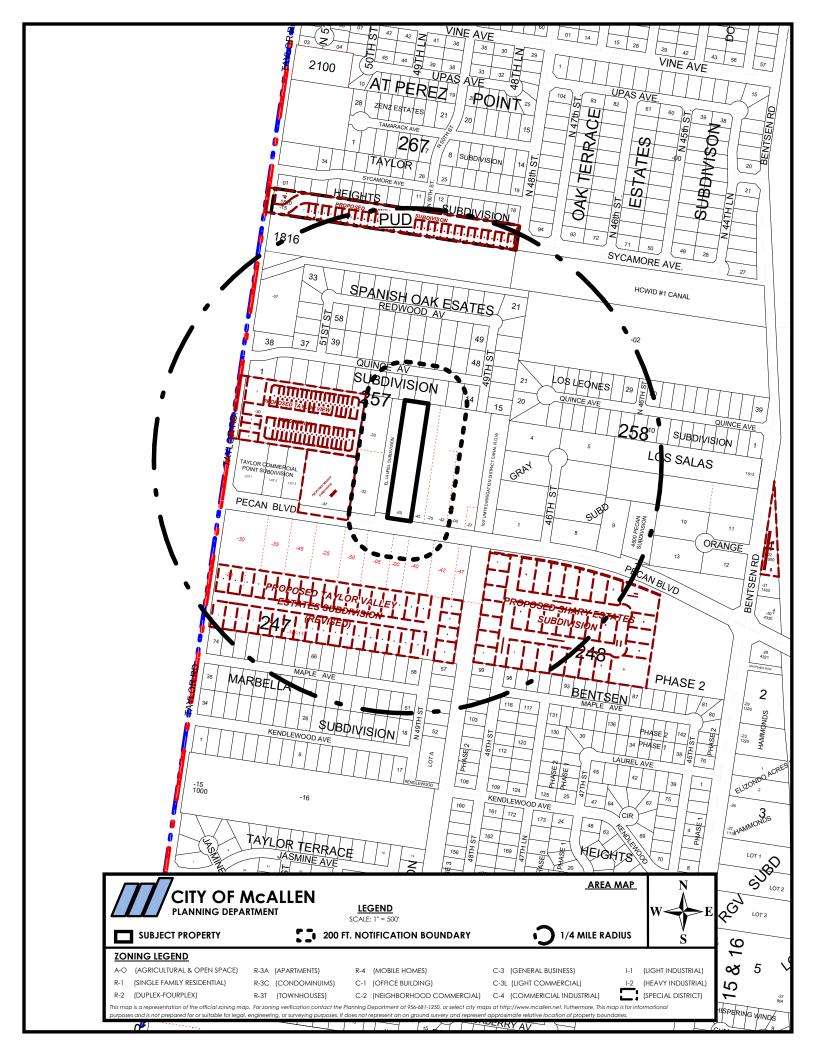
UPDATE:

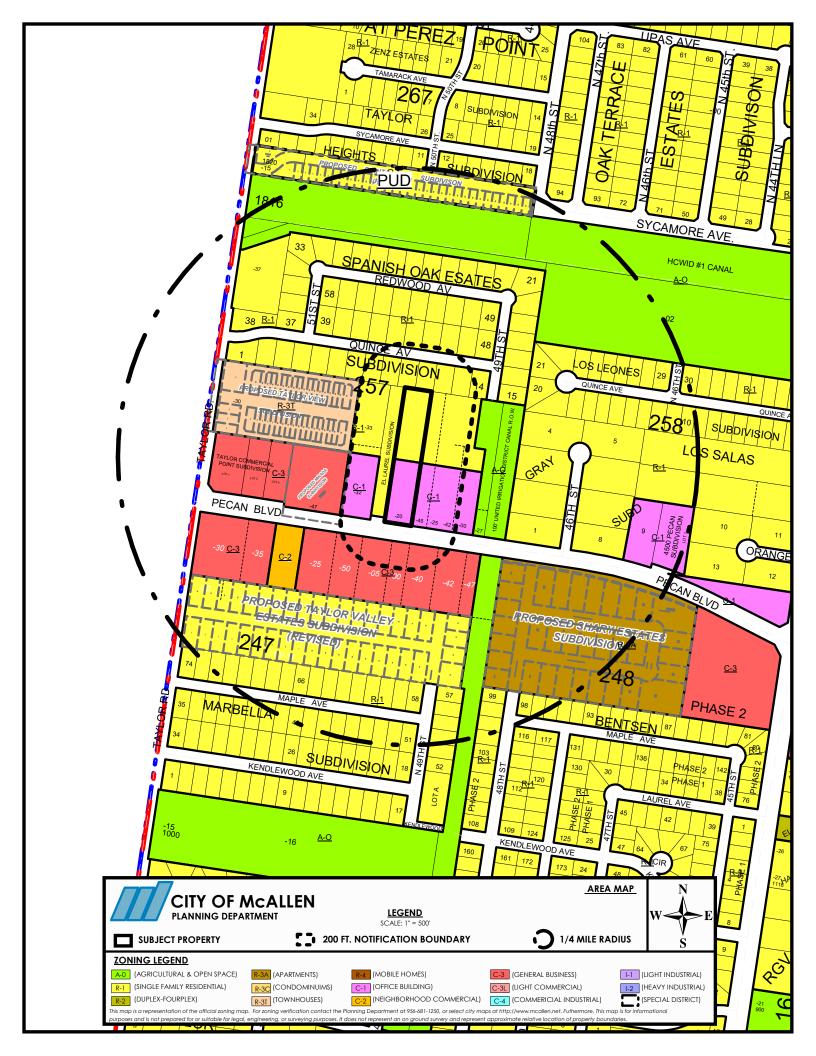
At the Public Utility Board meeting of April 14, 2020, the Board voted to approve the request to extend a sewer line to the property. In the meantime, the applicant has been approved to continue using the existing septic tank for a church.

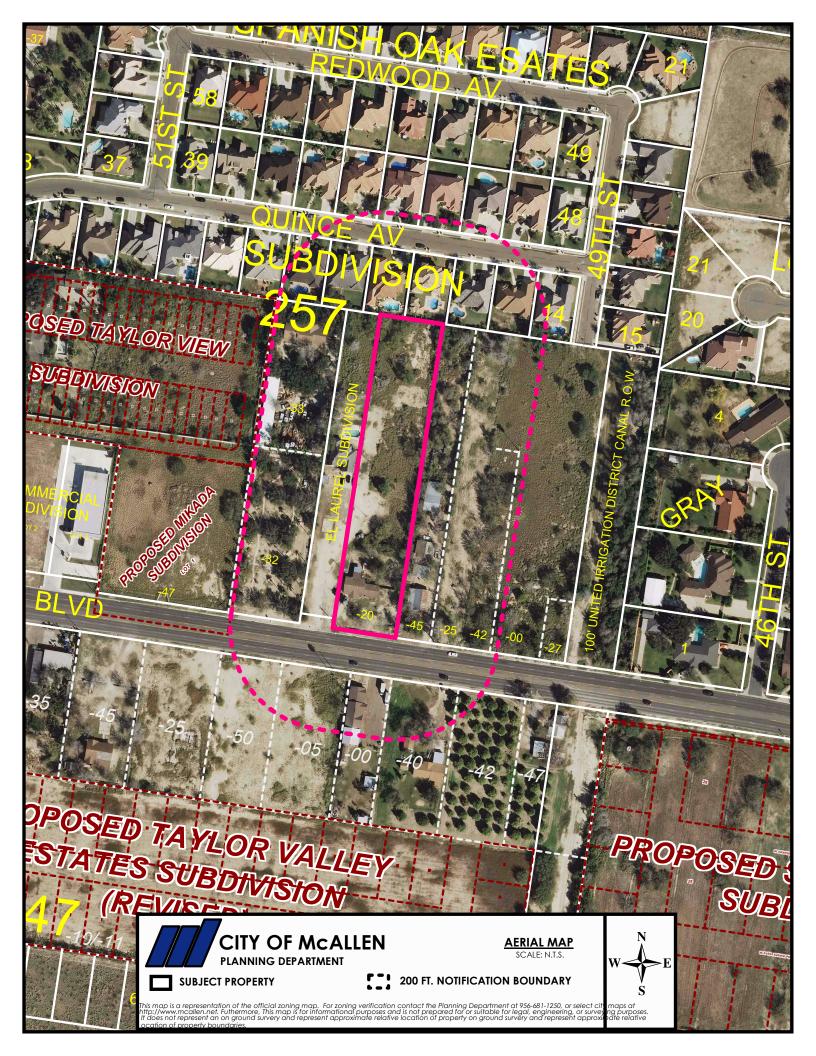
The applicant has since provided an updated Site Plan with the required landscape and parking. However, the applicant has not submitted a ROW Permit to the Engineering Department; Engineering Department's approval is pending.

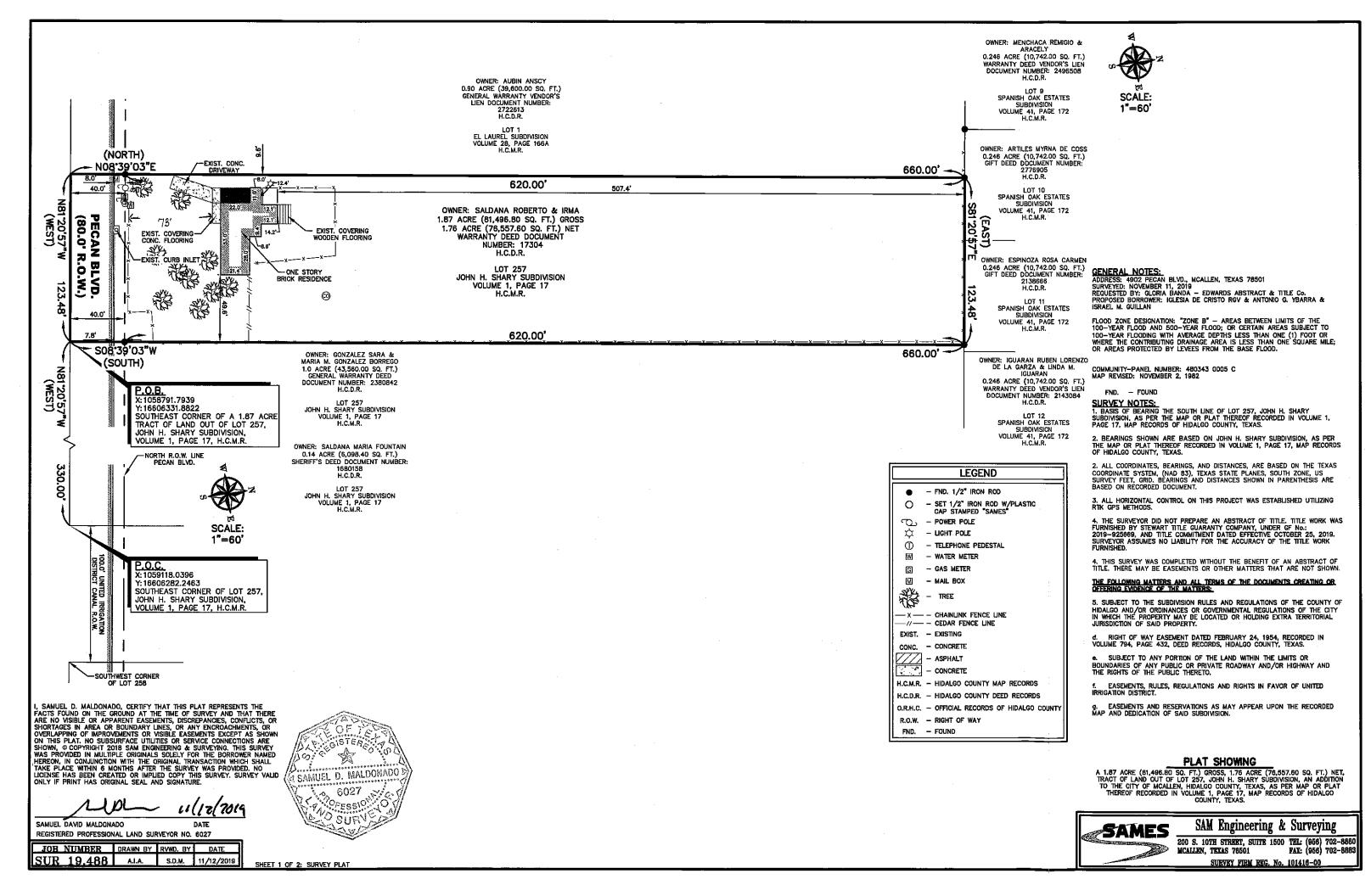
RECOMMENDATION:

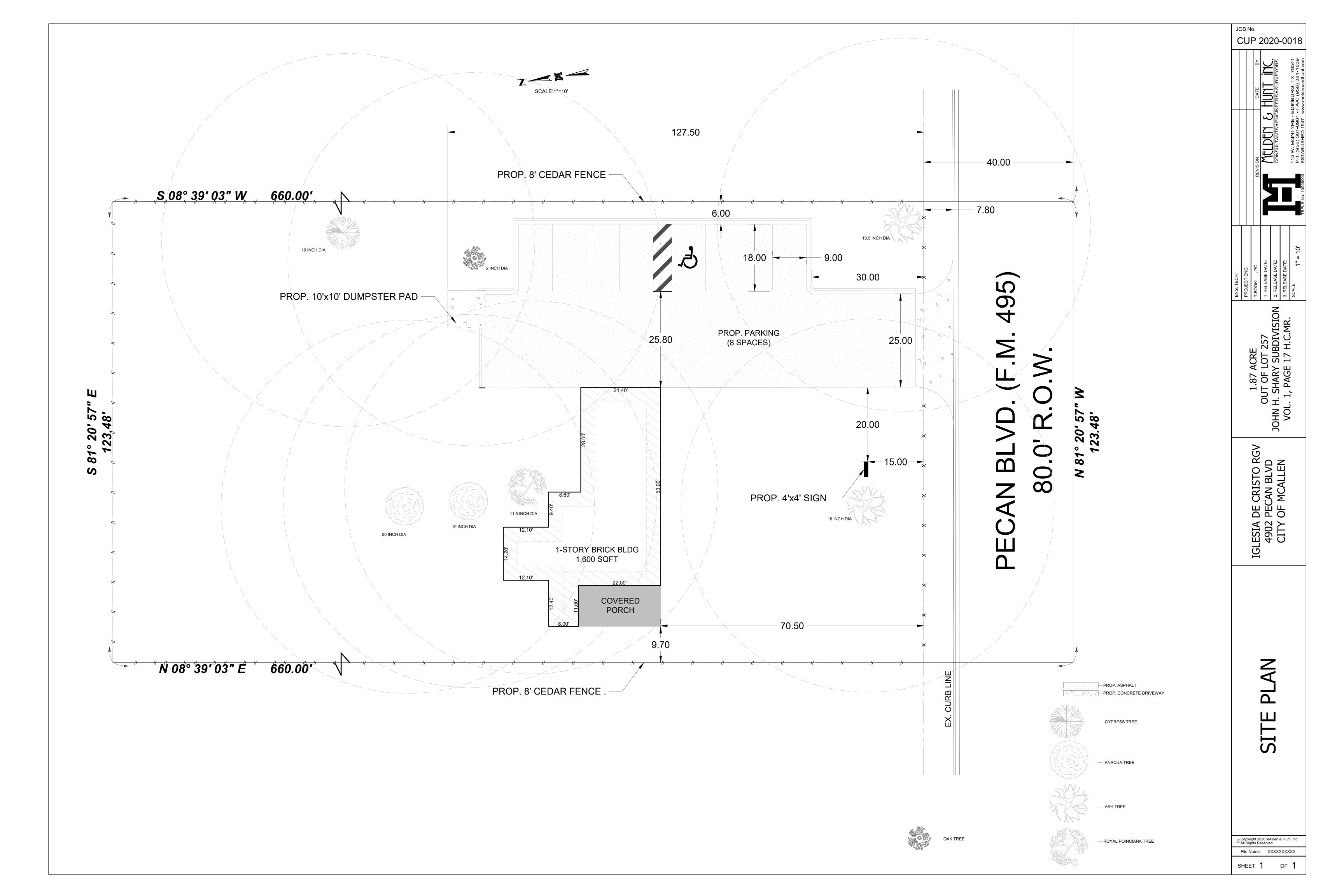
Staff recommends approval of the request, for life of the use, subject to compliance with requirements in Section 138-118 of the Zoning Ordinance, Fire and Building Permit requirements, and approval of the required ROW Permits from Engineering Department.



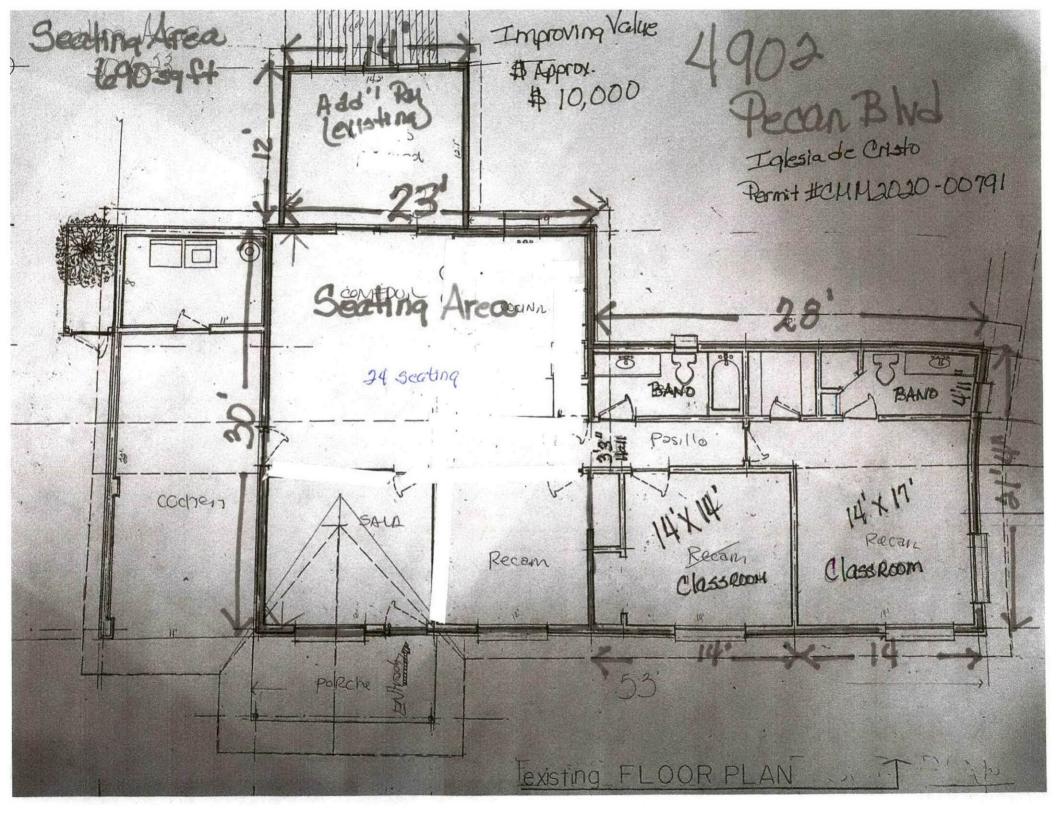








00 Church Blag 6 O OPEN 1 Ü 4x4 sign 0 Iqlesia De 20' w so from parking dristo TN 151 from Pence 25' a5' durb to property 4901 Pecan Blud x weld fencing







Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: March 27, 2020

SUBJECT: REQUEST OF NANCY GOMEZ, FOR A CONDITIONAL USE PERMIT, FOR

ONE YEAR, FOR A BAR AT LOTS 1 AND 2, SHARY GATEWAY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4901 EXPRESSWAY 83, SUITE

150. (CUP2020-0027)

BRIEF DESCRIPTION:

The property is located on the south side of U.S. Expressway 83, approximately 530 ft. east of South Taylor Road and is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. Surrounding land uses include the commercial businesses, townhomes, and vacant land. A bar is allowed in the C-3 zone with a Conditional Use Permit and in compliance with requirements.





HISTORY:

There is an existing 47,346.66 sq. ft. commercial building with mixed uses consisting of retail and restaurant uses on the property. There is a lease space, Suite 150, which is being utilized as a bar (Easy Eight's Billiards). The initial conditional use permit was approved for this establishment by the City Commission on July 8, 2013 with a variance to the distance requirement, and was renewed annually until 2016. Applicant failed to review in 2016 and 2017. The last permit expired on February 25, 2020. The applicant submitted their application on March 16, 2020.

REQUEST/ANALYSIS:

The applicant is proposing to continue operating the bar (Easy Eight's Billiards) from 2:00PM to 2:00AM seven days a week.

