

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF McAllen

The McAllen Planning and Zoning Commission convened in a Regular Meeting on Tuesday August 22, 2023, at 3:30p.m. at the McAllen City Hall, 3rd Floor Commission Chambers Room, 1300 Houston Avenue, McAllen, Texas.

Present:	Gabriel Kamel Emilio Santos Jr. Erica De la Garza Jesse Ozuna	Vice Chairperson Member Member Member
Absent:	Michael Fallek Marco Suarez Jose Saldana	Chairperson Member Member
Staff Present:	Austin Stevenson Edgar Garcia Luis Mora Omar Sotelo Mario Escamilla Kaveh Forghanparast Samuel Nunez Eduardo Garza Samantha Trevino Jacob Salazar Magda Ramirez	Assistant City Attorney III Planning Director Deputy Director Senior Planner Planner III Planner III Planner II Planner II Planner I Planner Technician I Administrative Assistant

CALL TO ORDER – Vice Chairperson Mr. Gabriel Kamel

PLEDGE OF ALLEGIANCE

INVOCATION-. Mr. Emilio Santos Jr.

1) MINUTES:

- a) Approval/disapproval of the minutes for the August 8, 2023 meeting.

The minutes for the regular meeting held on August 8, 2023 was approved as submitted by Ms. Erica De la Garza. Seconding the motion was Mr. Emilio Santos Jr. which carried unanimously with four members present and voting.

2) PUBLIC HEARING:

a) **CONDITIONAL USE PERMITS:**

- 1) Request of Ricardo Vega and Melinda V. Vega on behalf of Maddie's Pumpkin Patch, for a Conditional Use Permit, for three years, and adoption of an ordinance, for an Event Center (Picture Venue) at 4.983 acres out of Lot 78, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 6712 North Bentsen Road. **(CUP2023-0094)**

Ms. Samantha Trevino stated that the property is located on the east side of North Bentsen Road, approximately 960 ft. north of Lark Avenue and is zoned R-1 (single-family residential) District. The adjacent zoning is R-1 (single family residential) District to the north, west, and south, and A-O (agricultural and open space) District to the east. Surrounding land uses includes single-family residences, an orchard, agriculture, and vacant land. An event center is allowed in a C-3 (general business) District with a Conditional Use Permit and in compliance with the requirements.

The initial application for a Conditional Use Permit for an event center and picture venue for the subject property, known as Maddie's Pumpkin Patch, was submitted on September 8, 2021. City Commission approved the CUP for the subject property for 9 months subject to dust mitigation and fencing the property, which the applicant has done. The Conditional Use Permit was signed and picked up by the applicant on April 14, 2021, which ended up expiring On August 22, 2022. The applicant then applied to continue the operations for another year on August 2, 2022, which was approved by Board. The current CUP was submitted July 18, 2023 for 3 years.

The applicant is proposing to continue the operation of a picture venue and event center from approximately 8 ½ acre property. Approximately, 5 acres are being used for the event center and venue area and 3 ½ acres for the parking area. The hours of operation are from Monday to Sunday from 8:00 A.M. to 8:00 P.M.

The Fire Department has inspected the establishment, and allowed the CUP process to continue. The Health Department stated that the establishment must obtain required health permits for any food sales, provide required restrooms for the public, and trash receptacles. 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 properties; however, the proposed hours of operation is from 8:00 A.M. to 8:00 P.M.;
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 North Bentsen Road;
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage and use of the picture venue and event area, 1,525 parking spaces are required and no paved parking spaces are provided. A 3 ½ acre of unpaved tract is being used for the parking area. On-site parking will need to be paved and striped and be clear of potholes to comply with City standards;
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.

Staff recommends disapproval of the request based on noncompliance with the required zoning (C-3 District), requirements #1 (distance), and #3 (parking) of Section 138-118(4) of the Zoning Ordinance.

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

Mr. Emilio Santos Jr. asked why the applicant had not previously requested for more than a one year conditional use permit. Mr. Edgar Garcia stated that because of previous oppositions, the commission wanted to approve for one year only.

After a brief discussion, Mr. Erica De la Garza moved to disapprove with favorable recommendation for a two year conditional use permit and not a three year permit as requested. Mr. Emilio Santos Jr. seconded the motion, which was disapproved with favorable recommendation for a two year conditional use permit with four members present and voting.

- 2) Request of Samuel Avila on behalf of Cigar Bar, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a Bar, at Lot 1, Nolana West Subdivision, Hidalgo County, Texas; 2200 Nolana Avenue, Suites 2212 & 2214. **(CUP2023-0096)**

Ms. Samantha Trevino stated that the property is located on the northeast corner of North 23rd Street and Nolana Avenue. It is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. There is R-3A (multifamily residential apartments) District to the south and C-4 (commercial-industrial) District to the northwest. Surrounding land uses are commercial businesses, offices, bars, churches, libraries and restaurants. A bar is allowed in a C-3 district with a Conditional Use Permit and in compliance with requirements.

The initial Conditional Use Permit was approved by the City Commission on June 22, 2009 with a variance to the 400 ft. distance requirement. The last approval by the City Commission was on March 28, 2022 with a variance to the distance requirement of being at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property.

The applicant is proposing to continue operating a bar (Cigar Bar) from combined suites 2212 and 2214 as shown on the submitted site plan. The applicant is also proposing to continue using an outdoor seating area as shown on the submitted site plan. The applicant will be utilizing the area for outdoor dining and as well as provide customers a place to smoke. The proposed days and hours of operation are, Monday through Sunday from 1:00 PM to 2:00 AM.

The Fire and Health Departments have inspected the bar and allowed the CUP process to continue. The police activity report for service calls from 2022 to present is attached. The Planning Department

has received no complaints regarding the present use as a bar. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The establishment must comply with requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of 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 southeast, a church across the street on the south side of Nolana Avenue, and publicly owned property (McAllen's Public Library) to the west;
- 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 23rd Street and Nolana Avenue.
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. The proposed 4,650 sq. ft. bar would require 47 parking spaces; there are 305 parking spaces provided on site. In a site visit conducted by staff, staff noticed that the parking lot was repaved, restriped and re-configured.
- 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.

