

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF McALLEN

The McAllen Planning and Zoning Commission convened in a Regular Meeting on Tuesday February 6, 2024, at 3:30p.m. at the McAllen City Hall, 3rd Floor Commission Chambers Room, 1300 Houston Avenue, McAllen, Texas.

Present:	Michael Fallek	Chairperson
	Gabriel Kamel	Vice Chairperson
	Jose Saldana	Member
	Emilio Santos Jr.	Member
	Jesse Ozuna	Member
Absent:	Marco Suarez	Member
	Reza Badiozzamani	Member
Staff Present:	Austin Stevenson	City Attorney
	Michelle Rivera	Assistant City Manager
	Edgar Garcia	Planning Director
	Omar Sotelo	Development Coordinator
	Rodrigo Sanchez	Senior Planner
	Mario Escamilla	Planner III
	Kaveh Forghanparast	Planner III
	Samuel Nunez	Planner II
	Adriana Solis	Planner II
	Eduardo Garza	Planner II
	Hilda Tovar	Planner II
	Samantha Trevino	Planner I
	Jacob Salazar	Planner Technician II
	Juan Gloria	Fire Chief
Vince Abrigo	Fire Captain Admin	
Magda Ramirez	Administrative Assistant	

CALL TO ORDER – Chairperson Mr. Michael Fallek

PLEDGE OF ALLEGIANCE

INVOCATION-. Mr. Emilio Santos Jr.

1) MINUTES:

- a) Approval/Disapproval of minutes from the January 24, 2024 meeting.

The minutes for the regular meeting held on January 24, 2024 were not presented to the board. No action was required.

2) PUBLIC HEARING:

a) **CONDITIONAL USE PERMITS:**

- 1) Request of South Texas Development and Construction on behalf of Armando Rios, for a Conditional Use Permit, for one year, for a portable

food concession stand with a kitchen addition, at E96.53' N127.55'- Lot 1, Alta Loma Subdivision, Hidalgo County, Texas; 2309 Galveston Avenue. (CUP2024-0003)

Ms. Samantha Trevino stated that the property is located on the south side of Galveston Avenue, west of South 23rd Street and is zoned C-3 (General Business) District.

The initial Conditional Use Permit was submitted August 22, 2023 for a portable food concession stand. A new application was January 10, 2024 for a portable food concession stand with a kitchen addition.

The Fire and Health Departments have conducted their inspections and determined the Conditional Use Permit process may continue. 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 of the Zoning Ordinance and specific requirements as follows:

Section 138-118(3) of the Zoning Ordinance as follows:

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

There have been no phone calls, emails, or letters in oppositions to the Conditional Use Permit request.

Staff recommends approval of the Request for one year, subject to compliance with requirements from Section 138-118 (a)(9) of the Zoning Ordinance, Building permits, Health and Fire Department requirements.

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

Being no discussion, Mr. Jose Saldana moved to approve with Vice Chairperson Mr. Gabriel Kamel second the motion with five members present and voting.

- 2) Request of Jorge A. Gonzalez, for a Conditional Use Permit, for one year, and adoption of an ordinance for a bar/cigar shop, at Lot 2-A, Valram Heights Subdivision, Hidalgo County, Texas, 2801 West Expressway 83, Bldg 200, Suites 280-290. (CUP2024-0002).

Ms. Hilda Tovar stated that the property is located at the southeast corner of South 29th Street and U.S. Expressway 83 and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, east and west and R-1 (single family residential) District to the south. There is C-4 (commercial industrial) District to the southwest. Surrounding land uses include commercial businesses, restaurants, single family residences, and vacant land. A bar is permitted in a C-3 District with a Conditional Use Permit and in compliance with requirements.

The applicant is proposing to continue to operate a retail store for Cigars & Luxury Goods and a lounge (Elephant Bar and Cigar Lounge) out of an approximately 2,950 sq. ft. lease area, from an existing multi-tenant commercial building by the name of Kamila Plaza. The proposed days and hours of operation are Monday through Saturday from 12:00 p.m. to 2:00 a.m. There was a conditional use permit for IL Regalo Preferito approved initially on January 12, 2015. The establishment changed its name to Elephant Bar and Cigar Lounge in 2017.

The previous Conditional Use permit was submitted on January 2023. At the Planning and Zoning meeting of February 21, 2023, the Board recommended disapproval of the request with favorable recommendation. Later, at the City Commission meeting of March 13, 2023, the request was approved with a variance to the distance requirement.

The Health Department has inspected the building and found it to be in compliance; Fire Department conducted their inspection and found it to also be in compliance. 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 bar must also comply with requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of the abovementioned 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 feet of a residential zone.
- 2) 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 bar has access to U.S. Expressway 83 and South 29th Street and does not generate traffic into residential areas.

- 3) 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. The 2,950 sq. ft. combined retail and lounge area requires a total of 16 parking spaces.
- 4) 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;
- 5) 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;
- 6) The abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- 7) 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 and Inspections Department as part of the building permit review process.

If approval is granted, the establishment must comply with all other Zoning ordinances, Building Code, and Fire Department requirements.

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 Planning Department has received no calls or concerns regarding the proposed use.

Staff recommends disapproval of the request based on non-compliance with requirement listed above as #1 (distance to a residence or a residentially zoned property) of Section 138-118(a)(4) of the Zoning Ordinance. If approved, the Conditional Use Permit must comply with conditions noted.

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

Being no discussion, Vice Chairperson Mr. Gabriel Kamel moved to disapprove with a favorable recommendation. Mr. Jose Saldana seconded the motion, which was disapproved with favorable recommendation with five members present and voting.

- 3) Request of Rodolfo Flores III, for a Conditional Use Permit, for one year, and adoption of an ordinance for a smoke shop, at Lots 1, 2 & 3, Falcon Addition Subdivision, Hidalgo County, Texas, 821 North 23rd Street, Suite 160. **(CUP2024-0004)**

Ms. Hilda Tovar stated that the subject property is located at the southwest corner of North 23rd Street and Ivy Avenue. The proposed smoke shop will be located within a commercial plaza under the name of Serenity Suites at Midtown. The subject property is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions except to the north which is R-3A (multifamily residential apartments) District.

Smoke and vape shops are allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.

The applicant is proposing to operate a retail vape and smoke shop, in a 1,228 sq. ft. suite, which is part of a multi-tenant commercial building by the name of Serenity Suites at Midtown. The proposed hours of operation are 11:00 a.m. – 12:00 a.m. Monday through Saturday and 12:00p.m. – 6:00p.m. on Sunday. Previously, the subject property was operating as a beauty salon. The commercial plaza is currently being used by other tenants as an event center, beauty salon other commercial uses.

The Fire Department has completed the inspection for the proposed business and the inspection was satisfactory. 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 abovementioned 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 feet of a residential district or user.
- 2) 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 subject property has frontage along North 23rd Street.
- 3) 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. The business will require six parking spaces.
- 4) 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;

- 5) 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;
- 6) The abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- 7) 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 and Inspections Department as part of the building permit review process.

If approval is granted, the establishment must comply with all other Zoning ordinances, Building Code, and Fire Department requirements.

The Planning Department has received no calls or concerns regarding the proposed use.

Staff recommends disapproval of the request based on non-compliance with requirement listed above as #1 (distance to a residence or a residentially zoned property) of Section 138-118(a)(4) of the Zoning Ordinance. If approved, the Conditional Use Permit must comply with conditions noted.

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

Being no discussion, Vice Chairperson Mr. Gabriel Kamel moved to disapprove with favorable recommendation. Mr. Jose Saldana seconded the motion, which was disapproved with five members present and voting.

- 4) Request of Mario Gamas on behalf of Iglesia Gente Con Proposito, for a Conditional Use Permit, for one year, for an Institutional Use (church) at Lot 7, Shasta Commercial Plaza Phase II Subdivision, Hidalgo County, Texas; 2509 Buddy Owens Boulevard. (CUP2024-0001)

Ms. Adriana Solis stated that the subject property is located along the south side of Buddy Owens Boulevard and east of North 25th Lane. The property is zoned C-3 (general business) District. The adjacent zoning is R-3A (multifamily residential apartments) District to the south, C-1 (office building) District to the north, C-3 District to the west and east of the subject property. Surrounding land uses include residential homes, apartments, and commercial plazas. An Institutional Use is permitted in a C-3 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 January 2, 2024.

There is an existing 2,340 sq. ft. suite building within a commercial plaza for this subject property. The applicant is proposing to operate a church with a main sanctuary area, a room for infants and two areas that will be used as classrooms for the youth of different age groups. The proposed days and hours of the services of the church will be on Sunday until 11:00 PM and Wednesday until 7:30 PM. Based on the 75 seats proposed in the sanctuary area, 19 parking spaces are required; 283 parking spaces are provided on site.

The Health Department has completed the inspection and approved to continue with the CUP process, a Fire Inspection is still pending. 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 business has frontage on Buddy Owens Boulevard with access onto North 23rd 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 seating area of 75 seats in the sanctuary, 19 parking spaces are required; 283 parking spaces are provided 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 numbers of persons within the building shall be restricted to the existing seating capacity for the building.
- 7) Sides adjacent to commercially and residentially zoned or used properties shall be screened by a 6 ft. opaque fence.

If approval is granted to this request, the applicant must still comply with all other Zoning Ordinance and Building Code requirements that will be requested during the building permit process.