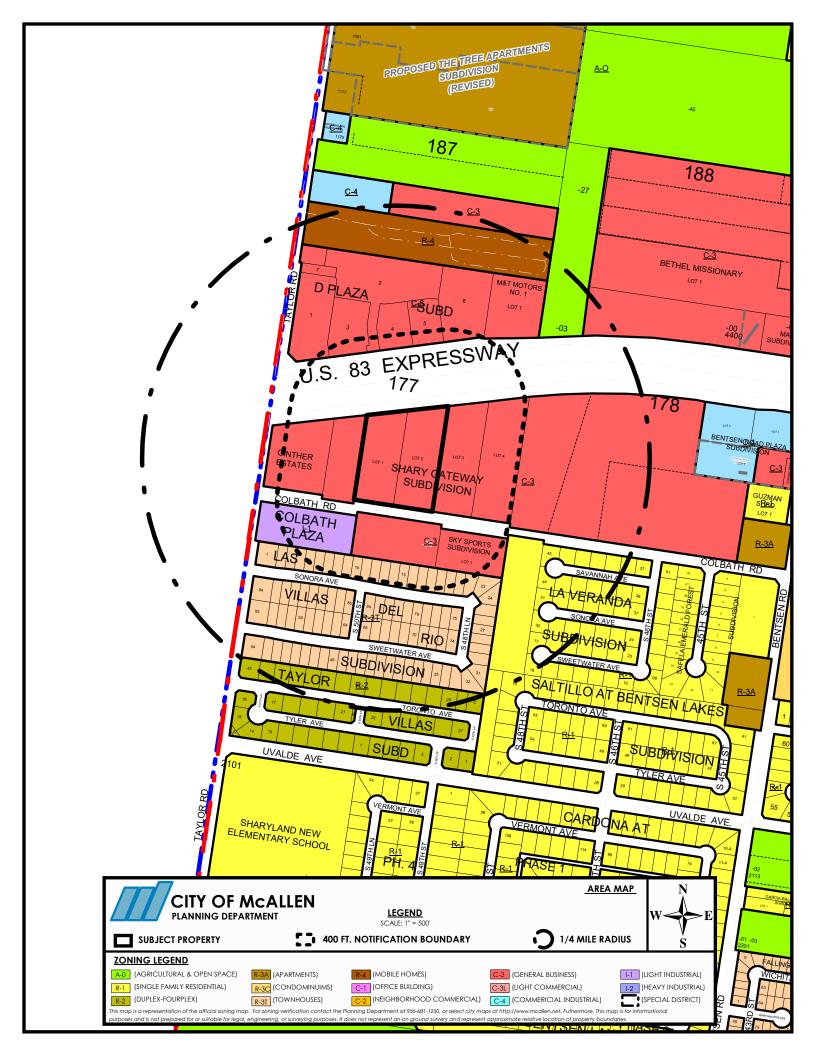
Attached is the police activity report indicating service calls from March 2019 to present. The Health and Fire Departments are still pending inspection. Should the Conditional Use Permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions of the permit. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

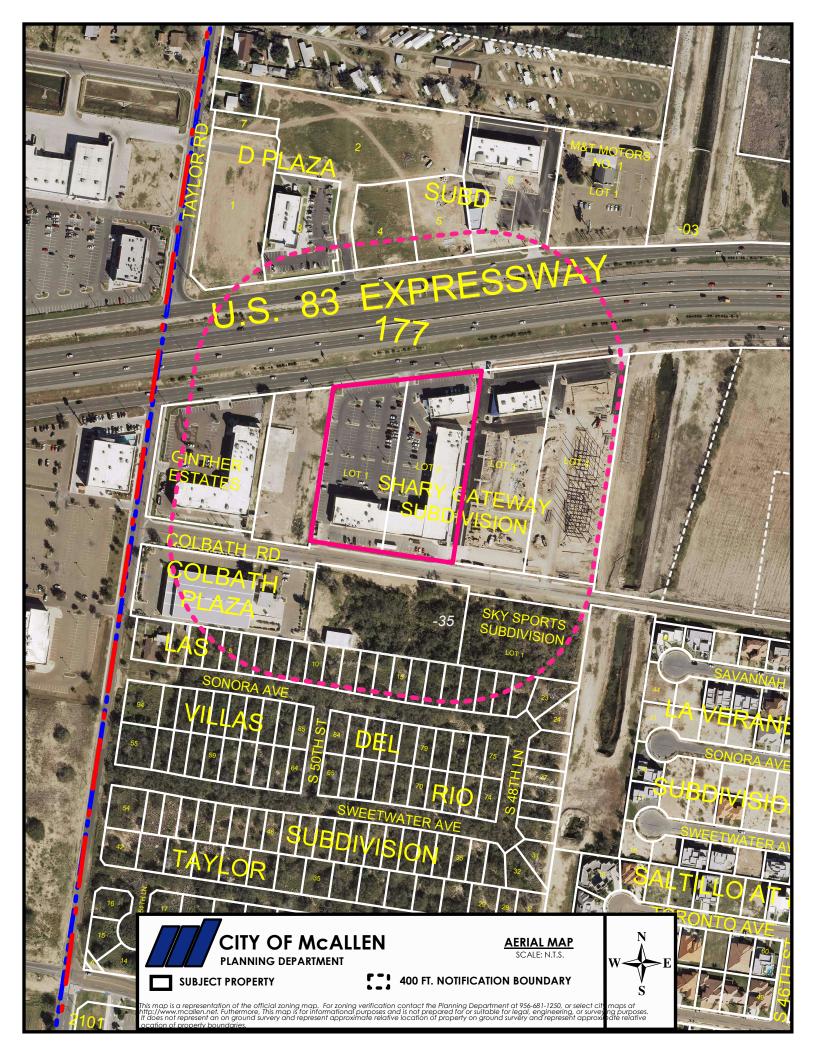
- 1. The property line of the lot of any of the above mentioned businesses must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of residential zones and uses to the south;
- 2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment had access to Expressway 83 and Colbath Road, and does not generate traffic into residential areas; (There's residential along Colbath to the east)
- 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 21,734 sq. ft. used as restaurant/bar space; requiring 290 parking spaces, 9,176 sq. ft. used as retail space; requiring 26 parking spaces, and 7,283 sq. ft. of vacant suites. The applicant is proposing to continue operating a 7,654 sq. ft. billiard hall, which 6,797 sq. ft. is actual floor area. The proposed 6,797 sq. ft. billiard hall floor area would require 91 parking spaces, for a total of 407 parking spaces required for the overall development; 393 spaces are provided on site, with a deficiency of 14 parking spaces. A parking agreement has been submitted to meet parking requirements, for an additional 14 parking spaces. The parking agreement is valid with an expiration date of February 1, 2024 (five-year term). The remaining vacant 7,283 sq. ft. of retail require 19 parking spaces when occupied. For every business to run simultaneously, 426 parking spaces are required;
- 4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities:
- 6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties;
- 7. The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance,

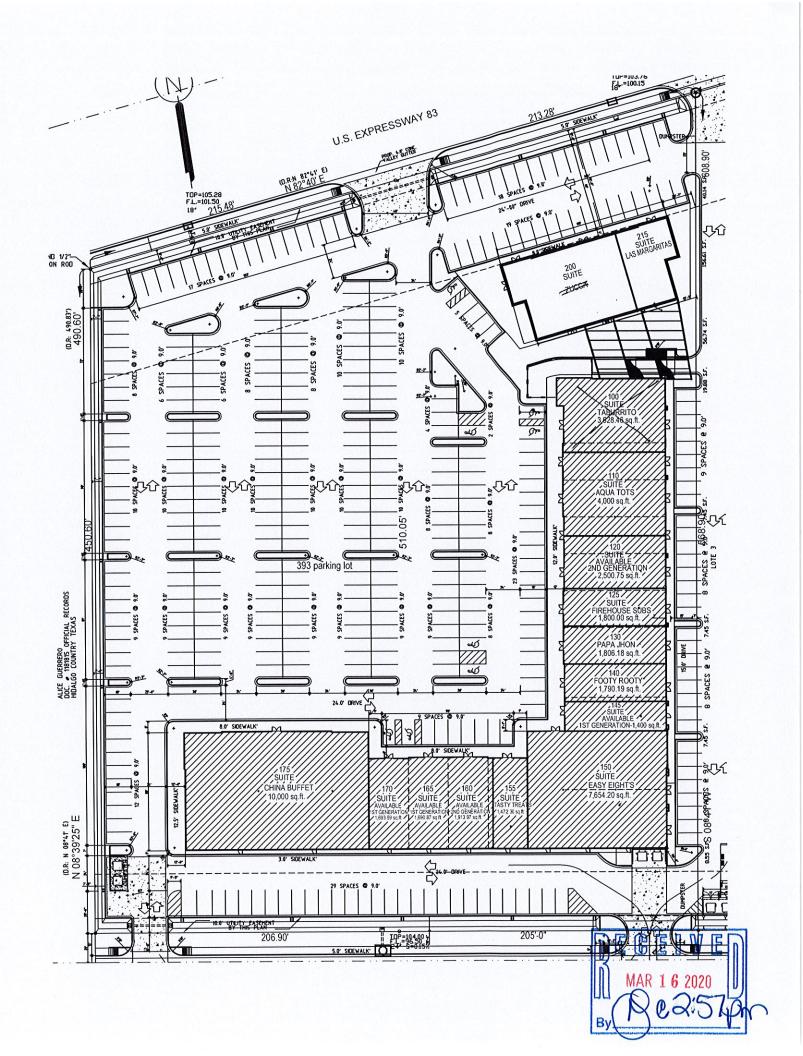
after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The allowable number of persons within the building is 271 persons.

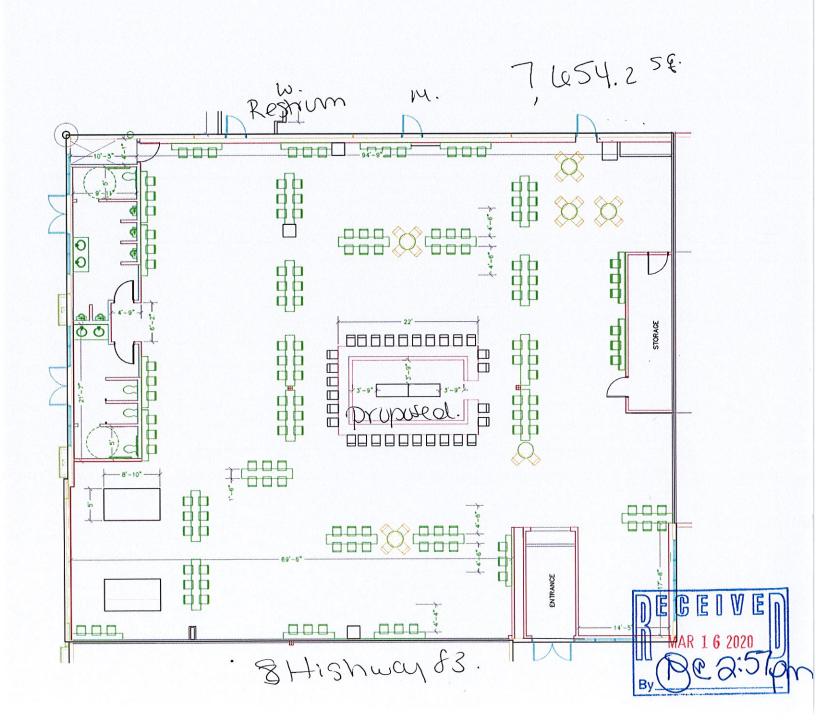
RECOMMENDATION:

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













Incident Analysis Report

Summary

Print Date/Time: Login ID: Incident Type:

03/26/2020 11:34

mcpd7004

All Call Source: All

To Date:

From Date: 03/26/2019 00:01

03/26/2020 11:00

McAllen Police Department

ORI Number:

TX1080800

Officer ID: All

Location: 4901 EXPWY 83 FRONTAGE 150,

Incident Date/Time

Incident Number Incident Type

Location

Total Matches:

0



Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: March 24, 2020

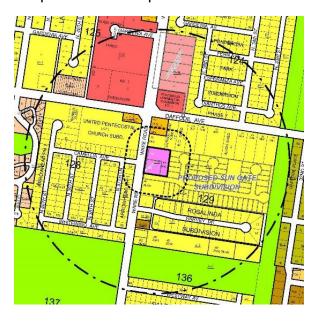
SUBJECT: REQUEST OF ALBERTO DOMINGUEZ, FOR A CONDITIONAL USE

PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE (CHURCH) AT THE WEST 275.4 FT. OF THE SOUTH 269 FT. OF THE NORTH 610 FT. OF LOT 129, LA LOMITA (HOIT) SUBDIVISION, HIDALGO COUNTY, TEXAS; 2900 NORTH WARE ROAD. (CUP2019-

0163)

BRIEF DESCRIPTION:

The property is located on the east side of North Ware Road, approximately 430 ft. south of Daffodil Avenue. The property is zoned C-1 (office building) District. The adjacent zoning is R-1 (single family residential) District in all directions. Surrounding land uses include single-family residences, a church, commercial businesses, and vacant land. An institutional use is permitted in the C-1 zone with a conditional use permit and in compliance with requirements.





HISTORY:

The exiting Church (Iglesia del Dios Vivo Columna y Apoyo de La Verdad La Luz del Mundo) received a conditional use permit for life of the use by the City Commission on March 25, 2019 with a seating area of only 15 seats. The same applicant is requesting to amend their CUP to increase the occupancy to 43 people and to utilize the south bedrooms as living quarters for the pastor and his family.

REQUEST/ANALYSIS:

There is an existing building with approximately 4,100 sq. ft. where the applicant is proposing to continue to operate a church. The building consists of 3 offices, seating area for 43 seats, both women and men restrooms, and two storage closets. The applicant stated that the church would operate Monday through Saturday from 6:30 PM to 7:30 PM, and from 10:00 AM to 7:00 PM on Sundays. The applicant stated that in the future they plan to develop and subdivide the property to accommodate a larger building with a larger seating capacity. The Conditional Use Permit may need to be amended in the future once additional improvements are proposed.

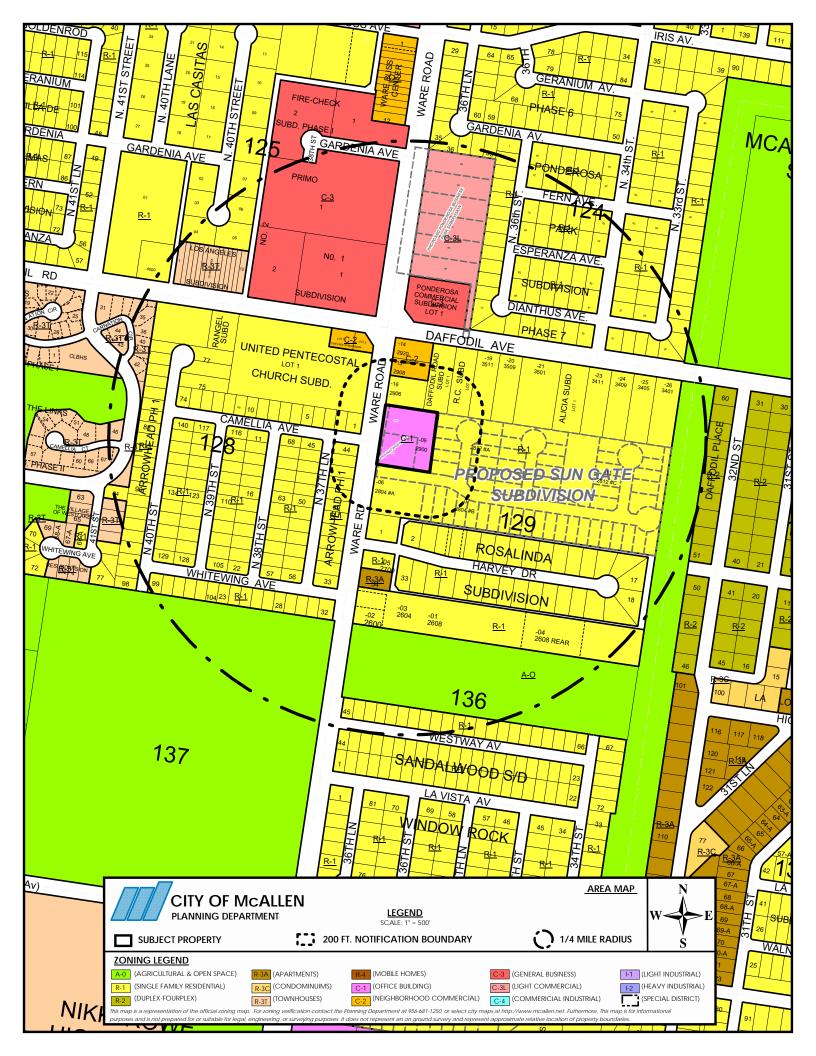
The applicant has added a parking lot to the north and has obtained a right of away (ROW) permit from the City's Engineering Department.

The Fire Department has re-inspected and all violations have been resolved. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to other conditions of the permit. The proposed use must also comply with the zoning ordinance and specific requirements as follows:

- The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property fronts N Ware Rd.
- 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 seating area of 43 seats, 11 parking spaces are required; 15 parking spaces are provided on site. The parking must be clear of potholes and properly striped per city requirements. A ROW Permit is required.
- 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 use property shall be screened by a 6 ft. opaque fence.

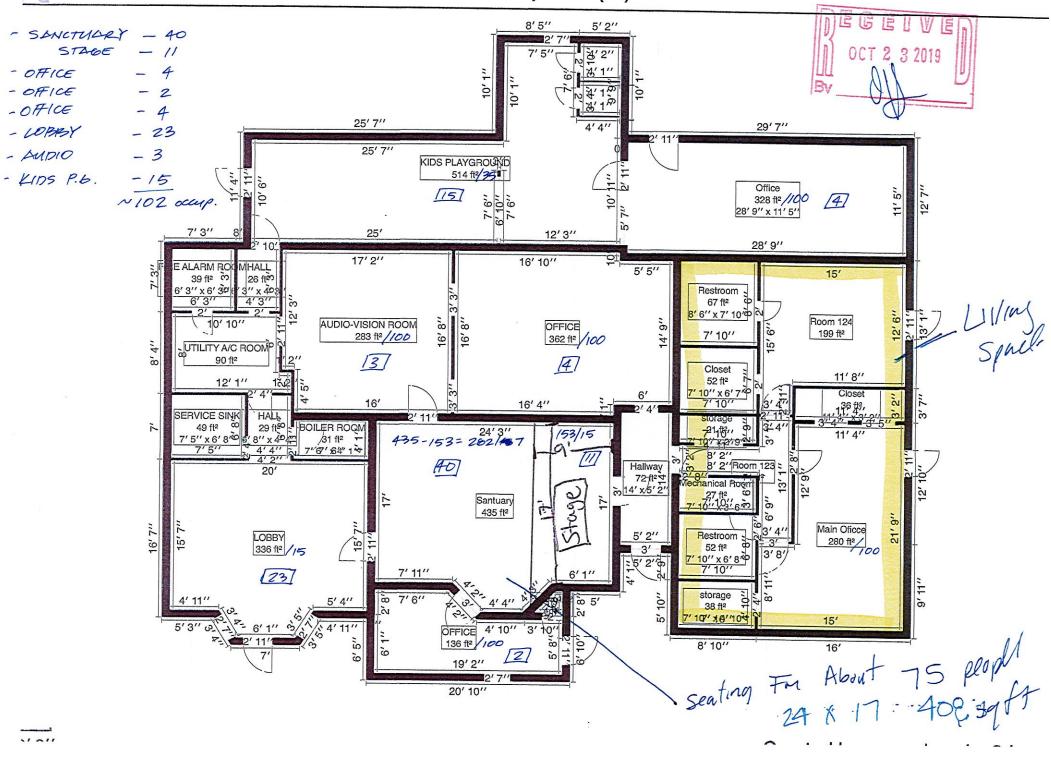
RECOMMENDATION:

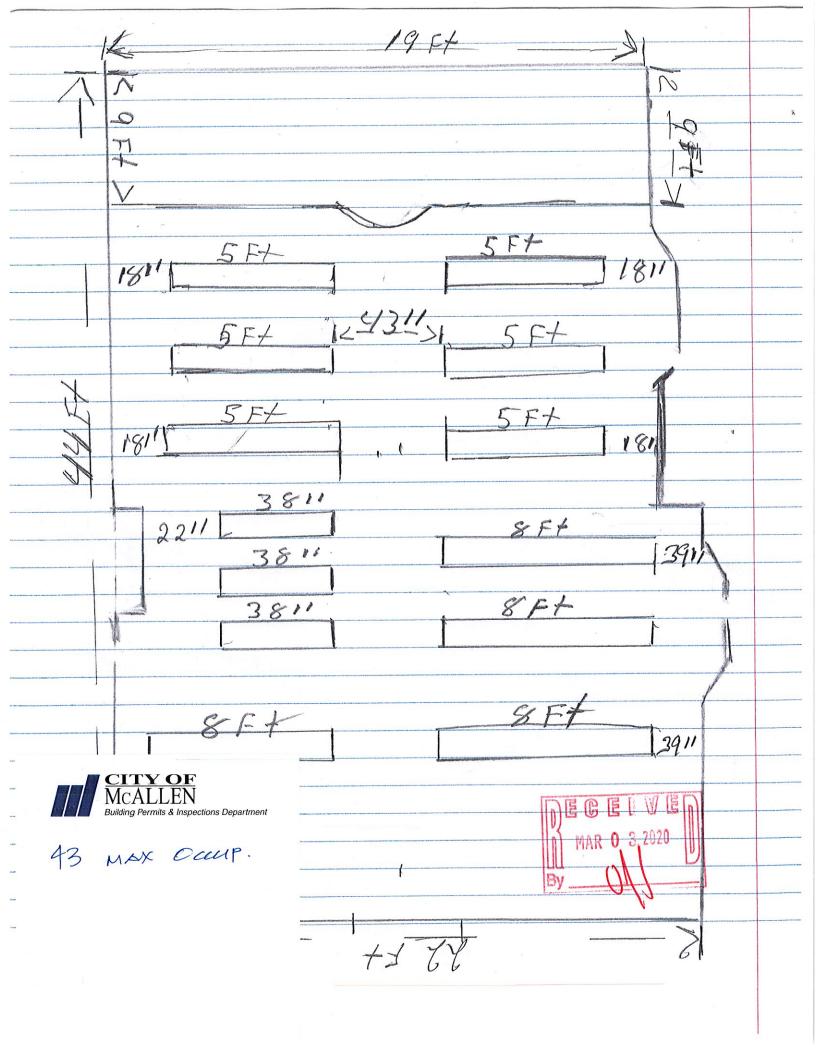
Staff recommends approval of the request, for life of the use, subject to compliance with requirements in Section 138-118 of the Zoning Ordinance, and Fire and Building Permit requirements.

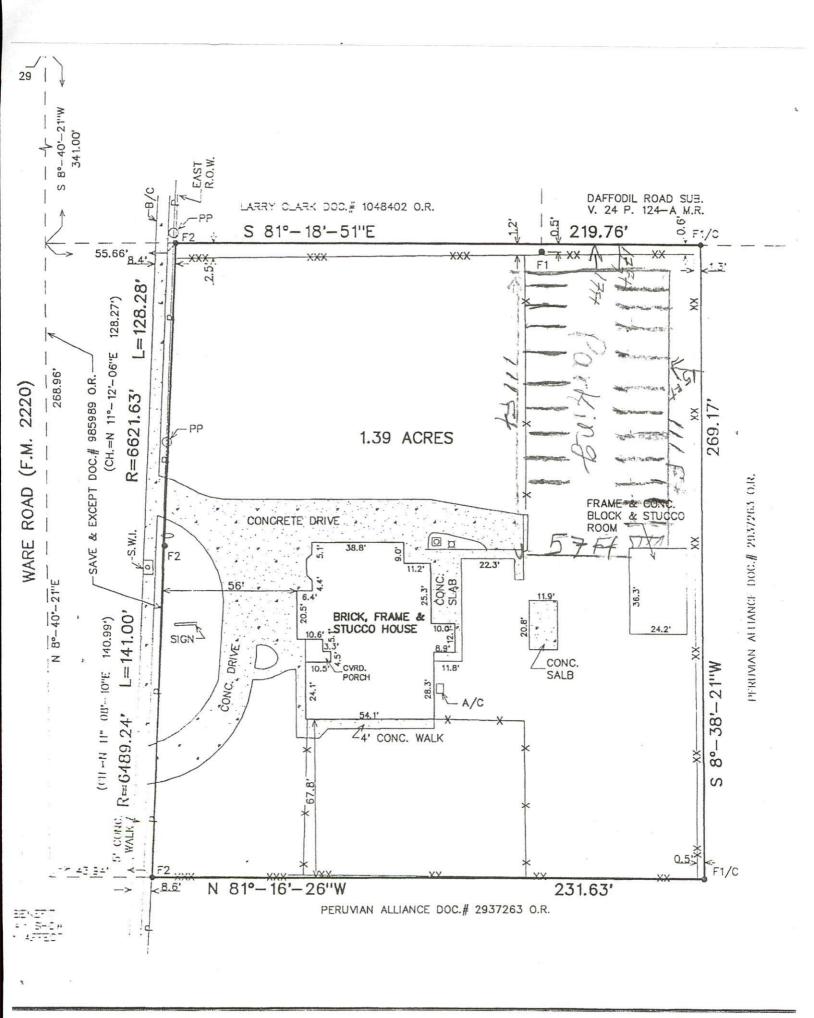


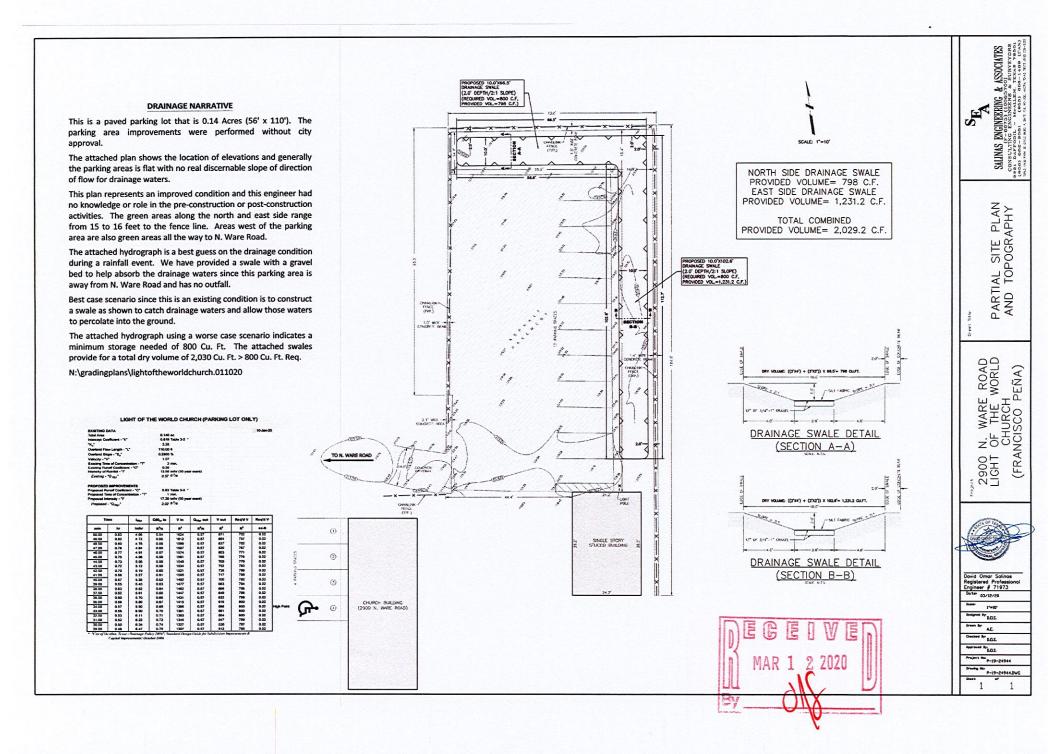


New plan(1)











Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: April 16, 2020

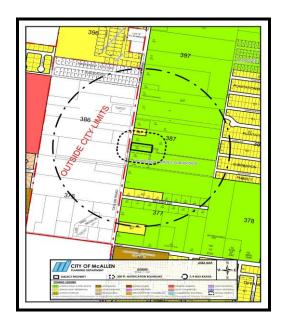
SUBJECT: REQUEST OF MELISSA BURTON FOR A CONDITIONAL USE PERMIT,

FOR LIFE OF THE USE, FOR A DOG KENNEL AT A 1.00 ACRE TRACT OF LAND OUT OF THE SOUTH 19.39 ACRES OF LOT 387, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 6820 NORTH

TAYLOR ROAD. (CUP2020-0008)

BRIEF DESCRIPTION:

The property is located on the east side of North Taylor Road, approximately 1,400 ft. north of Lark Avenue and is zoned A-O (agricultural-open space) District. The adjacent zoning is A-O District to the north, south and east. The properties to the west are outside city limits. Surrounding land uses include single family residences and vacant land. A dog kennel is allowed in an A-O District with a Conditional Use Permit and in compliance with requirements.