At the Planning and Zoning Commission meeting of August 22, 2023, no one appeared in opposition to the Conditional Use Permit (CUP) request. The Board unanimously voted to recommend disapproval with a favorable recommendation of the request for 1 year. There were four Board members present and voting.

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

Being no discussion, Mr. Emilio Santos Jr. moved to disapprove with favorable recommendation. Ms. Erica De la Garza seconded the motion, which was disapproved with favorable recommendation with four members present and voting.

- 3) Request of Dionicio D. Longoria, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a Smoke Shop and Art Gallery, at Lot 4, Block 4, Orange Terrace Subdivision, NO. 3. Hidalgo County, Texas: 1013 Pecan Boulevard, Suite B. **(CUP2023-0097)**

Ms. Samantha Trevino stated that the property is located on the South side of Pecan Boulevard between North 10th Street and North 12th Street, and is zoned C-3 (general business) District. The adjacent zoning is C-3 to the north, east, and west, and R-1(single family residential) District to the south. A smoke shop is allowed in a C-3 (general business) District with a Conditional Use Permit and in compliance with requirements.

This is the initial Conditional Use Permit application for this location for a smoke shop and art gallery.

The applicant is proposing to operate a smoke shop and art gallery under the name of Interstate 420 from the existing suite on the first story of the building.

The proposed hours of operation are Monday – Thursday from 10.00 A.M. to 10.00 P.M. and Friday-Saturday from 10:00 A.M. to 12:00 A.M.

The Fire Department conducted an inspection of the establishment and determined to be in compliance. The establishment must also meet the requirements set forth in Section 138-118(a)(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;
- 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 Pecan Boulevard;
- 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/residential building on the property. The plaza consists of beauty shop next door and some apartments on the second story. The proposed smoke shop shall require 9 parking spaces; parking spaces are proposed to be provided on the front and side of the building. For the parking spaces of the common parking area, 1 accessible parking space is required and provided on site, as per section 138-400(a) of the Off-Street Parking and Loading requirements, all off-street parking must be clearly striped and free of potholes;
- 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 Inspection Department as part of the building permit review process.

At the Planning and Zoning Commission meeting of August 22, 2023, no one appeared in opposition to the Conditional Use Permit (CUP) request. The Board unanimously voted to recommend disapproval with a favorable recommendation of the request for 1 year. There were four Board members present and voting.

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

Being no discussion, Ms. Erica De la Garza moved to disapprove with favorable recommendation. Mr. Emilio Santos Jr. seconded the motion, which was disapproved with favorable recommendation with four members present and voting.

- 4) Request of Oralia Davila on behalf of Iglesia Casa de Refugio y Restauracion Pentecostes Inc. for a Conditional Use Permit, for life of the use, and adoption of an ordinance for an Institutional Use (Church) at Lots 7, 8, and 9, Block 1, Young's Subdivision, Hidalgo County, Texas; 21 South 24th Street.
(CUP2023-0092) (TABLED ON 8/8/2023.)

Vice Chairperson Mr. Gabriel Kamel asked if the item was going to be removed from table. Mr. Eduardo Garza stated yes. Ms. Erica De la Garza motioned to remove from table. Mr. Emilio Santos Jr. seconded the motion which was removed from table with four members present and voting.

Mr. Eduardo Garza stated that the subject property is located on the northeast corner of Austin Avenue and South 24th Street. The property is zoned I-1 (light industrial) District. The adjacent zoning is I-1 (light industrial) District to the north, east, and west, and R-2 (duplex-fourplex) District and C-3 (general business) District to the south. Surrounding land uses include Jessie's Meat Market, Go Car Wash, and apartments. An institutional use is permitted in an I-1 District with a Conditional Use Permit and in compliance with requirements.

This is the first Conditional Use Permit request for this property. The Conditional Use Permit request application was submitted on July 10, 2023.

The applicant is proposing to operate a church with a main sanctuary area and a play area for the children. Based on the 100 seats proposed in the sanctuary area, 25 parking spaces are required; the applicant is proposing 30 parking spaces on site. The site plan must also show proper amount of maneuvering space of 24 feet and won't be allowed to back up onto the street. The proposed hours of operation for the sanctuary are Wednesdays from 5 PM to 8:30 PM and Saturdays from 5 PM to 8:30 PM.

An approved building permit showing correct parking spaces and maneuvering space will be required and will be subject to compliance with all requirements. The Fire Department will conduct their inspections once the construction for the proposed church is completed and prior to occupancy.

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 church must comply with the Zoning Ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property fronts Austin Avenue and has access from South 24th 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 proposed 100 seats, 25 parking spots are required; the applicant is proposing 30 parking spaces on site.
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges, or reorientation of entrances and exits;
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;
- 6) The number of persons within the building shall be restricted to those allowed by the Fire Marshal and Building Official at the time of permit issuance;
- 7) Sides adjacent to a residentially zoned or used property shall be screened by a 6 ft. opaque fence.

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

Staff did receive one phone call in opposition to the request citing possible traffic concerns.

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

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

Being no discussion, Mr. Emilio Santos Jr. moved to approve. Ms. Erica De la Garza seconded the motion, which was approved with four members present and voting.

b) REZONING:

- 1) Rezone from R-1 (single-family residential) District to R-3A (multifamily residential apartments) District: 0.878 acres out of Lot 308, John H. Shary Subdivision, Hidalgo County, Texas; 3925 North Bentsen Road. **(REZ2023-0043)**

Mr. Eduardo Garza stated that the property is located on the southwest corner of Nolana Avenue and North Bentsen Road. The tract has 194.29 ft. of frontage along North Bentsen Road and 204.20 ft. of frontage along Nolana Avenue according to the submitted survey.

The applicant is proposing to rezone the property to R-3A (multifamily residential apartments) District in order to develop the tract of land for a multifamily apartment development. A proposed subdivision under the name Brier Village Phase II was approved in preliminary form on June 20, 2023.

The adjacent zoning is A-O (agricultural and open space) District to the east, R3-A (multifamily residential apartment) District to the west and south, and C-4 (commercial-industrial) District to the north.

The subject property is vacant. Surrounding land uses are City of McAllen Public Works Department and Recycling Center, Hidalgo County Irrigation District No. 1 canal right-of-way, single family residences, and vacant land.

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

The development trend for this area along North Bentsen Road is primarily single family residential and multifamily residential along Nolana Avenue.