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

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

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

Being no discussion, Mr. Jesse Ozuna moved to approve. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and four voting and one member, Vice Chairperson Mr. Gabriel Kamel abstainin.

b) REZONING:

- 1) Rezone from R-1 (single family residential) District to R-3C (multifamily residential condominiums) District: 7.207 acres out of Lot 2, Block 9, A.J. McColl Subdivision, Hidalgo County, Texas; 3908 South Jackson Road, Unit D. **(REZ2023-0064)**

Ms. Adriana Solis stated that the subject property is located along the west side of South Jackson Road, north of East Orangewood Drive and consists of 7.207 acres.

The applicant is proposing to rezone the property to R-3C (multifamily residential condominiums) District in order to construct condominiums. A feasibility plan has not been submitted at this time.

The adjacent zoning is R-1 (single-family residential) District in all directions and R-3T (multifamily residential townhouses) District to the southeast. The area to the east across South Jackson Road is in the Pharr city limits.

The subject property is currently vacant. Surrounding land uses include multifamily residences such as proposed townhomes and single family residential uses.

The Envision McAllen Future Land Use Plan categorizes the future land use for this property as Complete Communities. Single-family residences, multifamily residences such as townhome and mixed-use neighborhood-scale such as diverse housing options.

The development trend along South Jackson Road is single-family residential uses as well as commercial uses and multifamily residential uses.

The requested zoning does conform to the Complete Communities use designation as indicated on the Envision McAllen Future Land Use Plan.

A recorded subdivision plat will be required prior to building permit issuance. An approved site plan may also be required prior to building permit issuance should a condominium dwelling complex of five units or more be proposed for individual lots. Compliance with off-street parking, landscaping, and various building and fire codes are required as part of the building permitting process.

The number of condominium units likely to be constructed would be limited based on parking and landscaping requirements.

Staff did receive a phone call in opposition to the zoning request.

Staff recommends approval of the rezoning request to R-3C (multifamily residential condominiums) District since the zoning does conform to the Envision McAllen Future Land Use Plan.

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

Citizen Ms. Sheryl Hamer (3820 S. Jackson Rd.), stated she is in the process of building a single residence adjacent to the stated property (6.3 Acres) and worth \$485,000.00. She is concerned with noise, pollution, traffic and ascetics of the property. She is also concerned the value of the property will decrease.

Citizen Mr. Andrew You (824 E. Balboa Ave-President of the homeowners association) stated he had a petition with 58 homeowners signatures that are in opposition to the request. Reasons being: traffic and road design.

Un named citizen stated her concerns were safety and quality of life, traffic.

Citizen Pat Smith (resides on the north side of 3908 S. Jackson) stated her concers are decrease of value, property value, traffic and privacy.

Applicant Mr. Mario Reyna requested the item be tabled.

After a lengthy discussion, Vice Chairperson Mr. Gabriel Kamel moved to table the rezoning request. Mr. Marco Suarez seconded the motion, which was tabled with five members present and voting.

3)SITE PLAN:

- a) Site plan approval for Lot 1A, Palmridge Park Lot 1A Subdivision, Hidalgo County, Texas; 2100 South McColl Road. (SPR2023-0037)

Mr. Samuel Nunez stated that the subject property is located between South McColl Road and South "D" Street. The property is zoned C-3 (general business) District. Adjacent properties are zoned C-3 District in all directions. Surrounding land uses include commercial retail and office uses.

The applicant is proposing to construct a 3-story building with a total area of 110,064.83 square feet. This building will be used as a self-storage facility for individually rented units.

Access to the site is from South McColl Road. No alley exists or is proposed.

A minimum of 3 parking spaces are required for self-storage facilities with 1 additional parking space for every 250 square feet of office area. 5 parking spaces are required and 1 of the proposed regular parking spaces must be accessible for van accessibility with an 8-foot-wide aisle. The applicant is meeting parking requirements for the new development.

8,467 square feet of green area is required for the new development and 18,980 square feet is proposed. The tree requirement is as follows: 23 two-and-a half-inch-caliper trees, 12 four-inch caliper trees, 6 six-inch caliper trees, or 9 palm trees with 14 two-and-a-half-inch-caliper trees. A minimum 10 feet wide landscaped strip is required inside the front property line. Fifty percent of the required green area for the

new development must be visible from the street or front property line, and each parking space must be within 100 feet of a landscaped area with a tree. Finally, a 6-foot buffer is required around dumpsters/compactors if visible from the street. The applicant is meeting landscaping requirements for green area and trees.

There is a 50-foot front yard setback along South McColl Road, a 30-foot rear yard setback along South "D" Street, and side yard setbacks are at 21 feet. No structures or roof overhangs are permitted over any easements. The new development will be complying with all required setbacks for the property.

A 5-foot-wide minimum sidewalk is required along South McColl Road and South "D" Street.

The Building Permit Site Plan must comply with the required conditions noted on the Development Team Review sheet.

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

Being no discussion, Vice Chairperson Mr. Gabriel Kamel moved to approve the site plan. Mr. Jose Saldana seconded the motion which was approved by five members present and voting.

- b) Site plan approval for Lot 2, La Vista Commerce Subdivision, Hidalgo County, Texas; 2301 North 23rd Street. (SPR2023-0046).

Mr. Eduardo Garza stated that the subject property is located along the west side of North 23rd Street, approximately 150 feet south of La Vista Avenue. The property is zoned C-3 (general business) District. Adjacent properties are zoned C-3 (general business) District to the north and south, R-1 (single-family residential) District to the east across North 23rd Street, and R-3A (multifamily residential apartment) District to the west. Surrounding land uses include McAllen High School, commercial retail, and apartments.

The applicant is proposing to construct a 9,289 square-foot building to operate as a retail plaza with one restaurant.

Access to the site is from North 23rd Street and an alley to the south of the property.

Based on the 7,776 square feet of retail area and 1,513 square feet of restaurant use, 35 parking spaces are required and 35 parking spaces are proposed. One of the proposed regular parking spaces must be accessible for van accessibility with an 8-foot-wide aisle. The applicant is meeting parking requirements for the new development.

2,830.8 square feet of green area is required for the new development and 5,378 square feet is proposed. The tree requirement is as follows: 12 two-and-a-half-inch-caliper trees, 6 four-inch caliper trees, 3 six-inch caliper trees, or 5 palm trees with 10 two-and-a-half-inch-caliper trees. A minimum 10 feet wide landscaped strip is required inside the front property line. Fifty percent of the required green area for the new development must be visible from the street or front property line, and each parking space must be within 100 feet of a landscaped area with a tree. Finally, a 6-foot buffer is required around dumpsters/compactors if visible from the street. The applicant is meeting landscaping requirements for green area and trees.

There is a 50-foot front yard setback along North 23rd Street and other setbacks are in accordance with Zoning Ordinance, easements, or approved site plan, whichever is greater. No structures or roof overhangs are permitted over any easements. The new development will be complying with all required setbacks for the property.

A 4-foot-wide minimum sidewalk is required along North 23rd Street.

The Building Permit Site Plan must comply with the required conditions noted on the Development Team Review sheet.

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

After a brief discussion, Vice Chairperson Mr. Gabriel Kamel moved to approve the site plan. Mr. Jose Saldana seconded the motion which was approved by five members present and voting.

4) CONSENT:

- a) Parke at Nolana Subdivision, 3200 Nolana Avenue, Corporate Asset Partners, LLC (SUB2023-0024) (FINAL) M&H
- b) Mayberry Hills Subdivision, 10400 North Mayberry Road, 22 Real Estate, LLC (SUB2024-0003) (FINAL) MAS

Being no discussion, Mr. Jose Ozuna moved to approve item 4a and 4b in consent form. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

5) SUBDIVAIONS:

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

Mr. Mario Escamilla stated North Ware Road: 75 ft. from centerline for 150 ft. of total ROW Paving: by the state Curb & gutter: by the state Revisions Needed: Show document # on plat for the common access easement connecting to North Ware Road and provide a copy of the document for staff review, prior to recording. Provide Wisteria Avenue across North Ware Road with dimensions from centerline to centerline of proposed Common Access Easement to verify compliance with offset requirements, prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. North 34th Street: Dedication as needed for 60 ft. Total ROW. Paving: 40 ft. Curb & gutter: Both sides Revisions Needed: Subdivision layout must provide for street extension and must match existing ROW and Pavement to the North and South, please review and revise accordingly prior to final. Should a alternate layout be proposed and a variance is submitted and approved it would be subject to providing required Cul-De Sac's at the North and South ends of the existing streets within this plat boundary. Engineer submitted a variance request on January 5th, 2024 requesting to not extend the future N.34th Street and proposing to build a cul-de-sac within the existing ROW's of the adjacent subdivisions to the North and South. Subdivision proposed Interior dedication is 30 ft. of ROW, ROW must be revised to provide for minimum ROW requirements as noted above, review and revise as applicable prior to final. Engineer submitted a variance request on January 5th,2024 requesting that the internal ROW's be reduced to 30 ft. instead

