

STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF McALLEN

The McAllen Planning and Zoning Commission convened in a Regular Meeting on Wednesday January 24, 2024, at 3:31p.m. at the McAllen City Hall, 3<sup>rd</sup> Floor Commission Chambers Room, 1300 Houston Avenue, McAllen, Texas.

Present:	Michael Fallek	Chairperson
	Gabriel Kamel	Vice Chairperson
	Emilio Santos Jr.	Member
	Marco Suarez	Member
	Jesse Ozuna	Member
Absent:	Jose Saldana	Member
	Reza Badiozzamani	Member
Staff Present:	Austin Stevenson	City Attorney
	Edgar Garcia	Planning Director
	Luis Mora	Deputy 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
	Porfirio Hernandez	Planner I
	Jacob Salazar	Planner Technician II
	Marco Ortiz	Solid Waste Manager
	Even Gonzalez	Development Engineer
Rafael Balderas	Assistant to the Utility Engineer	
Magda Ramirez	Administrative Assistant	

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

**PLEDGE OF ALLEGIANCE**

**INVOCATION**-. Mr. Marco Suarez.

**1) MINUTES:**

- a) Approval/Disapproval of minutes from the January 10, 2024 meeting.

The minutes for the regular meeting held on January 10, 2024 was approved as submitted by Mr. Marco Suarez. Seconding the motion was Mr. Jesse Ozuna which carried unanimously with five members present and voting.

## 2) PUBLIC HEARING:

### a) CONDITIONAL USE PERMITS:

- 1) Request of Melinda Montelongo, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a Vaporizer Store (vape shop), at Lots 13 & 14, Lazy-A Ranch Addition, Hidalgo County, Texas; 1406 North 24th Street, Suite 190. **(CUP2023-0178)**

Mr. Porfirio Hernandez stated that the property is located at the southeast corner of Pecan Boulevard and North 24<sup>th</sup> Street and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the east and west. There is also C-3 district to the north across Pecan Boulevard. There is R-2 (duplex-fourplex residential) District to the south. Surrounding land uses include EZ Pawn Shop, H&R Block tax service, a pharmacy and duplex-fourplex residential. A vaporizer store is permitted in the C-3 district with a Conditional Use Permit and in compliance with requirements.

The applicant is proposing to operate a vaporizer store with retail sales only, with storage area of related general merchandise. There will be no customer seating inside the establishment. The proposed hours of operation will be 10:00 a.m. to 12:00 a.m., Monday through Sunday.

The Fire Department has conducted their inspection and advised the CUP process may continue. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The business must meet the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of a residential zone to the south.
- 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 Pecan Boulevard.
- 3) The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. The proposed 1,799 sq. ft. commercial area requires eight 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.

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 residentially zoned property) of Section 138-118(a)(4)(a) 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, Mr. Marco Suarez moved to disapprove with favorable recommendation with Mr. Jesse Ozuna second the motion and one member, Vice Chairperson Mr. Gabriel Kamel, abstaining. Motion was disapproved with favorable recommendation with five members present and voting.

- 2) Request of Melinda Montelongo, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a Vaporizer Store (vape shop), at Lots 17 & 18, Block 12, Mcallen Addition, Hidalgo County, Texas; 1424 Beaumont Avenue, Suite B. **(CUP2023-0179)**

Mr. Porfirio Hernandez stated that the property is located at the northeast corner of South 15<sup>th</sup> Street and Beaumont Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. Surrounding land uses include Cricket Wireless, McAllen Central Station, Family Dollar store and the Downtown McAllen Parking Garage. A vaporizer store is permitted in the C-3 district with a Conditional Use Permit and in compliance with requirements.

The applicant is proposing to operate a vaporizer store with retail sales only, with storage area of related general merchandise. There will be no customer seating inside the establishment. The proposed hours of operation will be 10:00 a.m. to 12:00 a.m., Monday through Sunday.

The Fire Department has conducted their inspection and advised the CUP process may continue. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The business must meet the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of publicly owned properties known as the Downtown Mcallen Parking Garage and the Mcallen Central Station.
- 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 Pecan Boulevard and does not generate traffic into residential areas.
- 3) The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. The applicant intends to pay the applicable fee in lieu of providing the required parking. The subject property is located in the Downtown Retail Overlay District (DROD). Retail establishments in the DROD that do not comply with the city's off street parking ordinance by providing the required minimum number of parking spaces shall in lieu of such compliance pay an applicable fee.
- 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.

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

Staff recommends disapproval of the request based on non-compliance with requirements listed above as #1 (distance to publicly owned property) and #3 (off-street parking requirements) 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, Mr. Emilio Santos Jr. moved to disapprove with a favorable recommendation. Mr. Marco Suarez seconded the motion, which was disapproved with favorable recommendation with five members present and voting.

- 3) Request of Aurelio Martinez Jr., for a Conditional Use Permit, for one year, for a portable food concession stand (La Esquina Del Taco), at Lot 5, Block 28A, Hammond Addition Subdivision, Hidalgo County, Texas; 2214 Austin Avenue. **(CUP2023-0173)**

Mr. Eduardo Garza stated that the property is located at the northeast corner of Austin Avenue and North 23<sup>rd</sup> Street. The property is zoned C-4 (commercial-industrial) District. The adjacent zoning is C-4 District in all directions except to the west across South 23<sup>rd</sup> Street there is C-3 (general business) District and I-1 (light industrial) District. Surrounding land uses are GO Car Wash, Whataburger, EZ-Clean, and other commercial businesses. A portable food concession stand is allowed in a C-4 district with a Conditional Use Permit and in compliance with requirements.

The initial Conditional Use Permit was approved for this location, for one year, by the Planning and Zoning Commission on November 16, 2011. The Conditional Use Permit has been renewed annually since 2013.

The applicant is proposing to operate a portable food concession stand to sell tacos. The proposed business hours are Sunday through Thursday from 6 PM to 12 AM and on Friday and Saturday from 6 PM to 2 AM. No outside seating is being proposed and the establishment would utilize the existing parking lot. Based on the area of 128 sq. ft. for the portable food concession stand, 4 parking spaces are required; 23 parking spaces are provided.

The Health and Fire Department have conducted their inspection and determined the CUP process can continue. The establishment must comply with requirements set forth in Section 138-118 of the Zoning Ordinance and specific requirements as follows:

- 1) Cannot be located in residentially zoned area. The portable food concession stand is located in a C-4 (commercial-industrial) District;
- 2) Stand must be inspected by building inspection department and meet applicable building codes;
- 3) Must have paved off-street parking available over and above what is required for the business to which it is adjacent. The parking lot must be properly striped and maintained free of potholes;
- 4) If it is a portable building or trailer it must be anchored to the ground properly;
- 5) Must meet setback requirements of the zoning district in which it is located; and
- 6) Water and sewage disposal facilities must be available and may be required.

If approval is granted to this request, the applicant must still comply with all other Zoning Ordinance, Building Code, Fire, and Health Department requirements.