The requested zoning does not conform to the Future Land Use Plan designation. However, there is a R-3A (multifamily apartment residential) District to the south and west.

The proposed development area would have 0.878 acres (38,245.68 square feet). Based on the maximum density per gross acres in the R-3A District: 38-one bedroom units, 30-two bedroom units, and 25-three bedroom units would be allowed. Seven thousand square feet represents the minimum lot area for any R-3 multifamily residential district use, exclusive of a townhouse. Max allowable density per acre will be defined on site plan approval, once a final subdivision plat is recorded.

A recorded subdivision plat, site plan review by the development team, and access management curb cut approvals is required prior to building permit issuance. Required park land dedication or

a fee in lieu of land comprising \$700 per dwelling unit is required prior to recording a subdivision plat.

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

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

Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed rezoning request. There was none.

Being no discussion, Ms. Erica De la Garza moved to approve. Mr. Jesse Ozuna seconded the motion which was approved with four members present and voting.

- 2) Rezone from R-1 (single family residential) District to R-3A (multifamily apartment residential) District: 76.461 acres (77.76 acres deed call), being all of Lots 11, 19, and 20, Section 234, Texas-Mexican Railway Company's Survey, said 77.76 acre tract also being all of Lots 17, 18, 19, 20, 21, 22, 23, and 24, Palmland Groves, Hidalgo County, Texas; 12501 North Rooth Road.
(REZ2023-0036)(TABLED ON 8/8/2023)

Mr. Samuel Nunez requested the item be removed from table. Ms. Erica De la Garza motioned to remove from table. Mr. Emilio Santos Jr. seconded the motion which was removed with four members present and voting.

Mr. Samuel Nunez stated that the property is located along the northwest corner of North Rooth Road and Schunior Road.

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

The adjacent zoning is R-1 (single-family residential) District to the east across North Rooth Road, A-O (agricultural and open space) District to the south, and R-3A (multifamily apartment residential) District to the west and east.

The subject property is vacant.

The Envision McAllen Future Land Use Plan categorizes this property as Complete Communities. Single-family detached homes, duplexes, townhomes, civic, and parks and open spaces uses are considered most appropriate for this area.

The development trend for this area along North Rooth Road is primarily single-family residential with surrounding agricultural uses or vacant land.

ANALYSIS: The requested zoning does not conform to the Future Land Use Plan designation. However, there are two existing and one potential R-3A (multifamily apartment residential) District properties to the east and west.

The proposed development area would have 76.461 acres (3,330,641.16 square feet). Based on the maximum density per gross acres in the R-3A District: 3,331-one bedroom units, 2,665-two bedroom units, and 2,220-three bedroom units would be allowed. Seven thousand square feet represents the minimum lot area for any R-3 multifamily residential district use, exclusive of townhouse. Max allowable density per acre will be defined on site plan approval, once a final subdivision plat is recorded.

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

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

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

At the Planning and Zoning Commission meeting of August 8, 2023 three adjacent owners appeared in opposition to this request. Staff received an email from the applicant requesting to table this item. After the Board was informed of this request, they asked to speak to the owners who were present in opposition to this request. The owners made public comment individually citing how this proposal would be at odds with the surrounding uses and how Rooth Road would not support the traffic density this proposal would bring. Their comments were taken for public record and the owners were informed that this item would be heard at the next available meeting.

Vice Chairperson Mr. Gabriel Kamel asked if there was anyone present in opposition of the proposed rezoning request. There was none.

Being no discussion, Ms. Erica De la Garza moved to approve. Mr. Emilio Santos Jr. seconded the motion which was approved with four members present and voting.

3) CONSENT:

- a) Villas on Bentsen Subdivision, 5912 N. 42nd Street, Carlo and Brooke Cantu, **(SUB2023-0086) (FINAL) QHA**

Being no discussion, Ms. Erica De la Garza moved to approve the subdivision in final form. Mr. Emilio Santos Jr. seconded the motion, which was approved with four members present and voting.

5) SUBDIVISIONS:

- a) Austin 495 Plaza Subdivision, 4101 Pecan Boulevard, Jinguo Liu **(SUB2022-0126) (REVISED PRELIMINARY) TE (TABLED ON 8/8/2023)**

Mr. Mario Escamilla requested the item be removed from table. Mr. Emilio Santos Jr. motioned to remove from table. Ms. Erica De la Garza seconded the motion which was removed with four members present and voting.

Mr. Mario Escamilla stated the applicant has withdrawn the variance request and no further board action was needed.

Being no discussion, Ms. Erica De la Garza moved to remove item from the agenda. Mr. Emilio Santos Jr. seconded the motion, which was removed with four members present and voting.

- b) Melissa Palma Estate Subdivision, 400 Northgate Lane, Cesar Palma and Melissa Ann Tijerina **(SUB2023-0078) (PRELIMINARY) RDE**

Mr. Mario Escamilla stated Northgate Lane: 15 ft. ROW dedication for 35 ft. from centerline for 70 ft. total ROW. Paving: 44 ft. Curb & gutter: Both Sides. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are required prior to recording. 1,200 ft. Block Length. Subdivision Ordinance: Section 134-118. Front: 45 ft. or in line with average setbacks of existing structures or greater for easements, whichever is greater applies. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Interior sides: 6 ft. or greater for easements. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required, greater setback applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on Northgate Lane. Sidewalk requirements may increase to 5 ft. per Engineering Department requirements. Finalize wording for plat note prior to final. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. Must comply with City Access Management Policy. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 134-168 applies if private subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168 Pending Items: Engineer must clarify if HOA is proposed for 1-Lot single family subdivision, prior to final. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Homeowner's Association Covenants must be submitted for staff review, prior to recording. Section 134-168 applies if private subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168 Pending Items: Engineer must clarify if HOA is proposed for 1-Lot single family subdivision, prior to final. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: R-1 (Single-Family) Residential Proposed: R-1 (Single-Family) Residential. Zoning Ordinance: Article V. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Fees are payable prior to recording and can go up or down; they are dependent on the amount of units. Must comply with Parkland dedication ordinance requirements prior to recording. As per Traffic Department, Trip Generation for 1-Lot single family subdivision is waived. Must comply with City's Access Management Policy. Any abandonments must be done by separate process, not by plat. Engineer must submit withdrawal letter regarding existing subdivision on file at this location, prior to final.