of the required 60 ft., as well as requesting that the internal paving be reduced to 30 ft. instead of the required 40 ft. and proposing to add a 10 ft. Utility and Sidewalk Easement on both sides of the internal streets with fire lane parking prohibited striping, which will be enforced by the HOA. If subdivision is proposed to be private as gate details are required and ROW are subject to increase for gate areas, finalize prior to final and submit gate details as applicable. Engineer must clarify if subdivision is proposed to be public or private, as it may trigger changes to ROW requirements and subdivision layout may have to be revised, clarify prior to final. As per updated plat submitted on December 5th, 2023 subdivision proposed to be private. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Entrance Street Proposed Wisteria Avenue: Dedication as needed for 60 ft. Total ROW. Paving: 40 ft. Curb & gutter: Both sides Revisions Needed: Interior street names will be established, prior to final. Provide Wisteria Avenue across North Ware Road with dimensions from centerline to centerline of proposed Common Access Easement to verify compliance with offset requirements, prior to final**. Engineer submitted a variance request on January 5th, 2024 for the Street jog requirements to allow a offset of 10 ft., the engineer has stated that their is a median along North Ware Road that would eliminate left turn conflicts. Subdivision proposed Interior dedication is 50ft. of ROW, ROW must be revised to provide for minimum ROW requirements as noted above and may increase for gate areas, review and revise as applicable prior to final. Engineer submitted a variance request on January 5th, 2024 requesting that the internal ROW's be reduced to 30 ft. instead of the required 60 ft., as well as requesting that the internal paving be reduced to 30 ft. instead of the required 40 ft. and proposing to add a 10 ft. Utility and Sidewalk Easement on both sides of the internal streets with fire lane parking prohibited striping, which will be enforced by the HOA. Engineer must clarify if subdivision is proposed to be public or private, as it may trigger changes to ROW requirements and subdivision layout may have to be revised, clarify prior to final. As per updated plat submitted on December 5th, 2023 subdivision proposed to be private. If subdivision is proposed to be private as gate details are required and ROW are subject to increase for gate areas, finalize prior to final and submit gate details as applicable. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Interior Streets: Dedication as needed for 60 ft. Total ROW. Paving 40 ft. Curb & gutter: Both Sides. Revisions Needed: Interior street names will be established, prior to final. Subdivision proposed Interior dedication is 30 ft. of ROW with 30 ft. of paving, ROW/Pavement must be revised to provide for minimum ROW/Pavement requirements as noted above and may increase for gate areas, review and revise as applicable prior to final. Engineer submitted a variance request on January 5th, 2024 requesting that the internal ROW's be reduced to 30 ft. instead of the required 60 ft., as well as requesting that the internal paving be reduced to 30 ft. instead of the required 40 ft. and proposing to add a 10 ft. Utility and Sidewalk Easement on both sides of the internal streets with fire lane parking prohibited striping, which will be enforced by the HOA. Engineer must clarify if subdivision is proposed to be public or private, as it may trigger changes to ROW requirements and subdivision layout may have to be revised, clarify prior to final. As per updated plat submitted on December 5th, 2023 subdivision proposed to be private. Provide for "Cul-De Sac" at interior street ends as dead end streets are not allowed, revise as applicable prior to final. ROW at "Cul-De Sac" areas may have to be increased to comply with Fire Department requirements, finalize prior to final. As per Fire Department requirements, 96ft. of paving face-to face required, and 10 ft. of ROW back of curb around Cul-de-Sac required. If proposing to loop the streets in lieu of Cul-De-Sacs's, street layout must comply with minimum maneuverability requirements for Fire and Public Works Department in compliance with City Standards, as the easement shown on the south side of lots 1,12,13 and 24 does not meet requirements. Engineer submitted a variance request on January 5th, 2024 requesting to allow a 20.5 Emergency Access Easement that will function as a connection to N.34th, N.35th and N.36th Street with fire lane parking prohibited striping, which will be enforced by the HOA. If subdivision is proposed to be private as gate details are required and ROW are subject to

increase for gate areas, finalize prior to final and submit gate details as applicable. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. E/W Quarter Mile Collector (northern boundary): Dedication as needed for 60 ft. total ROW Paving: 40 ft. Curb & gutter: Both sides. Engineer submitted a variance request on January 5th, 2024 requesting to not dedicate or escrow for this future E/W collector. The engineer has indicated that the street would not be able to extend east or west as there are existing established developments around this subdivision. After review of the area, due to the developed surrounding properties, the E/W collector street along the northern boundary is not feasible. Street alignment, R.O.W, and dedication requirements being reviewed by staff and plat would need to be revised accordingly. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. 900 ft. Block Length for R-3 Zone Districts. Pending Items: Subdivision layout does not comply with block length requirement, please revise accordingly prior to final. If no changes please submit variance request for 900 ft. maximum block length requirement. Engineer submitted a variance application on January 5th, 2024, requesting a variance to the 900ft. Block Length requirement. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac. Revisions Needed: Engineer submitted a variance request on January 5th, 2024 requesting that ROW for cul-de-sacs be reduced to 100ft. from the required 116 ft. and proposes to maintain the 96 ft. of paving as per fire department requirements as well as dedicate a 10 ft. Utility and Sidewalk easement on both sides of all internal streets. Provide distance from proposed Wisteria Avenue ROW to the back of "Cul-De-Sacs" to verify compliance with 600 ft. block length requirements for Cul-de-Sacs, finalize prior to final. Provide for "Cul-De Sac" at interior street ends as dead end streets are not allowed, revise as applicable prior to final. ROW at "Cul-De Sac" areas may have to be increased to comply with Fire Department requirements, finalize prior to final. As per Fire Department requirements, 96 ft. of paving face-to-face required, and 10 ft. of ROW back of curb around Cul-de-Sac required. If proposing to loop the streets in lieu of Cul-De-Sacs's, street layout must comply with minimum maneuverability requirements for Fire and Public Works Department in compliance with City Standards, as the easement shown on the south side of lots 1, 12, 13 and 24 does not meet requirements. Subdivision layout does not comply with block length requirement, please revise accordingly prior to final. If no changes please submit variance request for 600 ft. maximum block length requirement. Provide "Cul-De Sac" details prior to final. Auto Turn Study may be required to verify compliance with maneuvering space needed at "Cul-De Sac", "Knuckle's", and curvatures, prior to final. Subdivision Ordinance: Section 134-105. ROW: 20 ft. Paving: 16 ft. Engineer submitted a variance application on January 5th, 2024 stating that the development is being processed with individual trash bins for each lot and one centralized locate in, engineer must continue to finalize collection requirements prior to final. Alley/service drive easement required for commercial and multi-family properties. Finalize alley/service drive requirements prior to final. Subdivision Ordinance: Section 134-106. Front: 10 ft. or greater for easements, whichever is greater applies. Revisions needed: Setback requirements will be established once CUP for Planned Unit Development has been finalized. Zoning Ordinance: Section 138-356 Non-compliance. Rear: In accordance with the zoning ordinance or greater for easements, whichever is greater applies. Revise the note as shown above prior to final. Setback requirements will be established once CUP for Planned Unit Development has been finalized. Zoning Ordinance: Section 138-356. Sides: In accordance with the zoning ordinance or greater for easements, whichever is greater applies. Revisions needed: Setback requirements will be established once CUP for Planned Unit Development has been finalized. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements, whichever is greater applies. Setback requirements will be established once CUP for Planned Unit Development has been finalized. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required, greater setback applies. Setback requirements will be established once CUP for Planned Unit Development has been finalized. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan.

4 ft. wide minimum sidewalk required along North Ware Road, and both sides of all interior streets. Revisions Needed: Finalize wording for note prior to final. Sidewalk requirements may increase to 5 ft. prior to final per Engineering Department requirements, finalize prior to final. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. 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 Pending items: -Note wording for curb cut, access, or lot frontage must be finalized prior to final, requirements for note to be established once ROW requirements have been finalized. Must comply with City Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Currently there is a Conditional Use Permit for a Planned Unit Development in process, however not finalized. Conditional use permit process for a Planned Unit Development must be finalized prior to final. Any owner, builder or developer of a multiple-family, condominium or townhouse dwelling complex of five units or more on a single lot or parcel, or five single-family attached units, shall submit to the planning department for review a site and building plan for the proposed development. Zoning Ordinance: Section 138-210. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 134-168 applies if private subdivision is proposed. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Homeowner's Association Covenants must be submitted for staff review, prior to recording. Section 134-168 applies if private subdivision is proposed. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Lots fronting public streets. Pending Items: Show document # on plat for the common access easement connecting to North Ware Road and provide document for staff review prior to recording. Zoning Ordinance: Section. 138-356. Minimum lot width and lot area. Currently there is a Conditional Use Permit for a Planned Unit Development in process, however not finalized. Conditional use permit process for a Planned Unit Development must be finalized prior to final. Rezoning or Conditional Use Permit for Planned Unit Development required prior to final. CUP for Planned Unit Development will be reviewed simultaneously with subdivision plat and requirements will/may be revised as needed. Zoning Ordinance: Section 138-356. Existing : R-3A(apartment residential) District Proposed: R3-T (Townhouse Residential) District. Currently there is a Conditional Use Permit for a Planned Unit Development in process, however not finalized. Conditional use permit process for a Planned Unit Development must be finalized prior to final. Rezoning or Conditional Use Permit for Planned Unit Development required prior to final. CUP for Planned Unit Development will be reviewed simultaneously with subdivision plat and requirements will/may be revised as needed. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. Currently there is a Conditional Use Permit for a Planned Unit Development in process, however not finalized. Conditional use permit process for a Planned Unit Development must be finalized prior to final. Rezoning or Conditional Use Permit for Planned Unit Development required prior to final. CUP for Planned Unit Development will be reviewed simultaneously with subdivision plat and requirements will/may be revised as needed. Zoning Ordinance: Article V. Land dedication in lieu of fee. As per plat submitted on June 27th,2023, plat depicts 84 lots, as per City of McAllen Parkland Dedication Ordinance land dedication is over an acre. A variance request must be submitted if requesting fees in lieu of land to be reviewed by the City