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

Staff recommends approval of the request, for one year, subject to compliance with Section 138-118 (a)(9) of the Zoning Ordinance, Building Code, Fire, and Health 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, Vice Chairperson Mr. Gabriel Kamel moved to approve subject to conditions noted. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

- 4) Request of David M. Rossow for a Conditional Use Permit, for one year, and adoption of an ordinance for a smoke and vape shop, at Lots 5 & 6, Block 1, Trenton Commercial Park Subdivision, Hidalgo County, Texas; 2200 Trenton Road, Suite 2A. **(CUP2023-0175)**

Ms. Hilda Tovar stated that the subject property is located along the north side of Trenton Road, east of North 23<sup>rd</sup> Street. The proposed use is located within a commercial plaza under the name of Trenton Village. The subject property is zoned C-3 (general business) District. The adjacent zoning is R-1 (single-family residential) District to the north and east and A-O (agricultural and open space) District to the south. There is C-3 district to the west. A smoke and vape shop is 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 suite, which is part of a multi-tenant commercial building by the name of Trenton Village. The proposed hours of operation are 10:00 a.m. – 2:00 a.m. Monday through Sunday. The commercial plaza is a mixture of retail, restaurants and other commercial uses.

The initial Conditional Use permit was submitted on September 2022. At the Planning and Zoning meeting of October 18, 2022, the Board recommended disapproval of the request. Later, at the City Commission meeting of November 14, 2022, the request was approved with a variance to the distance requirement.

The Fire Department has completed the inspection for the proposed business. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The establishment must comply with requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned 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 subject property has frontage along Trenton Road.

- 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.
- 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 subject to conditions noted. Mr. Jesse Ozuna seconded the motion, which was disapproved with favorable recommendation subject to conditions noted with five members present and voting.

- 5) Request of David M. Rossow for a Conditional Use Permit, for one year, and adoption of an ordinance for a smoke and vape shop at Lot 1A, Wilson Subdivision, Hidalgo County, Texas; 4000 North 10th Street Suite 30A.  
**(CUP2023-0176)**

Ms. Hilda Tovar stated that the subject property is located at the northeast corner of Nolana Avenue and North 10th Street. The proposed use is located within a commercial plaza by the name of Sun Plaza. The subject property is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. A smoke and vape store is 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 multi-tenant commercial building. The proposed hours of operation are 10:00 a.m. – 2:00 a.m. Monday through Sunday. This location is strictly retail, no seating on site.

The initial Conditional Use permit was submitted on September 2022. At the Planning and Zoning meeting of October 18, 2022, the Board recommended disapproval of the request with a favorable recommendation. Later, at the City Commission meeting of November 14, 2022, the request was approved with a variance to the distance requirement.

The Fire Department has completed the inspection for the proposed business. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The establishment must comply with requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of a residential zone to the northeast;
- 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 10<sup>th</sup> Street and Nolana Avenue and does not generate traffic into residential areas;
- 3) The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. The proposed 1,350 sq. ft. smoke shop requires 4 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, Mr. Marco Suarez moved to disapprove with favorable recommendation. Mr. Emilio Santos Jr. seconded the motion, which was disapproved with favorable recommendation with five members present and voting.

b) REZONING:

- 1) Rezone from R-1 (single-family residential) District to R-3T (multifamily residential townhouse) District: 8.11 acre tract out of Lot 9, E.M. Card Survey No. 1, Hidalgo County, Texas; 9228 North Bicentennial Boulevard. **(REZ2023-0062)**

Mr. Eduardo Garza stated that the subject property is located along the east side of North Bicentennial Boulevard, approximately 740 feet north of Northgate Avenue. The lot has 215.70 feet of frontage and 1,382.05 feet of depth as per the submitted survey.

The applicant is proposing to rezone the property from R-1 (single-family residential) District to R-3T (multifamily residential townhouse) District. A feasibility plan has not been submitted.

The adjacent zoning is R-3T District to the north and R-1 District in all other directions.

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

The Envision McAllen Future Land Use Plan designates the future land use for this property as Complete Communities. The most appropriate type of development includes single-family detached homes, accessory uses to single-family residences, neighborhood-scale offices and retail, civic buildings, and parks and open space uses. Single family homes make up the majority of this land use category, although some townhomes should be encouraged to create diversity in housing choices.

The development trend for this area along North Bicentennial Boulevard is primarily single-family residential. Villagio Phase II-A Subdivision was established in October 2013 for a townhouse development.

The property was initially zoned R-1 District upon annexation in 1985. There was a rezoning request for this property to R-3A (multifamily residential apartment) District in April 2023 which had opposition from the public with concerns regarding increased traffic, decreased property values, and it being a multifamily development. The Planning and Zoning Commission recommended disapproval of the request. The request was heard in August 2023 by the City Commission and was disapproved.

The requested zoning conforms to the future land use designation on the Envision McAllen Future Land Use Plan.

The proposed development is approximately 8.11 acres (353,271.6 square feet). Based on the maximum number of 20 dwelling units per gross acre in the R-3T District; approximately 162 dwelling units are allowed for this 8.11 gross acre tract.

The minimum lot area required for R-3T development is two thousand square feet per lot.

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

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

Staff recommends approval of the rezoning request to R-3T (multifamily residential townhouse) District since density, intensity, and scale are more in line with existing single family and townhouse developments in the area

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

Citizen Mr. Pacheco, 1212 N. Glasscock Road, stated his concerns were traffic, noise, the beautification of the area and current wildlife and the current quiet lifestyle and privacy will be disrupted.

Citizen Mrs. Pacheco, 1212 N. Glasscock Road, stated her concerns were trash and property value decrease.

Citizen, (no name was given), 1300 Northgate Lane, stated that his concern is the alley way and trash.

Chairperson Mr. Michael Fallek asked staff if a site plan will be presented to the board in the future. Mr. Edgar Garcia, Planning Director, stated yes.

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

- 2) Rezone from C-3L (Light Commercial) District to C-3 (General Business) District: Lot 1, Los Arcos Subdivision, Hidalgo County, Texas; 4400 South Ware Road. **(REZ2023-0063)**

Ms. Hilda Tovar stated that the subject property is located along the west side of South Ware Road across the intersection with Gloria Avenue.

The applicant is proposing to rezone the property to C-3 (general business) District in order to use the subject property as a food truck park. A feasibility plan has been submitted for a proposed food truck park.

The adjacent zoning is C-3 (general business) District to the north, C-3L (light commercial) District to the west and R-1 (single family residential) District to the south and across South Ware Road to the east.

The 31,000 square-foot property is currently vacant. Surrounding land uses include Lopez Auto Center, Exxon, Leo's Drive In, Chapa's Moving Service, and other commercial businesses. Also, an existing food truck park is adjacent to the property on the north side. Other uses include single family residential, light industrial and multifamily.

The Envision McAllen Future Land Use Plan designates the future land use category for this property as Complete Communities which allow for established low-density neighborhoods to welcome compatible density and commercial uses into their neighborhoods via incremental infill. These areas are majority residential, with some office, retail, and other nonresidential uses that serve residents.