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

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

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

Mr. Mario Escamilla stated North Taylor Road: Proposing 10 ft. of dedication for 40 ft. from centerline for 80 ft. total ROW Paving: 52 ft. Curb & gutter: both sides. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Auburn Avenue (5 Mile Line Road) : Proposing 40 ft. of dedication for 60 ft. from centerline for 120 ft. total ROW. Paving: 65 ft. Curb & gutter: Both sides Revision Needed: Centerline should be a continuous line, review and revise prior to final. Revise street name as shown above where applicable prior to final. Clarify 40 ft. existing on the south side of Auburn Avenue, any additional/ existing dedications must be referenced with document number on plat, finalize prior to final. Label total ROW after accounting for dedication from center line prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Interior Street: Dedication as needed for 50 ft. total ROW. Paving: 32 ft. Curb & gutter: Both Sides Revisions Needed: Subdivision layout currently exhibits stub outs, clarify stub outs along lots 90 and 91 and lots 108 and 109, subdivision layout will have to be revised to provide for "Knuckle" design as dead end street are not permitted as this is a private subdivision, review and revise prior to final. As per plat submitted on July 19th,2023, subdivision provides for knuckle design. Street names will be established prior to final and plat will need to revised accordingly. As per plat submitted on June 2nd,2023 subdivision proposed to be private and for single family use, gate details are required. Gate details are under review and ROWs are subject to increase for gate areas, finalize prior to final. Auto Turn Study may be required to verify compliance with maneuvering space needed along lots 82-84, subdivision layout along lots may have to be adjusted to allow for maneuvering space finalize prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. E/W Quarter Mile Collector (northern boundary):Dedication as needed for 60 ft. total ROW Paving: 40 ft. Curb & gutter: Both sides Pending Items: Engineer submitted a variance application on July 7, 2023 in reference to the ROW dedication requirements for the E/W collector(1/4 Mile Collector) along the Northern Boundary the engineer has indicated that the street would not be able to extend east as there is an existing drain ditch and there are existing established developments to the north of this subdivision. After review of the ownership map submitted on July 12,2023, due to the developed properties to the north and existing canal to the west and collector alignment, the E/W collector street along the northern boundary is not feasible. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. N/S collector(Eastern Boundary, 1/4 Mile Location): Dedication as needed for 60 ft. total R.O.W. Paving 40 ft. Curb & gutter: Both Sides. Pending Items: Please provide ownership map to verify that no landlocked properties exist or will be created. As per plat submitted on August 11th,2023, plat exhibits an additional acreage due to addition 40 ft. along eastern plat boundary. Street alignment and R.O.W being reviewed by staff and plat would need to be revised accordingly as applicable prior to final. Engineer must clarify status of remnant tract, due to addition 40 ft. along eastern plat boundary. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare

Plan. Monies must be escrowed if improvements are not constructed prior to recording. 1,200 ft. Block Length. Subdivision layout does not comply with 1200 ft. block length requirement. Engineer submitted a variance application on August 1, 2023, requesting a variance to the 1200ft. Block Length requirement. Under the authority and review of the Planning Director the Variance request to the block length was approved administratively. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac Revisions Needed: ROW at "Cul-De Sac" areas may have to be increased to comply with Fire Department requirements, finalize prior to final. As per Fire Department requirements, 96 ft. of paving face to face required, and 10 ft. of ROW back of curb around Cul-de-Sac required. Subdivision Ordinance: Section 134-105. Front: 25 ft. or greater for easements. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Interior sides: 6 ft. or greater for easements. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required; greater setback applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required along Auburn Avenue (5 Mile Line Road), North Taylor Road, and both sides of all interior streets. Also N/S 1/4 mile as may be required, finalize wording for note prior to final. 5 ft. sidewalk might be required by Engineering Dept. prior to final. Finalize note wording requirements prior to final. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along Auburn Avenue (5 Mile Line Road) and North Taylor Road. Also N/S 1/4 mile as may be required, finalize wording for note prior to final. Revision Needed: Revise note#11 as shown above prior to final. Landscaping Ordinance: Section 110-46 Required. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. Required. No curb cut, access, or lot frontage permitted along Auburn Avenue (5 Mile Line Road) and North Taylor Road. Also N/S 1/4 mile as may be required, finalize wording for note prior to final. Must comply with City Access Management Policy. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 134-168 applies if private subdivision is proposed. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Homeowner's Association Covenants must be submitted for staff review, prior to recording. Section 134-168 applies if private subdivision is proposed. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Lots fronting public streets. Private Subdivision proposed as per plat submitted on June 2nd, 2023. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: (Extraterritorial jurisdiction) Proposed: (Extraterritorial jurisdiction). As per application dated June 2nd, 2023 proposed land use is single-family. Pending Items: Engineer must clarify annexation status as zoning requirements must be finalized prior to final. Subdivision requirements subject to change once zoning requirements are finalized. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval Pending Items: Engineer must clarify annexation status as zoning requirements must be finalized prior to final. Zoning Ordinance: Article V. Land dedication in lieu of fee. As per Parks Department, per application dated June 2nd, 2023 proposed 121 lot single-family subdivision is not within City limits, (ETJ) therefore City of McAllen Park Land Dedication and Park Development Fees Ordinance

does not apply unless annexed. Engineer must clarify annexation status prior to final. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per Parks Department, per application dated June 2nd, 2023 proposed 121 lot single-family subdivision is not within City limits, (ETJ) therefore City of McAllen Park Land Dedication and Park Development Fees Ordinance does not apply unless annexed. Engineer must clarify annexation status prior to final. Pending review by City Manager's Office. As per Parks Department, per application dated June 2nd, 2023 proposed 121 lot single-family subdivision is not within City limits, (ETJ) therefore City of McAllen Park Land Dedication and Park Development Fees Ordinance does not apply unless annexed. Engineer must clarify annexation status prior to final. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Must comply with City's Access Management Policy. Any abandonments must be done by separate process, not by plat. Engineer must clarify annexation status as zoning requirements must be finalized prior to final. Subdivision requirements subject to change once zoning requirements are finalized. At the Planning and Zoning Commission meeting of August 8th, 2023, the subdivision was approved in Revised Preliminary Form subject to conditions noted. As per plat submitted on August 11th, 2023, plat exhibits an additional acreage due to addition 40 ft. along eastern plat boundary. Engineer must clarify status of remnant tract, due to addition 40 ft. along eastern plat boundary. Staff recommends approval of the subdivision in revised preliminary form subject to conditions noted, drainage and utilities approvals.