HISTORY:

The Code Enforcement Department responded to a complaint on February 4, 2019 for a possible business running from a residential area with a sign erected. On May 2019, the Code Enforcement Department received another complaint and requested a "complaint"

and summons". The applicant has appeared at Municipal Court several occasions to resolve this issue since then.

REQUEST/ANALYSIS:

There is a single family residence consisting of approximately 2,700 sq. ft. located on the one-acre tract. The applicant's family lives in the existing residence. The applicant is proposing to continue operating a dog daycare from the existing residence and the outdoor playgrounds in the property.

The applicant divided the backyard and front yard into 4 different playgrounds for the dogs. The submitted floor plan and the inspection made by Planning staff indicate that there are two play rooms and a feeding/supply room within the residence. There are 1-2 employees/volunteers in the location. Boarding is also available and no grooming services are offered.

The Health Department has inspected the establishment, and the property is in compliance. A final inspection from the Fire Department is pending. The establishment must also meet the requirements set forth in Section 138-163 (8) of the Zoning Ordinance and specific requirements as follows:

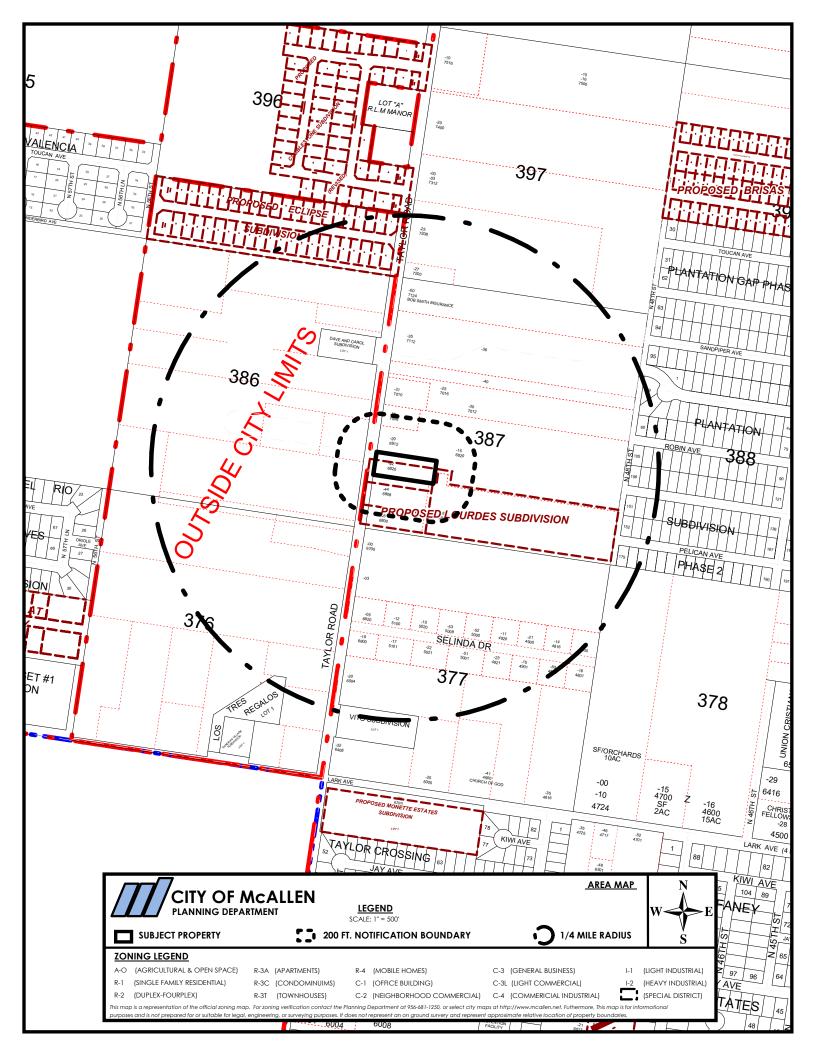
- Located a minimum of 300 feet from the nearest residence. The operations take place inside the residence and outdoors in the different dog playgrounds.
- 2) On parcels of 5 acres or more. This property is a 1-acre parcel.

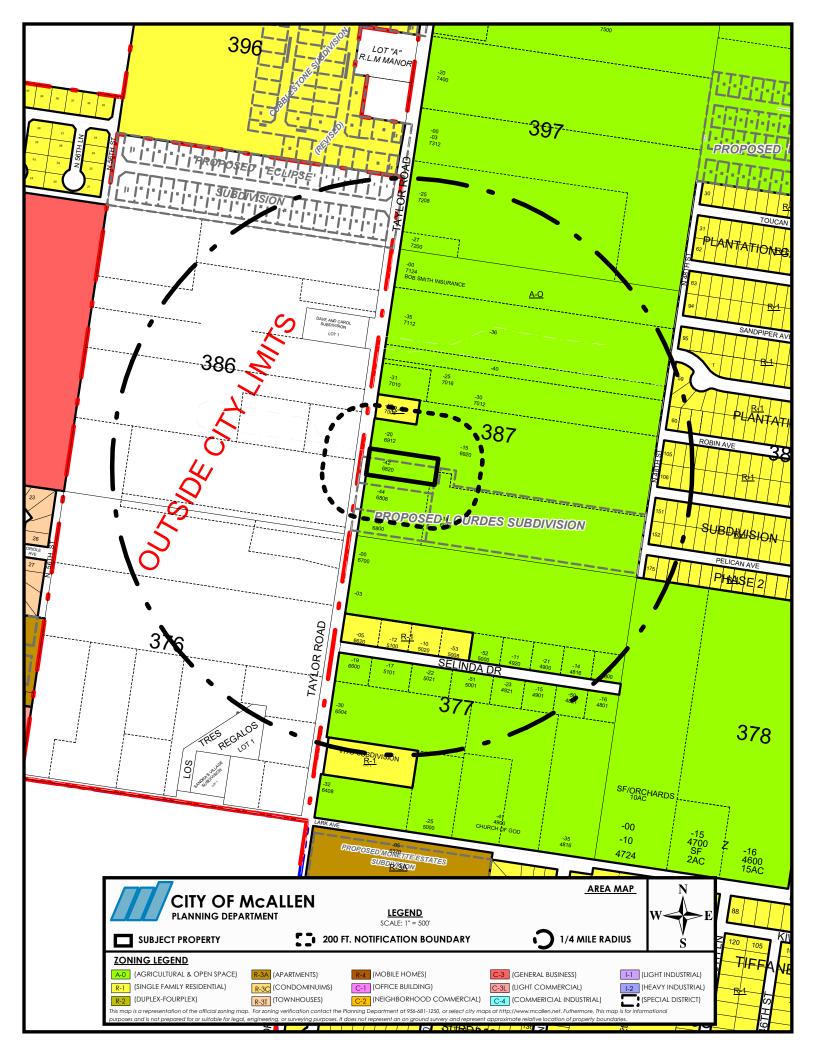
PLANNING AND ZONING COMMISSION MEETING OF APRIL 7, 2020:

At the Planning and Zoning Commission meeting of April 7, 2020 staff recommended to table item as requested by the applicant. The Board voted unanimously to table the item with 7 members present and voting.

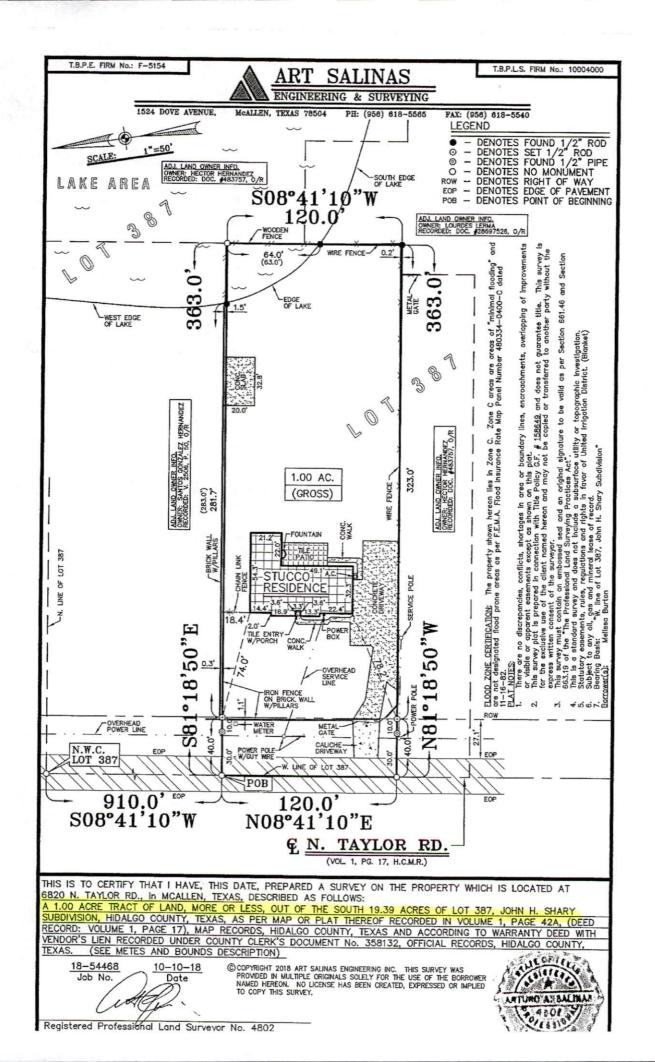
RECOMMENDATION:

Staff recommends to table item as requested by the applicant.









ART SALINAS ENGINEERING & SURVEYING

1524 DOVE AVENUE

McALLEN, TX 78504

PH: (956) 618-5565

FAX: (956) 618-5540

ARTURO A. SALINAS, P.E., R.P.L.S.

METES AND BOUNDS DESCRIPTION: 1.00 Gross Acre Tract

A 1.00 acre tract of land, more or less, out of the South 19.39 acres of Lot 387, JOHN H. SHARY SUBDIVISION, Hidalgo County, Texas, as per map or plat thereof recorded in Volume 1, Page 42A, (Deed Record: Volume 1, Page 17), Map Records, Hidalgo County, Texas and according to Warranty Deed with Vendor's Lien recorded under County Clerk's Document No. 358132, Official Records, Hidalgo County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point on the West line of Lot 387, and in the centerline of N. Taylor Rd. for the Northwest corner of this tract, said point bears South 08 degrees 41 minutes 10 seconds West, 910.0 feet from the Northwest corner of Lot 387:

THENCE, South 81 degrees 18 minutes 50 seconds East, along the South line of the Santos Gonzalez Hernandez 1.00 acre tract (1.00 acre out of the South 19.39 acres of Lot 387, John H. Shary Subdivision, according to Deed recorded in Volume 2506, Page 50, Official Records, Hidalgo County, Texas), passing a 1/2 inch iron pipe found at 30.0 feet in line for reference, passing a 1/2 inch iron rod set at 40.0 feet for the East right-of-way line of N. Taylor Rd., passing a 1/2 inch iron rod 24 inches in length found at 321.7 feet (deed: 323.0 feet) for the West edge of a Lake, a total distance of 363.0 feet to a point on the West line of the Hector Hernandez Tract (Tract II: 8.619 acres out of Lot 387, John H. Shary Subdivision, according to the Deed recorded under County Clerk's Document No. 483757, Official Records, Hidalgo County, Texas), for the Southeast corner of the Santos Gonzalez Hernandez 1.00 acre tract, and the Northeast corner of this tract;

THENCE, South 08 degrees 41 minutes 10 seconds West, along the West line of the Hector Hernandez Tract, and the West line of the Lourdes Lerma 6.167 acre tract (6.167 acres out of the South 19.39 acres of Lot 387, John H. Shary Subdivision, according to Deed recorded under County Clerk's Document No. 2869756, Official Records, Hidalgo County, Texas), passing a 1/2 inch iron rod 24 inches in length found at 64.0 feet (deed: 63.0 feet) for the South edge of a Lake, a total distance of 120.0 feet to a 1/2 inch iron rod 24 inches in length found for the Southeast corner of this tract;

THENCE, North 81 degrees 18 minutes 50 seconds West, along the North line of the Lourdes Lerma 6.167 acre tract, and the North line of the Hector Hernandez Tract (Tract I: A 0.393 acre tract out of Lot 387, John H. Shary Subdivision, according to the Deed recorded under County Clerk's Document No. 483757, Official Records, Hidalgo County, Texas), passing a 1/2 inch iron rod set at 323.0 feet for the East right-of-way line of N. Taylor Rd., passing a 1/2 inch iron pipe found at 333.0 feet in line for reference, a total distance of 363.0 feet to a point on the West line of Lot 387, and in the centerline of N. Taylor Rd. for the Northwest corner of the Hector Hernandez Tract, and the Southwest corner of this tract;

THENCE, North 08 degrees 41 minutes 10 seconds East, along the West line of Lot 387, and the centerline of N. Taylor Rd., a distance of 120.0 feet to the POINT OF BEGINNING, and containing 1.00 acre of land, more or less.

Bearing Basis: "W. line of Lot 387, John H. Shary Subd."

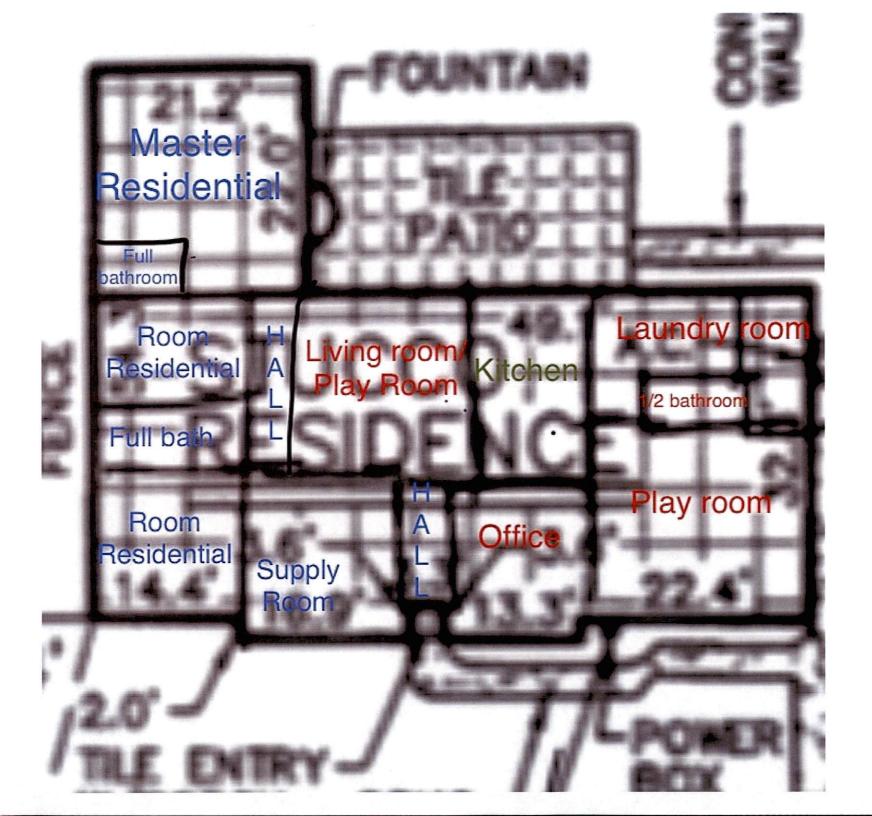
Job No. 18-54468

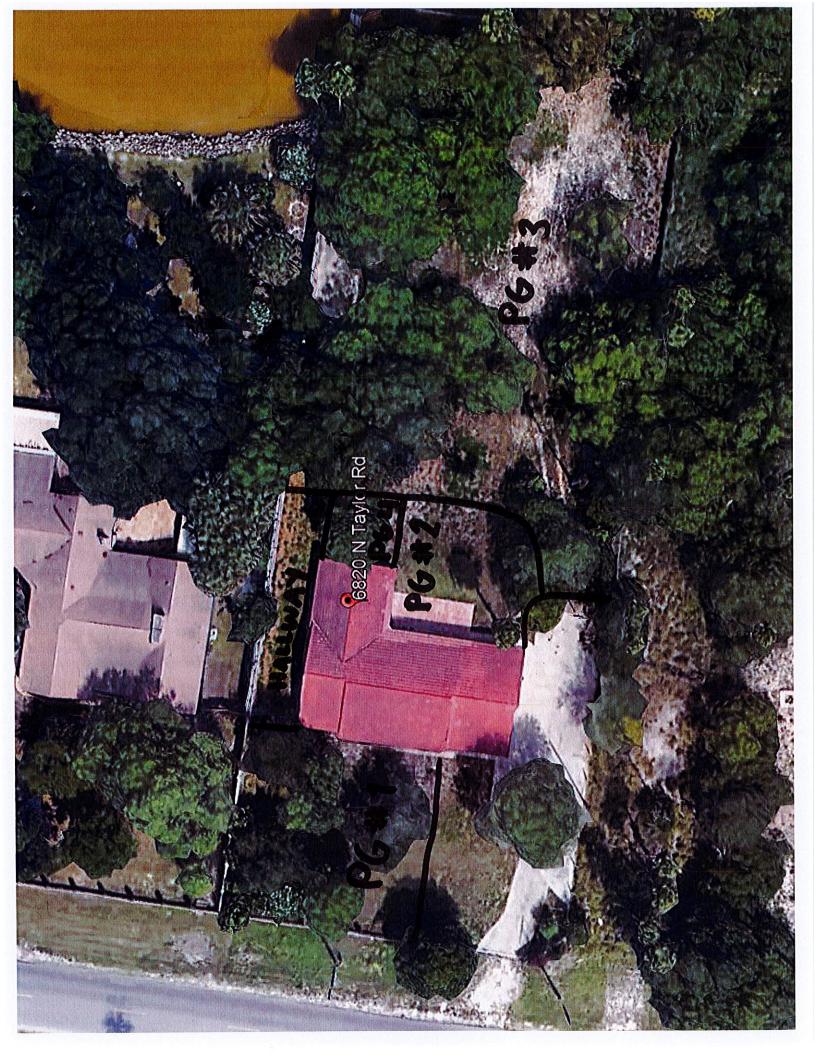
Date: 10-10-18

Arturo A. Salinas, R.P.L.S. #4802

T.B.P.E. FIRM REG. NO. F-5154

T.B.L.S. FIRM REG. NO. 10004000







Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: April 15, 2020

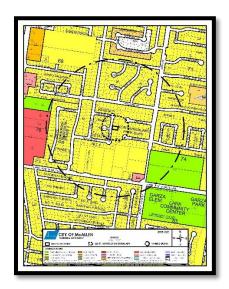
SUBJECT: REQUEST OF CLAUDIA J. GONZALEZ FOR A CONDITIONAL USE

PERMIT, FOR ONE YEAR, FOR A HOME OCCUPATION (DAYCARE) AT LOT 25, REGENCY PARK ESTATES SUBDIVISION, UNIT 4, HIDALGO

COUNTY, TEXAS, 6600 NORTH 32ND STREET. (CUP2020-0021)

BRIEF DESCRIPTION:

The property is located on the east side of North 32ND Street, east of Nightingale Court, and is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions, and it is surrounded by single-family residences. A day care is allowed in the R-1 zone with a Conditional Use Permit and in compliance with requirements.





SUMMARY/ANALYSIS:

There is a one story single-family residential home on the property. The applicant is proposing to operate a day care facility from the existing residence. The proposed hours of operation are from 7:00 AM to 6:00 PM Monday through Friday.

The Fire and Health Departments have follow up inspections. The proposed use shall meet all the minimum standards and applicable ordinances. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions on the permit. The daycare may not be operational until the issuance of the certificate. The daycare must comply with requirements set forth in Section

138-118(8) of the Zoning Ordinance and other specific requirements as follows:

- 1. Meet the requirements of the Department of Human Services;
- 2. Provide a fenced in area for outside play of children. A fenced area is provided on site;
- Provide paved area adjacent to street for pickup and delivery of children. The
 existing driveway and garage accommodate the two required parking spaces
 needed for the residential home and required space for the pick-up and drop off of
 the children;
- 4. Area used for the day care facility should be clearly secondary to the use of the structure;
- 5. Person who applies for permit must reside at location for which the permit is granted. The applicant resides at this location;
- 6. There shall be no more than two (2) day care facilities within 600 ft. of each other as measured over the shortest distance of street right-of-way between the facilities. There is no other day care within 600 ft.;
- 7. No more than one day-care shall be located on a dead-end street or cul-de-sac; N. 32nd Street is not in a cul-de-sac street; no other daycare exists on this street;
- Day care facilities shall not be located on a half street or a street that is accessed by a half street; N. 32ND Street is not a half street or a street accessed by a half street;
- 9. Day care facilities that care for more than 12 children shall not be permitted in a residential zoning district. The applicant is proposing to care for up to 12 children;
- 10. No signs are permitted; No signs are proposed;
- 11. No more than one additional employee that does not reside on the premises is permitted. The applicant is proposing a total of two employees which include the applicant and her sister, both residing at this location;
- 12. The property owner shall sign the application or the applicant shall provide a letter of authorization from the property owner. Staff was provided an authorization letter from the property owner.

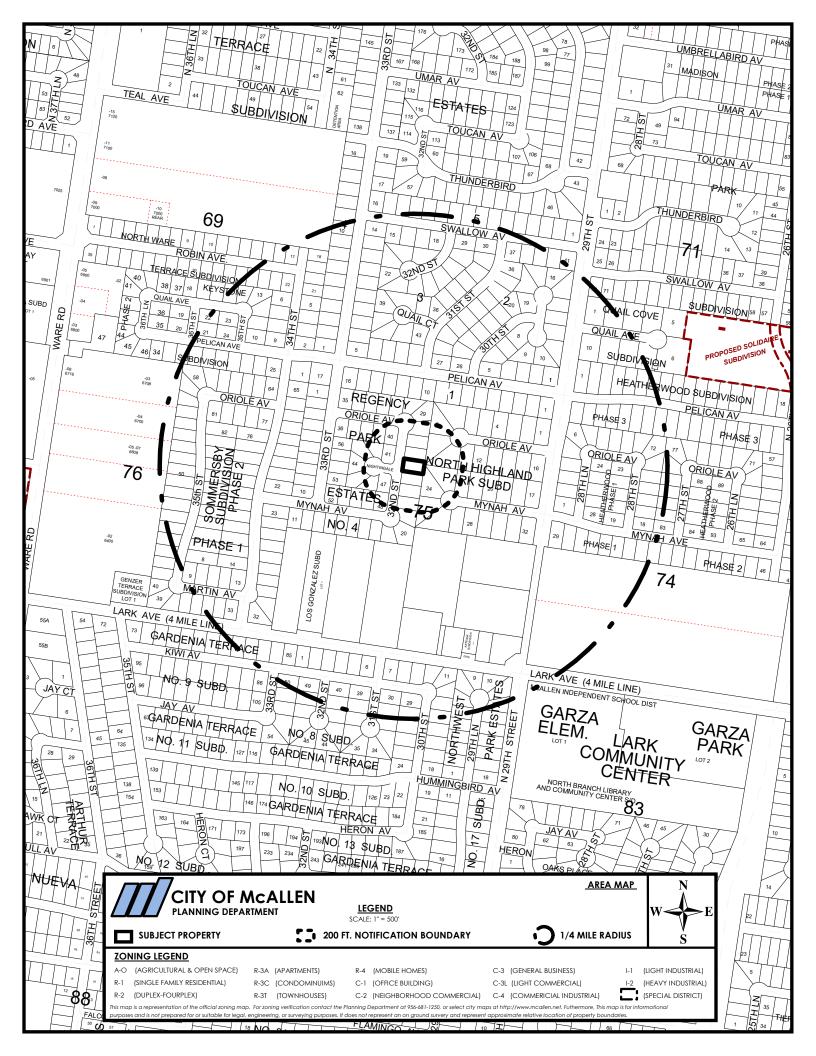
Staff received a total of four emails in opposition at time of Planning and Zoning meeting on April 7, 2020.