The development trend for this area along the west side of South Ware Road is commercial and industrial.

Los Arcos Subdivision was recorded on July 15, 2008. The subject property was zoned A-O (agricultural and open space) District during the comprehensive zoning in 1979. A rezoning request for C-3 (general business) District was disapproved in 2006 and alternatively approved for C-3L (light commercial) District.

The property to the north was rezoned to C-3 District in 2004.

The requested zoning does not conform to the future land use designation as shown on the Envision McAllen Future Land Use Plan. However, the proposed zoning aligns with rezoning and development trends along South Ware Road. The proposed development is adjacent to C-3 District along the north side.

The applicant has submitted a feasibility plan showing a proposed food truck park space with outdoor seating. Each food truck is required to obtain an approved permit through the mobile food vendor application process with the Environmental Health and Code Enforcement Department.

An approved site plan by Planning and Zoning Commission will be required prior to building permit issuance.

A Conditional Use permit will be required for the development of a food truck park.

Staff received one phone call in opposition to the zoning request due to noise and traffic concerns.

Staff recommends approval of the rezoning request to C-3 (general business) District since it conforms to rezoning and development trends for this area.

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

Citizen Ms. Sarah Lopez, 4300 South Ware Road, stated her concerns on behalf of other community citizens in the area that were not able to attend the meeting. Their concern is trash, heavy traffic and noise. They agree that the C3-L is not an issue because it is light commercial and changing it to C-3 may cause more issues for the community.

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

- 3) Initial Zoning to C-3 (general business) District: 8.6 acres out of Lot 10, Section 4, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 6801 South 10th Street. **(REZ2024-0001)**

Mr. Samuel Nunez stated that the property is located along the east side of South 10<sup>th</sup> Street, approximately 1,860 feet south of Military Highway. The tract of land consists of around 8.6 acres.

The applicant is annexing the property as part of a development agreement made with the City of McAllen in November 2017. As per the agreement, this annexation comes with an initial zoning request to C-3 (general business) District. The initial zoning to C-3 District will become effective upon the annexation of the tract into the City.

Adjacent properties are zoned I-1 (light industrial) District to the north and A-O (agricultural and open space) District to the south.

The property is currently used for a warehouse facility. Surrounding land uses are a mix of industrial, agricultural, and single family residential uses, with vacant land throughout.

The Envision McAllen Future Land Use Plan designates the future land use for this property as Mixed Density Complete Neighborhood. This designation allows for a combination of diverse residential and nonresidential uses at a neighborhood-scale.

The development trend along this area of South 10<sup>th</sup> Street is primarily agricultural, commercial, and industrial uses.

The subject property has been in the City's Extra-Territorial Jurisdiction (ETJ) since October 15, 1973. The request for the annexation and initial zoning of the subject property was submitted on December 8, 2023.

The requested zoning and existing use does not conform to the future land use plan designation. However, the request aligns with the existing uses and zoning districts in the area. Moreover, since a C-3 District was part of the development agreement for the annexation of the property, no other zoning district can be requested at this time. Once the property is officially annexed, a different zoning district can be requested by the current owner at his discretion.

The subdivision review and site plan review processes will be required prior to building permit issuance for any future developments in the property. Any future developments must also comply with the permitted and conditional uses of the designated zoning district.

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

Staff recommends approval of the initial zoning request to C-3 (general business) District.

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

Citizen Mr. Flurencio Lopez, no address given and Mr. Faissol Mazlovan (owner of property) had questions about the property being annexed. Chairperson Mr. Michael Fallek stated the annexation was not being presented today. Citizen was advised to speak to the legal department regarding annexation.

Citizen Mr. Flurencio stated he does not want to have businesses on the property and is against zoning the property to a C-3.

After a short discussion, Mr. Marco Suarez moved to approve the rezoning request. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

### **3) CONSENT:**

- a) Villas at Northgate Subdivision, 1701 Northgate Lane, Lourdes Gabriella Vela  
**(SUB2023-0124) (FINAL) RDE**

Being no discussion, Vice Chairperson Mr. Gabriel Kamel moved to approve the consent item. Mr. Jesse Ozuna seconded the motion which was approved by five members present and voting.

### **4) SUBDIVISIONS:**

- a) JLG Subdivision, 9212 North Bentsen Palm Drive, Jose Luis Gonzalez Espana  
**(SUB2023-0123) (FINAL) AEC**

Mr. Kaveh Forghanparast stated N. Bentsen Palm Drive: Dedication as required for 40 ft. from centerline for 80 ft. total ROW Paving: 52 ft. Curb & gutter: both sides. Revisions required: Use a larger font for the name of the street prior to final/recording. Show the existing ROW on both sides of the centerline prior to final/recording. For the existing ROW, provide a copy of the referenced document for staff review prior to final/recording. A plat note to reference the contractual agreement for paving, curb and gutter, and sidewalk on N. Bentsen Palm Drive will be finalized prior to recording. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. COM Thoroughfare Plan. A variance application and letter (VAR2023-0022) was submitted by the applicant which includes a request to not provide or escrow sidewalk and curb and gutter along N. Bentsen Palm Drive. The City Commission approved a contractual agreement in lieu of paving, curb and gutter, or sidewalk for N. Bentsen Palm Drive on October 9, 2023. Gonzalez Lane (interior street): Dedication as required for 50 ft. Paving: 32 ft. Curb & gutter: both sides. Revisions required: Show the distance between the centerline of proposed Gonzalez Lane and existing Zavala Drive prior to final.