Being no discussion, Mr. Emilio Santos moved to approve in revised preliminary form subject to conditions noted, drainage and utilities approvals. Mr. Jesse Ozuna seconded the motion, which was approved with four members present and voting.

d) **ZOHO Corporation Subdivision, 3300 South Ware Road, City Of McAllen (SUB2023-0077) (PRELIMINARY) CH**

Mr. Mario Escamilla stated South Ware Road: Dedication as needed for 60 ft. from centerline for 120 total ROW Paving: By State Curb & gutter: By State Revisions Needed: Dedications may increase to accommodate any improvements that may exist in property boundaries, finalize ROW requirements prior to final. Revise street references as shown above were applicable, prior to final. Include additional ROW details throughout plat boundary as to ensure compliance ROW. requirement's throughout plat boundary, prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Neuhaus Drive: Proposing 20 ft. ROW dedication for 80ft. total ROW. Paving: 40 ft. Curb & gutter: both sides Revisions Needed: For Neuhaus Drive provide centerline along plat boundary prior final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Non-compliance N/S collector(Western Boundary of Lot 1 1/4 Mile Location): Dedication as needed for 60 ft. total R.O.W. Paving 40 ft., Curb & gutter: Both Sides. Pending Items: Please provide ownership map to verify that no landlocked properties exist or will be created. Clarify status of existing and proposed drainage easements/ plans as it is reviewed in conjunction with dedication requirements, finalize prior to final. Street alignment and R.O.W being reviewed by staff and plat would need to be revised accordingly as applicable prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan Monies must be escrowed if improvements are not constructed prior to recording. E/W collector(Approximately Southern Boundary of Lot 1 1/4 Mile Location): Dedication as needed for 60 ft. total R.O.W. Paving 40 ft., Curb & gutter: Both Sides. Pending Items: Please provide ownership map to verify that no landlocked properties exist or will be created. Clarify status of existing and proposed drainage easements/ plans as it is reviewed in conjunction with dedication

requirements, finalize prior to final. Street alignment and R.O.W being reviewed by staff and plat would need to be revised accordingly as applicable prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. 1,200 ft. Block Length. Revision needed: Subdivision layout does not comply with block length requirement, please revise accordingly prior to final. If no changes please submit variance request for 1200 ft. maximum block length requirement. Subdivision Ordinance: Section 134-118. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial, industrial, and multi-family properties. Revisions Needed: Provide for alley or service drive easement on the plat prior to final. Alley or service drive easement cannot dead-end. Private Access Service Drive Easement must be minimum 24 ft. with 24 ft. of paving and in compliance with Fire and Public Works Department requirements. Subdivision Ordinance: Section 134-106. Front: Neuhaus Drive/ South Ware Road: In accordance with zoning ordinance, or greater for easements or approved site plan, or in line with average setback, whichever is greater applies. Revisions Needed: Revise plat note as shown above prior to final. Proposing: In accordance with the zoning ordinance, or greater for easements. Zoning Ordinance: Section 138-356. Rear: In accordance with Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Revision Needed: Revise note as shown above prior to final. Proposing: In accordance with the Zoning Ordinance or grater for easements. Zoning Ordinance: Section 138-356. Sides: In accordance with Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Revision Needed: Include note as shown above prior to final. Zoning Ordinance: Section 138-356. Corner :See front setback requirements. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on South Ware Road and Neuhaus Drive. Revisions Needed: Include note as shown above prior to final. Sidewalk requirements may increase to 5 ft. per Engineering Department requirements. Finalize wording for plat note prior to final. **Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and as may be required by ordinance and others as needed(streets) prior to final. Revisions Needed: Revise note #6 as shown above, finalize note wording as may be required prior to final. A buffer shall be provided to screen refuse areas (including refuse dumpsters, compactors and contained compactors), outdoor storage areas and loading docks from public streets. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. Required. No curb cut, access, or lot frontage permitted along. Staff reviewing any restrictions regarding access from perimeter streets, finalize wording for note as applicable prior to final. Must comply with City Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance required. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Revisions Needed: Include note as shown above, prior to final. Note subject to change once subdivision requirements have been finalized. Finalize wording prior to final. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 134-168 applies if private subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Pending Items: Engineer must clarify if HOA is proposed for Commercial/ Industrial subdivision, prior to final. Homeowner's Association Covenants must be recorded and submitted with document number on

the plat, prior to recording. Homeowner's Association Covenants must be submitted for staff review, prior to recording. Section 134-168 applies if private subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Pending Items: Engineer must clarify if HOA is proposed for Commercial/ Industrial subdivision, prior to final. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: Lot 1: C-1 (Office Building) District and Lot 2: I-1(Light Industrial) District Proposed: Lot 1:C-1 (Office Building) District and Lot 2: I-1(Light Industrial) District. Rezoning to C-1 for portion of Lot 1 and I-1 for lot 2, Approved at the City Commission meeting of July 24,2023. Engineer must verify if proposed subdivision is within appropriate zoning as it may prompt changes to plat and or rezoning process, review and finalize prior to final. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. Rezoning to C-1 for portion of Lot 1 and I-1 for lot 2, Approved at the City Commission meeting of July 24,2023. Zoning Ordinance: Article V. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Must comply with City's Access Management Policy. Any abandonments must be done by separate process, not by plat.