Manager's office. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per plat submitted on June 27th, 2023, plat depicts 84 lots, as per City of McAllen Parkland Dedication Ordinance land dedication is over an acre. A variance request must be submitted if requesting fees in lieu of land to be reviewed by the City Manager's office. Pending review by the City Managers Office. As per plat submitted on June 27th, 2023, plat depicts 84 lots, as per City of McAllen Parkland Dedication Ordinance land dedication is over an acre. A variance request must be submitted if requesting fees in lieu of land to be reviewed by the City Manager's office. As per Traffic Department, Trip Generation approved no TIA required. Must comply with City's Access Management Policy. Any abandonments must be done by separate process, not by plat. Engineer must clarify ownership, as submitted warranty deed and title report do not correspond, clarify prior to final. Subdivision layout must be revised to comply with ROW/Pavement widths, no dead end streets without required Cul-De-Sac's, Fire and Public Works Maneuverability requirements, and other revisions as applicable to assure compliance. Currently there is a Conditional Use Permit for a Planned Unit Development in process, however not finalized. Conditional use permit process for a Planned Unit Development must be finalized prior to final. Notes, requirements etc. subject to change once CUP/ Site Plan for planned unit development is finalized.

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

Fire Captain, Vince Abrigo with the McAllen Fire Department stated they were in opposition because of secondary access and street width. These are safety issues that are of concern. They are requesting the width to stay at 32'. Applicant, Mario Reyna explained all concerns of the variances in question.

After a lengthy discussion, Vice Chairperson Mr. Gabriel Kamel moved to approve in revised preliminary form subject to conditions noted, drainage and utilities approvals and clarification of the requested variances with the exception of variance items #5, 6 and 9 (no action taken on those variances. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

**b) Taylor Villas Subdivision, 2021 South Taylor Road, Sergio Govela
(SUB2022-0151) (PRELIMINARY 6-MONTH EXTENSION) MAS**

Mr. Mario Escamilla stated S. Taylor Road: 10 ft. ROW dedication required for 40 ft. from centerline for 80 ft. ROW Paving: 52 ft. 65 ft. Curb & gutter: both sides Revisions Needed: Label referenced 70.00' as "Total ROW", prior to final, and ensure that dimension is legible, prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are required prior to recording. Uvalde Avenue: 49.63 ft. from centerline for 89.54 ft. ROW existing Paving: 52 ft. 65 ft. Curb & gutter: both sides Revisions Needed: Ensure that ROW being dedicated by this plat is labeled throughout plat boundary, prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are required prior to recording. Interior Streets (proposed as private): 60 ft. Paving: 40 ft. Curb & gutter: both sides Revisions needed: Engineer is proposing 50 ft. ROW with 40 ft. pavement plus a 10 ft. sidewalk and utility easement on both sides of streets. Please clarify prior to final. Street names will be finalized prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are required prior to recording. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. COM Thoroughfare Plan. 900 ft. Block Length for R-3 Zone Districts Revisions needed: Current Subdivision

layout exceeds 900 ft. Block Length requirement for R-3 Zone Districts, revise accordingly. Subdivision Ordinance: Section 134-118. ROW: 20 ft. Paving: 16 ft. Revisions needed: Alley/service drive easement required for Commercial and Multi-Family properties. Must comply with Public Works Department requirements. Alley/service drive easement required for commercial properties. Subdivision Ordinance: Section 134-106. Front: 20 ft. or greater for easements, which ever is greater applies Revisions needed: Revise plat note #1.A as shown above prior to final. Setback requirements will be established once CUP for Planned Unit Development has been submitted and reviewed. Zoning Ordinance: Section 138-356. Rear: In accordance with the Zoning Ordinance, or greater for easements, which ever is greater applies Revisions needed: Revise plat note #1.B as shown above prior to final. Proposing: Rear: In accordance with the Zoning Ordinance, or greater for easements, except 20 ft. for the double fronting lots along S. Taylor Road and Uvalde Avenue. Please clarify proposed note prior to final. Setback requirements will be established once CUP for Planned Unit Development has been submitted and reviewed. Zoning Ordinance: Section 138-356. Sides: In accordance with the Zoning Ordinance, or greater for easements, which ever is greater applies Revisions needed: - Please revise plat note #1.C as shown above prior to final. Setback requirements will be established once CUP for Planned Unit Development has been submitted and reviewed. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements, which ever is greater applies Revisions needed: Revise plat note #1.A as shown above prior to final. Setback requirements will be established once CUP for Planned Unit Development has been submitted and reviewed. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required; greater setback applies. Setback requirements will be established once CUP for Planned Unit Development has been submitted and reviewed. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on S. Taylor Road, Uvalde Avenue and on both sides of all interior streets. Sidewalk requirements may increase to 5 ft. per Engineering Department , finalize wording for 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 along Uvalde Avenue and S. Taylor Road. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Revisions Needed: Revise note #9 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 Uvalde Avenue and S. Taylor Road. Must comply with City Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Overall site plan required as part of the CUP process for Planned Unit Development. 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. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Revisions needed: Common Area Lot "B" on plat submitted on December 28, 2022- does not meet minimum 50ft. lot frontage requirement. Clarify and revise prior to final. Zoning Ordinance: Section 138-356. Existing: R-2 Proposed: R-2 (Duplex-Fourplex Residential) District. Currently there is a

Conditional Use Permit for a Planned Unit Development in process, however not finalized. Conditional use permit process for a Planned Unit Development must be finalized prior to final. Rezoning or Conditional Use Permit for Planned Unit Development required prior to final. CUP for Planned Unit Development will be reviewed simultaneously with subdivision plat and requirements will/may be revised as needed. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. Currently there is a Conditional Use Permit for a Planned Unit Development in process, however not finalized. Conditional use permit process for a Planned Unit Development must be finalized prior to final. Rezoning or Conditional Use Permit for Planned Unit Development required prior to final. CUP for Planned Unit Development will be reviewed simultaneously with subdivision plat and requirements will/may be revised as needed. Zoning Ordinance: Article V. Land dedication in lieu of fee. As per Park Department fees apply to this subdivision at a rate of \$700 per dwelling unit, this in accordance with McAllen's Park Land Dedication and Park Development Fees Ordinance. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording, if land dedication is not required. Please provide number of dwelling units prior to final. Fees can go up or down, they are dependent on the number of units. Pending review by City Manager's Office. As per Traffic Department, TIA waived. Must comply with requirements/conditions of the Conditional Use Permit for the Planned Unit Development (PUD), if applying for the CUP. The site plan for the PUD will be recorded at such time as the plat is recorded. Cross reference notes will need to be finalized prior to final. Any changes to approved site plan for Planned Unit Development may require for Conditional use permit to be amended and presented before the Planning and Zoning Commission. Plat notes, setbacks, requirements, subject to be revised based on CUP for Planned Unit Development prior to final as process is reviewed simultaneously with the subdivision plat. CUP for Planned Unit Development will be reviewed simultaneously with subdivision plat and requirements will/may be revised as needed. Gate Details submitted on December 28, 2022 have been approved by Traffic Department. Currently there is a Conditional Use Permit for a Planned Unit Development in process, however not finalized. Conditional use permit process for a Planned Unit Development must be finalized prior to final. Any abandonments must be done by separate process, not by plat. Must comply with City's Access Management Policy.

Staff recommends approval of the preliminary 6-month extension subject to conditions noted, drainage, and utility approvals.

Being no discussion, Mr. Jesse Ozuna moved to approve a preliminary 6-month extension subject to conditions noted, drainage, and utility approvals. Mr. Jose Saldana seconded the motion, which was approved with five members present and voting.

c) **29th Sunrise Valley Subdivision, 8400 North 29th Street, DMJ Family Trust (SUB2024-0007) (PRELIMINARY) SEC**