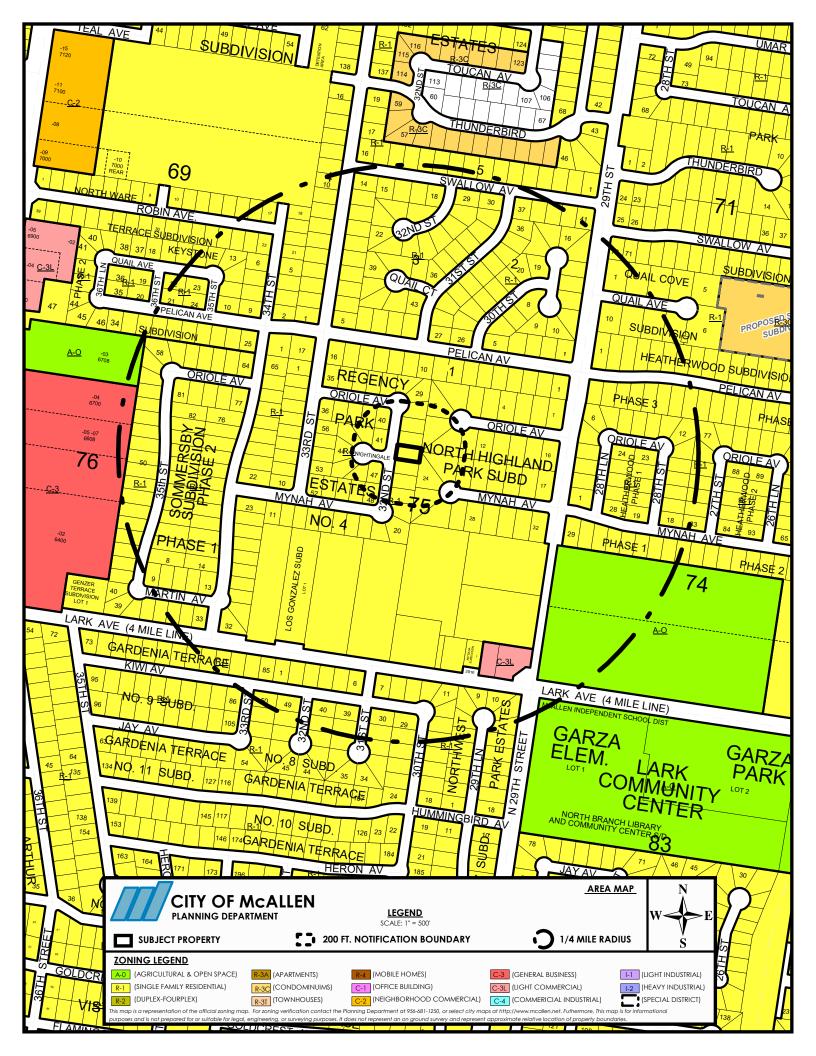
The Board recommended this item to be tabled due to some concerns brought forth by neighbors from adjacent properties. Mr. Cabeza de Vaca, Chairman, suggested applicant Mrs. Claudia Gonzalez, to install mesh over the fence since Mario Quintanilla, resident at 6604 N. 32nd Street indicated the fence between their properties is in poor condition. Mr.

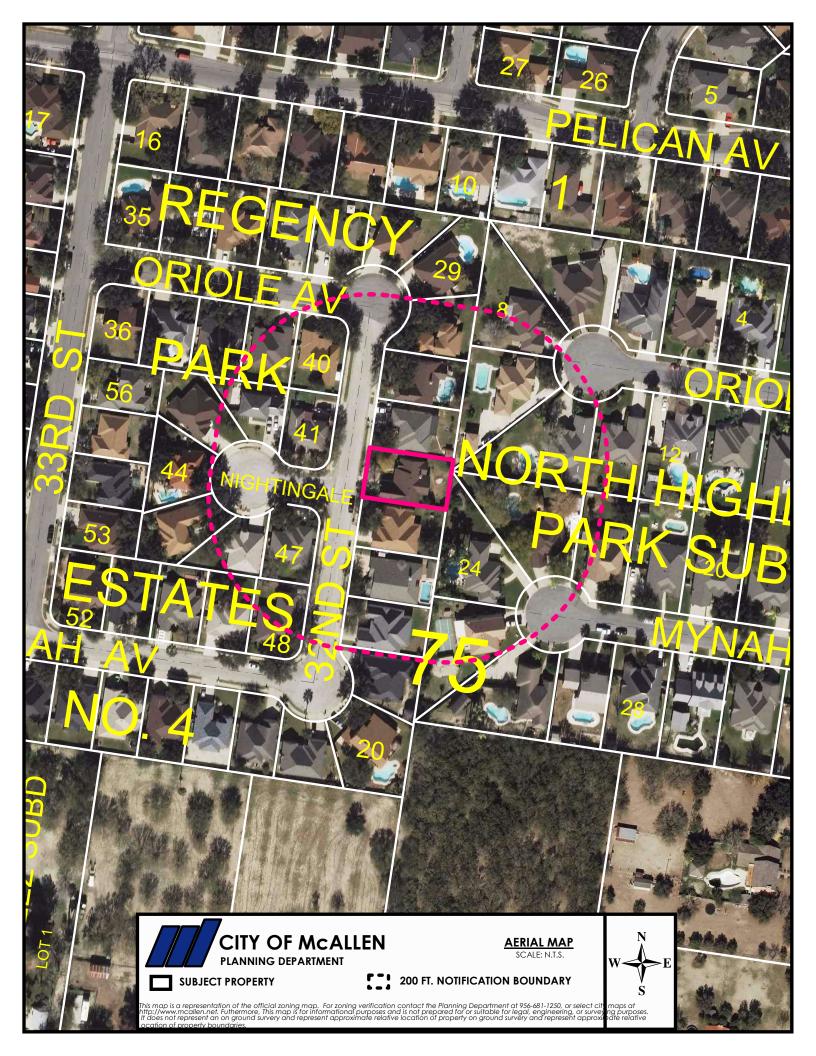
Quintanilla also indicated he is concerned his dogs could potentially harm a child. On Thursday April 9, 2020, Planning staff visited 6600 N. 32nd Street and observed some wood boards that needed to be replaced. The applicant was notified and encouraged to work on the repairs needed before next meeting scheduled for April 21, 2020.

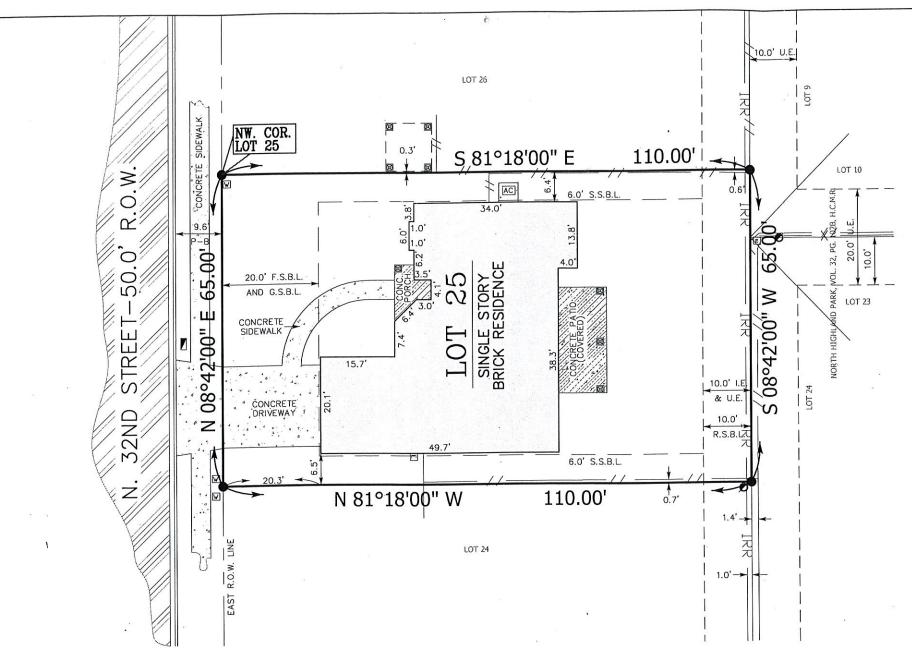
RECOMMENDATION:

Staff recommends approval of the request, for one year, subject to compliance with Section 138-118(8) of the Zoning Ordinance, and Health, and Fire Department Requirements.









NOTES

- SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
- SURVEY WAS PREPARED IN COORDINATION WITH SIERRA TITLE COMPANY, COMMITMENT GF No. 3183493 EFFECTIVE DATE: NOV. 8, 2019 ISSUED DATE: NOV. 18, 2019

FROM SCHEDULE B:

- 10.c. AGREEMENT DATED MAY 12, 1987, BETWEEN CP&L CO. AND JOSEPH P. BOND, JR., TRUSTEE, RECORDED IN VOL. 2444, PG. 832, H.C.O.R. (BLANKET)
- 10.d. R.O.W. EASEMENT IN FAVOR OF CP&L CO. ON EACH LOT IN SAID SUBDIVISION AS SHOWN ON PLAT RECORDED IN VOL. 25, PG. 58B, H.C.M.R.
- 10.h.— EASEMENTS, RIGHTS, RULES, AND REGULATIONS IN FAVOR OF HIDALGO COUNTY IRRIGATION DISTRICT NO. 1. (BLANKET)
- 3. CP&L CO. IS HEREBY GRANTED AND EASEMENT AND R.O.W. ON EACH LOT IN SAID SUBDIVISION FOR AN UNDERGROUND ELECTRIC SERVICE LATERAL TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES AT THE RIGHT LOCATION WHICH SUCH SERVICE LATERAL IS TO BE OR INSTALLED AND MAINTAINED FROM TIME TO TIME. (VOL. 25, PG. 58-B, H.C.M.R.)
- 4. MINIMUM FLOOR ELEVATIONS, SETBACK LINES, EASEMENTS AND RESTRICTIONS AS SHOWN ON THE MAP REGENCY PARK ESTATES SUBDIVISION, UNIT 4, REC. IN VOL. 25, PG. 58—B, H.C.M.R.
- 5. W & L MANGUM SURVEYING NOR THE SURVEYOR OF RECORD RESEARCHED OR PREPARED A TITLE REPORT OR ABSTRACT OF TITLE ON THE ABOVE PROPERTY.

FLOOD ZONE

ZONE "C"

AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN.

COMMUNITY-PANEL NUMBER: 480343 0005 C MAP REVISED: NOVEMBER 2, 1982.

ADDRESS: 6600 N. 32ND STREET McALLEN, TEXAS 78504

BORROWER:

ERASMO VASQUEZ, JR.

ERIKA JASMIN GONZALEZ

PLAT SHOWING
ALL OF LOT 25,
REGENCY PARK ESTATES
SUBDIVISION, UNIT 4,
AN ADDITION TO
THE CITY OF McALLEN,
HIDALGO COUNTY, TEXAS,
VOL. 25, PG. 58-B, H.C.M.R.

LEGEND

● FOUND 1/2" IRON ROD ▼ TELEPHONE PEDESTAL

© U.G. CABLE MARKER
© ELECTRICAL METER

AC CONC. (A/C UNIT) SLAB

✓ WATER METER

WATER METER
 MAILBOX

■ COLUMN
-//-WOOD FENCE
-X- CHAINLINK FENCE

-IRR-IRRIGATION LINE U.E. UTILITY EASEMENT

I.E. IRRIGATION EASEMENT

SCALE:1"=20"

CP&L CENTRAL POWER & LIGHT

R.O.W. RIGHT OF WAY F.S.B.L. FRONT SETBACK LINE

R.S.B.L. REAR SETBACK LINE

S.S.B.L. SIDE SETBACK LINE G.S.B.L. GARAGE SETBACK LINE

H.C.M.R. HIDALGO COUNTY MAP RECORDS

H.C.O.R. HIDALGO COUNTY OFFICIAL RECORDS

P-B PROPERTY LINE TO BACK OF CURB

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS SURVEY AS DESCRIBED HEREON, WAS MADE ON THE GROUND ON 12/16/19 UNDER MY DIRECTION, THAT THE ONLY IMPROVEMENTS ON THE GROUND ARE AS SHOWN, THAT THERE ARE NO VIOLENCE OF PARTY CONFLICTS, OR VISIBLE OVERLAPPED OF PARTY CONFLICTS.

ILLIAM A. MANGUM RRLS M853 4350 VIDATE:

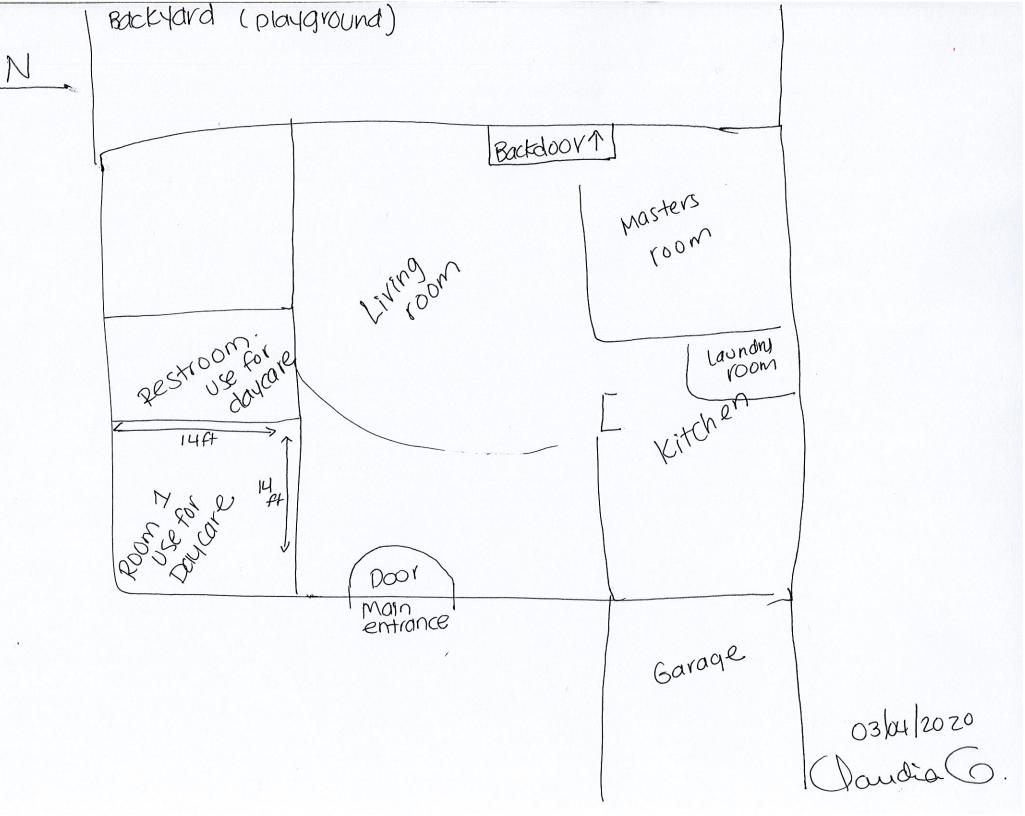
W & L MANGUM SURVEYING
2520 BUDDY OWENS BLVD.
McALLEN, TEXAS 78504
PHONE (956)249-8061
FIRM NUMBER 10113300
wlmangumsurveying@gmail.com

DATE: 12-16-19 JOB No.2019.12

JOB No.2019.12.20 BOOK 304L, PG. 08

T.B.P.L.S. PHONE NO. 512-239-5263

©COPYRIGHT 2019 W&L MANGUM SURVEYING ALL RIGHTS RESERVED





 From:
 mquintanilla1@rgv.rr.com

 To:
 Berenice Gonzalez

 Cc:
 Joaquin J. Zamora

 Subject:
 RE: Mario Quintanilla - Petition CUP2020-21

 Date:
 Wednesday, April 15, 2020 5:13:06 PM

 Attachments:
 Petition CUP2020-0021-Signatures-Scanned.pdf

To:

Berenice Gonzalez, City Planner III Joaquin J. Zamora, City Commissioner District 2 and Members of Council

April 14, 2020

We, the undersigned, hereby submit this Petition for Council's consideration for the purpose of

Request of Claudia .J. Gonzalez for a Conditional Use Permit, for one year, for a Home Occupation (Daycare) at

Lot 25, Regency Park Estates Subdivision, Unit 4, Hidalgo County, Texas, 6600 North 32nd Street. (CUP2020-0021)

(Signature pages attached as Pages 1-8)

I have also attached PDF file that has pictures of the fence that divides 6600 and 6604 N. 32nd Street. The purpose is to illustrate the current condition the fence is in as discussed in our April 7th Hearing.

I sent an email with pictures of the fence but the file was to large. Can I send you a weblink so it can be downloaded?

Thank you,

Petitioner Initiator Contact Information Mario Quintanilla 6604 N. 32nd St. McAllen, TX 78504 956-492-5349 Mquintanilla1@rgv.rr.com

From: Berenice Gonzalez < <u>BGonzalez@mcallen.net</u>>

Sent: Wednesday, April 8, 2020 11:15 AM

To: mquintanilla1@rgv.rr.com

Subject: RE: Mario Quintanilla - Petition CUP2020-21

You too sir!

From: mquintanilla1@rgv.rr.com <mquintanilla1@rgv.rr.com>

Sent: Wednesday, April 8, 2020 10:57 AM

To: Berenice Gonzalez < <u>BGonzalez@mcallen.net</u>>

Cc: Joaquin J. Zamora < <u>ijzamora@mcallen.net</u>>; Edgar Garcia < <u>edgar.garcia@mcallen.net</u>>

Subject: RE: Mario Quintanilla - Petition CUP2020-21

Awesome, thank you so much and take care!

On Apr 8, 2020 10:39 AM, Berenice Gonzalez < BGonzalez@mcallen.net > wrote:

Mr. Quintanilla,

Legal notices are mailed out weeks prior to the first meeting to all the neighbors within 200 ft. radius of the proposed day care.

I will let you know if the meeting happens to be re-scheduled for a later day. Please let me know if there is anything else I may assist you with.

Thanks,

From: mquintanilla1@rgv.rr.com <mquintanilla1@rgv.rr.com>

Sent: Wednesday, April 8, 2020 10:29 AM

To: Berenice Gonzalez < <u>BGonzalez@mcallen.net</u>> **Cc:** Joaquin J. Zamora < <u>ijzamora@mcallen.net</u>>

Subject: RE: Mario Quintanilla - Petition CUP2020-21

Will we be getting another letter in the mail?

Thank you,

On Apr 8, 2020 8:22 AM, Berenice Gonzalez < <u>BGonzalez@mcallen.net</u>> wrote:

Good morning Mr. Quintanilla,

The next meeting is tentatively scheduled for April 21, 2020.

From: mquintanilla1@rgv.rr.com <mquintanilla1@rgv.rr.com>

Sent: Tuesday, April 7, 2020 5:29 PM

To: Berenice Gonzalez < BGonzalez@mcallen.net > Cc: Joaquin J. Zamora < jjzamora@mcallen.net > Subject: RE: Mario Quintanilla - Petition CUP2020-21

Ms. Gonzalez,

I know the meeting is still in progress, but I wanted to ask when we will be notified for the next one?

Thank you,

From: Berenice Gonzalez < <u>BGonzalez@mcallen.net</u>>

Sent: Tuesday, April 7, 2020 8:08 AM

To: mquintanilla1@rgv.rr.com

Cc: Joaquin J. Zamora < ijzamora@mcallen.net>

Subject: RE: Mario Quintanilla - Petition CUP2020-21

You are welcome Mr. Quintanilla, have a nice day! You too be safe.

From: mquintanilla1@rgv.rr.com <mquintanilla1@rgv.rr.com>

Sent: Monday, April 6, 2020 9:12 PM

To: Berenice Gonzalez < <u>BGonzalez@mcallen.net</u>> **Cc:** Joaquin J. Zamora < <u>jjzamora@mcallen.net</u>> **Subject:** Mario Quintanilla - Petition CUP2020-21

Berenice Mariel González,

Attached are my documents and petition against the Conditional Use Permit, for one year, for a Home Occupation (Daycare) at Lot 25, Regency Park Estates Subdivision,

Unit 4, Hidalgo County, Texas, 6600 North 32nd Street (CUP2020-0021).

Just wanted to make sure you received this email.

Thank you for your response and time to help!

Best Regards and stay safe!!

Mario Quintanilla

Disclaimer: If you are not the intended recipient or have received this e-mail in error, please notify me via return e-mail and telephone at 956-681-3111, and permanently delete and purge the original and any copy thereof. This e-mail, with attachments hereto, if any, is intended only for receipt and use by the addressee(s) named herein, and may contain legally privileged and/or confidential information. Regardless of address or routing, if you are not the intended recipient, then you are hereby notified that any use, copying, reproduction, dissemination, distribution, or transmission of this e-mail, and any attachments hereto, is strictly prohibited. Whereas all reasonable steps have been taken to ensure the accuracy and confidentiality of the information and data submitted herein, the City of McAllen and its employees are not liable if information or data is corrupted or does not reach its intended destination.



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of the information and data submitted herein, the City of McAllen and its employees are not liable if
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I, Mario Quintanilla, and the undersigned, hereby submit this Petition for the Request of Claudia J. Gonzalez for a Conditional Use Permit, for one year, for a Home Occupation (Daycare) at Lot 25, Regency Park Estates Subdivision, Unit 4, Hidalgo County, Texas, 6600 North 32ndStreet. (CUP2020-0021) to be DENIED.

For the following reasons:

- **Traffic-** For the most part this is a very quiet area with low traffic when only the property owners are passing through.
- Parking This is a residential neighborhood; parking is very limited in our properties. Most of the property owners in this area have more than two cars must park them along the curb of their property. This also narrows the road as cars are parked along the curbs. If a Daycare is opened within the same area, this will affect traffic, space, parking and flow of the street(s). Children pickup and drop-offs happen at about the same time 7am and 6pm. This is the same time the residence are going to and coming from work. This very narrow road provides no buffer for excess traffic. (i.e. three (3) parents are dropping off at the same time, one is able to park and the others will be in the middle of the road until is their turn)
- **Backyard Fence** We currently share a fence that separates our backyard. The fence faces inward toward the residents of 6600 N. 32nd St. and is over seventeen (17) years old, which is how long my family and I have resided here. It needs major repairs or replacement. We have dogs in our back yard and over the years some of the fence boards have broken apart and even fallen. One major concern is if a child/children are in the backyard and make contact with one of our dogs, that would create a substantial liability of a situation like that. The fence is in very bad shape and needs to be completely replaced.
- Lability / Insurance We would now be at risk of a frivolous lawsuit(s) with a daycare in a residential area from parents for unknown reasons. It only takes once instance, one moment for anything to happen that can put a child and/or ourselves at risk. No one can guarantee that this cannot happen. As long as there is a fraction of a percent that it "could" happen, we have a new risk to worry about that we didn't before.
- Noise Mrs. Claudia J. Gonzalez said herself in the City Hearing (April 7th 2020) that she wants to have the maximum allowed under the permit of twelve (12) children. She also stated that they will spend half a day in the mornings and afternoon outside with the children. This means that for at least four (4) hours a day, twelve (12) children will be outside. Children will enjoy themselves and of course make noise. But for us, this will be something new, loud and disturbing to our very quiet area. Our home has single pane windows and we can here people talking two (2) houses down, so our atmosphere will change drastically with children in the back yard.