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

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

- e) **Sharpless Square, 3501 Auburn Avenue, Moon City Endevors, LLC (SUB2023-0083) (PRELIMINARY) RDE**

Mr. Kaveh Forghanparast stated Auburn Avenue (5 Mile Line): Dedication as required for 60 ft. from centerline for 120 ft. total ROW Paving: 65 ft. to 85 ft. Curb & gutter: both sides Revisions needed: Clarify/revise the centerline which does not follow the ROW curve line on the east side, prior to final. If 120 ft. is the "existing ROW", add the wording to the label, prior to final. Reference the document number on the plat for the existing ROW and provide a copy for staff review prior to final. Clarify and submit document for the existing 10 ft. U.E. overlapping the ROW. Any abandonment must be done by separate instrument and referenced on the plat prior to recording. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. COM Thoroughfare Plan. N. Ware Road: Dedication as required for 75 ft. from centerline for 150 ft. total ROW Paving: By the States Curb & gutter: By the State Revisions needed: Add "N." before the name of the street to be read as "N. Ware Road", prior to final. If 130 ft. is the "existing ROW", add the wording to the label, prior to final. Show and label the total existing ROW and ROW on both sides of the centerline adjacent to the subdivision boundary, to finalize dedication requirement prior to final. Reference the document number on the plat for the existing ROW, adjacent to the subdivision boundary, and provide a copy for staff review prior to final. Show and label ROW from centerline and total ROW after dedication to determine compliance with ROW requirement, prior to final. Clarify and submit document for the existing 10 ft. U.E. overlapping the ROW. Any abandonment must be done by separate instrument and referenced on the plat prior to recording. Some recorded plats in the area show 130.35 ft. for the existing ROW instead of 130 ft. Verify and clarify prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. 1,200 ft. Block Length. Subdivision Ordinance: Section 134-118. ROW: 20 ft. Paving: 16 ft. *Alley/service

drive easement required for commercial properties. Proposing (Plat note #9): A Private service drive easement will be established as part of the site plan and will be maintained by Lot owner and not the City of McAllen. Clarify if the proposed access easement will be also/shared as a service drive easement prior to final. Subdivision Ordinance: Section 134-106. Auburn Avenue/N. Ware Road: In accordance with the Zoning Ordinance, or greater for approved site plan, easement, or in line with the existing, whichever is greater applies. Clarify/Revise plat note #2 as shown above prior to final. Proposed: Auburn Avenue: 45 ft. or greater for easements or approved site plan; or in line with existing structures. Zoning Ordinance: Section 138-356. Rear: In accordance with the Zoning Ordinance or greater for easements or approved site plan. Revised plat note #2 as shown above prior to final. Proposed: In accordance with the Zoning Ordinance or greater for easements or approved site plan. 5 ft. setback from alley/service drive required. Zoning Ordinance: Section 138-356. Interior Sides: In accordance with the Zoning Ordinance or greater for easements or approved site plan. Clarify/Add "Interior" to the setback note prior to final. Proposed: Sides: In accordance with the Zoning Ordinance or greater for easements or approved site plan. Zoning Ordinance: Section 138-356. Corner: Refer to the front setback note requirement. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on N. Ware Road and Auburn Avenue. Add a plat note as shown above prior to final. Engineering Department may require 5 ft. sidewalk. Finalize prior to final. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. Add a plat note as shown above prior to final. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Add a plat note as shown above prior to final. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. Required. No curb cut, access, or lot frontage permitted along N. Ware Road. Add a plat note as shown above prior to final, as per Traffic Department requirement. Submit a site plan to clarify how the 25 ft. common access easement on Lots 2 & 3 along Auburn Avenue complies with landscape strip requirement along the front, prior to final. Revise prior to final. Clarify if Lot 1 will share access easement with Lots 2 & 3 and extends it to Lot 1 if applicable, prior to final. Must comply with City Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Common Areas, any private streets/drives, etc. must be maintained by the lot owners and not the City of McAllen. Add a plat note as shown above prior to final. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: C-3L Proposed: C-3L. Zoning Ordinance: Article V. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Use a darker/bold line to show the original subdivision boundary prior to final. Use a lighter line for contour lines prior to final. Show the legal description of all adjacent properties on all sides prior to final, including north side of Auburn Ave. and west side of N. Ware Rd. Use a dashed line for any easement including the access easement prior to final. Signature blocks must comply with Sec. 134-61 of the Subdivision ordinance. Must comply with City's Access Management Policy.

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

Being no discussion, Mr. Emilio Santos Jr. moved to approve in preliminary form subject to conditions noted, drainage and utilities approvals. Ms. Erica De la Garza seconded the motion,

which was approved with four members present and voting.

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

Mr. Kaveh Forghanparast stated N. Bicentennial Blvd: Dedication required for 75 ft. from centerline for 150 ft. total ROW Paving: 65 ft.-105 ft. Curb & gutter: both sides Revisions needed: Add "N." to the label for N. Bicentennial Blvd. on plat prior to final. Show and label centerline prior to final to establish ROW dedication requirement prior to final. Show and label, centerline, total existing ROW, and ROW on both sides of the centerline to determine if any ROW dedication is required prior to final. Include the Document number for the existing ROW on the plat and provide a copy for staff review prior to final. All ROW requirements must be finalized prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. Northgate Lane: Dedication required for 35 ft. from centerline for 70 ft. total ROW Paving: 44 ft. Curb & gutter: both sides. Revisions needed: If 35 ft. is the existing ROW, label it accordingly prior to final. Include the Document number for the existing ROW on the plat and provide a copy for staff review prior to final. Additional ROW dedication requirement will be determined based on the existing ROW prior to final. All ROW requirements must be finalized prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. Frontera Rd.: Dedication required for 40 ft. from centerline for 80 ft. total ROW Paving: 52 ft. Curb & gutter: both sides Revisions needed: Include the Document number for the existing ROW on the plat and provide a copy for staff review prior to final. Clarify/remove the dashed line where the existing 40 ft. ROW merges to existing 60 ft. ROW on the southwest side of the subdivision, prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. COM Thoroughfare Plan. N. Main Street: Dedication required for 30 ft. from centerline for 60 ft. ROW Paving: min. 40 ft. Curb & gutter: both sides Revisions needed: Add "N." to the label for N. Bicentennial Blvd. on plat prior to final. Include the Document number for the existing ROW on the plat and provide a copy for staff review prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. COM Thoroughfare Plan. Paving: 32 ft. Curb & gutter: both sides Revisions needed: Submit gate details prior to final. Additional ROW may be required at entrance area prior to final. The proposed location of interior street must be approved by the Traffic Department prior to final, since it is too close to the intersection. The ROW for interior street is proposed to be adjacent to N. Bicentennial ROW. Clarify/revise the plat, since Internal street cannot have curb cut along N. Bicentennial and the buffer may not be placed on the ROW. Lot A may need to extend all the way south to Lot 3. Provide ROW width dimension for internal street prior to final. Cul-de-Sac length is more than 600 ft. Revise to show compliance. If a variance to Cul-de-Sac length is requested and approved, the paving requirement will increase to 40 ft. Submit paving layout for Cul-de-Sac to show compliance with 96 ft. of paving and 10 ft. ROW around the curb prior to final. Street name proposed to be Barton Drive. Street name will be assigned by staff prior to final. An approved variance will be required if another name is requested. Clarify prior to final. Add "(private subdivision)" after the name of the street prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. 1,200 ft. Block Length. Revise the plat to comply with block length requirement. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac Revisions needed: Subdivision layout does not comply with cul-de-sac requirement, please revise accordingly prior to final as internal street exceeds the maximum 600 ft. No connection to N. Bicentennial Blvd. is allowed - If variance is requested to exceed 600 ft. length requirement for cul-de-sac, paving width of street must increase to 40 ft. **Subdivision Ordinance: Section 134-105. Front: 25 ft. or greater