Street jogs with centerline offsets of less than 125 ft. are not allowed. Revise the plat or submit a variance application for processing prior to final. The engineer has requested the subdivision to be considered for final approval by the Planning and Zoning Commission, subject to a variance approval for street jog requirement. The engineer has been informed that a variance request must be submitted prior to the Planning and Zoning Commission meeting and approval of the variance request is required prior to recording. If the variance request is denied, a revised layout of the subdivision complying with city codes must be submitted and approved by the Planning and Zoning Commission in revised final form prior to recording. As per the applicant, the subdivision is private but not gated. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. COM Thoroughfare Plan. A revised variance request (VAR2023-0022) was submitted by the applicant which includes the following items for the interior street (Gonzalez Lane): Request of 26 ft. paving width for the interior street instead of minimum 32 ft., not to provide or escrow sidewalk, and curb and gutter, but 96 ft. of paving for the Cul-de-Sac. The City Commission approved the variances as requested to provide 26 ft. paving width for the interior street and to not provide or escrow for curb and gutter or sidewalk for the interior street and Cul-de-Sac. N/S Quarter Mile Collector (east boundary): dedication as required for 30-35 ft. for 60-70 ft. total ROW Paving: 40-44 ft. Curb & gutter: both sides. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. COM Thoroughfare Plan. A variance application and letter (VAR2023-0022) was submitted by the applicant which includes a request to not provide or escrow for a N/S quarter mile collector (east boundary). The variance request was approved by Planning and Zoning Commission on September 19, 2023, as a future collector street at this location did not seem feasible since other subdivisions were recorded at this area without dedicating ROW for a future N/S quarter mile collector. 1,200 ft. Block Length. Subdivision Ordinance: Section 134-118. A variance application and letter (VAR2023-0022) was submitted by the applicant which includes a variance request for 1200 ft. block length requirement. The proposed block length is 1,415.83 ft. The variance request was approved by Planning and Zoning Commission on September 19, 2023, as a future collector street at this location did not seem feasible since other subdivisions recorded at this area have not dedicated ROW for a future N/S quarter mile collector. 600 ft. Maximum Cul-de-Sac. Subdivision Ordinance: Section 134-105. A revised variance application and letter (VAR2023-0022) was submitted by the applicant which includes a request to provide 100 ft. diameter ROW with 96 ft. of paving for the Cul-de-Sac instead of minimum 116 ft. of ROW for 96 ft. of paving face to face as required by Fire Department and 10 ft. additional ROW back of curb. Planning and Zoning Commission approved 100 ft. ROW for the Cul-de-Sac for this private subdivision with 96 ft. paving face-to face as required by Fire Department on September 19, 2023. Front: Lots 1 & 2: 45 ft. or greater for easements, or inline with the average existing structures, whichever is greater Lots 3-6: 25 ft. or greater for easements. Add "Lots 3-6" on the plat note as shown above prior to final/recording. Zoning Ordinance: Section 138-356 & 138-367. Rear: 15 ft. or greater for easements. Zoning Ordinance: Section 138-356. Sides: 6 ft. or greater for easements. Zoning Ordinance: Section 138-356. Corner: (proposing) 10 ft. or greater for easements. Remove the corner setback prior to final/recording as no corner lot is proposed. 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. A 4 ft. wide minimum sidewalk required on N. Bentsen Palm Drive. Proposing: A 5 ft. wide minimum sidewalk is required on N. Bentsen Palm Drive. Clarify if 5 ft. wide sidewalk was required by the Engineering Department prior to final/recording. A plat note to reference the contractual agreement must be finalized prior to final/recording. Subdivision Ordinance: Section 134-120. A variance application and letter (VAR2023-0022) was submitted by the applicant which includes a request to not provide or escrow sidewalk and curb and gutter along N. Bentsen Palm Drive and Gonzalez Lane (interior street). On October 9, 2023, the City Commission approved the variances for

a contractual agreement in lieu of paving, curb and gutter, or sidewalk on N. Bentsen Palm Drive, and approved to not provide or escrow for curb and gutter or sidewalk for the interior street and Cul-de-Sac. Perimeter sidewalks must be built or money escrowed if not built at this time. City Commission approved a contractual agreement in lieu of providing or escrowing for sidewalk, curb and gutter on N. Bentsen Palm Drive. A plat note to reference the contractual agreement must be finalized prior to final/recording. A variance application and letter (VAR2023-0022) was submitted by the applicant which includes a request to not provide or escrow sidewalk and curb and gutter along N. Bentsen Palm Drive and Gonzalez Lane (interior street). 10/09/2023: The City Commission approved the variances as requested for a contractual agreement in lieu of paving, curb and gutter, or sidewalk on N. Bentsen Palm Drive, on October 9, 2023. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, or 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 N/S collector street. Must comply with City Access Management Policy. A variance application and letter (VAR2023-0022) was submitted by the applicant which includes a request to not provide or escrow for a N/S quarter mile collector (east boundary). The variance request was approved administratively by staff as a future collector street at this location did not seem feasible since other subdivisions were recorded at this area without dedicating ROW for a future N/S quarter mile collector. Common Areas, any private streets/drives, etc. must be maintained by the lot owners and not the City of McAllen. As per the applicant, the subdivision is private but not gated. 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. As per the applicant, the subdivision is private but not gated. 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. Provide a copy of the draft HOA draft document prior to final/recording. A plat note to reference the HOA document number must be added prior to final/recording. Contact staff for any questions. As per the applicant, the subdivision is private but not gated. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: ETJ Proposed: ETJ. Zoning Ordinance: Article V. As per Traffic Department, Trip Generation for a 6-Lot Single Family subdivision is waived. The ROW shown along N. Bentsen Palm Drive for this subdivision and the subdivision to the south (Hailley Acres) shown as 70 ft. but there is a notch on the southwest corner of Lot 1. Clarify/revise plat layout prior to final/recording. Provide bearing, dimensions, and annotation arrows for the 30 ft. existing Irrigation easement on the plat prior to final/recording. Show how many feet of the irrigation easement is on each side of the irrigation line prior to final/recording. Show the distance from the 30 ft. existing Irrigation easement to the lot's corner points prior to final. As per the applicant, the subdivision is private. The owner's signature block wording does not comply with City of McAllen requirements. It must be referenced correctly to include public dedication for N. Bentsen Palm Drive. Contact Staff for any questions. Signature blocks must comply with Section 134-61 of Subdivision ordinance. If County requires different wording, a separate signature block based on City's code is required prior to recording. For any easement dedicated by this plat add "by this plat" at the end of the label prior to final/recording (e.g. 15.00' utility easement by this plat). Any existing easements must reference the document number. Revise plat note #4 as it is incomplete. Review and revise plat notes as applicable prior to final/recording. Clarify plat note #15 and reference to RBR subdivision prior to final/recording.

Clarify plat note #11 and reference to Delta Lake Irrigation District prior to final/recording since the plat contains a signature block for Irrigation District No. 6. Clarify the location note written above the location map prior to recording. The note is not the City of McAllen requirement. Clarify if the note is required by the County and why it references City of Alton and not McAllen's ETJ. Review and revise as applicable prior to recording. Must comply with City's Access Management Policy. A variance application and letter (VAR2023-0022) was submitted by the applicant which includes the following items:

1. To not dedicate ROW for a N/S Quarter Mile collector (east boundary), which was approved by Planning and Zoning Commission on September 19, 2023, as the a N/S quarter mile collector is not feasible at this location as other subdivisions have been recorded without dedicating ROW for a future N/S collector.
2. A variance to 1,200 ft. block length requirement, which was approved by Planning and Zoning Commission on September 19, 2023, as a N/S quarter mile collector was not feasible at this location.
3. An updated variance request to provide 26 ft. of paving for the interior instead of 32 ft. minimum paving requirement and provide 100 ft. ROW with 96 ft. of paving for Cul-de-Sac instead of 116 ft. ROW with 96 ft. of paving face to face and 10 ft. ROW back of curb. City Commission approved the variance as requested on October 9, 2023.
4. An updated variance request to no provide or escrow do a contractual agreement in lieu of providing or escrow for sidewalk and curb and gutter along N. Bentsen Palm Drive and the interior street. City Commission approved the variance as requested on October 9, 2023.