Mr. Mario Escamilla stated North 29th Street: Dedication as needed for 100 ft. total ROW. Paving : 65 ft. Curb & gutter: Both Sides Revisions Needed: Provide document numbers on plat regarding any existing dedication or acquisitions as applicable prior to final as well as documents for staff review. Dedication requirements to be established once ROW details regarding existing dedications are provided, finalize prior to final. Label any existing ROW;s as Existing ROW, as applicable prior to final. Label ROW after accounting for dedication as Total ROW, prior to final. Label ROW from centerline to new 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. Grambling Avenue: Dedication as needed for 50 feet total ROW. Paving: 32 ft. Curb & gutter: Both Sides Revisions Needed: Provide document numbers on plat regarding any existing dedication or acquisitions as applicable prior to final. Include reference to ROW in regards to Grambling Avenue, 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. Subdivision Ordinance: Section 134-118. ROW: 20ft. Paving: 16ft. Service Street: In residential subdivisions which have lots abutting major or minor arterials or major collectors, the residences on such lots shall not face the major or minor arterial or major collector, unless: There shall be provided, in addition to any front setback, a 20-foot planting area (as defined in chapter 110, article II, Landscaping) between such lot and the major or minor arterial or major collector; If rear garbage pickup and/or rear access are not available to such lot, there shall be placed a service street, in addition to the planting area described in subsection (d)a.1., between the front lot line of such lot, and such planting area. Such service street shall also be at least 20 feet wide, and built to city plans and specifications by the developer, finalize service street requirements prior to final. Alley/service drive easement required for commercial and multi-family properties. Subdivision Ordinance: Section 134-106. Front: Lot 1: 45 ft. or in line with average setbacks of existing structures or greater for easements, whichever is greater applies. Lot 2: 25 feet or greater for easements. Revisions Needed: Revise front setback note as shown above prior final. Proposing: 25.0 Feet. Zoning Ordinance: Section 138-356 & 367, 134-106. Rear: 10 feet or greater for easements. Zoning Ordinance: Section 138-356. Sides: 6 feet or greater for easements. Revisions Needed: Revise side setback note as shown above prior final. Proposing: 6.0 feet, except 10.0 feet adjacent to street. Zoning Ordinance: Section 138-356. Corner: 10 feet or greater for easements. Revisions Needed: Add corner setback note as shown above prior final. Proposing: 6.0 feet, except 10.0 feet adjacent to street. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required, greater setback applies. Revisions Needed: Revise garage setback note as shown above prior final. Proposing: 18 ft. except where greater setback is required. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4ft. wide minimum sidewalk required along North 29th Street and Grambling Avenue. Revision Needed: Revise setback note as shown above, prior to final. Proposing: A 4.0 min. feet sidewalk required along the east side of N.29th street and Grambling Ave. Sidewalk requirements may increase to 5 ft. prior to final per Engineering Department requirements, finalize wording for 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. No curb cut, access, or lot frontage permitted along North 29th Street. Revisions Needed: Include note as shown above, 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. If proposed use requires a conditional use permit site plan must be approved and presented before the planning and zoning commission. Engineer must clarify proposed use of both lots as they may require conditional use permits, finalize CUP requirements as applicable prior to final. 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. Subdivision Ordinance: Section

134-1. Minimum lot width and lot area. Revisions Needed: Please include lot square footages on plat, prior to final. Zoning Ordinance: Section 138-356. Existing: R-1 (Single-Family) Residential Proposed: R-1 (Single-Family) Residential. If proposed use requires a conditional use permit site plan must be approved and presented before the planning and zoning commission. Engineer must clarify proposed use of both lots as they may require conditional use permits, finalize CUP requirements as applicable prior to final. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. Proposed zoning is compliant with current zoning. Zoning Ordinance: Article V. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per plat submitted on January 18th, 2024 a total of 2 lots proposed park fees total to \$1,400 (\$700 X2 per lot/dwelling unit) payable prior to plat recording. If the number of lots/dwelling units changes fees will be adjusted accordingly. per Traffic Department, Trip Generation for 2-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. If proposed use requires a conditional use permit site plan must be approved and presented before the planning and zoning commission. Engineer must clarify proposed use of both lots as they may require conditional use permits, finalize CUP requirements as applicable prior to final.

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

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

- d) Harvest Cove Phase II Subdivision, 2601 North Ware Road (Rear), Escanaba, LLC (SUB2024-0008) (PRELIMINARY) M&H

Mr. Kaveh Forghanparast stated N/S 1/4 mile collector: Dedication as needed for 60 ft. total ROW. Paving 40 ft. Curb & gutter: Both Sides Revisions Needed: Provide ROW dedication for N/S 1/4 mile collector, prior to final. Show and label N/S ROW shown on the survey along the west side of the subdivision and east side of Irrigation District canal ROW. Any abandonment must be done by a separate process and instrument number written on plat prior to recording. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are required prior to recording. An abandonment application (ABD2024-0003) has been submitted to abandon 370.45 ft. X 20 ft. of ROW along the west side of the subdivision. The abandonment process must be finalized and recorded with a separate instrument and referenced on the plat prior to recording. The project engineer must verify that the dimensions of the ROW abandonment matches the lot dimensions prior to final. The engineer submitted a variance application (VAR2024-0002) including a variance to the N/S quarter mile collector requirement. Two CUP applications for PUD (CUP2023-0161) for chase I & (CUP2024-0005) for Phase II has been submitted and are in process and must be approved prior to final. The PUD and variance requests must be approved and the plat layout must comply the layout and conditions approved by the City Commission. Plat notes cross referencing the PUD must be finalized prior to recording and the PUD must be recorded along with the plat. E/W 1/4 mile collector: Dedication as needed for 60 ft. total ROW. Paving 40 ft. Curb & gutter: Both Sides. Revisions Needed: Provide for E/W 1/4 mile collector dedication, prior to final. Show the width of the ROW somewhere along Lots 33-37 to determine compliance prior to final. If the variance request to provide an interior street with 50 ft. ROW as residential collector is approved, it should be subject to 40 ft. of paving. 10 ft. sidewalk easement along the front of the lots on this street may be required and will be finalized prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are required prior to recording. The engineer submitted a

variance application (VAR2024-0002) including a variance to consider an interior street with 50 ft. ROW (proposed as West Way Ave) to be considered as a residential collector. Two CUP applications for PUD (CUP2023-0161) for Phase I & (CUP2024-0005) for Phase II has been submitted and are in process and must be approved prior to final. The PUD and variance requests must be approved and the plat layout must comply the layout and conditions approved by the City Commission. Plat notes cross-referencing the PUD must be finalized prior to recording and the PUD must be recorded along with the plat. Interior Streets for R-1 (single-family residential): 50 ft. Total ROW Paving: 32 ft. Curb & gutter: both sides Revisions needed: Street names will be finalized by staff prior to final. If the submitted variance request (VAR2024-0002) to consider an interior street (currently shown as West Wat Avenue) as a residential collector is approved, it should be subject to 40ft. of paving. A 10 ft. sidewalk easement along the front of the lots along this street may be required and must be finalized prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are required prior to recording. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. COM Thoroughfare Plan. 1,200 ft. Block Length. Subdivision Ordinance: Section 134-118. The engineer submitted a variance application (VAR2024-0002) including a variance to the block length requirement. Two CUP applications for PUD (CUP2023-0161) for Phase I & (CUP2024-0005) for Phase II has been submitted and are in process and must be approved prior to final. The PUD and variance requests must be approved and the plat layout must comply the layout and conditions approved by the City Commission. Plat notes cross referencing the PUD must be finalized prior to recording and the PUD must be recorded along with the plat. Front: 25 feet or greater for easement. Revisions needed: Must comply with the approved PUD. Proposing: 20 feet or greater for easement or as shown in front setback table. Zoning Ordinance: Section 138-356. Two CUP applications for PUD (CUP2023-0161) for Phase I & (CUP2024-0005) for Phase II has been submitted and are in process. The engineer requested the subdivision to be considered for final approval form subject to PUD approval. The PUD must be approved prior to final and the plat layout must comply the layout and conditions approved by the City Commission. Plat notes cross-referencing the PUD must be finalized prior to recording and the PUD must be recorded along with the plat. A variance application (VAR2024-0002) has been submitted and is in the process which includes in interior street with 50 ft. ROW (proposed as West Way Ave) to be considered as a residential collector. If the request is approved subject to 40 ft. paving, the front setback of the lots fronting this road should be kept as 25 ft. or greater for easements. Rear: 10 ft. or greater for easement. Zoning Ordinance: Section 138-356. Sides: 6 ft. or greater for easements. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required, greater setback applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on both sides of all interior street and along the quarter mile collectors, if applicable. The note must be finalized based on the variance requests prior to final. Proposing: A 5 ft. minimum sidewalk required along the west side of Ware Road, and 4 ft. minimum sidewalk required along both sides of all interior streets and N/A collector as applicable. Clarify the proposing sidewalk note prior to final, as the subdivision does not front N. Ware Road. 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 and along the collector streets, if applicable. Plat note must be finalized based on the variance request (VAR2024-0002) 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. Remove the above wording from plat note #10 prior to final as it is not a required plat note. No curb cut, access, or lot frontage permitted along quarter mile collectors, if applicable.