for easements. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Interior Sides: 6 ft. or greater for easements. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements. Lot A as shown on plat is a corner lot on both N. Bicentennial Blvd. and N/S internal street. Clarify the use prior to final. A plat note may be needed for Lots A and B or note #16 may need to be revised to include Lot B. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required, greater setback applies Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required along N. Bicentennial Blvd., Frontera Rd., Northgate Lane, N. Main St., and both sides of internal streets. 5 ft. sidewalk may be required by Engineering Department. Finalize prior to final. Plat note #9 will need to be revised as shown above, and once sidewalk requirements are finalized. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along N. Bicentennial Boulevard, Frontera Road, and Northgate Lane. Revise plat note #10 as shown above prior to final. Other buffers may be required prior to final. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along N. Bicentennial Blvd., Northgate Ln., and Frontera Rd. Revise plat note #12 as shown above prior to final. Must comply with City Access Management Policy. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Add a plat note as shown above prior to final. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Submit the HOA document for staff review prior to recording. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Lots fronting public/private streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Clarify Lot 3 area prior to final. Zoning Ordinance: Section 138-356. Existing: R-1 Proposed: R-1. The project engineer must verify if all lots are zoned residential. Based on the submitted plat boundary, a small portion on the east side of Lots B, 1, and 2 and the northeast side of Lot 3 seem to be A-O District. Zoning Ordinance: Article V Required. Rezoning Needed Before Final Approval. The project engineer must verify if all lots are zoned residential. Based on the submitted plat boundary, a small portion on the east side of Lots B, 1, and 2 and the northeast side of Lot 3 seem to be A-O District. Zoning Ordinance: Article V. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Based on 4 residential lots, a Park Fee of \$2,800 based on \$700 per dwelling to be paid prior to recording. Clarify the use of Lots A & B, prior to final. Total amount of park fees is subject to change if amount of proposed lots or dwelling units change. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Remove the irrigation line from the plat prior to final. Clarified the claimed easements on the plat or reference the document number prior to final. Use a lighter shade for original lot lines of Ebony Heights Citrus Grove Subdivision since it is being confused with the proposed subdivision lot lines. Add contour lines on the plat inside the subdivision boundary prior to final. Use a light shade to avoid confusion. Submit gate details to determine if additional ROW will be required at entrance prior to final. Must comply with City's Access Management Policy. Show the legal description of all adjacent lots on all sides, including the west

side of N. Bicentennial Blvd., south side of Frontera Rd., east side of N. Main St., and north side of Northgate Lane. Clarify note #16 prior to final. The note might be required to be revised or removed prior to final/recording. Please verify that signature blocks wording complies with Sec. 134-61 of the subdivision ordinance. The owner's signature block is required to be revised prior to recording based on the private subdivision and surrounding public streets. Clarify lot area for lot 3 prior to final. Any abandonment must be done by separate instrument and referenced on the plat. An expired subdivision application with the same name for this property was on file and was verbally requested to be withdrawn by the previous engineer. A written withdrawal request is needed prior to final. Must comply with City's Access Management Policy.

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

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

g) **Bright Woods Subdivision, 2700 Sprague Road, Star Trail Holdings, LLC, (SUB2023-0084) (PRELIMINARY) S2E**

Mr. Kaveh Forghanparast stated Sprague Road: Dedication as required for 40 ft. from center line for 80ft. total ROW Paving: 52 ft. Curb & gutter: both sides Revisions needed: Show and label centerline to establish ROW dedication requirement prior to final. Show and label the total existing ROW and ROW on both sides of centerline to finalize the ROW dedication requirements prior to final. Show the document number on the plat for the existing ROW and provide a copy for staff review prior to final. All ROW requirements must be finalized prior to final approval. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. COM Thoroughfare Plan. E/W Quarter Mile Collector (north boundary): dedication required for 60 ft. total ROW Paving: 40 ft. Curb & gutter: both sides Revisions needed: Show ROW dedication for an E/W quarter mile collector on the north side prior to final. Clarify if the E/W interior street is proposed in lieu of the northern boundary prior to final. If so, a temporary stub out to be extended to the west will be reviewed by staff prior to final. Submit a vicinity map showing the distance between the E/W interior street centerline and Guadalupe Ave. centerline to review the temporary stub out prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. COM Thoroughfare Plan. Interior Streets: Dedication as required for 60 ft. total ROW Paving: 40 ft. Curb & gutter: both sides Revisions needed: Clarify if the subdivision is proposed to be public or private and submit gate details if proposed to be private to verify compliance. Submit paving layout for the Cul-de-Sac to verify compliance with 96 ft. of paving face to face and 10 ft. additional ROW around the curb prior to final. A temporary turnaround at the east end of street fronting Lots 33 to 36 will be required on the plat, if layout remains as shown. Money must be escrowed prior to recording to remove the turnaround when the street is extended to the east, if layout remains as shown. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. COM Thoroughfare Plan. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. 1,200 ft. Block Length. Submit a revised layout to comply with block length requirement. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac. Subdivision Ordinance: Section 134-105. ROW: 20 ft. Paving: 16 ft. Revise the plat to show alley/service drive easement prior to final. Alley/service drive easement required for commercial and multifamily properties. Subdivision Ordinance: Section 134-106. Front: 20 ft. or