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 conditions noted. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

- b) Harvest Cove Phase I Subdivision, 2501 North Ware Road, Erickson Construction **(SUB2024-0005) (REVISED PRELIMINARY) 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. 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. Identify existing ROW by plat or instrument number and provide a copy for staff review 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 for R-1 (single-family residential): 50 ft. Total ROW Paving: 32 ft. Curb & gutter: both sides Revisions needed: Street names will be assigned prior to final. Submit revised paving layout showing that the islands within the Cul-de-Sacs have been removed to comply with Fire Department requirements. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are required prior to recording. N/S 1/4 mile collector: Dedication as needed for 60 ft. total ROW. Paving 40 ft. Curb & gutter: Both Sides Revisions Needed: - Provide for N/S 1/4 mile collector dedication, prior to final. The submitted variance request is for Harvest Cove Subdivision Phase I & Phase II. Harvest



Cove Subdivision Phase II has not been submitted yet. However, based on the PUD site plan, it will extend all the way to the west, adjacent to the Irrigation District canal ROW. Clarify if the N/S 40 ft. ROW shown on the survey along the east side of Irrigation District canal ROW is a street ROW or not and submit document for verification 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 (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 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. 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 E/W 1/4 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 (VAR2021-0002) including a variance to consider an interior street with 50 ft. ROW (proposed as West Way 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. Revisions Needed: -Subdivision layout does not comply with block length requirement, please revise accordingly prior to final. If no changes please submit variance request for 1200 ft. maximum block length requirement. Subdivision Ordinance: Section 134-118. The engineer submitted a variance application (VAR2021-0002) 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. 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. 600 ft. Maximum Cul-de-Sac. Revisions needed: - Islands within the Cul-de-Sacs must be removed as per the Fire Department requirements prior to final. - Dedicate ROW for continuation of the street labeled as West Way Ave. to connect to N. 43rd Street by this plat or apply for a variance for Cul-de-Sac Length prior to final. Subdivision Ordinance: Section 134-105. The engineer submitted a variance application (VAR2021-0002) including a variance to the Cul-de-Sac length. 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. Front: 25 feet or greater for easement. Revisions needed: Must comply with the approved PUD. Proposing: 20 feet or greater for easement. 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 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. 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 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 as applicable. Revisions needed: - Finalize the ROW requirements to finalize sidewalk plat note, prior to final. - Street names will be assigned prior to recording. Sidewalk requirements may increase to 5 ft. as per Engineering Department requirements, prior to final. Subdivision Ordinance: Section 134-120 The engineer submitted a variance application (VAR2021-0002) 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: Finalize the ROW requirements to finalize buffer plat note, prior to final. Landscaping Ordinance: Section 110-46. The engineer submitted a variance application (VAR2021-0002) 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 as it is not a plat note requirement. No curb cut, access, or lot frontage permitted along North Ware Road and other streets as Revisions needed: -Finalize wording for note once ROW requirements have been finalized, prior to final. Must comply with City Access Management Policy. The engineer submitted a variance application (VAR2021-0002) 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. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Revision Needed: Remove plat note #19 prior to final. 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 the 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. Proposing: Common or Detention areas, any private streets/alleys or drives, and/ or gates must be maintained by the property owners/HOA and not the City of McAllen. Revisions needed: Finalize wording for note once subdivision requirements have been finalized prior to final. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 110-72 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Revisions required: 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 Required: Lots fronting public/private streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Revisions needed: Multiple lots under current subdivision layout do not comply with minimum frontage requirements review and revise lot frontages as applicable prior to final. Minimum lot width and lot area: Lots must comply with the minimum 50 ft. frontage requirement and 54 ft. on corner lots. Multiple lots under current subdivision layout do not comply with minimum lot area requirements review and revise as applicable prior to final. Minimum lot area is 5,000 square feet. Common areas do not comply minimum frontage requirements of 25 ft. review and revise as applicable prior to final. 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 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. ZONING/CUP. Existing: R-1 (Single-Family) Residential Proposed: R-1 (Single-Family) Residential. Zoning Ordinance: Article V. Land dedication in lieu of fee. Parkland dedication requirements are under review and any exiting approvals may have to be re-assessed, finalize prior to final. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Parkland dedication requirements are under review and any exiting approvals may have to be re-assessed, finalize prior to final. Pending review by the City Manager's Office. Parkland dedication requirements are under review and any exiting approvals may have to be re-assessed, finalize prior to final. Required: As per Traffic Department, Trip Generation would be honored from previous case, any changes to the current plat will require an updated Trip Gen, TIA Honored from previous case. 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. Some details are shown by circles and some by arrows. Please use a consistent method prior to final. Detail "B" on the north side of Lot 5 is shown outside the subdivision boundary. Review and revise prior to final. Any temporary Cul-de-Sac must be done by separate instrument and document number referenced on the plat prior to recording. The submitted variance request is for Harvest Cove Subdivision Phase I & Phase II. Harvest Cove Subdivision Phase II has not been submitted yet. However, based on the PUD site plan, it will extend all the way to the west, adjacent to the Irrigation District canal ROW. Clarify if the N/S 40 ft. ROW shown on the survey along the east side of Irrigation District canal ROW is a street ROW or not and submit document for verification prior to final. Any abandonment must be done by separate process and instrument, not by plat. The engineer submitted a variance application (VAR2021-0002) 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. The engineer requested the subdivision to be considered for final approval form subject to the variance and PUD approval. However, the pending comments have not

been addressed yet. 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 revised preliminary form subject to the conditions noted, drainage, and utilities approval, and the board's clarification on the requested variances.

After a brief discussion regarding the variance, Vice Chairperson Mr. Gabriel Kamel moved to approve in revised preliminary form including the requested variances, subject to the conditions noted, drainage, and utilities approval. Mr. Jesse Ozuna seconded the motion, which was approved with five members present and voting.

- c) Campo de Suenos Phase III Subdivision, 8300 North Ware Road, Riverside Development, LLC **(SUB2021-0059) (REVISED FINAL) M&H**