Attached please find for your review and consideration petition calling for the Request of Claudia J. Gonzalez for a Conditional Use Permit, for one year, for a Home Occupation (Daycare) at Lot 25, Regency Park Estates Subdivision, Unit 4, Hidalgo County, Texas, 6600 North 32ndStreet. (CUP2020-0021) to be denied.

The undersigned petitioners reflect record of support in opposition of the said Request (CUP2020-0021).

All petitioners reside within the $1/4^{\text{th}}$ mile radius of the address requesting the permit which are all

affected

Mario Quintanilla 6604 N. 32nd Street McAllen TX 78504

-

Request of Claudia J. Gonzalez for a Conditional Use Permit, for Home Occupation (Daycare) at Lot 25, Regency Park Estates Subdivision, Unit 4,

Hidalgo County, Texas, 6600 North 32nd Street (CUP2020-21).

Email City of McAllen Planning & Zoning at B.Gonzalez@mcallen.net / CC: City Commissioner is jjzamora@mcallen.net

Email City of McAllen Planning & Zoning at B.Gonzalez@mcallen.net / CC: City Commissioner is jjzamora@mcallen.net						
#	Print Name	We, the dindersigned, hereby	y submit this Retition for Counci	il's prosideration	Signature	
1	Raymond C Freshin	32R Nichtlade Cit	parcy 69 papace	756-458-15	or all	
2	Pole Goog	3209 Nichtingsled	peterperza 82 Oyahisen	956 330 8382	1 te Days	
3	Hactor Murille	3208 Nightingela			1-48-08 Steph Minds	
4	Gloria Sandoval		aloriasandoval Chotin	rail.com (619)7	57-5185	
5	Melissa Govera	650(11.32mg	missygar 788-yona	655-87F1	Monk	
6	Crawford Haggins		ca. higgins see	malon 9	56-467-8261 CA	
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Request of Claudia J. Gonzalez for a Conditional Use Permit, for Home Occupation (Daycare) at Lot 25, Regency Park Estates Subdivision, Unit 4,

Hidalgo County, Texas, 6600 North 32nd Street (CUP2020-21).

Email City of McAllen Planning & Zoning at B.Gonzalez@mcallen.net / CC: City Commissioner is jjzamora@mcallen.net We, the undersigned, hereby submit this Petition for Council's consideration

#	Print Name	Address	Email	Phone Number	Signature Signature
1	Herina Miyamo	6600 N 3300 o St MeAllen	herina 345@ gmail.cem	6-9581	l.
2	DAVIE LASIE!	MCA//EN			David tally
3	Monica trarca	3400 Oriole Ave McAllen TX		956	ManaSize
4	Dr. Tony Perez		Meallenhealong rooms Esnell, coms	361-228	The same of the sa
5	Art Gonzaler	3013 a Mynah		3100	(In (3)
6	MIRIAM FORINA	3201 MYNAH Ave		956	Mouri
7	Roj R. Lepez	6516 N. 3220 S			Plyen
8	NERI Rodriguez	6604 N. 32rd St	legacyfuneral srvs@	gmail.com	Min
9					
10	•	-		•	

TIMES 4/7/2020

Request of Claudia J. Gonzalez for a Conditional Use Permit, for Home Occupation (Daycare) at Lot 25, Regency Park Estates Subdivision, Unit 4,

Hidalgo County, Texas, 6600 North 32nd Street (CUP2020-21).

Email City of McAllen Planning & Zoning at B.Gonzalez@mcallen.net / CC: City Commissioner is jjzamora@mcallen.net

		We, the undersigned, her	eby submit this Petition for Council's cor	sideration	LED 4/8/2020
#	Print Name	Address	Email	Phone Number	Signature
1	Jessu Meny	6616 W. 32ml 57	Jervanies 1220 gmill Jeana des 120 cometa	358-1480	972
2	Emily Garza	3200 Oriole Ave	one IIII comail. con		Se a
3	Ar whites	3208 cm			Muhly
4	Charles Mª MARROW	3201 Oriole	C MCMARROWIEGMAILE		Chases me manus
5	OSCARD Solinos	3209 oriole Ave		(956) 358-658	0-86
6	Rolla Poris	3212 Oriale ave	. 04		
7	Roberto Ramos	3220 oriole	gravizo R. Com	607-0644	fer Buyl
8	Myra Stanley	6508 N. 32mdSt.	pmy ctas by Concallen son	(956) 1 330-6 3 94	Mysaltale
9	Vergica Forrora	3217 OMDR Au		208-2105	1 Bon
10	Recordo Garcia	6512 N. 33rd		_	1/2

West 4/8/2020

Request of Claudia J. Gonzalez for a Conditional Use Permit, for Home Occupation (Daycare) at Lot 25, Regency Park Estates Subdivision, Unit 4,

Hidalgo County, Texas, 6600 North 32nd Street (CUP2020-21).

Email City of McAllen Planning & Zoning at B.Gonzalez@mcallen.net / CC: City Commissioner is jjzamora@mcallen.net

Uld 4/8/2020 We, the undersigned, hereby submit this Petition for Council's consideration Signature **Phone Number** Address **Print Name** Email # Edward Pun mojo 1 7 9 3200 MYNAH



Request of Claudia J. Gonzalez for a Conditional Use Permit, for Home Occupation (Daycare) at Lot 25, Regency Park Estates Subdivision, Unit 4,

Hidalgo County, Texas, 6600 North 32nd Street (CUP2020-21).

Email City of McAllen Planning & Zoning at B.Gonzalez@mcallen.net / CC: City Commissioner is jjzamora@mcallen.net

We, the undersigned, hereby submit this Petition for Council's consideration

Thurs 4/9/2000

#	Print Name	Address		Email	Phone Number	Signature
1	Andre Lisa Gonzalez	3005 Pelican 18504	4		432-556-6793	Sudia Li Gentels
2	Sustin Curl	3209 Pelican			\$ 36 789-1456	9-ce
3	Sustin Coll SABEL IBANE	z 3204 Oniole	Ave	isabel ibanez	956-685 5049 < 196 DGnus	1. com
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Request of Claudia J. Gonzalez for a Conditional Use Permit, for Home Occupation (Daycare) at Lot 25, Regency Park Estates Subdivision, Unit 4,

Hidalgo County, Texas, 6600 North 32nd Street (CUP2020-21).

Email City of McAllen Planning & Zoning at B.Gonzalez@mcallen.net / CC: City Commissioner is jjzamora@mcallen.net

Email

We, the undersigned, hereby submit this Petition for Council's consideration

3301 Pelican Aue CRECKELE Agmai

3009. Oriole Ar. KJBernal 818 GMail.com

Address

3205 Petrcon he

Print Name

#

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Thurs 4/4/2020 Signature **Phone Number**



36-789-0880

Petition Against

Request of Claudia J. Gonzalez for a Conditional Use Permit, for Home Occupation (Daycare) at Lot 25, Regency Park Estates Subdivision, Unit 4,

Hidalgo County, Texas, 6600 North 32nd Street (CUP2020-21).

Email City of McAllen Planning & Zoning at B.Gonzalez@mcallen.net / CC: City Commissioner is jjzamora@mcallen.net

We, the undersigned, hereby submit this Petition for Council's consideration

Man 4/13/2020

#	Print Name	Address	Email	Phone Number	Signature
1	Gends Garaldo	340 Martin Axe	ggrimaldi Chatmilica	2	
2			Havestingante Gam		
3	RAMON MANTINEZ	-6520N.34H			PRIV
4	Aldra Misee	6524 N. 34thst			
5	Belinda Sounz Pilvez	3201 Peli can Are	bbsacnzalvegna).c	ym	BOL
6	RON DRASENSTADT	3101 PEUZON ANE			Black
7	Maria Vallej				QQ_
8		(-		
9					
10			•		• ,

Request of Claudia J. Gonzalez for a Conditional Use Permit, for Home Occupation (Daycare) at Lot 25, Regency Park Estates Subdivision, Unit 4,

Hidalgo County, Texas, 6600 North 32nd Street (CUP2020-21).

Email City of McAllen Planning & Zoning at B.Gonzalez@mcallen.net / CC: City Commissioner is jįzamora@mcallen.net

Man 4/13/2020 We, the undersigned, hereby submit this Petition for Council's consideration Signature # **Print Name** Address **Email Phone Number** 2 457-15-9 3 4 342 4862 5 956 121-2413 3401 pelica Here. 6 956 -358-9245 7 ul Carcie 789768 8 250 8674321 9 McAllen Tx 78504 3648-849



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To:

Berenice Gonzalez, City Planner III Joaquin J. Zamora, City Commissioner District 2 and Members of Council

April 14, 2020

This document illustrates the condition the fence currently shared by the residents of 6600 and 6604 N. 32nd Street. Any fence boards that have been replaced were at my expense to keep my dogs safe and out of the neighbor's yard over the past few years.

Thank You,

Mario Quintanilla 6604 N. 32nd Street McAllen TX, 78504









































































JAMES E. DARLING, Mayor
VERONICA WHITACRE, Mayor Pro Tem & Commissioner District 6
JAVIER VILLALOBOS, Commissioner District 1
JOAQUIN J. ZAMORA, Commissioner District 2
J. OMAR QUINTANILLA, Commissioner District 3
TANIA RAMIREZ, Commissioner District 4
VICTOR "SEBY" HADDAD, Commissioner District 5

ROEL "ROY" RODRIGUEZ, P.E., City Manager

CUP2020-0021 6600 N 32nd St Regency Park Estates #4 Lot 25

200 Ft. Radius: 202,764 Sq. Ft. Subject Property: 7,151 Sq. Ft.

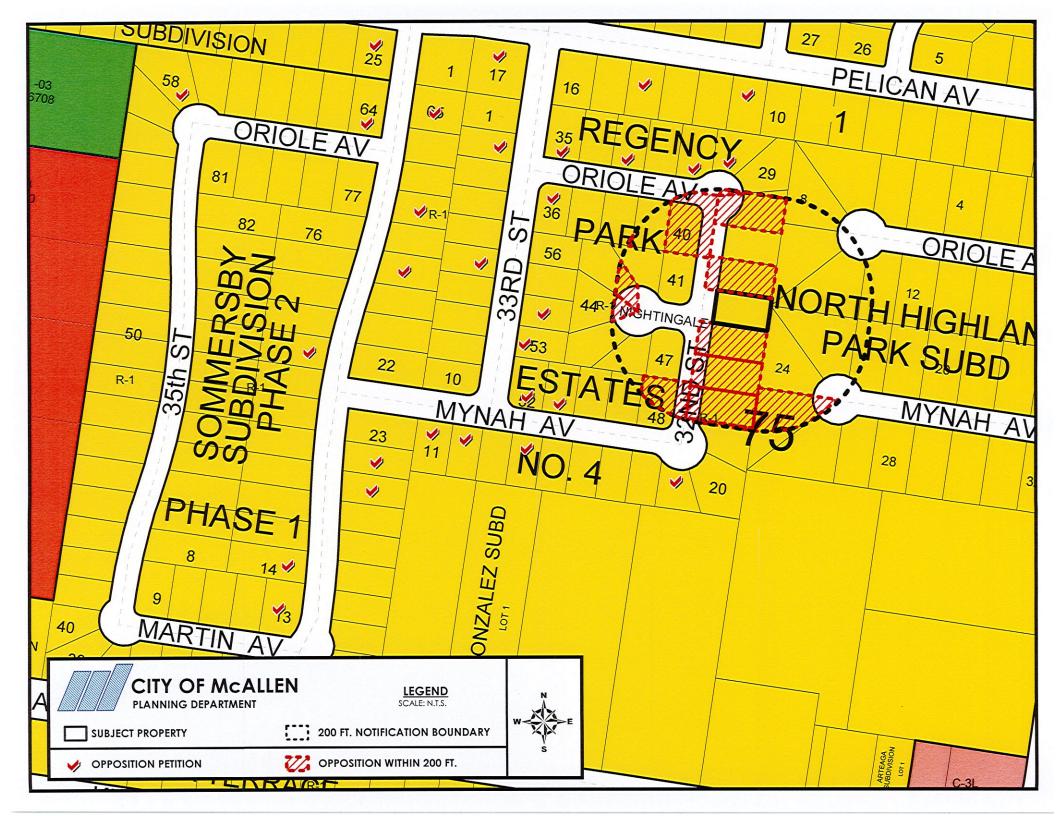
Total Area of Opposition: 75,400 Sq. Ft.

200 Ft Radius
- Subject Property
Total Adjusted Area

 $\frac{\text{Total Area of Opposition}}{\text{Total Adjusted Area}} = 0.*** \text{ x } 100 = \text{Percentage}$ for Opposition

202,764 Sq.Ft. - 7,151 Sq.Ft. 195,613 Sq.Ft. 75,400 Sq.Ft. = 0.385 x 100 = **38.5% Opposition** 195,613 Sq.Ft.

Prepared By: Jose F. Ortega
Planning Technician III/GIS



City of McAllen Planning Department APPLICATION FOR

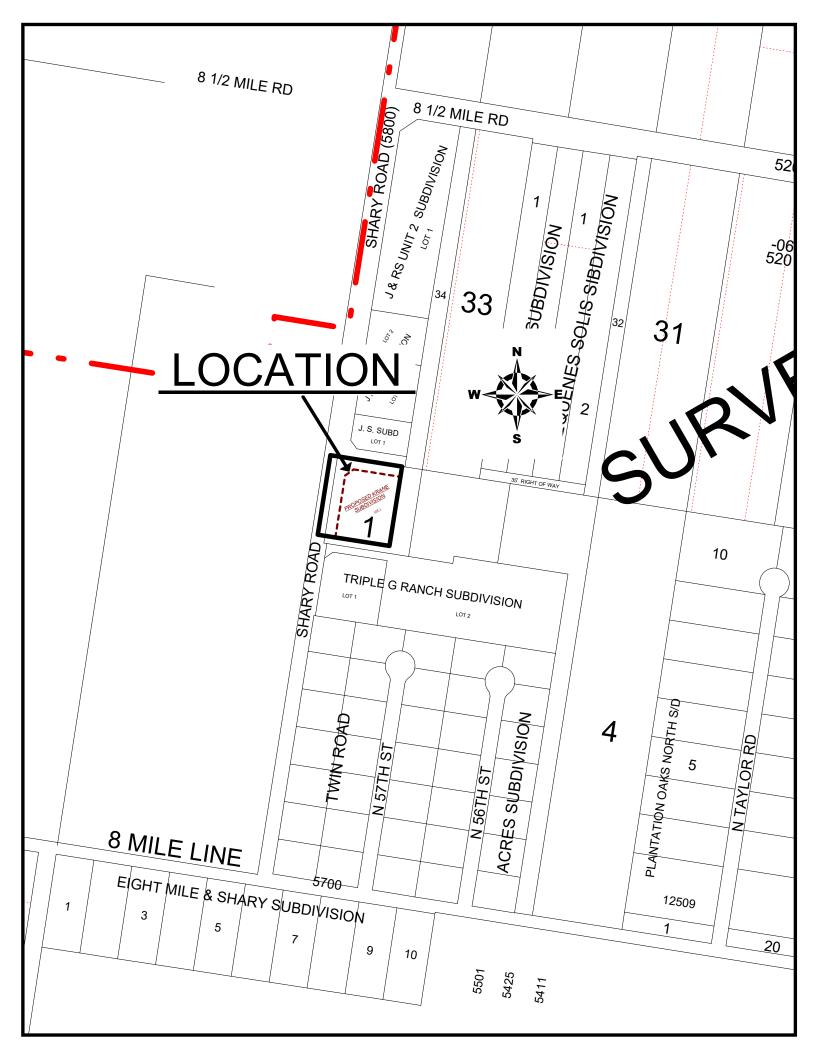
311 North 15th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

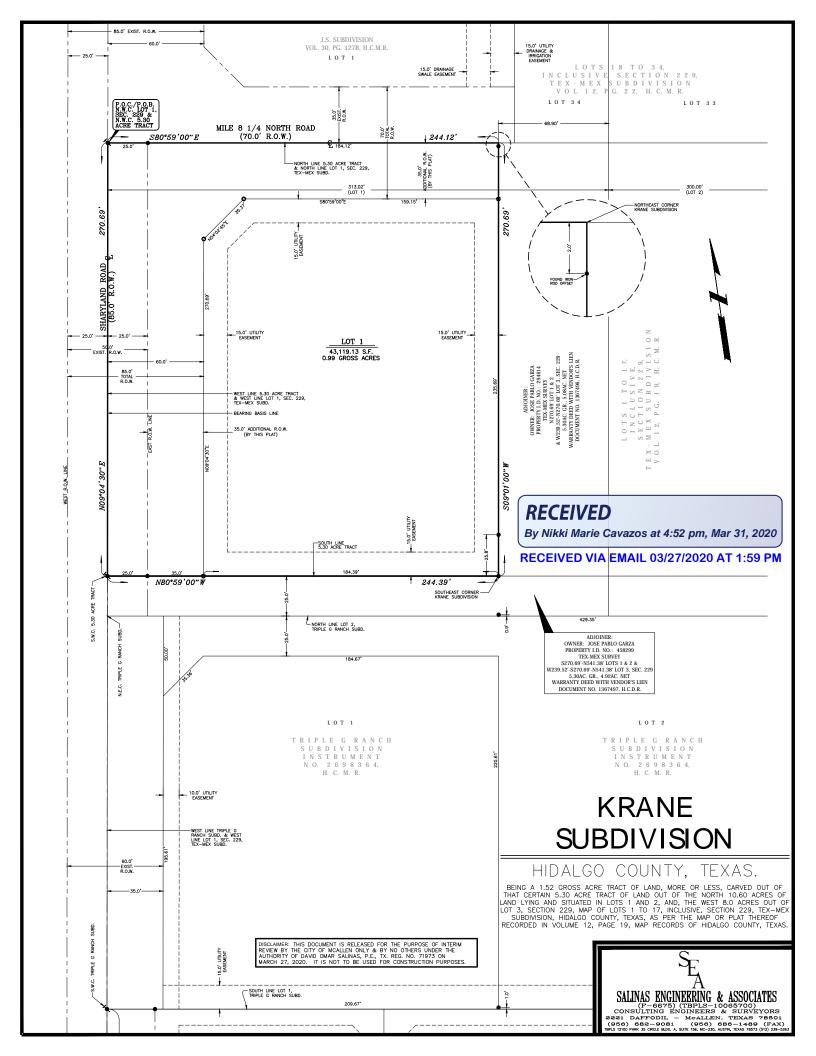
SUBDIVISION PLAT REVIEW KRANE Subdivision Name 121PCE" G" PROCHETTE SUED. Location +/- 814 MILE NORTH SHARY ROLD Project Description City Address or Block Number LOT ASSIGN ED 12820 N. SHARY RD. Number of lots _____ Gross acres _ 1.52 Net acres _ 1.14 Existing Zoning Applied For Yes X No Date ____ Existing Land Use Proposed Land Use Resultrigation District # 7 11 Residential Replat Yes No Commercial Replat Yes No X ETJ Yes No D Agricultural Tax Exemption Yes

No

Estimated Rollback tax due \ 5000 Legal Description 1.52 AC. 0/0 LOT 1, SEC. 229, TEX-WEX SUBD. Paus Phone 956 457-5224 Address K.O.BOX 726309 City Mcalle State Tx Zip 78504 Name _____ Phone ____ Developer Address City _____ State ____ Zip ____ Contact Person E-mail Name DAUID O. SALIWAS Phone 682-9081 Address ZZZI DAFRODIL BUE. City MEDITED State TO Zip 78501 Contact Person E-mail dsalinos @ salivasengia egring, com Name Somers Europer Phone Surveyor Address _____ City ____ State _ Zip

RC+# 53593A pd \$ 2250





04/17/2020 Page 1 of 2 SUB2020-0016



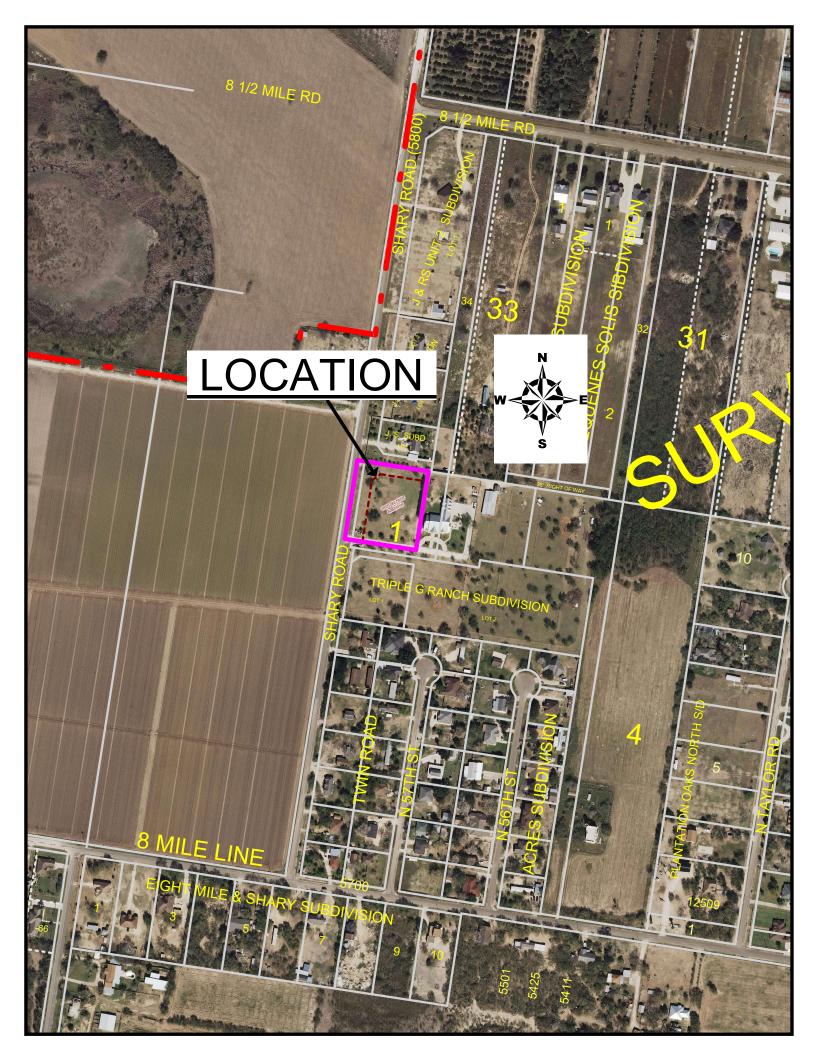
City of McAllen SUBDIVISION PLAT REVIEW

Reviewed On: 4/15/2020

The viewed Off. 4/15/2020	
SUBDIVISION NAME: KRANE	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
N. Shary Road: 35 ft. ROW dedication for 60 ft. from centerline for 120 ft. ROW. Paving: 65 ft. Curb & gutter: both sides	Applied
Mile 8 1/4 North Rd.: 35 ft. ROW dedication for future 70 ft. ROW Paving: 44 ft. Curb & gutter: both sides	Applied
Paving Curb & gutter	Applied
* 800 ft. Block Length	NA
* 600 ft. Maximum Cul-de-Sac	NA NA
ALLEYS	
ROW: 20 ft. Paving: 16 ft.	NA
*Alley/service drive easement required for commercial properties SETBACKS	
* Front: 60 ft. proposed, or in line with the average setbacks of existing structures, or easement, whichever is greater.	Applied
* Rear: 15 ft. proposed, or greater for easement.	Applied
* Interior sides: 15 ft. **Revise Note#2 as noted above. Plat submitted March 30, 2020 shows a 15 ft. utility easement	Required
* Corner: Mile 8 1/2 North Road - 35 ft. or greater for easements.	Applied
* 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
SIDEWALKS	
 * 4 ft. wide minimum sidewalk required on N. Shary Road and along the E/W Collector street on the north side of the subdivision. **Revise Note #17 to reflect requirement of 4 ft. sidewalk as noted above. 	Required
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses.	Compliance
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses	Compliance
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
NOTES	
* No curb cut, access, or lot frontage permitted along	NA
* Site plan must be approved by the Planning and Zoning Commission prior to building permit issuance.	NA
* Common Areas, Private Streets must be maintained by the lot owners and not the City of	Applied

04/17/2020 Page 2 of 2 SUB2020-0016

NA
NA
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Applied
Compliance
Applied
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Compliance
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Applied
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Applied