greater for easements or approved site plan. Add a setback note as shown above prior to final. Revise the plat/clarify the front side of Lots 38, 44, 45, 51, 52, and 58 to finalize the setback requirement prior to final. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements or approved site plan. Add a setback note as shown above prior to final. Zoning Ordinance: Section 138-356. Interior Sides: 6 ft. or greater for easements or approved site plan. Add a setback note as shown above prior to final. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements or site plan. Add a setback note as shown above prior to final. Revise the plat/clarify the corner side of Lots 38, 44, 45, 51, 52, and 58 to finalize the setback requirement prior to final. Zoning Ordinance: Section 138-356 Non-compliance. Garage: 18 ft. except wherever greater setback is required, greater setback applies. Add a setback note as shown above, prior to final. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on Frontera Road, both sides of all interior streets, and along quarter mile collector. Finalize the quarter mile collector requirement to finalize the sidewalk note requirement prior to final. Engineering Department may require 5 ft. sidewalk prior to final. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses, Frontera Road, and quarter mile collector. A plat note for the buffer is required and will be finalized once the quarter mile collector is finalized prior to final. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Add a plat note as shown above prior to final. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along Frontera Road, and quarter mile collector. A plat note for the curb cut is required and will be finalized once the quarter mile collector is finalized prior to final. Finalize the quarter mile collector requirement to finalize the note requirement prior to final. Must comply with City Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance for any lots with more than 4 dwelling units. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Clarify if the subdivision is public or private. If the subdivision is private, add a plat note as shown above prior to final. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies if public subdivision is proposed. Clarify if the subdivision is public or private to finalize the respective Section of the ordinance. After the Section is finalized, a plat note will be required. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. A plat note to cross-reference the HOA document number is needed on the plat prior to final. Submit the HOA document for staff review prior to recording. Section 110-72 applies if private subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Lots fronting public/private streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. The minimum lot width requirement is 50 ft. Some lots have a frontage less than 50 ft. Verify and correct prior to final. Revise the plat/clarify the front side of Lots 38, 44, 45, 51, 52, and 58 to finalize the setback requirement prior to final. Based on the application, the development is proposed for a duplex on each lots. As per the ordinance, the minimum lot size for a duplex is 5,600 SF. Some lots do not show the area and some are less than the minimum requirement. Revise prior to final. Number of lots and density around the Cul-de-Sac created lots that may not comply with requirements including frontage, parking, landscaping, etc. Revise the plat to reduce the number of lots to comply with requirements or submit site plan for all

lots around the Cul-de-Sac showing compliance will all City requirements prior to final. Zoning Ordinance: Section 138-356. Existing: R-3A Proposed: R-3A. Zoning Ordinance: Article V. An annexation and initial zoning to R-3A was approved by the City Commission on March 28, 2023. Land dedication in lieu of fee. Based on the application submitted on August 8, 2023, 99 lots are proposed for a duplex on each lot. Based on total of 198 dwelling units, 3.1482 acres of park land dedication is required prior to recording. If the number of dwelling units changes prior to recording, additional park land dedication might be required. Park Fee of \$700 per dwelling unit to be paid prior to recording (if requested by the applicant and approved by City Manager's Office). Based on the application submitted on August 8, 2023, 99 lots are proposed for a duplex on each lot. Based on total of 198 dwelling units, 3.1482 acres of park land dedication is required prior to recording. If the number of dwelling units changes prior to recording, additional park land dedication might be required. If park fee in lieu of land dedication is needed, a request must be submitted and approved by the City Manager's Office. (Based on 198 dwelling units, \$138,600 will be required). Review and approval by the City Manager's Office is required, if paying park fee in lieu of park land dedication is requested by the applicant. Based on the application submitted on August 8, 2023, 99 lots are proposed for a duplex on each lot. Based on total of 198 dwelling units, 3.1482 acres of park land dedication is required prior to recording. If the number of dwelling units changes prior to recording, additional park land dedication might be required. If park fee in lieu of land dedication is needed, a request must be submitted and approved by the City Manager's Office. (Based on 198 dwelling units, \$138,600 will be required). As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Use a bold line for the original subdivision boundary prior to final. Clarify the discrepancy between the south side bearing of the subdivision and the survey prior to final. Label the common lots (e.g. Lot A, Lot B, etc.) and add a plat note to clarify prior to final. A break point between C14 and the west side of the lot is missing. Please verify all break points and revise plat as necessary prior to final. Number of lots and density around the Cul-de-Sac created lots that may not comply with requirements including frontage, parking, landscaping, etc. Revise the plat to reduce the number of lots to comply with requirements or submit site plan for all lots around the Cul-de-Sac showing compliance will all City requirements prior to final. Some lots dimensions and information are overlapped with other texts, please revise prior to final. Clarify the note read as "To Hidalgo County Irrigation District No. 1 Vol 24 Pages 168-171 Doc. 2880111" provide a copy for staff review and clarify the overlap on a "proposed 20 ft. easement to Hidalgo Country Irrigation District No 1". Any abandonment must be done by separate instrument and referenced on the plat prior to final/recording. Signature blocks complying with Sec. 134-61 of the subdivision ordinance is required prior to final. Legal description of all adjacent lots on all sides are required prior to final. Must comply with City's Access Management Policy.

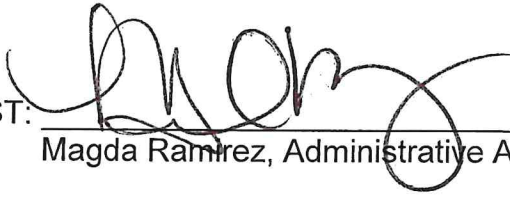
Staff recommends approval of the subdivision in preliminary form, subject to the conditions noted, drainage, and utilities approval.

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


ADJOURNMENT:

There being no further business to come before the Planning & Zoning Commission, Mr. Emilio Santos Jr. adjourned the meeting at 3:59p.m. with Mr. Jesse Ozuna seconding the motion with four members present and voting.

ATTEST:



Magda Ramirez, Administrative Assistant



Vice Chairperson Gabriel Kamel