Proposing: No curb cut, access, or lot frontage permitted along N. Ware Road and other streets as applicable. Clarify N. Ware Road since the subdivision has no frontage along N. Ware Road. Plat note must be finalized based on the variance request (VAR2024-0002) 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. Two CUP applications for PUD (CUP2023-0161) for Phase I & (CUP2024-0005) for Phase II has been submitted and are in process. The PUD must be approved prior to final and the plat layout must comply the layout and conditions approved by the City Commission. Plat notes cross-referencing the PUD must be finalized prior to recording and the PUD must be recorded along with the plat. Common Areas, any detention lots, etc. must be maintained by the lot owners/HOA and not the City of McAllen. Proposing: Common or detention areas, any private streets/alleys or drives, and/or gates must be maintained by property owners/HOA and not the City of McAllen. Based on the submitted application, the subdivision is public. 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 110-72 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. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Section 110-72 applies if private subdivision is proposed. A draft HOA document needed prior to recording. HOA must be signed and recorded after staff review and the document number must be cross-referenced on the plat and HOA. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Some lots do not comply with the minimum lot frontage requirement. Zoning Ordinance: Section 138-356. Two CUP applications for PUD (CUP2023-0161) for Phase I & (CUP2024-0005) for Phase II has been submitted and are in process. The PUD must be approved prior to final and the plat layout must comply the layout and conditions approved by the City Commission. Plat notes cross-referencing the PUD must be finalized prior to recording and the PUD must be recorded along with the plat. Existing: R-1 Proposed: R-1. Zoning Ordinance: Article V. Land dedication in lieu of fee. A request to pay park fees in lieu of land dedication for Harvest Cove Phase I & II has been submitted and is in process. The request includes paying half of the park fees prior to recording and the other half prior to building permit issuance. If the request is approved, \$350 per dwelling unit is needed prior to recording and plat note to reference that must be finalized prior to recording. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. A request to pay park fees in lieu of land dedication for Harvest Cove Phase I & II has been submitted and is in process. The request includes paying half of the park fees prior to recording and the other half prior to building permit issuance. If the request is approved, \$350 per dwelling unit is needed prior to recording and plat note to reference that must be finalized prior to recording. Pending review by the City Managers Office. A request to pay park fees in lieu of land dedication for Harvest Cove Phase I & II has been submitted and is in process. The request includes paying half of the park fees prior to recording and the other half prior to building permit issuance. If the request is approved, \$350 per dwelling unit is needed prior to recording and plat note to reference that must be finalized prior to recording. As per Traffic Department, Trip Generation would be honored from previous case, any changes to the current plat will required an updated Trip Gen. As per Traffic Department, Traffic Impact Analysis (TIA) Honored from previous case. Must comply with City's Access Management Policy. The location map is not for this phase of the subdivision. Revise it prior to final. Harvest Cove Phase II may not be recorded prior to phase I. Plat notes must be finalized prior to final based on the variances. The legal description of all adjacent lots on all sides are required prior to recording. Clarify/revise plat note #17 prior to final. The engineer submitted a variance application (VAR2024-0002) including the following:

1. A variance to the N/S quarter mile collector requirement.
2. A variance to the E/W quarter mile collector requirement.
3. Block length requirement
4. Cul-de-Sac maximum length requirement

Two CUP applications for PUD (CUP2023-0161) for Phase I & (CUP2024-0005) for Phase II has been submitted and are in process and must be approved prior to final. An abandonment application (ABD2024-0003) has been submitted and must be referenced on the plat prior to recording.

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

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

- e) McAllen Public Works Subdivision, 4001 North Bentsen Road, City of McAllen **(SUB2021-0024) (REVISED PRELIMINARY) COM**

Mr. Kaveh Forghanparast stated N. Bentsen Road: 100 ft. ROW required Paving: 65 ft. Curb & gutter: both sides Revisions needed: Revise plat to show centerline and ROW as required above. Also, label existing ROW on both sides of centerline, and total ROW after dedication. Reference the document number for the existing ROW, and show new property line after accounting for any required dedication prior to final. Replace any reference to "Proposed" on the plat to "by this plat" (e.g. 30 ft. additional ROW dedicated by this plat) prior to final. If the ROW width is different at multiple points, please show the dimensions at multiple points prior to final. Revise the street name to N. Bentsen Road. Subdivision Ordinance: Sec.135-105 Non-compliance Nolana Avenue: 120 ft. ROW required Paving: 65 ft. Curb & gutter: both sides Revisions needed: Revise the plat to show ROW as needed above prior to final. Revise plat to show centerline. Show existing ROW on both sides of centerline, and show ROW to new property line after accounting for dedication. ROW dedicated by this plat should be referenced as "dedicated by this plat" and the total ROW constituting of existing ROW plus ROW dedicated by this plat should be referenced as "Total ROW". Subdivision Ordinance: Sec.134-105. Primrose Avenue: 35 ft. dedication required for 70 ft. ROW Paving: 44 ft. Curb & gutter: both sides. Revise plat accordingly; finalize prior to final. Subdivision Ordinance: Sec.134-105. A variance application (VAR2023-0029) for the following items has been submitted:

1. To not dedicate 30 ft. ROW for future N. 48th Street (on the west side)
2. To not dedicate 35 ft. ROW for future Primrose Avenue (on the north side) N. 48th Street: 30ft. ROW dedication required for 60 ft. ROW Paving: 40 ft. Curb & gutter: both sides Label ROW dedication as N. 48th St. Subdivision Ordinance: Sec.134-105.

A variance application (VAR2023-0029) for the following items have been submitted:

1. To not dedicate 30 ft. ROW for future N. 48th Street (on the west side)
2. To not dedicate 35 ft. ROW for future Primrose Avenue (on the north side). ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties.

Service drives provided as part of the overall development. Front (N. Bentsen Road and Nolana Avenue): In accordance with the Zoning Ordinance or greater for approved site plan, or easements, or average existing structures, whichever is greater applies. Revise plat as noted above. Zoning Ordinance: Sec.138-356. Rear: in accordance with the zoning ordinance or greater for easements or approved site plan. Zoning Ordinance: Sec.138-356. Sides: In accordance with the zoning ordinance or greater for approved site plan or easements. Subdivision ordinance: Sec.138-356. Corner: See Front Setback note. Zoning Ordinance: Sec. 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on N. Bentsen Road and Nolana Avenue. 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. May apply for N. 48th St. and Primrose Ave. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along. Existing access. Site plan must be approved by the Planning and other Development Departments 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, access, setbacks, landscaping, etc. Lots fronting public streets. Zoning Ordinance: Sec.138-1. Minimum lot width and lot area. Zoning Ordinance: Sec.138-356. Existing: C-4 Proposed: C-4. Trip Generation to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Remove any reference to "Proposed" from the plat. Any ROW or easement dedicated by this plat should be labeled as "By this plat" prior to final. ROW dedicated by this plat should be referenced as "dedicated by this plat" and the total ROW constituting of existing ROW plus ROW dedicated by this plat should be referenced as "Total ROW". Provide ownership map to assure there are no landlocked properties prior to final. Use a bolder font for the original property boundaries prior to final. If only one lot is proposed, label as Lot 1, not Lot 318 or Lot 328, prior to final. CUP for institutional use required prior to final. Revise preparation date shown on the bottom left corner. Review & revise and the legal description and metes and bounds as needed. Use a ghosted line for the existing lot lines or current lot numbers, etc. inside Lot 1 boundary. Show centerline on Nolana Avenue and Bentsen Road to establish the required ROW. Show the legal Description of all adjacent properties on all sides prior to final. Must comply with City's Access Management Policy. The Planning and Zoning Commission approved the subdivision in preliminary form, subject to the conditions noted, drainage, and utilities approval at the meeting of April 6, 2021. A variance application (VAR2023-0029) for the following items has been submitted and is in process:

1. To not dedicate 30 ft. ROW for future N. 48th Street (on the west side)
2. To not dedicate 35 ft. ROW for future Primrose Avenue (on the north side)

Staff recommends approval of the subdivision in revised preliminary form, subject to the conditions noted, drainage, and utilities approval, and the board's clarification on the requested variances.

Being no discussion, Vice Chairperson Mr. Gabriel Kamel moved to approve in in revised preliminary form, subject to the conditions noted, drainage, and utilities approval, and the board's clarification on the requested variances. Mr. Jose Saldana. seconded the motion, which was approved with five members present and voting.

f) Grace Haven Subdivision, 7100 7 Mile Line, Isidro Quintero (SUB2023-0068)
(REVISED FINAL) SEA

Mr. Eduardo Garza stated Mile Line: 5 ft. additional dedication for 40 ft. from centerline for 80 ft. total ROW Paving: 52 ft. Curb & gutter: Both Sides Revisions needed: - Clarify "Utility Block Building" written on plat note number 13 prior to recording, Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. COM Thoroughfare Plan. 1,200 ft. Block Length Subdivision Ordinance: Section 134-118. Front: 45 ft. or greater for easements or in line with existing structure, whichever is greater applies. Revise the plat note as shown above prior to recording. Proposed: 40 ft. or greater for easements or in line with existing structure, whichever is greater. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Interior Sides: In accordance with the zoning ordinance, or greater for easements. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements or line with existing structures, whichever is greater applies. Remove plat note for side corner prior to recording, as it is not applicable to this plat. Zoning Ordinance: Section 138-356. Garage: 18ft. except where greater setback is requires, greater setback applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4ft. wide minimum sidewalk required on Mile 7 Road. Pending Items: The engineer submitted a variance application on January 24, 2024 on behalf of the owner to request a contractual agreement in lieu of escrowing the fee for the sidewalk requirement. If the variance request is approved a plat note to reference the contractual agreement is needed prior to recording. Engineering Department may require 5 ft. sidewalk. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. Pending Items: The engineer submitted a variance application on January 24, 2024 on behalf of the owner to request a contractual agreement in lieu of escrowing the fee for the sidewalk requirement. If the variance request is approved a plat note to reference the contractual agreement is needed prior to recording. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, or industrial zones/uses. Clarify/revise plat note #7 as shown above prior to recording. Proposed: 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along South Bentsen Road. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. Must comply with City Access Management Policy Applied. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Being no discussion, Vice Chairperson Mr. Gabriel Kamel moved to approve in preliminary form, subject to the conditions noted, drainage, and Utilities approval. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: R-1 Proposed: R-1. Zoning Ordinance: Article V. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per the application submitted on 5/5/2023, the subdivision is proposed to have one single family lot; therefore, a park fee of \$700 must be paid prior to recording as per Parks Department. As per Traffic Department, Trip generation waived for one single residential home. 5 ft. additional ROW dedication shown on the plat with an "*" and plat note #13 states "*" Denotes future ROW to be dedicated when existing utility block building near southwest corner of Lot 1 is removed and/or demolished." Clarify "utility block building" review and revise as applicable prior to recording. A second page for the plat is provided labeled as "Water, Sanitary Sewer, Paving, and Drainage Layout." Clarify including the second page prior to recording, since the property is inside the City of McAllen limits and the recording the second page is not required. Must comply with City's Access Management Policy. Plat note #11 states a blanket easement for United Irrigation District. The

engineer, developer, or property owner, and not the City of McAllen, are responsible to contact the Irrigation District to resolve it prior to submitting a building permit request.