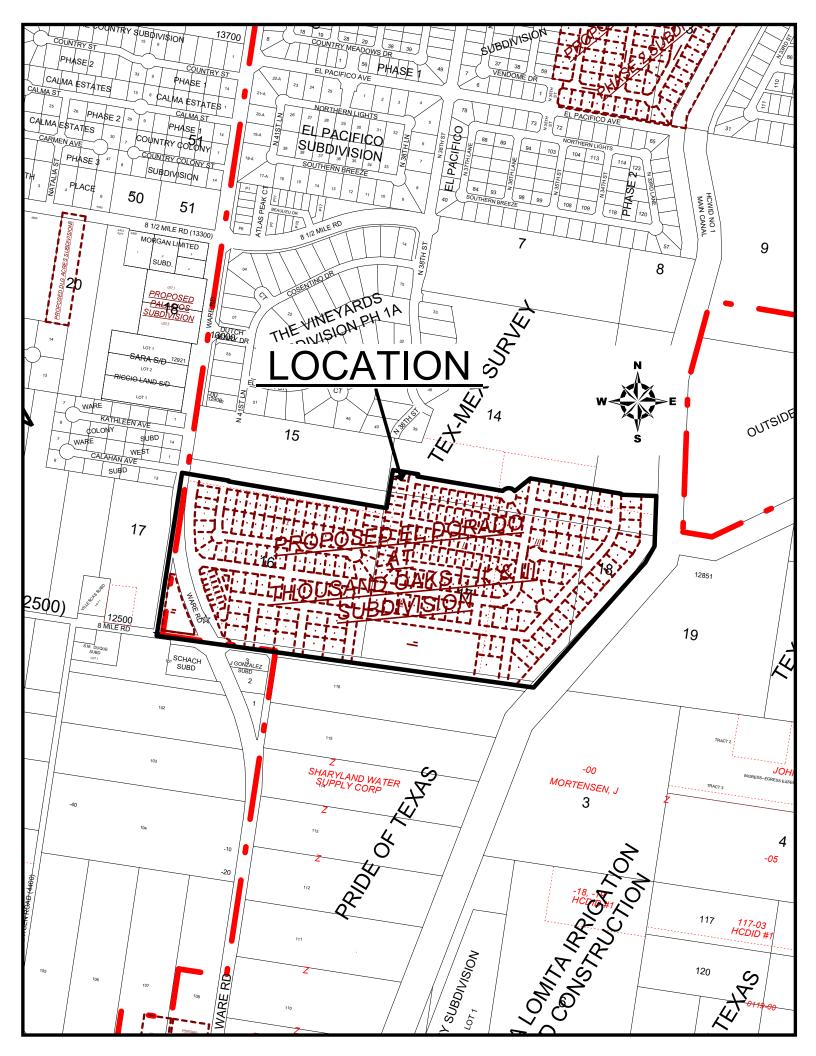


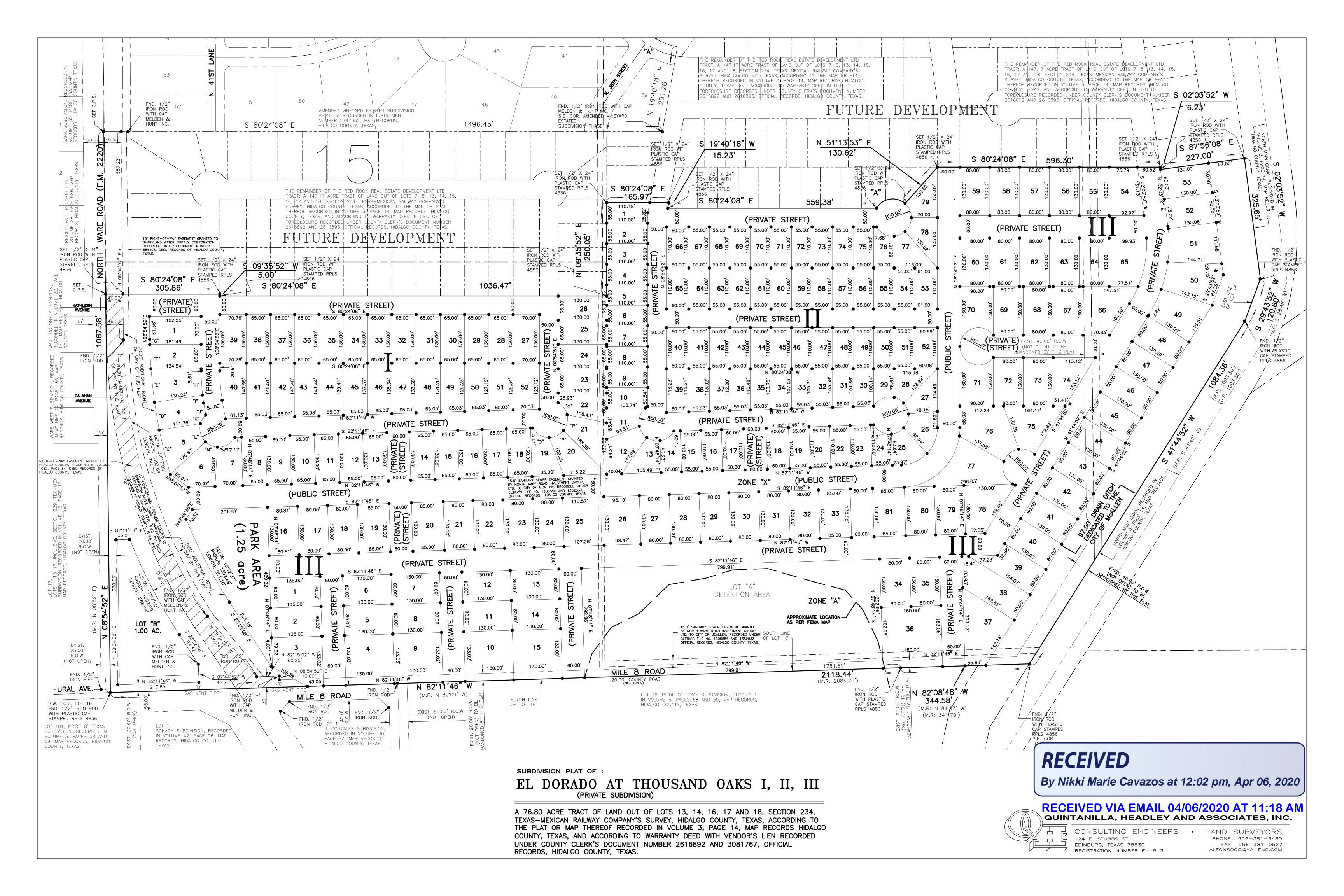
City of McAllen Planning Department APPLICATION FOR

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

7		IIOI	
SUBDI	VISION	PLAT	REVIEW

	Subdivision Name El Dorado at Thousand Oaks I, II, and III			
	Location NE Corner of Mile 8 & Ware Rd.			
u	City Address or Block Number 12712 N. Ware Rd.			
pti	Number of lots 212 Gross acres 76.80 Net acres			
cri	Existing Zoning R-1 Proposed R-1 & R-3A Rezoning Applied For Yes No Date			
Project Description	Existing Land UseProposed Land UseIrrigation District #_1_			
ct	Residential Replat Yes □ No ☑ Commercial Replat Yes □ No ☑ ETJ Yes □ No ☑			
)je(Agricultural Tax Exemption Yes □ No ☑′ Estimated Rollback tax due\$ 0			
Pro	Legal Description A 76.80 acre tract of land out of lots 13,14,16,17 and 18, Section 234,			
	Texas-Mexican Railway Company Survey, Hidalgo, County, Texas			
	Name Red Rock Real Estate Development, Ltd. Phone (956) 800-1333			
er	Address2912 S. Jackson Rd.			
Owner	City McAllen State TX Zip 78573			
Ó				
	E-mailriocantu@yahoo.com			
er	Name Red Rock Real Estates Development, Ltd. Phone (956) 800-1333			
Developer	Address 2912 S. Jackson Rd.			
ve	City McAllen State TX Zip 78539			
De	Contact Person Manual Cantu			
	E-mailriocantu@yahoo.com			
er	Name _ Quintanilla, Headley & Associates, Inc. Phone _ (956) 381-6480			
ine	Address 124 E. Stubbs St. City Edinburg State TX Zip 78539			
Engine	Contact Person Alfonso Quintanilla			
3	E-mailalfonsoq@qha-eng.com			
	Name Quintanilla, Headley & Associates, Inc. Phone (956) 381-6480			
Surveyor	Address 124 E. Stubbs			
City <u>Edinburg</u> State <u>TX</u> Zip <u>78539</u>				
Su	E-mail alfonsoq@qha-eng.com			







City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 4/17/2020

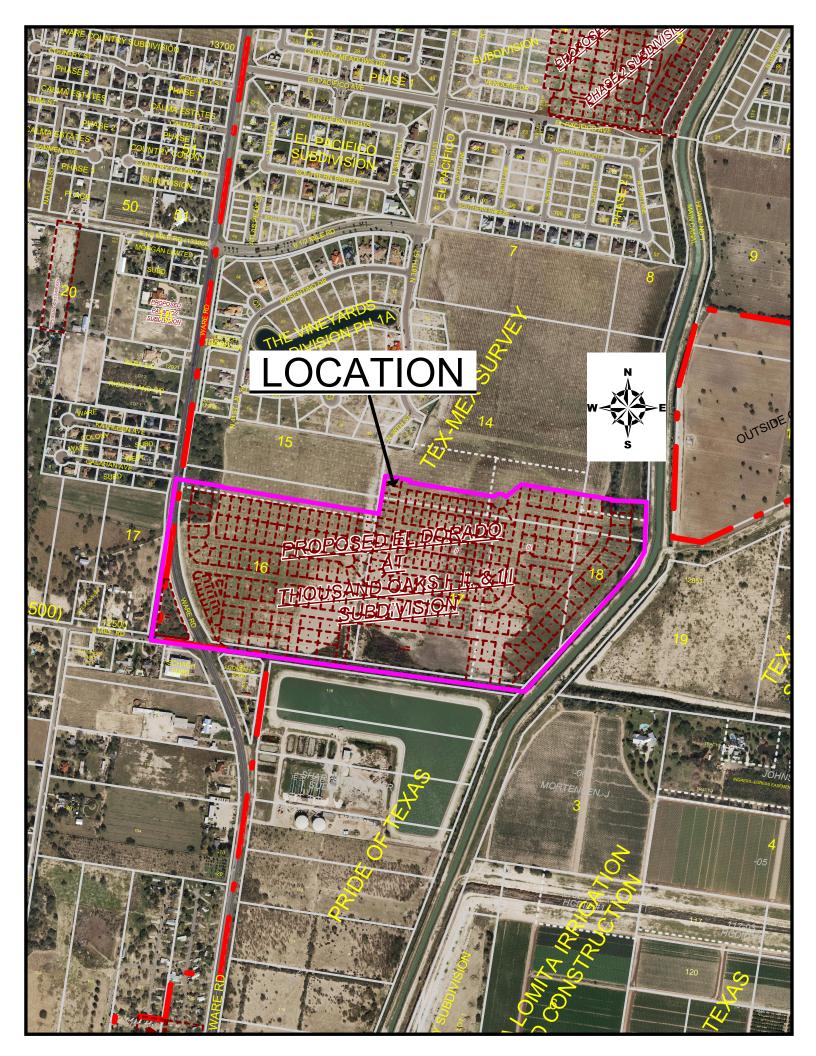
SUBDIVISION NAME: EL DORADO AT THOUSAND OAKS, I, II, AND III		
REQUIREMENTS		
STREETS AND RIGHT-OF-WAYS		
*North Ware Road: 70 ft. dedication by this plat for 160 ft. of ROW. Paving: by the state Curb & gutter: by the state **As per Engineering Department, need to coordinate with TxDot to discuss future alignment of North Ware Road and if 160 ft. ROW is correct prior to final. ***Please indicate centerline on plat to verify ROW dedication. ****Please provide document for 15 ft. ROW easement granted to Sharyland Water Supply Co. *****Remove stripes for 46.53 ft. of existing ROW	Non-compliance	
Main Interior Street: 60 ft. Paving: 40 ft. Curb & gutter: Both sides *Staff including Public Works has indicated that proposed public street must be "private" and elbow/knuckle design at Lot 77 for sanitation truck maneuverability. **Must escrow monies if improvements are not constructed prior to recording.	Applied	
Interior Private Streets: 1. Phase 1: 50 ft. ROW (if zoned R-1) Paving: 32 ft. Curb & gutter: Both sides *Verify zoning prior to final to determine minimum ROW width and paving. **Must escrow monies if improvements are not built at this time, prior to recording. ***Barricade and/or temporary turnaround at the north end of streets as needed. ****Street layout must be revised so as to not dead-end any street on the "future development" section shown north of Phase 1. Streets must extend into the Vineyards Estates Subdivision Phase 1A to the north or provide Cul-de-Sac with paving diameter 96 ft. paving diameter face-to-face within the boundaries of this development. *****Remove "Future Development" layout at the north side of this property since it does not pertain to this subdivision. However, when this area develops in the future, streets shown as North 41st Lane, North 38th Street, and stub out street to the east from Vineyard Estates Subdivision Phase 1A must be extended/connected into this area being developed; cannot dead-end streets. If Cul-de-Sacs are proposed, it would be within the boundaries of the area being developed with 96 ft. minimum paving diameter. 2. Phase 2: 50 ft. ROW (If zoned R-1) Paving: 32 ft. Curb & gutter: Both sides *Verify zoning prior to final to determine minimum ROW width and paving. ***Barricade and/or temporary turnaround at the north end of streets as needed. 3. Phase 3: 60 ft. ROW Paving 40 ft. Curb & gutter: Both sides *Verify zoning prior to final to determine minimum ROW width and paving. **As per Traffic, Fire, and Public Works Departments please address the end of the street with an appropriate Cul-de-Sac or loop street connection for the streets adjacent to 8 Mile (Lots 1,3,4,9,10,15,16,36,37). As per Fire Dept., Cul-de-Sacs must be a minimum of 96 ft. minimum paving diameter face-to-face. *****As per Traffic, Fire, and Public Works Departments please address the end of the street with an appropriate Cul-de-Sac or loop street connection for the streets adja	Non-compliance	
8 Mile Road: 20 ft. ROW **Abandonment of ROW will be done by separate instrument, and not by this plat.	Non-compliance	
Paving Curb & gutter	Applied	
* 800 ft. Block Length: **Phase 1: Street block length for Lots 40-52 appears to exceed 800 ft. in length. Revise plat	Non-compliance	

04/17/2020 Page 2 of 3 SUB2020-0019

14/17/2020 Fage 2 01 3	3002020-0019
accordingly or or request variance prior to final. ***Phase 3: Street block length for Lots 20-33 and Lots 65-78 appear to exceed 800 ft. in length. Revise plat accordingly or or request variance prior to final.	
* 600 ft. Maximum Cul-de-Sac: **Phase 2: Verify that Cul-de-sac length for Lots 66-78 is not more than 600 ft., or request variance prior to final. ***Paving diameter for Cul-de-Sac to be 96 ft. minimum as required by Fire Department with appropriate ROW of 10 ft. back of curb.	Non-compliance
ALLEYS	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial properties	NA
SETBACKS	
* Front: 25 ft. for R-1 Zones, 20 ft. for R-3A Zones (if applicable) **Setbacks will be established prior to final.	TBD
* Rear: In accordance with Zoning Ordinance or greater for easements. Except 25 ft. for double fronting lots in the R-1 Zone, and 20 ft. in double fronting lots in R-3A Zone. **Add double fronting lots numbers to plat note.	Required
* Interior Sides: In accordance with Zoning Ordinance or greater for easements.	Applied
* Corner: 10 ft. or greater for easements	Applied
* Garage: 18 ft. or greater for easements except where greater setback is required, greater setback applies.	Non-compliance
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
 * 4 ft. wide minimum sidewalk required on both sides of all interior streets. ** 5 ft. wide minimum sidewalk might be required by Engineering Dept. on North Ware Road prior to final. ***Revise note #9 as shown above. 	Required
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses, and along North Ware Road and other streets as required before final.	TBD
**Zoning must be clarified to determine required buffers prior to final.	TDD
 * 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. **Zoning must be clarified to determine required buffers prior to final. 	TBD
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
NOTES	
* No curb cut, access, or lot frontage permitted along North Ware Road and other streets as needed prior to final.	Applied
* Site plan must be approved by the Planning and Zoning Commission prior to building permit issuance.	NA
* Common Areas, Private Streets, etc. must be maintained by the lot owners and not the City of McAllen **Please revise note # 19 as noted above.	Required
* 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	Required

04/17/2020 Page 3 of 3 SUB2020-0019

04/17/2020	Page 3 of 3	SUB2020-0019
common areas and its **Please verify subdivis	private streets. sion name on Note #17 prior to final.	
* Homeowner's Associ number on the plat, pri	ation Covenants must be recorded and submitted with document ior to recording.	Required
LOT REQUIREMENTS		
* Lots fronting public st	treets.	Applied
	nd lot area. adius, length, and lot area table for curved property lines to verify lot area requirement compliance.	Non-compliance
ZONING/CUP		
rezoning might be requ	ercial tract of land at southwest corner of subdivision prior to final;	Required
* Rezoning Needed Be	efore Final Approval	TBD
PARKS		
* Land dedication in lie to Park Land Advisory	eu of fee. As per Parks Department, this proposed subdivision is subject Board review	TBD
	be paid prior to recording. As per Parks Department, this proposed to Park Land Advisory Board review	TBD
* Pending review by the	e Parkland Dedication Advisory Board and CC.	Required
TRAFFIC		
* Trip Generation must	t be submitted to determine if Traffic Impact Analysis prior to final.	Non-compliance
* Traffic Impact Analys	is (TIA) required prior to final plat.	TBD
COMMENTS		
Remove "Future Dev pertain to this subdivisi within Vineyard Estates development areas wh *As per Fire and Traf ****Verify if variances f final. *****As per Fire Dept. s ******Verify that all dea must be a minimum of	relopment" layout at the north side of this property since it does not ion. North 41st St., North 38th St., and any street that is applicable is Subdivision Phase 1A must be extended/connected into the proposed then properties develop; cannot dead-end streets. If the Dept., submit Gate details for staff to review. If the Submit Site plan for fire department access drives review. If the department access drives review. If the Dept. Submit Site plan for fire department access drives review. If the Dept., Cul-de-Sacs are revised prior to final. As per Fire Dept., Cul-de-Sacs are fit. in diameter face-to-face.	Applied
	larify if subdivision will be recorded in phases prior to final.	
RECOMMENDATION Pagemendation: ST/	AEE DECOMMENDS ADDROVAL OF THE SURDIVISION IN	Applied
	AFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN ISUBJECT TO UTILITIES AND DRAINAGE APPROVALS, AND IS.	Applied

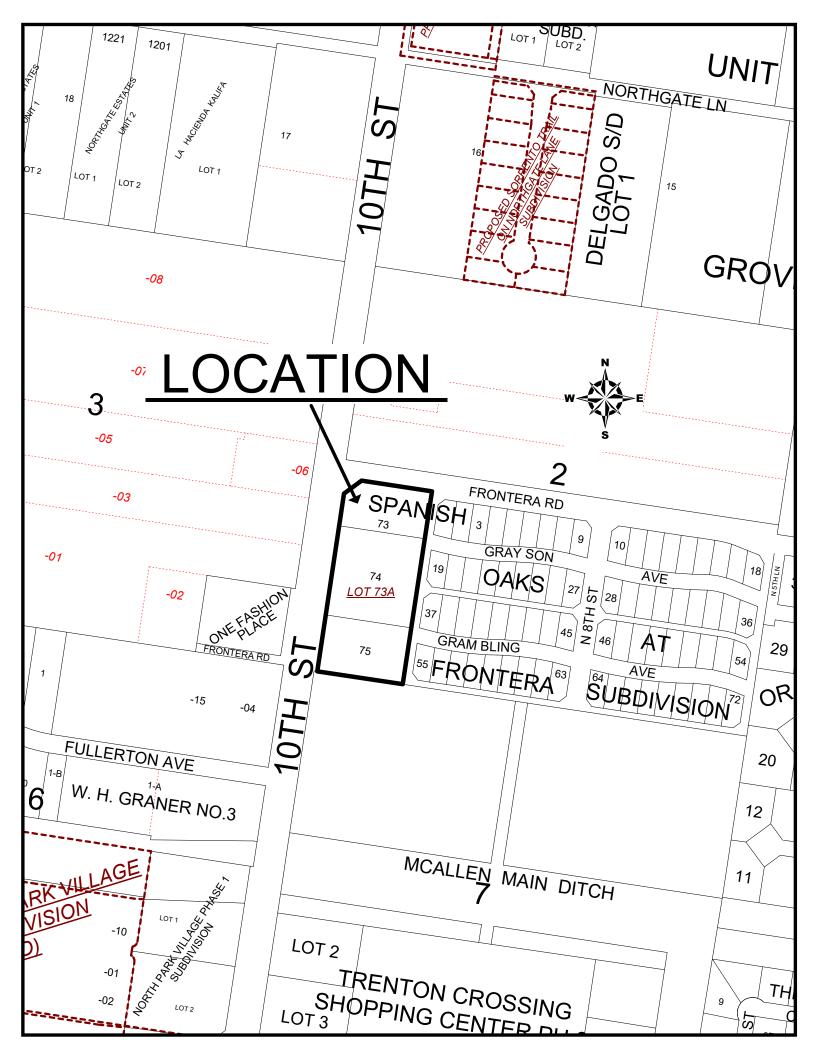


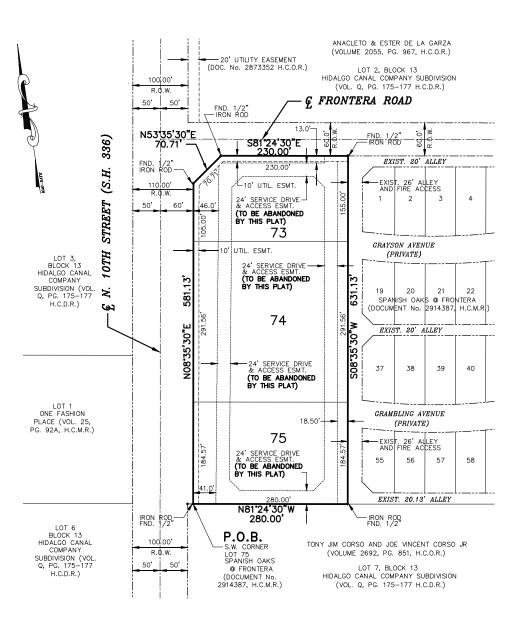
SUB2020-0020

City of McAllen Planning Department APPLICATION FOR SURDIVISION PLAT REVIEW

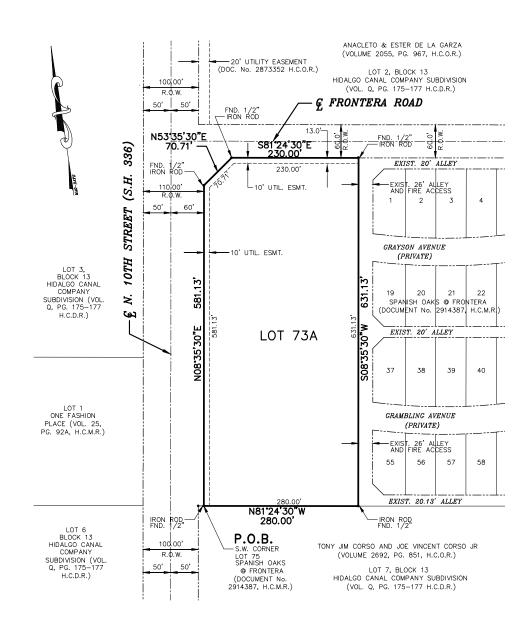
311 North 15th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