Mr. Kaveh Forghanparast stated North Ware Road: Dedication for 75 ft. from centerline for 150 ft. of ROW Paving: By the State Curb & Gutter: By the State Revision needed: Remove any reference as "PROP." from the plat prior to recording. For any ROW dedicated by this plat, please reference "ROW dedicated by this plat" Paving: By the state Curb & gutter: By the state. Monies must be escrowed if improvements are not built prior to final. Required. Emory Avenue (collector): 60 ft. Engineer is proposing 50 ft. Paving: 40 ft. Curb & gutter: Both sides. Must escrow monies if improvements are not constructed prior to recording. Street name might be revised prior to final. Engineer is proposing a 10 ft. Sidewalk and Utility Easements along the front of all lots (142 -152) with frontage onto Duke Avenue (collector road) in leu of the required 60 ft. of ROW. Other interior streets: 50 ft. ROW Paving: 32 ft. Curb & gutter: Both sides. Street names will be finalized prior to recording. Must escrow monies if improvements are not constructed prior to recording 1200 ft. Block Length. Engineer submitted a variance letter on December 3, 2020 to allow a block length of 960ft., instead of the maximum allowed 800 ft. required at the time, along the easternmost block of Phase 1 and 2. City Commission approved a variance to allow a block length greater than the maximum allowed 800 ft. at their February 22, 2021 meeting subject to adding a new common area access between North 33rd Lane and the common area, and the engineer mentioned that he would comply with that request. Front: 25 feet or greater for easement. Engineer submitted a variance letter on December 3, 2020 to allow a front setback of 20 ft. or greater for easements instead of the required 25 ft. or greater for easements. During the P&Z meeting of January 19, 2021 the engineer withdrew this request and stated that subdivision would comply with requirement. Setbacks must be shown on plat as established on PUD. The original PUD was approved by the City Commission meeting of September 13, 2021. An application to amend the PUD has been submitted by the engineer (CUP2023-0131) and approved by the P&Z on January 10, 2024, and scheduled to be heard by the City Commission on February 12, 2024. The engineer requested the subdivision to be considered in final form, subject to PUD approval. The plat and plat notes must comply with the approved PUD prior to recording. The approved PUD and the plat must be recorded with notes cross-referencing document numbers. The plat notes and PUD notes must be finalized prior to recording. Rear: 10 ft. or greater for easements. Engineer submitted a variance letter on December 3, 2020 to allow a rear setback of 10 ft. or greater for easements for double fronting lots instead of the required 25 ft. or greater for easements for Lots 56-70. Planning and Zoning Board approved a variance to allow a "10 ft. rear setback or greater for easements including double fronting easements" at their January 19, 2021 meeting. Setbacks as established on approved PUD. The original PUD was approved by the City Commission meeting of September 13, 2021. An application to amend the PUD has been submitted by the engineer (CUP2023-0131) and approved by the P&Z on January 10, 2024, and scheduled to be heard by the City Commission on February 12, 2024. The engineer

requested the subdivision to be considered in final form, subject to PUD approval. The plat and plat notes must comply with the approved PUD prior to recording. The approved PUD and the plat must be recorded with notes cross-referencing document numbers. The plat notes and PUD notes must be finalized prior to recording. Interior sides: proposing 5 ft. or greater for easements. Engineer submitted a variance letter on December 3, 2020 to allow a interior side setback of 5 ft. or greater for easements instead of the required 6 ft. or greater for easements. Planning and Zoning Board approved a variance to allow a 5 ft. interior side setback or greater for easements at their January 19, 2021 meeting. Setbacks as established on approved PUD. The original PUD was approved by the City Commission meeting of September 13, 2021. An application to amend the PUD has been submitted by the engineer (CUP2023-0131) and approved by the P&Z on January 10, 2024, and scheduled to be heard by the City Commission on February 12, 2024. The engineer requested the subdivision to be considered in final form, subject to PUD approval. The plat and plat notes must comply with the approved PUD prior to recording. The approved PUD and the plat must be recorded with notes cross-referencing document numbers. The plat notes and PUD notes must be finalized prior to recording. Corner: 10 ft. or greater for easements. Setbacks as established on approved PUD. Garage: 18 ft. except where greater setbacks is required, greater setback applies. Setbacks as established on approved PUD. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on both sides of all interior streets and 5 ft. wide minimum sidewalk required along North Ware Road. Clarify the proposed plat note or revise as shown above prior to recording. Proposing: 5 ft. wide minimum sidewalk required on both sides of all interior streets and 5 ft. wide minimum sidewalk required along N. Ware Road. Engineering Department may require 5 ft. wide sidewalk.t at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along North Ware Road. Clarify the frontage of Lot 173 prior to recording. The original PUD was approved by the City Commission meeting of September 13, 2021. An application to amend the PUD has been submitted by the engineer (CUP2023-0131) and approved by the P&Z on January 10, 2024, and scheduled to be heard by the City Commission on February 12, 2024. The engineer requested the subdivision to be considered in final form, subject to PUD approval. The plat and plat notes must comply with the approved PUD prior to recording. The approved PUD and the plat must be recorded with notes cross-referencing document numbers. The plat notes and PUD notes must be finalized prior to recording. The plat note must be finalized based on the approved PUD and the engineer's clarification prior to recording. Common Areas, any private streets, and detention areas must be maintained by the lot owners and not the City of McAllen. Required: Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies for Public Subdivisions. Required: Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Required: Existing: ETJ Proposed: R-1 Annexation and initial zoning approved by City Commission on their May 24, 2021 meeting. Rezoning Needed Before Final Approval. Annexation and initial zoning approved by City Commission on their May 24, 2021 meeting. Minimum lot width and lot area. Not all lots meet the minimum frontage requirement of 50 ft. Lot dimensions and layouts as approved by PUD. The original PUD was approved by the City Commission meeting of September 13, 2021. An application to amend the PUD has been submitted by the engineer (CUP2023-0131) and approved by the P&Z on January 10, 2024, and scheduled to be heard by the City Commission on February 12, 2024. The engineer requested the subdivision to be considered in final form, subject to PUD approval. The plat and plat notes must comply with the approved PUD prior to recording. The approved PUD and the the plat must be recorded with notes cross-referencing document numbers. The plat notes and PUD notes must be finalized prior to recording. Required: Lots fronting public streets. Clarify the frontage of common Area "B" with the frontage dimension prior to recording. It seems that the lot line along N. 34th street is missing. The

subdivision layout must match the approved PUD. The original PUD was approved by the City Commission meeting of September 13, 2021. An application to amend the PUD has been submitted by the engineer (CUP2023-0131) and approved by the P&Z on January 10, 2024, and scheduled to be heard by the City Commission on February 12, 2024. The engineer requested the subdivision to be considered in final form, subject to PUD approval. The plat and plat notes must comply with the approved PUD prior to recording. The approved PUD and the plat must be recorded with notes cross-referencing document numbers. The plat notes and PUD notes must be finalized prior to recording. As per Traffic Department, Trip Generation approved. TIA approved. Completed. As per Traffic Department, Trip Generation approved. TIA approved. Must comply with City's Access Management Policy. Clarify use of Lot 173. If Detention Area is proposed, please label accordingly prior to recording. A plat note may be required prior to recording. Street names will be finalized prior to recording. Clarify and label all common areas. Legal Description of all adjacent lots on all side, including the west side of N. Ware Road will be required prior to recording. The original PUD was approved by the City Commission meeting of September 13, 2021. An application to amend the PUD has been submitted by the engineer (CUP2023-0131) and approved by the P&Z on January 10, 2024, and scheduled to be heard by the City Commission on February 12, 2024. The engineer requested the subdivision to be considered in final form, subject to PUD approval. The plat and plat notes must comply with the approved PUD prior to recording. The approved PUD and the plat must be recorded with notes cross-referencing document numbers. The plat notes and PUD notes must be finalized prior to recording.