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

Being no discussion, Mr. Jesse Ozuna moved to approve in revised final form, subject to the conditions noted, and clarification of the requested variance. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

- g) Harvest Cove Phase I Subdivision, 2501 North Ware Road, Escanaba, LLC
(SUB2024-0005) (FINAL) M&H

Mr. Kaveh Forghanparast stated North Ware Road: 60 ft. from centerline for 120 ft. ROW Paving: 65 ft. Curb & gutter: Both Sides Revisions needed: Clarify and add labels to all ROW dimensions shown on N. Ware Road prior to final/recording. Show and label "Existing ROW" for the total existing ROW and show the existing ROW on both sides of centerline to determine if any ROW dedication is required prior to final/recording. Identify existing ROW by plat or instrument number and provide a copy for staff review prior to final/recording. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are required prior to recording. Interior Streets for R-1 (single-family residential): 50 ft. Total ROW Paving: 32 ft. Curb & gutter: both sides Revisions needed: Street names will be finalized prior to recording. Submit revised paving layout showing that the islands within the Cul-de-Sacs have been removed to comply with Fire Department requirements. If the variance request to provide an interior street with 50 ft. ROW as residential collector is approved, it should be subject to 40 ft. of paving. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are required prior to recording. The engineer submitted a variance application (VAR2024-0002) including a variance to consider an interior street with 50 ft. ROW (proposed as West Way Ave) to be considered as a residential collector. Two CUP applications for PUD (CUP2023-0161) for Phase I & (CUP2024-0005) for Phase II has been submitted and are in process and must be approved prior to final/recording. The PUD and variance requests must be approved and the plat layout must comply the layout and conditions approved by the City Commission. Plat notes cross-referencing the PUD must be finalized prior to recording and the PUD must be recorded along with the plat. N/S 1/4 mile collector: Dedication as needed for 60 ft. total ROW. Paving 40 ft. Curb & gutter: Both Sides Revisions Needed: The submitted variance request (VAR2024-0002) includes a variance to N/S 1/4 mile collector road requirement. Planning and Zoning Commission recommended approval of the variance request at the meeting of January 24, 2024. The request is scheduled to be heard by City Commission. If the request is not approved, the plat layout must be revised to comply with City requirement. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are required prior to recording. The engineer submitted a variance application (VAR2021-0002) including a variance to the N/S quarter mile collector requirement. Two CUP applications for PUD (CUP2023-0161) for Phase I & (CUP2024-0005) for Phase II has been submitted and are in process. The PUD and variance requests must be approved prior to final/recording and the plat layout must comply the layout and conditions approved by the City Commission. Plat notes cross-referencing the PUD must be finalized prior to recording and the PUD must be recorded along with the plat. E/W 1/4 mile collector(Northern Boundary): Dedication as needed for 60 ft. total ROW. Paving 40 ft. Curb & gutter: Both Sides Revisions Needed: Provide for E/W 1/4 mile collector dedication, prior to final/recording. Show the width of the ROW somewhere along Lots 33-37 to determine compliance prior to final/recording. If the variance request to provide an interior street with 50 ft. ROW as E/W 1/4 collector is approved, it should be subject to 40 ft. of paving. A 10 ft. sidewalk easement along the front of the lots fronting street may be required and will

be finalized prior to final/recording. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are required prior to recording. The engineer submitted a variance application (VAR2021-0002) including a variance to consider an interior street with 50 ft. ROW (proposed as Westway Ave) to be considered as an E/W quarter mile collector requirement. Two CUP applications for PUD (CUP2023-0161) for Phase I & (CUP2024-0005) for Phase II has been submitted and are in process. The PUD and variance requests must be approved and the plat layout must comply the layout and conditions approved by the City Commission. Plat notes cross-referencing the PUD must be finalized prior to recording and the PUD must be recorded along with the plat. 1,200 ft. Block Length. The variance request (VAR2024-0002) is in process which includes a variance to block length requirement. If the variance request is not approved, the plat layout must be revised to comply with City requirements.

Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac. The variance request (VAR2024-0002) is in process which includes a variance to Cul-de-Sac length. As per the submitted request, the Cul-de-Sac length will be in compliance once Harvest Cove Phase II is recorded. If the variance request is not approved, the plat layout must be revised to comply with City requirements.

Subdivision Ordinance: Section 134-105. Front: 25 feet or greater for easement. Revisions needed: Must comply with the approved PUD. Proposing: 20 feet or greater for easement or as shown in front setback table. Zoning Ordinance: Section 138-356. Two CUP applications for PUD (CUP2023-0161) for Phase I & (CUP2024-0005) for Phase II has been submitted and are in process. The engineer requested the subdivision to be considered for final approval form subject to PUD approval. The PUD must be approved prior to final/recording and the plat layout must comply the layout and conditions approved by the City Commission. Plat notes cross-referencing the PUD must be finalized prior to recording and the PUD must be recorded along with the plat. A variance application (VAR2024-0002) has been submitted and is in the process which includes in interior street with 50 ft. ROW (proposed as Westway Ave) to be considered as a residential collector. If the request is approved subject to 40 ft. paving, the front setback of the lots fronting this road should be kept as 25 ft. or greater for easements. Required. Rear: Proposing: 10 feet or greater for easement. Zoning Ordinance: Section 138-356. Sides: Proposing: 6 feet or greater for easement. Zoning Ordinance: Section 138-356. Corner: Proposing: 10 feet or greater for easement. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required, greater setback applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. Remove the above wording from plat note #3 prior to final/recording as it is not a required plat note. 4 ft. wide minimum sidewalk required along N. Ware Road both sides of all interior streets and Collector streets if applicable. Revisions needed: The note must be finalized based on the variance requests prior to final/recording. Proposing: A 5 ft. minimum sidewalk required along the west side of Ware Road, and 4 ft. minimum sidewalk required along both sides of all interior streets and N/S collector as applicable. Sidewalk requirements may increase to 5 ft. as per Engineering Department requirements, prior to final/recording.

Subdivision Ordinance: Section 134-120. The engineer submitted a variance application (VAR2024-0002) including a variance to the N/S & E/W quarter mile collector requirements. Two CUP applications for PUD (CUP2023-0161) for Phase I & (CUP2024-0005) for Phase II has been submitted and are in process. The PUD and variance requests must be approved and the plat layout must comply the layout and conditions approved by the City Commission. Plat notes cross-referencing the PUD must be finalized prior to recording and the PUD must be recorded along with the plat. 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. Ware Road and the collector streets, if applicable. Revisions Needed: Plat note must be finalized once the variance request (VAR2024-0002) is finalized, prior to final/recording.

Landscaping Ordinance: Section 110-46. The engineer submitted a variance application (VAR2024-0002) including a variance to the N/S & E/W quarter mile collector requirements. Two CUP applications for PUD

(CUP2023-0161) for Phase I & (CUP2024-0005) for Phase II has been submitted and are in process. The PUD and variance requests must be approved and the plat layout must comply the layout and conditions approved by the City Commission. Plat notes cross-referencing the PUD must be finalized prior to recording and the PUD must be recorded along with the plat. 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. Remove the above wording from plat note #10 prior to final/recording. No curb cut, access, or lot frontage permitted along N. Ware Road. If the variance request (VAR2024-0002) is approved, plat note #13 must be revise as shown above prior to final/recording. Proposing: No curb cut, access, or lot frontage permitted along N. Ware Road and other streets as applicable. Must comply with City Access Management Policy Required. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Two CUP applications for PUD (CUP2023-0161) for Phase I & (CUP2024-0005) for Phase II has been submitted and are in process. The PUD must be approved prior to final/recording and the plat layout must comply the layout and conditions approved by the City Commission. Plat notes cross-referencing the PUD must be finalized prior to recording and the PUD must be recorded along with the plat. Common Areas, any detention lots, etc. must be maintained by the lot owners/HOA and not the City of McAllen. Proposing: Common or detention areas, any private streets/alleys or drives, and/or gates must be maintained by property owners/HOA and not the City of McAllen. Based on the submitted application, the subdivision is public. Clarify/revise plat notes #12 & #18 prior to final/recording. Plat notes #12 & #18 seem to be duplicate. Clarify/remove one note prior to final/recording. 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 110-72 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. Clarify/combine plat notes #14, #15, #16 prior to final/recording. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. A draft HOA document needed prior to recording. HOA must be signed and recorded after staff review and the document number must be cross-referenced on the plat and HOA. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Two CUP applications for PUD (CUP2023-0161) for Phase I & (CUP2024-0005) for Phase II has been submitted and are in process. The PUD must be approved prior to final/recording and the plat layout must comply the layout and conditions approved by the City Commission. Plat notes cross-referencing the PUD must be finalized prior to recording and the PUD must be recorded along with the plat. Existing: R-1 Proposed: R-1. Zoning Ordinance: Article V. Land dedication in lieu of fee. A request to pay park fees in lieu of land dedication for Harvest Cove Phase I & II has been submitted and is in process. The request includes paying half of the park fees prior to recording and the other half prior to building permit issuance. If the request is approved, \$350 per dwelling unit is needed prior to recording and plat note to reference that must be finalized prior to recording. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. A request to pay park fees in lieu of land dedication for Harvest Cove Phase I & II has been submitted and is in process. The request includes paying half of the park fees prior to recording and the other half prior to building permit issuance. If the request is approved, \$350 per dwelling unit is needed prior to recording and plat note to reference that must be finalized prior to recording. Pending review by the City Managers Office. A request to pay park fees in lieu of land dedication for Harvest Cove Phase I & II has been submitted and is in process. The request includes paying half of the park fees prior to recording and the other half prior to building permit issuance. If the request is approved, \$350 per dwelling unit is needed prior