AND INVESTIGATION OF THE PARTY OF	SUBDIVISION PLAT REVIEW
Project Description	Subdivision Name Spanish Oaks @ Frontera Lot 73A Subdivision Location Southeast corner N. 10th Street and Frontera Road City Address or Block Number
Owner	Name 8400 / 8500 N. 10th Development, LLC Phone 956-213-8244 Address P.O. Box 610 City McAllen State Texas Zip 78504 E-mail jwholand@verturointerests.com
Developer	Name 8400 / 8500 N. 10th Development, LLC Phone 956-213-8244 Address P.O. Box 610 City McAllen State Texas Zip 78504 Contact Person Joseph Holand E-mail jwholand@verturointerests.com
Engineer	NameJavier Hinojosa Engineering Phone956-668-1588 Address _416 E. Dove Avenue City McAllen StateTexas Zip78504 Contact PersonJavier Hinojosa, P.E. E-mailjavhin@rgv.rr.com
Surveyor	Name CVQ Land Surveyors, LLC Phone 956-618-1551 Address 517 Beaumont City McAllen State Texas Zip 78501 Contact Person: Carlos Vasquez, R.P.L.S. E-mail: cvq@cvqls.com





VACATING LOTS 73, 74, AND 75 SPANISH OAKS @ FRONTERA SUBDIVISON



SUBDIVISION PLAT OF

SPANISH OAKS @ FRONTERA LOT 73A SUBDIVISION

RECEIVED

By Nikki Marie Cavazos at 9:34 am, Apr 06, 2020

04/17/2020 Page 1 of 3 SUB2020-0020



Reviewed On: 4/17/2020

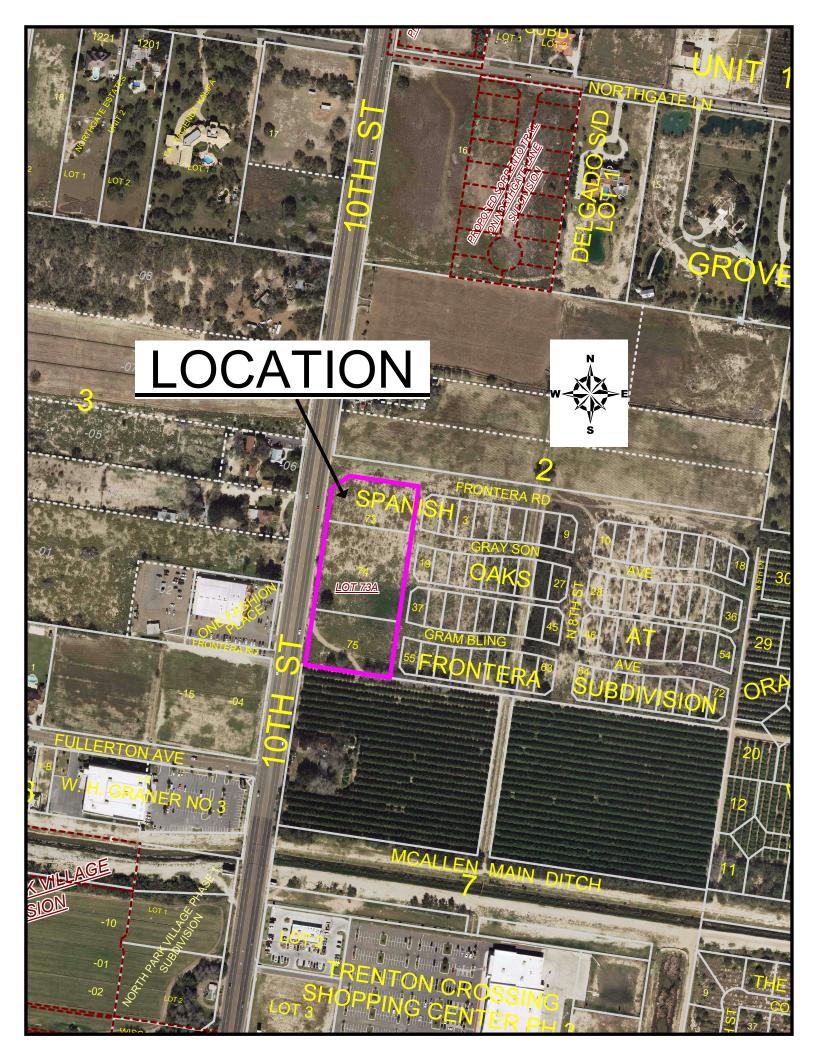
SUBDIVISION NAME: SPANISH OAKS AT FRONTERA, LOT 73A	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
*North 10th Street: 60 ft. from centerline for 120 ft. of ROW Paving: by the state Curb & gutter: by the state	Compliance
*Frontera Road: 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides	Compliance
Paving Curb & gutter	Applied
Paving Curb & gutter	Applied
Paving Curb & gutter	Applied
* 800 ft. Block Length	NA
* 600 ft. Maximum Cul-de-Sac	NA
ALLEYS	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial properties. ****24 ft. private service drive easement to provide city services required. It will be maintained by the property owners, 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.	Non-compliance
SETBACKS	
* Front: **North 10th Street: 60 ft. or greater for approved site plan or easements. ***Frontera Road: 30 ft. or greater for approved site plan or easements. ****Engineer has submitted a letter requesting 25 ft. setback. No site plan has been submitted at this time.	Non-compliance
* Rear: 35 ft. or greater for approved site plan or easements.	Compliance
* Sides: **In accordance with Zoning Ordinance, or greater for approved site plan or easements. ***Clarify if "6 ft." note shown on plat submitted on April 2, 2020 prior to final.	Required
* Corner:	NA
* Garage:	NA
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on south side of Frontera Road and 5 ft. wide minimum sidewalk required on east side of North 10th Street **Please revise note #7 as noted above.	Non-compliance

04/17/2020 Page 2 of 3 SUB2020-0020

* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along Frontera Road. **To be determined prior to final.	Applied
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses, and along east property line. **Correct plat note #10 as noted above prior to final.	Non-compliance
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
IOTES	
* No curb cut, access, or lot frontage permitted along Frontera Road. **Add plat note as noted above. ***Engineer must clarify if they will propose an access from Frontera Road prior to final.	Non-compliance
*Site plan must be approved by the Planning and Zoning Commission prior to building permit issuance. **To be determined prior to final.	TBD
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	Applied
* Common Areas, Private service access easements must be maintained by the lot owners and not the City of McAllen	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 requirments per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets.	NA
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	NA
OT REQUIREMENTS	
* Lots fronting public streets.	Compliance
* Minimum lot width and lot area.	Compliance
CONING/CUP	
* Existing: C-3 Proposed: C-3	Compliance
* Rezoning Needed Before Final Approval	NA
PARKS	
* Land dedication in lieu of fee.	NA
* Park Fee of \$700 to be paid prior to recording	NA
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
RAFFIC	
* As per Traffic, Trip Generation must be submitted to determine if it is in line with existing trip generation of Spanish Oaks prior to final.	Required
* Traffic Impact Analysis (TIA) required prior to final plat.	TBD

04/17/2020 Page 3 of 3 SUB2020-0020

COMMENTS	
Comments: Must comply with City's Access Management Policy. **As per Fire, Traffic, and Public Works Dept., submit site plan to review dumpster location, access location and throat length requirements, and access drive(s) location, etc. ***Submit site plan to review requirements including requested setbacks, prior to final.	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, DRAINAGE AND UTILITIES APPROVAL.	Applied



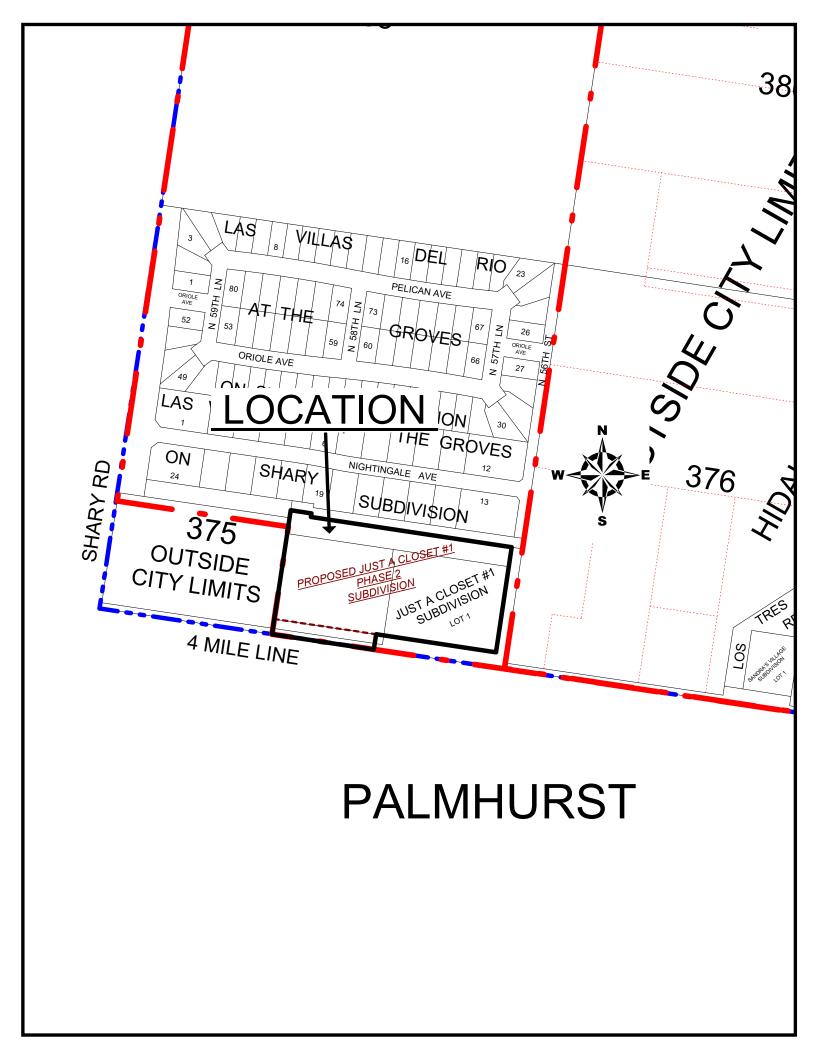
SUB2020-0015

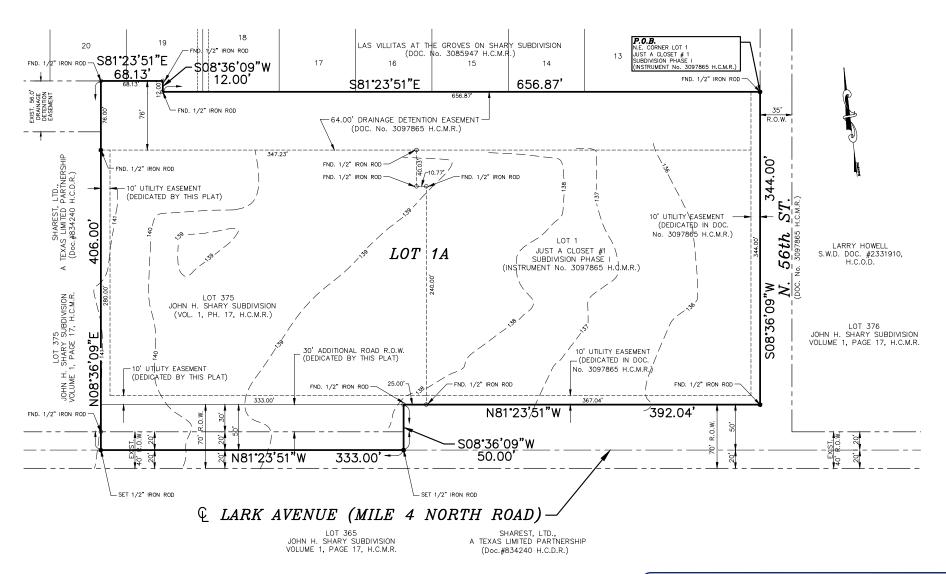
City of McAllen Planning Department APPLICATION FOR SUBDIVISION PLAT REVIEW

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

	Subdivision NameJust A Closet#1 Subdivision Phase II			
_	Location Northwest corner of Lark Avenue and N. 56th Street			
tio	City Address or Block Number			
Project Description	Number of lots Gross acres			
d	Legal Description 6.13 acres out of Lot 375 John H. Shary Subdivision and all of Lot 1, Just A Closet #1 Subdivision Phase I as recorded in Document No. 3097865, H.C.M.R.			
Owner	Name Shary 80 Phase I, LLC Phone 956-213-8244 Address P.O. Box 610 City McAllen State Texas Zip 78504 E-mail jwholand@verturointerests.com			
er	Name Shary 80 Phase I, LLC Phone 956-213-8244			
Developer	Address P.O. Box 610 City McAllen State Texas Zip 78504 Contact Person Joseph W. Holand E-mail jwholand@verturointerests.com			
eer	Name Javier Hinojosa Engineering Phone 956-668-1588 Address 416 E. Dove Avenue			
Engineer	City McAllen State Texas Zip 78504 Contact Person Javier Hinojosa, P.E. E-mail javhin@rgv.rr.com			
Surveyor	Name _ CVQ Land Surveyors, LLC _ Phone _ 956-618-1551			

PCt#7105817d.\$3000





SUBDIVISION PLAT OF

JUST A CLOSET #1 SUBDIVISION PHASE II

RECEIVED

By Nikki Marie Cavazos at 4:33 pm, Mar 31, 2020

RECEIVED VIA EMAIL 03/30/2020 AT 1:53 PM

04/17/2020 Page 1 of 3 SUB2020-0015



Reviewed On: 4/16/2020

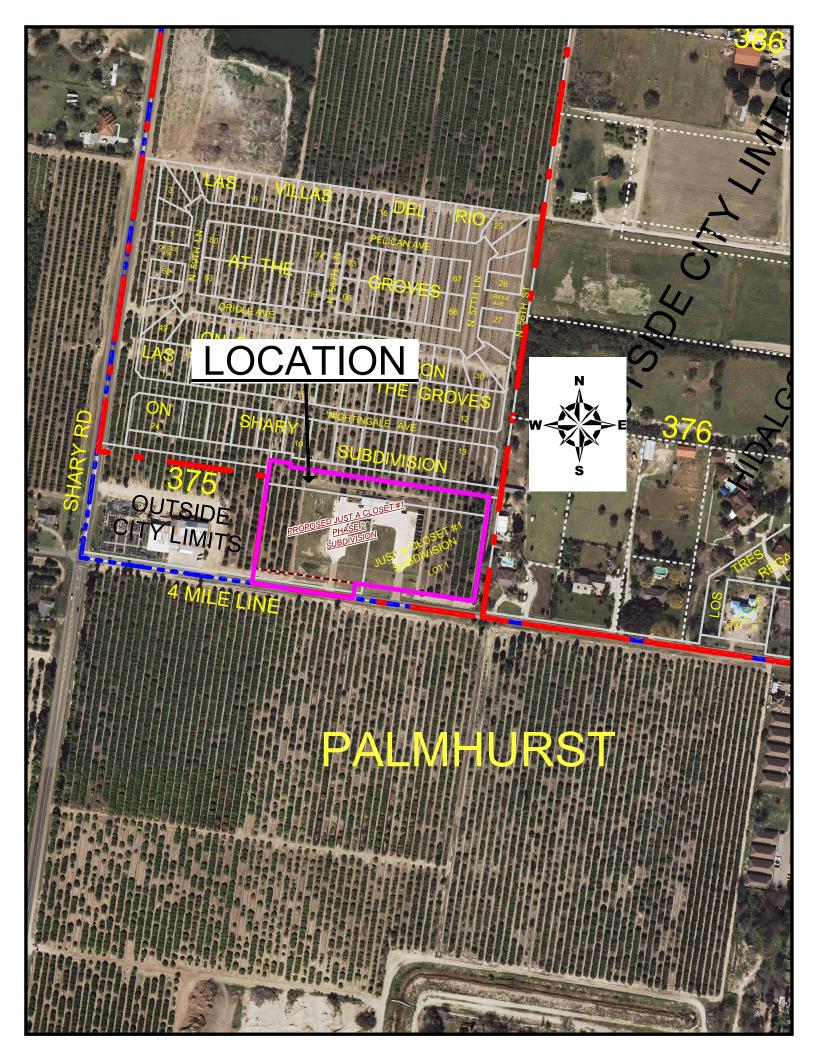
FOLIDEMENTS	
EQUIREMENTS	
TREETS AND RIGHT-OF-WAYS	
Lark Avenue: 30 ft. dedication for 50 ft. from centerline for 100 ft. ROW Paving: 65 ft. Curb & gutter: Both sides **Must escrow monies if improvements are not constructed prior to recording.	Applied
North 56th Street: 35 ft. from centerline for 70 ft. ROW Paving: 44 ft. Curb & gutter: Both sides **Must label centerline to verify if ROW dedication is required prior to final. ***City Commission approved a variance request to allow a half street with 24 ft. of paving at their meeting of March 27, 2017. Variance will be applied to this development.	Applied
Paving Curb & gutter	Applied
Paving Curb & gutter	Applied
Paving Curb & gutter	Applied
* 800 ft. Block Length	Compliance
* 600 ft. Maximum Cul-de-Sac	NA
LEYS	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial properties. ****Private service drive easement to provide city services required. It will be maintained by the property owners, 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.	Applied
TBACKS	
* Lark Avenue: 25 ft. or greater for easements. **P&Z approved the subdivision in revised preliminary form, with conditions, at the P&Z meeting of November 6, 2018 with the setback variance as requested.	Compliance
* Rear: In accordance with the Zoning Ordinance or greater for easements.	Compliance
* Interior Side (West): 10 ft. or greater for easements. ****P&Z approved the subdivision in revised preliminary form, with conditions, at the P&Z meeting of November 6, 2018 with the setback variance as requested.	Compliance
*North 56th Street: 10 ft. or greater for easements. ****P&Z approved the subdivision in revised preliminary form, with conditions, at the P&Z meeting of November 6, 2018 with the setback variance as requested.	Compliance
* Garage	NA
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
DEWALKS	
* 4 ft. wide minimum sidewalk required on Lark Avenue and North 56th Street.	Complianc

04/17/2020 Page 2 of 3 SUB2020-0015

* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses, and along North 56th Street.	Compliance
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses.	Compliance
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
NOTES	
* No curb cut, access, or lot frontage permitted along North 56th Street.	Compliance
* Site plan must be approved by the Planning and development departments prior to building permit issuance.	Applied
* Common Areas, service drives 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.	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 requirments per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets.	NA
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	NA
OT REQUIREMENTS	
* Lots fronting public streets.	Compliance
* Minimum lot width and lot area.	Compliance
ONING/CUP	
* Existing: C-3L Proposed: C-3L	Applied
* Rezoning Needed Before Final Approval	NA
PARKS	
* Land dedication in lieu of fee	NA
* Park Fee of \$700 to be paid prior to recording	NA
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
RAFFIC	
*Per Traffic Department, Trip Generation approved; no TIA required.	Completed
* *Per Traffic Department, Trip Generation approved; Traffic Impact Analysis (TIA) not required	NA

04/17/2020 Page 3 of 3 SUB2020-0015

COMMENTS	
Comments: Comply with City's Access Management Policy **As per Public Works and Fire Departments, submit site plan to review dumpsters and service drive location. ***Gate Detail must be submitted for review prior to final. ****P&Z approved Just a Closet #1 in preliminary form with conditions and setback variance, at the meeting of November 6, 2018. *****P&Z approved Just a Closet #1 in final form. with conditions, at the meeting of February 5, 2019. ******P&Z approved Just a Closet #1 Phase 1 in revised final form at the meeting of June 4, 2019. *******Just A Closet #1 Phase 1 recorded on 3/13/2020 ********Existing plat notes remain as now exist. *******Note 17- Will Just A Closet #1 Phase 1 still be responsible for maintenance of 64 ft. drainage detention easement, or will it be changed to Just a Closet #1 Phase 1A? Engineer must clarify prior to final.	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, AND DRAINAGE APPROVAL.	Applied



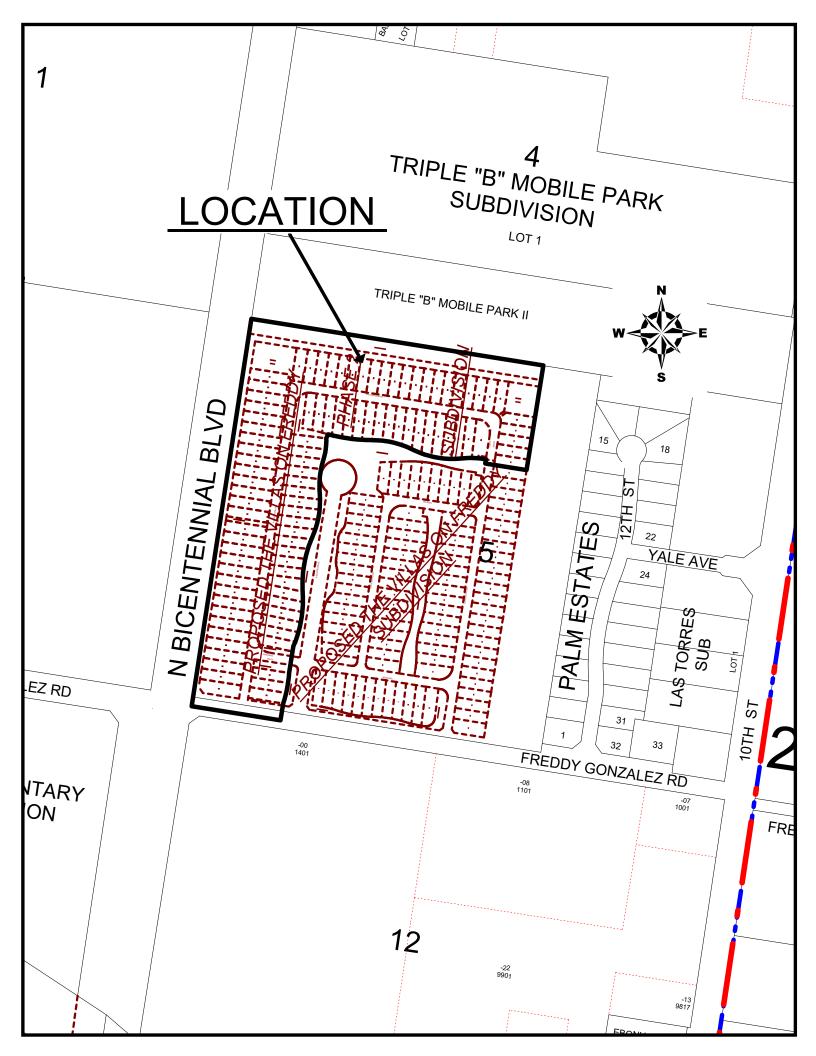
SUB ADAD DOZI

City of McAllen Planning Department APPLICATION FOR

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

SUBDIVISION PLAT REVIEW

	SUBDIVISION FLAT REVIEW
Project Description	Subdivision Name The DIMS ON Freddy How Tooland NEC Freddy Gonzalez & Dicentennial City Address or Block Number to De determined Number of lots Gross acres 14.888 Net acres 14.680 Existing Zoning 31 Proposed R3 Rezoning Applied For Yes No Date Existing Land Use Vacan Proposed Land Use 169 dential Irrigation District # 1 Residential Replat Yes No Commercial Replat Yes No ETJ Yes No Agricultural Tax Exempt Yes No Estimated Rollback tax due 8,160.31 Parcel No. 297558 Tax Dept. Review Legal Description Approx 14.888 ac Sp Lot 5 Section 278, Texas Mexican RCS
	Name The Villas ON Freddy, LC Phone 40 (98e) 381-0981
er	Address 200 5. 10 th St., Ste. 1700
Owner	City MCAILCU State TX Zip 78 501
0	E-mail 90 f Kurth amelden and hunt. com
_	Name The Villa M Fredry 11 C Phone 90 (990) 381 0981
Developer	Address 200 5. 10th St. St. 1700
vel	City MCAILU State TX Zip 7850] Contact Person 90 Frod L. KUHU, P.E.
De	E-mail 90 fkurth@Meldenandhunt.com
<u>u</u>	Name Melden & Hurt Thic Phone 986) 381-0981
eer	Address 115 W. McIntyle St
Enginee	City Edivinum Ustate Tx zip 7854
П	E-mail FRUM (MUDP NANG NUM, COM
ō	Name Melden & Hunt, Fric. Phone (956) 381-0981
Surveyor	Address 115 W Mc Tutare St.
Sur	City Fainhura State TK ZIF 7854 ED
1	APR 0 3 2020
KCT	#110990 pd \$300 BY: CW 338 pm