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

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

- d) Taylor Valley Estates Subdivision, 1300 North Taylor Road, GOTU Development, LLC **(SUB2024-0004) (PRELIMINARY) M&H**

Mr. Kaveh Forghanparast stated North Ware Road: Dedication for 75 ft. from centerline for 150 ft. of ROW Paving: By the State Curb & Gutter: By the State Revision needed: Remove any reference as "PROP." from the plat prior to recording. For any ROW dedicated by this plat, please reference ROW dedicated by this plat" Paving: By the state Curb & gutter: By the state. Monies must be escrowed if improvements are not built prior to final. Required: Emory Avenue (collector): 60 ft. Engineer is proposing 50 ft. Paving: 40 ft. Curb & gutter: Both sides. Must escrow monies if improvements are not constructed prior to recording. Street name might be revised prior to final. Engineer is proposing a 10 ft. Sidewalk and Utility Easements along the front of all lots (142-152) with frontage onto Duke Avenue (collector road) in leu of the required 60 ft. of ROW. Other interior streets: 50 ft. ROW Paving: 32 ft. Curb & gutter: Both sides. Street names will be finalized prior to recording. Must escrow monies if improvements are not constructed prior to recording. 1200 ft. Block Length. Engineer submitted a variance letter on December 3, 2020 to allow a block length of 960ft., instead of the maximum allowed 800 ft. required at the time, along the easternmost block of Phase 1 and 2. City Commission approved a variance to allow a block length greater than the maximum allowed 800 ft. at their February 22, 2021 meeting subject to adding a new common area access between North 33rd Lane and the common area, and the engineer mentioned that he would comply with that request. Front: 25 feet or greater for easement. Engineer submitted a variance letter on December 3, 2020 to allow a front setback of 20 ft. or greater for easements instead of the required 25 ft. or greater for easements. During the P&Z meeting of January 19, 2021 the engineer withdrew this request and stated that subdivision would

comply with requirement. Setbacks must be shown on plat as established on PUD. The original PUD was approved by the City Commission meeting of September 13, 2021. An application to amend the PUD has been submitted by the engineer (CUP2023-0131) and approved by the P&Z on January 10, 2024, and scheduled to be heard by the City Commission on February 12, 2024. The engineer requested the subdivision to be considered in final form, subject to PUD approval. The plat and plat notes must comply with the approved PUD prior to recording. The approved PUD and the plat must be recorded with notes cross-referencing document numbers. The plat notes and PUD notes must be finalized prior to recording. Required: Rear: 10 ft. or greater for easements. Engineer submitted a variance letter on December 3, 2020 to allow a rear setback of 10 ft. or greater for easements for double fronting lots instead of the required 25 ft. or greater for easements for Lots 56-70. Planning and Zoning Board approved a variance to allow a "10 ft. rear setback or greater for easements including double fronting easements" at their January 19, 2021 meeting. Setbacks as established on approved PUD. The original PUD was approved by the City Commission meeting of September 13, 2021. An application to amend the PUD has been submitted by the engineer (CUP2023-0131) and approved by the P&Z on January 10, 2024, and scheduled to be heard by the City Commission on February 12, 2024. The engineer requested the subdivision to be considered in final form, subject to PUD approval. The plat and plat notes must comply with the approved PUD prior to recording. The approved PUD and the plat must be recorded with notes cross-referencing document numbers. The plat notes and PUD notes must be finalized prior to recording. Interior sides: proposing 5 ft. or greater for easements. Engineer submitted a variance letter on December 3, 2020 to allow a interior side setback of 5ft. or greater for easements instead of the required 6 ft. or greater for easements. Planning and Zoning Board approved a variance to allow a 5 ft. interior side setback or greater for easements at their January 19, 2021 meeting. Setbacks as established on approved PUD. The original PUD was approved by the City Commission meeting of September 13, 2021. An application to amend the PUD has been submitted by the engineer (CUP2023-0131) and approved by the P&Z on January 10, 2024, and scheduled to be heard by the City Commission on February 12, 2024. The engineer requested the subdivision to be considered in final form, subject to PUD approval. The plat and plat notes must comply with the approved PUD prior to recording. The approved PUD and the plat must be recorded with notes cross-referencing document numbers. The plat notes and PUD notes must be finalized prior to recording. Required: Corner: 10 ft. or greater for easements. Setbacks as established on approved PUD. Garage: 18 ft. except where greater setbacks is required, greater setback applies. Setbacks as established on approved PUD. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on both sides of all interior streets and 5 ft. wide minimum sidewalk required along North Ware Road. Clarify the proposed plat note or revise as shown above prior to recording. Proposing: 5 ft. wide minimum sidewalk required on both sides of all interior streets and 5 ft. wide minimum sidewalk required along N. Ware Road. Engineering Department may require 5 ft. wide sidewalk. Required: Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along North Ware Road. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along North Ware Road. Clarify the frontage of Lot 173 prior to recording. The original PUD was approved by the City Commission meeting of September 13, 2021. An application to amend the PUD has been submitted by the engineer (CUP2023-0131) and approved by the P&Z on January 10, 2024, and scheduled to be heard by the City Commission on February 12, 2024. The engineer requested the subdivision to be considered in final form, subject to PUD approval. The plat and plat notes must comply with the approved PUD prior to recording. The approved PUD and the plat must be recorded with notes cross-referencing document numbers. The plat notes and PUD notes must be finalized prior

to recording. The plat note must be finalized based on the approved PUD and the engineer's clarification prior to recording. Common Areas, any private streets, and detention areas must be maintained by the lot owners and not the City of McAllen. Required: Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies for Public Subdivisions. Required: Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Required: Existing: ETJ Proposed: R-1. Annexation and initial zoning approved by City Commission on their May 24, 2021 meeting. Rezoning Needed Before Final Approval. Annexation and initial zoning approved by City Commission on their May 24, 2021 meeting. Minimum lot width and lot area. Not all lots meet the minimum frontage requirement of 50 ft. Lot dimensions and layouts as approved by PUD. The original PUD was approved by the City Commission meeting of September 13, 2021. An application to amend the PUD has been submitted by the engineer (CUP2023-0131) and approved by the P&Z on January 10, 2024, and scheduled to be heard by the City Commission on February 12, 2024. The engineer requested the subdivision to be considered in final form, subject to PUD approval. The plat and plat notes must comply with the approved PUD prior to recording. The approved PUD and the plat must be recorded with notes cross-referencing document numbers. The plat notes and PUD notes must be finalized prior to recording. Required: Lots fronting public streets. Clarify the frontage of common Area "B" with the frontage dimension prior to recording. It seems that the lot line along N. 34th street is missing. The subdivision layout must match the approved PUD. The original PUD was approved by the City Commission meeting of September 13, 2021. An application to amend the PUD has been submitted by the engineer (CUP2023-0131) and approved by the P&Z on January 10, 2024, and scheduled to be heard by the City Commission on February 12, 2024. The engineer requested the subdivision to be considered in final form, subject to PUD approval. The plat and plat notes must comply with the approved PUD prior to recording. The approved PUD and the plat must be recorded with notes cross-referencing document numbers. The plat notes and PUD notes must be finalized prior to recording. As per Traffic Department, Trip Generation approved. TIA approved. Completed. As per Traffic Department, Trip Generation approved. TIA approved. Must comply with City's Access Management Policy. Clarify use of Lot 173. If Detention Area is proposed, please label accordingly prior to recording. A plat note may be required prior to recording. Street names will be finalized prior to recording. Clarify and label all common areas. Legal Description of all adjacent lots on all side, including the west side of N. Ware Road will be required prior to recording. The original PUD was approved by the City Commission meeting of September 13, 2021. An application to amend the PUD has been submitted by the engineer (CUP2023-0131) and approved by the P&Z on January 10, 2024, and scheduled to be heard by the City Commission on February 12, 2024. The engineer requested the subdivision to be considered in final form, subject to PUD approval. The plat and plat notes must comply with the approved PUD prior to recording. The approved PUD and the plat must be recorded with notes cross-referencing document numbers. The plat notes and PUD notes must be finalized prior to recording.