to recording and plat note to reference that must be finalized prior to recording. As per Traffic Department, Trip Generation would be honored from previous case, any changes to the current plat will required an updated Trip Gen. As per Traffic Department, Traffic Impact Analysis (TIA) honored from previous case. Must comply with City's Access Management Policy. Clarify/revise the wording for Cul-de-Sac outside the plat boundary to be abandoned by this plat. Any abandonments must be done by separate process, not by plat. Clarify connection to existing recorded subdivision under Arrow Head Subdivision Phase I, prior to final/recording. Some details are shown by circles and some by arrows. Please use a consistent method prior to final/recording. Detail "B" on the north side of Lot 5 is shown outside the subdivision boundary. Review and revise prior to final/recording. Any temporary Cul-de-Sac must be done by separate instrument and document number referenced on the plat prior to recording. Any abandonment must be done by separate process and instrument, not by plat. The subdivision boundary on the location map does not match the plat. Revise it prior to final/recording. Legal Description of all adjacent properties on all sides, including the east side of N. Ware Road, is needed on the plat prior to recording. Revise/clarify plat note #17 prior to final/recording. The engineer submitted a variance application (VAR2024-0002) including the following:

1. a variance to the N/S quarter mile collector requirement.
2. a variance to the E/W quarter mile collector requirement.
3. Block length requirement
4. Cul-de-Sac maximum length requirement

At the Planning and Zoning Commission meeting of January 24, 2024, the Board approved the subdivision in revised preliminary form and recommended approval to the requested variance. The variances are scheduled to be heard by the City Commission on February 20, 2024. Two CUP applications for PUD (CUP2023-0161) for Phase I & (CUP2024-0005) for Phase II has been submitted and are in process. CUP2023-0161 was approved by the Planning and Zoning Commission on 01/10/2024 and is scheduled to be heard by City Commission on 02/12/2024. CUP2024-0005 has been scheduled to be heard by the Planning and Zoning Commission on 02/20/2024 and by City Commission on 03/11/2024. The engineer requested the subdivision to be considered for final/recording approval form subject to the variance and PUD approval. The PUD and variance requests must be approved and the plat layout must comply the layout and conditions approved by the City Commission. Plat notes cross-referencing the PUD must be finalized prior to recording and the PUD must be recorded along with the plat.

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

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

- h) Bright Woods Subdivision, 2700 Sprague Road, Star Trails Holdings, LLC
(SUB2024-0006) (FINAL) S2E

Mr. Kaveh Forghanparast Sprague Road: Dedication as required for 40 ft. from centerline for 80 ft. total ROW Paving: 52 ft. Curb & gutter: both sides Revisions needed: If 60 ft. is the "Existing ROW" please label it according. Add the document number on the plat for the existing ROW and provide a copy for staff review prior to recording. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. E/W Quarter Mile Collector (north boundary): dedication required for 60 ft. total ROW Paving: 40 ft. Curb & gutter: both sides. Subdivision Ordinance: Section

134-105. Monies must be escrowed if improvements are required prior to recording. A variance application (VAR2024-0007) has been submitted to consider the interior E/W and N/S streets as 1/4 mile collectors. No department objected to the variance request; therefore, the variance request was approved administratively. Interior Streets: Dedication as required for 60 ft. total ROW Paving: 40 ft. Curb & gutter: both sides Revisions needed: The temporary turn around shown on Lots 33, 34, and 35 is not labeled nor dimensioned. Label and dimension must be finalized prior to recording. 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. A variance application (VAR2024-0007) has been submitted to consider the interior E/W and N/S streets as 1/4 mile collectors. No department objected to the variance request; therefore, the variance request was approved administratively. 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. A variance application (VAR2024-0007) has been submitted to consider the interior E/W and N/S streets as 1/4 mile collectors and block length to be accepted as shown. No department objected to the variance request; therefore, the variance request was approved administratively. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Subdivision Ordinance: Section 134-106. Based on Public Works Department, there is an agreement to provide centralized dumpster locations within the subdivision, in lieu of providing alleys. Dumpster locations and details must be approved by Public Works prior to final/recording. Front: 20 ft. or greater for easements or approved site plan. Revise setback plat note #3 as shown above prior to final/recording. Proposed: Front: 20 ft. or greater for easements. Front Setback for Lots 38, 44, 45, 51, 52, and 58 shall be lot line facing street. Rear: 10 ft. or greater for easements or approved site plan. Zoning Ordinance: Section 138-356. Interior Sides: 6 ft. or greater for easements or approved site plan. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements or approved site plan. Revise the setback note as shown above prior to final/recording. Proposing: 10 ft. or greater for easements or site plan. Garage: 18 ft. except wherever 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 Sprague Road and both sides of all interior streets. Engineering Department may require 5 ft. sidewalk prior to final. Proposing: 5 ft. wide minimum sidewalk required along the north side of Sprague Road, and 4 ft. wide minimum sidewalk required along both sides of all interior streets. 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 Sprague Road. Revise plat note #8 as shown above prior to final/recording. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along Sprague Road. 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 lots and detention areas must be maintained by the lot owners/HOA and not the City of McAllen. The project engineer informed staff that the subdivision will be public. Clarify/Revise plat note #11 as shown above prior to final/recording. 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 110-72 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. As per the project engineer, the subdivision will be public. Revise HOA plat notes to reference Section 110-72 which is for public subdivisions prior

to final/recording. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Based on the plat notes it seems that an HOA document will be recorded. Provide a draft HOA document for staff review prior to recording. As per the project engineer, the subdivision will be public. Revise HOA plat notes to reference Section 110-72 which is for public subdivisions prior to final/recording. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. The engineer informed staff that only one duplex is proposed to be built on each lot. Minimum lot size for a duplex is 5,600 SF. 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. The engineer informed staff that only one duplex will be built on each lot. Land dedication in lieu of fee. The engineer submitted a request to pay park fees in lieu of land dedication. There are 97 lots shown on the latest submitted plat. Based on the information provided by the engineer, only one duplex will be built on each lot. If the request is approved, a park fee of \$135,800 (97 x 2 x \$700) is needed prior to recording. If the number of units changes in future, additional park fees must be paid. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. The engineer submitted a request to pay park fees in lieu of land dedication. There are 97 lots shown on the latest submitted plat. Based on the information provided by the engineer, only one duplex will be built on each lot. If the request is approved, a park fee of \$135,800 (97 x 2 x \$700) is needed prior to recording. If the number of units changes in future, additional park fees must be paid. Pending review by the City Manger's office. The engineer submitted a request to pay park fees in lieu of land dedication. There are 97 lots shown on the latest submitted plat. Based on the information provided by the engineer, only one duplex will be built on each lot. If the request is approved, a park fee of \$135,800 (97 x 2 x \$700) is needed prior to recording. If the number of units changes in future, additional park fees must be paid. As per Traffic Department, Trip Generation approved. As per Traffic Department, Traffic Impact Analysis (TIA) is waived. Provide a copy of the referenced documents for staff review prior to final/recording. Label the common lots (e.g. Common Detention Lot A) and add a plat note to clarify prior to final/recording. The proposed trash bin easements must be approved by all departments including Public Works and Utilities prior to final/recording. Some lots dimensions and information are overlapped with other texts or lines, review and revise as applicable prior to final/recording. Clarify and provide a copy of the referenced document referenced as "30 ft. Save and Except to Hidalgo County Irrigation District No. 1 Vol 24 Pages 168-171 Doc. 2880111" and resolve the overlap on a "proposed 20 ft. easement to Hidalgo Country Irrigation District No 1" and proposed 10 ft. U.E. prior to final/recording. Remove any wording referencing "proposed" (e.g. Prop. 10 ft. U.E.) and change it to "By This Plat" if it is dedicated by this plat. 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/recording. Legal description of all adjacent lots on all sides are required prior to final/recording. Check and revise any discrepancy between the survey and subdivision dimensions and bearing prior to final/recording. Must comply with City's Access Management Policy. The project engineer informed staff that the subdivision will be public and only one duplex will be built on each lot.

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

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

ADJOURNMENT:

There being no further business to come before the Planning & Zoning Commission, Mr. Jesse Ozuna adjourned the meeting at 4:32p.m. with Mr. Jose Saldana seconding the motion with five members present and voting.



ATTEST: _____
Magda Ramirez, Administrative Assistant



Chairperson Michael Fallek