City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 4/17/2020

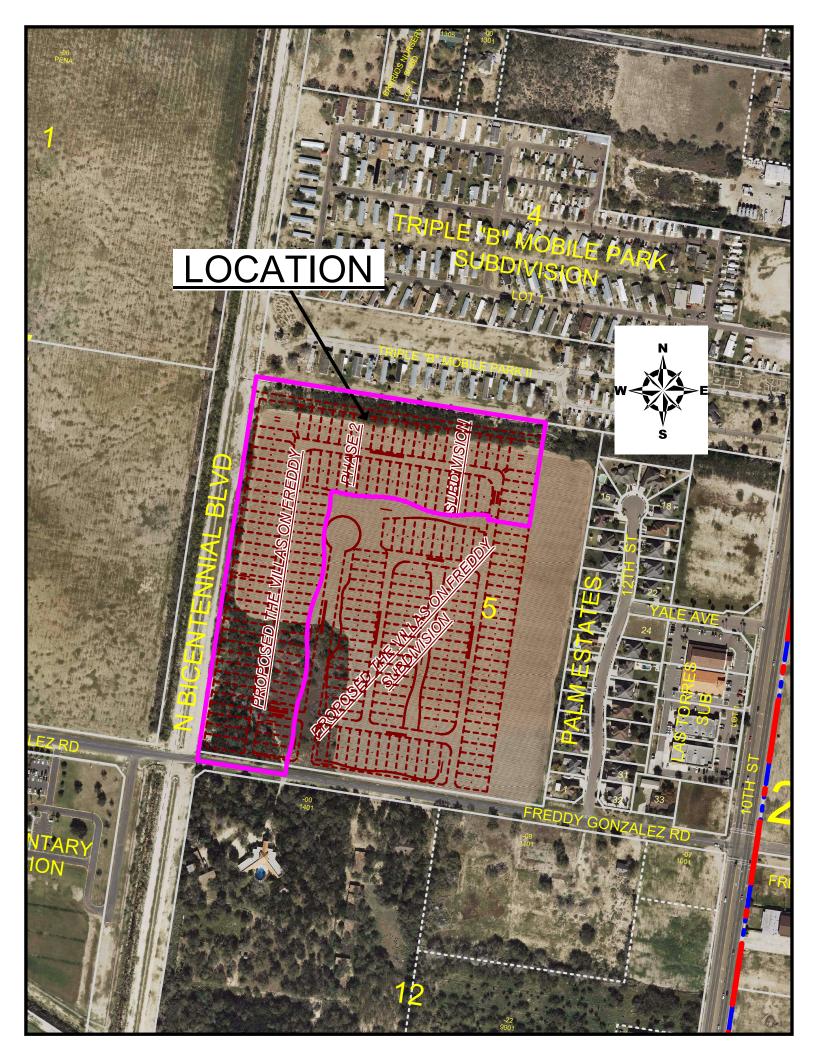
SUBDIVISION NAME: THE VILLAS ON FREDDY PHASE II	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
Freddy Gonzalez - 20 ft. ROW dedication, for 50 ft. from center line for 100 ft. ROW Paving:65 ft. Curb & gutter: both sides. *Must escrow monies if improvements are not constructed prior to recording.	Applied
N. 17th Street (Private), Xavier Ave. (Private), Zurich Ave. (Private) and N. 13th St. (Private): 30 ft. ROW Paving 30 ft. Curb & gutter both sides *Variance request for 30 ft. ROW width, and 30 ft. paving back to back approved by City Commission on May 13, 2019. **Fire Lanes and HOA enforcement of no parking on the streets per Fire Department requirements.	Applied
Bicentennial Boulevard - 25 ft. dedication required for 150 ft. ROW, 13.37 ft. proposed Paving: By the state Curb & gutter: Both sides **Finalize dedication prior to final	Non-compliance
* 800 ft. Block Length **Variance request to the 800 ft. block length requirement approved by City Commission at the May 13, 2019 meeting.	Compliance
* 600 ft. Maximum Cul-de-Sac	NA
ALLEYS	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial properties	NA
SETBACKS	
* 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)	Applied
* 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)	Applied
* 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	Applied
* Side Corner: 5 FEET, OR GREATER FOR EASEMENTS.	Applied
* 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.	Required

04/17/2020 Page 2 of 3 SUB2020-0021

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*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on Freddy Gonzalez Rd., Bicentennial Blvd. and both sides of all interior streets; however Engineer has 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. **Revise note on plat as noted above. ***Variance request for sidewalk requirement approved by City Commission on May 13, 2019 as per Walking Trails Plan for the interior streets, etc.	Required
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along Freddy Gonzalez Dr. and Bicentennial Blvd. **As may be applicable prior to final	Required
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses.	Compliance
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
NOTES	
* No curb cut, access, or lot frontage permitted along Freddy Gonzalez and/or Bicentennial Blvd. **Revise Note #10 on plat as shown above.	Applied
* Site plan must be approved by the Planning and Zoning Commission 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
LOT REQUIREMENTS	
* Lots fronting public streets **Plat submitted April 3, 2020 shows Common Areas with less frontage than required, revise prior to final. ***Common Area H appears to be landlocked	Non-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.	Required
ZONING/CUP	
* Existing : R3T Proposed: R3T	Applied
* Rezoning Needed Before Final Approval	NA
PARKS	
* Land dedication in lieu of fee* Land dedication in lieu of fee **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.	Applied
* Park Fee of \$700 to be paid prior to recording * Land dedication in lieu of fee	Applied

04/17/2020 Page 3 of 3 SUB2020-0021

**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.	
* Pending review by the Parkland Dedication Advisory Board and CC. * Land dedication in lieu of fee **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.	Complete
TRAFFIC	
* Trip Generation to determine if TIA is required, prior to final plat. **Per Traffic Department Trip generation has been approved.	Complete
* Traffic Impact Analysis (TIA) required prior to final plat. **Waived if number of units has not changed.	NA
COMMENTS	
Comments: *Must comply with City's Access Management Policy **Engineers to clarify required ROW for Bicentennial Blvd. and along the north side. ***Need to show Bicentennial Blvd. with dedication for 150 ft. ROW ****Must comply with secondary street access requirements for private subdivisions over 30 lots, as well as Fire Department secondary access requirements ******Gate detail must be submitted and approved, prior to recording	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM, SUBJECT TO CONDITIONS NOTED, UTILITY AND DRAINAGE APROVALS.	Applied

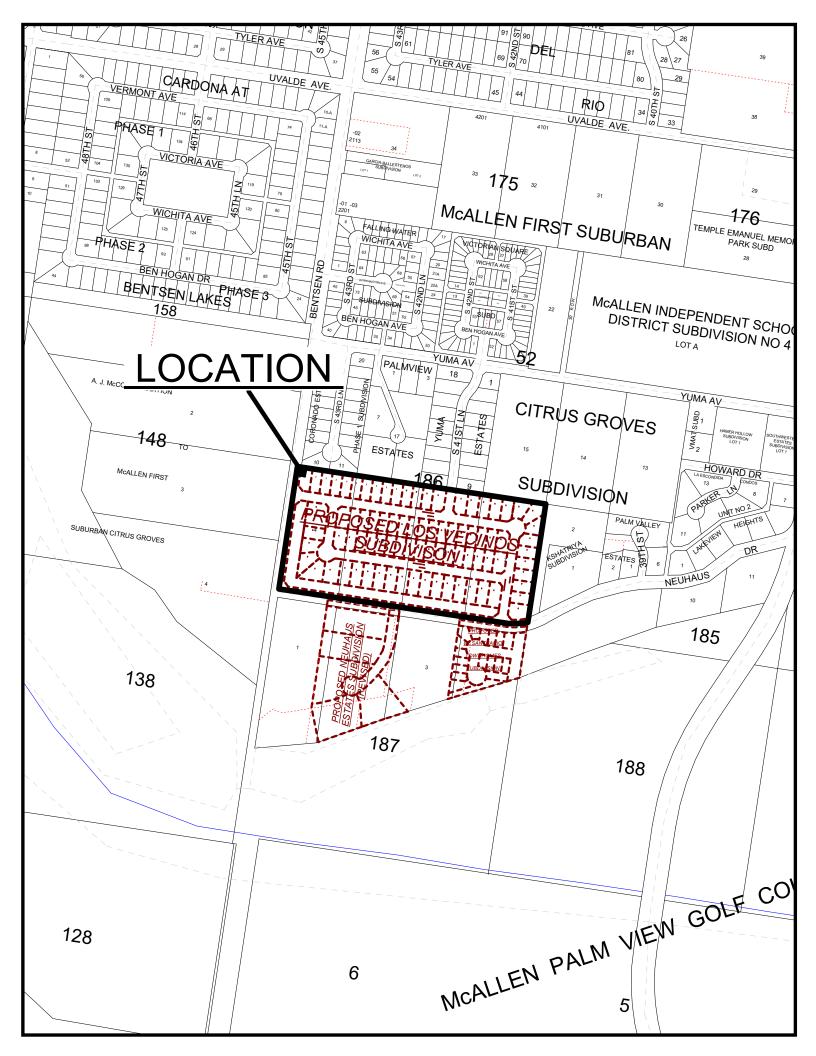


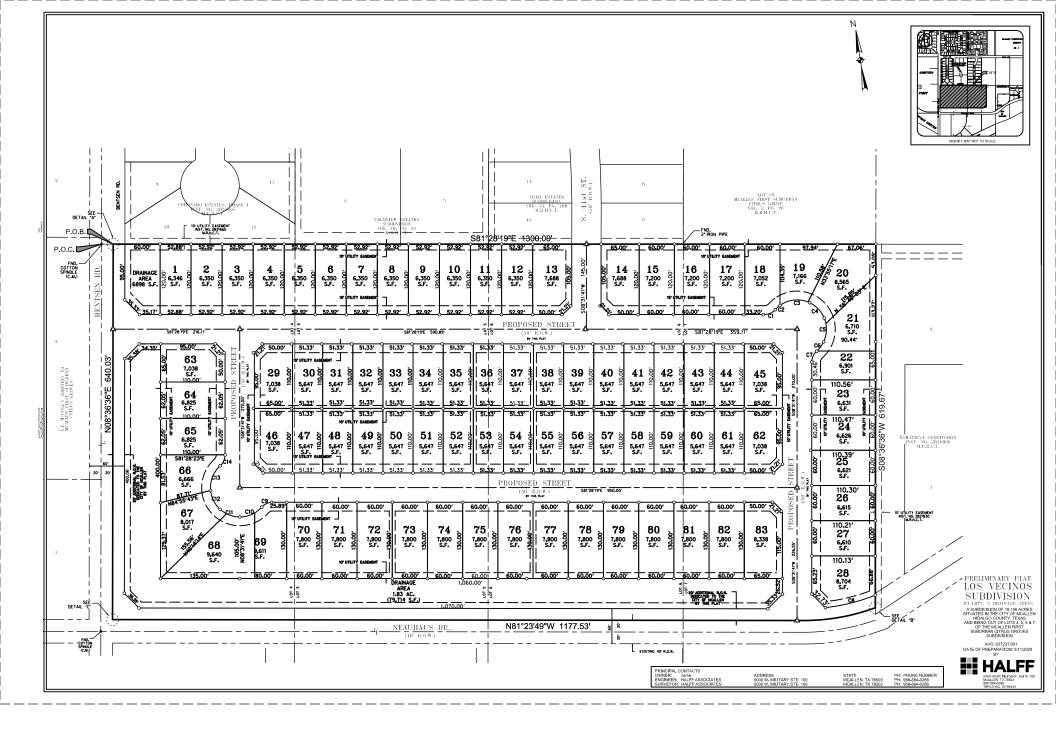
City of McAllen Planning Department APPLICATION FOR

1300 Houston Avenue 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 Los Vecinos Subdivision At the northeast corner of the intersection of Location Neauhaus Road and Bensten Road Lots 4,5,6 & 7 of the McAllen First Suburan City Address or Block NumberCitrus Grove Number of lots 83 Gross acres 19.106 Net acres 19.106 Existing Zoning R-1 Proposed R-1 Rezoning Applied For Yes No Date Existing Land Use N/A Proposed Land Use Residential Irrigation District # Proposed Land Use Resi
Owner	Name Tres Vecinos LLC Phone 956-802-9070 Address P.O. Box 1258 City Mission State Tx Zip 78573 E-mail dannydoublea@aol.com
Developer	Name Same as Owner Phone Address City State Zip Contact Person E-mail
Engineer	Name Halff Associates Inc Phone 956-445-5227 Address 5000 W Military Hwy Suite 100 City McAllen State TX Zip 78503 Contact Person Raul Garcia, PE or Roxxie Mann, EIT E-mail rgarcia@halff.com or rmann@halff.com
Surveyor	Name Same as Engineer PhoneAddress
Sur	City State Zip





04/03/2020 Page 1 of 3 SUB2019-0088



City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 4/3/2020

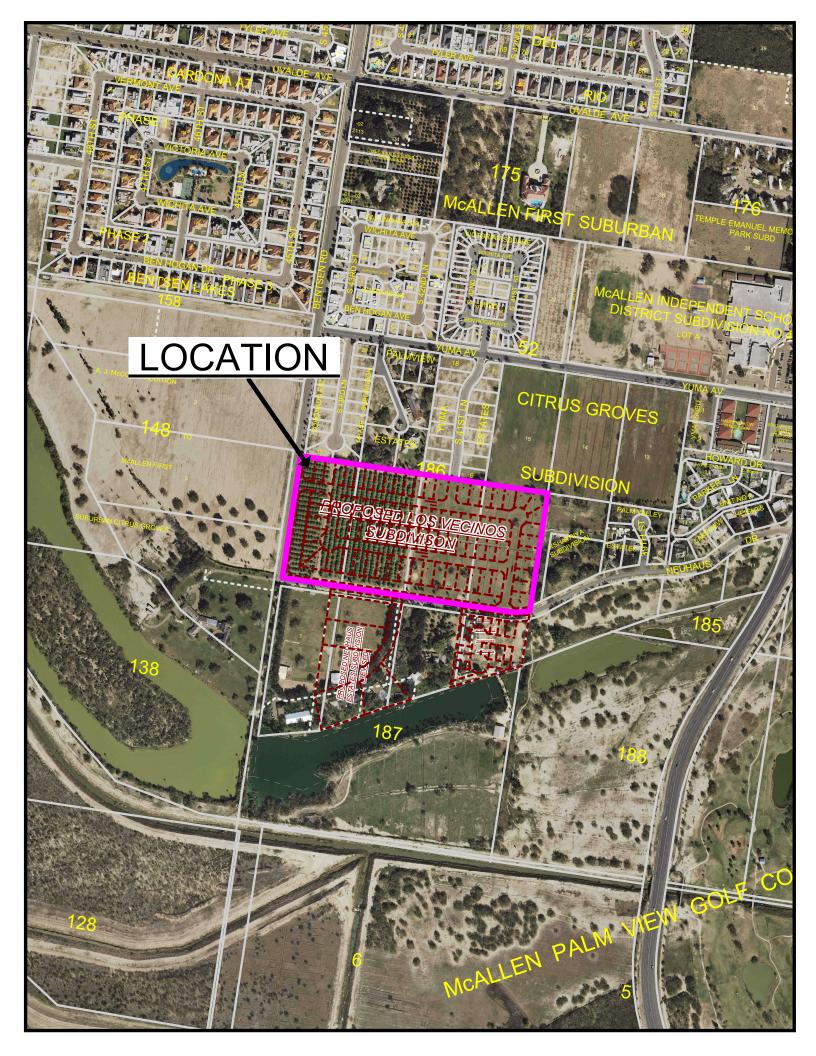
SUBDIVISION NAME: LOS VECINOS	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
S. Bentsen Rd. 20 ft. ded. for 40 ft. from centerline for 80 ft. ROW Paving: 52 ft. Curb & gutter: Both sides **Must escrow monies if improvements are not built prior to recording.	Required
Neuhaus Drive - min. 10 ft. dedication for 60 ft. ROW, and must match existing to east Paving: 40 ft. Curb & gutter: Both sides **Must escrow monies if improvements are not built prior to recording. ***Plat submitted January 7, 2020 provides for a 20 ft. dedication	Required
S. 41st Street - 50 ft. ROW Paving: 32 ft. Curb & gutter: Both sides **Align/match with existing street to the north.	Applied
Other interior streets - 50 ft. ROW Paving: 32 ft. Curb & gutter: Both sides	Applied
Paving Curb & gutter	Applied
* 800 ft. Block Length - As proposed block length is approximately 900 ft. without cross streets or stub out streets. **Engineer has submitted a variance request to the block length which exceeds the 800 ft., and it will be presented at P&Z meeting of April 7, 2020.	Non-compliance
* 600 ft. Maximum Cul-de-Sac	NA
ALLEYS	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial properties	NA
SETBACKS	
* Front: 25 ft. or greater for easements. **Clarify reference to 30 ft. setback on Bentsen Road and 40 ft. on Neuhaus Drive, Note will be finalized prior to final once this has been clarified.	Applied
* Rear: In accordance with the Zoning Ordinance, or greater for easements, except 25 ft. for double fronting lots as may be applicable. **Note #5 to be revised once established, prior to final.,	Applied
* Interior sides: In accordance with the Zoning Ordinance, or greater for easements.	Compliance
* Corner: 10 ft. or greater for easements. **Revise Note #5 as noted above.	Applied
* 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
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on: S. Bentsen Road, Neuhaus Drive and both sides of all interior streets.	Compliance
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
BUFFERS	

04/03/2020 Page 2 of 3 SUB2019-0088

30	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along S. Bentsen Road and Neuhaus Drive. **Plat submitted January 7, 2020 includes such requirement.	Compliance
* 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
NOTES	
* No curb cut, access, or lot frontage permitted along S. Bentsen Road and Neuhaus Drive.	Compliance
* Site plan must be approved by the Planning and Zoning Commission prior to building permit issuance.	NA
* Common Areas, any private streets, detention areas, etc, must be maintained by the lot owners and not the City of McAllen. **Note on the plat will be required once established, prior to final/recording.	Required
* 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. **If a public subdivision, section 110-72 applies.	Required
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	Applied
LOT REQUIREMENTS	
* Lots fronting public streets.	Compliance
* Minimum lot width and lot area. Plat submitted January 7, 2020 shows that some lots appear to have less than the required lot frontage width. Verify that all lots meet minimum 50 ft. wide frontage requirement with corner lots minimum 54 ft. frontage for R-1 zone requirements, prior to final.	Non-compliance
ZONING/CUP	
* Existing: R-1 Proposed: R-1 **Not all lots appear to meet minimum requirements; revise plat as needed.	Applied
* Rezoning Needed Before Final Approval	NA
PARKS	
* Land dedication in lieu of fee: Pending review by the Parkland Dedication Advisory Board and City Commission to establish requirements, prior to final.	TBD
* Park Fee of \$700 per dwelling unit/lot to be paid prior to recording. Pending review by the Parkland Dedication Advisory Board and City Commission to establish requirements, prior to final.	TBD
* Pending review by the Parkland Dedication Advisory Board and CC. Required prior to final to establish requirements, etc.	Required
TRAFFIC	
* Trip Generation to determine if TIA is required, prior to final plat. **Per Traffic Department need to submit Trip Generation to determine if TIA will be needed prior to final.	Non-compliance
* Traffic Impact Analysis (TIA) required prior to final plat.	TBD
COMMENTS	
Comments: Drainage area needs to have lot # or common lot A, B, etc. **Need note on plat regarding maintenance of common lots, detention areas, etc., prior to final/recording. ***HOA notes also required on plat, prior to final/recording.	Applied

04/03/2020 Page 3 of 3 SUB2019-0088

****Subdivision disapproved in preliminary form at the meeting of November 19, 2019; due to missing ownership documentation.	
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN REVISED PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED AND DRAINAGE AND UTILITY APPROVALS.	Applied





March 24, 2020

City of McAllen – Planning and Zoning 311 N. 15th Street McAllen, Texas 78501

Attn: Ms. Berenice Gonzalez

Re: Los Vecinos Subdivision – Variance for Block Length

Dear Ms. Gonzalez:

Los Vecinos Subdivision is a 19.106 acre tract of land in the City of McAllen, Hidalgo County, Texas located at the northeast corner of the intersection of South Bentsen and Neuhaus Drive. The subdivision will be utilized for a residential use.

As stated in the Planning and Zoning Commission packet for the 1-21-2020 meeting, the block length is not to exceed 800 ft therefore the proposed south driveway will need to be revised to reduce the current 950 ft block length and a stub out street will need to be added in between Lots 29-45 and 46-62.

If we are required to relocate the proposed south driveway westward to accommodate the 800 ft block length requirement, then the perimeter detention area will be broken into two sections and this breakage will affect the detention volume and earthwork fill quantities. Currently the existing conditions for the proposed site are the following: the northwest portion averages an elevation of 108 ft and the southeast portion averages an elevation of 106 ft. Based on these existing conditions, the current detention pond design utilizes a minimal to no slope along the flowline to allow connection to the proposed outfall at the northwest corner of the subdivision. Due to the current elevations the additional culvert that will be required for the new driveway location will cause extremely steep driveway slopes. See attached Exhibit A.

If we are required to provide a stub out street in between Lots 29-45 and 46-62 to accommodate the 800 ft block length requirement, then the stub out street will be fairly close to the other two neighborhood streets; because of the tight proximity we believe that there's no need for this extra stub out street in this area. Also, by providing a stub out street as an extension to S 41st St. it will attract vehicles to drive at a faster speed which has the potential for vehicle accidents. The current design does force drivers to come to a complete stop before proceeding with their travel in the west and east directions because of the lots currently placed perpendicular to S 41st St. See attached Exhibit A.



The request for a variance for 'Section 134 -118 - Blocks' is to grant the subdivision block length to exceed the 800 ft requirement, which will result in granting no required stub out street in between Lots 29-45 and 46-62 and no relocation of the south driveway off Neuhaus Drive.

Respectfully,

Raul Garcia, Jr., PE, CFM

Land Development/Public Works Team Leader

From: Garcia, Raul
To: Berenice Gonzalez

Cc: dannydoublea@aol.com; Saenz, Robert

Subject: Los Vecinos Subd

Date: Monday, April 6, 2020 8:16:32 AM

Good Morning Berenice,

As discussed, my client would like to table the variance requests for Los Vecinos Subdivision until this Coronavirus deal settles down. We would like to be present at the meeting to argue our case and prefer to wait until either the next agenda or possibly the one after that. I will be in touch with you in the next week or two to see how things are working out at the city. My client, Danny Acevedo, is copied on this email. Give me a call if you have any questions.

Thanks,

Raul

Raul Garcia, Jr., PE, CFM

Land Development / Public Works Team Leader

O: (956) 445-5235

Halff Associates, Inc. 5000 West Military, Suite 100 McAllen, TX 78503-7446



Halff.com | LinkedIn | Facebook | Twitter | Instagram | YouTube

Planning Department

Memo

TO: Planning & Zoning Commission

FROM Edgar I. Garcia, AICP, CNU-A

DATE: April 16, 2020

SUBJECT: City Commission Actions on April 13, 2020

CONDITIONAL USE PERMITS:

- 1. Request of Hershal B. Patel, for a Conditional Use Permit, for a Conditional Use Permit, for life of use, for a guesthouse: Lot 49, Via Cantera (Amended) Subdivision; 216 E. Duke
 - Planning and Zoning Commission recommended approval
 - City Commission approved as recommended

ORDINANCE:

- 1. Ordinance exempting restaurants in the Entertainment and Cultural Overlay District from certain requirements
 - Planning and Zoning Commission recommended approval
 - City Commission approved as recommended

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 | 03/03/20
 | 03/10/20 | 03/17/20

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2020 ATTENDANCE RECORD FOR PLANNING AND ZONING COMMISSION WORKSHOPS

Pepe Cabeza de Vaca													
Daniel Santos													
Mike Hovar													
Rogelio Cervantes													
Gabriel Kamel													
Michael Fallek													
Jose B. Saldana													



PLANNING DEPARTMENT



311 N 15th Street McAllen, TX 78501 Phone: 956-681-1250 Fax: 956-681-1279

2020 CALENDAR

A Pu	City Commisublic Utility E	Board	Zoni	nning & Zo ng Board of	_		Deadlines: D- Zoning/CUP Application * Holiday - Office is closed										
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PLANNING DEPARTMENT



311 N 15th Street McAllen, TX 78501 Phone: 956-681-1250 Fax: 956-681-1279

2020 CALENDAR

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