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

Being no discussion, Mr. Jesse Ozuna moved to approve in revised final form subject to conditions noted. Mr. Marco Suarez second the motion, which was approved with five members present and voting.



- e) Habitat at Ware Subdivision, 6201 North Ware Road, Habitat Development Group, LLC **(SUB2024-0001) (PRELIMINARY) SEC**

Mr. Mario Escamilla stated North Ware Road: Dedication as needed for 75 ft. from centerline for 150 total ROW. Paving: By the State Curb & gutter: By the State. Revisions Needed: -Label centerline to determine ROW dedication requirements prior to final. Label existing ROW dedications, from centerline, total, etc. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan Monies must be escrowed if improvements are not constructed prior to recording. Proposed Jay Avenue: 60 ft. of total ROW dedication. Paving: 40 ft. Curb & gutter: Both Sides. Revisions Needed: Street name under review, and city established street name will be provided prior to final, finalize prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. North 41st Street: 60 ft. of total ROW dedication. Paving: 40 ft. Curb & gutter: Both Sides Revisions Needed: Street alignment, extension north, transitions and R.O.W being reviewed by staff and plat would need to be revised accordingly as applicable prior to final. ROW subject to increase as applicable to accommodate transitions and street alignment, finalize prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. 900 ft. Block Length for R-3 Zone Districts. Revisions Needed: Subdivision layout does not comply with block length requirement, please revise accordingly prior to final. If no changes please submit variance request for 900 ft. maximum block length requirement. Subdivision Ordinance: Section 134-118. ROW: 20 ft. Paving: 16 ft. Pending Items: Subdivision plat proposes a access easement as a separate lot, if a private service drive easement is proposed it must be a minimum of 24 ft. and labeled as such and in compliance with fire and public works department requirements, finalize all service drive requirements prior to final. Must finalize private service drive requirements for all lots prior to final as lots 39-60 do not exhibit a service drive. Alley/service drive easement required for commercial properties and multi-family properties. Subdivision Ordinance: Section 134-106. Front: 10.00 ft. or greater for easements. Revisions needed: Include note as shown above, prior to final. Zoning Ordinance: Section 138-356. Rear: In accordance with the Zoning Ordinance or greater for easements. Revisions needed: Include note as shown above, prior to final. Zoning Ordinance: Section 138-356. Sides: In accordance with the Zoning Ordinance or greater for easements. Revisions needed: Include note as shown above, prior to final. Zoning Ordinance: Section 138-356. Corner: 10.00 ft. or greater for easements. Revisions needed: Include note as shown above, prior to final. Zoning Ordinance: Section 138-356. Non-compliance. Garage: 18.00 ft. except where greater setback is required, greater setback applies. Revisions needed: Include note as shown above, prior to final. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 5 ft. wide minimum sidewalk required on North Ware Road (FM 220) and 4 ft. wide minimum sidewalk required on both sides of North 41st Street and all interior street. Revisions Needed: Finalize wording for note once ROW requirements have been established. Revisions Needed: Include note as shown above prior to final. 5 ft. sidewalk along N. Ware Road as per Engineering Department, 4ft. Sidewalk requirement may increase to 5 ft. for interior streets per Engineering Department prior to final. 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. 6ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along North Ware Road and North 41st Street. Revisions needed: Include note as shown above, prior to final. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Revisions needed: Include note as shown above, prior to final. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. Required: No curb cut, access, or lot frontage permitted along North Ware Road and North 41st Street. Pending Items: Include note as shown above, finalize wording for note prior to final.

Must comply with City Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Any owner, builder or developer of a multiple-family, condominium or townhouse dwelling complex of five units or more on a single lot or parcel, or five single-family attached units, shall submit to the planning department for review a site and building plan for the proposed development, submit a site plan for staff review prior to recording. Zoning Ordinance: Section 138-210. Common Areas, private service drives, etc. must be maintained by the lot owners and not the City of McAllen. Pending Items: Note subject to change once subdivision requirements have been finalized. Finalize wording prior to final. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 134-168 applies if private subdivision is proposed. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Required: 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. Required: Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Revisions Needed: Please include lot square footage table on plat, prior to final. Zoning Ordinance: Section 138-356. Existing:R3-T(Townhouse Residential) District Proposed:R3-T(Townhouse Residential) District. At the City Commission meeting of August 28th,2023 the requested rezoning for the subject property to R-3T District was approved. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. At the City Commission meeting of August 28th,2023 the requested rezoning for the subject property to R-3T District was approved. Zoning Ordinance: Article V. Land dedication in lieu of fee. As per application submitted on January 5,2024 a total of 60 lots proposed park fees total to \$42,000 (\$700 X60 per lot/dwelling unit) payable prior to plat recording. If the number of lots/dwelling units changes fees will be adjusted accordingly. Required Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per application submitted on January 5,2024 a total of 60 lots proposed park fees total to \$42,000 (\$700 X60 per lot/dwelling unit) payable prior to plat recording. If the number of lots/dwelling units changes fees will be adjusted accordingly. Required: Pending review by the City Manager's Office. As per application submitted on January 5,202. A total of 60 lots proposed park fees total to \$42,000 (\$700 X60 per lot/dwelling unit) payable prior to plat recording. If the number of lots/dwelling units changes fees will be adjusted accordingly. Required: As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Must comply with City's Access Management Policy. Any abandonments must be done by separate process, not by plat.

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

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

f) Victory Landing Subdivision, 7000 Mile 6 Road, Edgar Delgadillo – La Flor Del Valle **(SUB2021-0150) (6-MONTH EXTENSION PRELIMINARY)**

Mr. Mario Escamilla stated Queens Avenue (6 Mile Road): 30 ft. dedication required for 50 ft. from centerline for 100 ft. total ROW Paving: 65 ft. Curb & gutter: Both sides Revisions Needed: Street name reference must be revised as noted above were applicable prior to final, notes, plat, etc. Clarify additional ROW dedicated by this plat as it overlaps with existing 50' ROW, clarify and revise as applicable prior to final. Monies must be escrowed if improvements are not constructed prior to recording. Label centerline and ROW on both sides of centerline and total ROW after accounting for ROW dedication to verify ROW dedication requirements prior to final. Any abandonment must be done by separate instrument and the document number referenced on the plat. COM Thoroughfare Plan. Internal Street: 60 ft. Paving: 40 ft. Curb & gutter: Both sides Revisions Needed: Street names will be established prior to final. Remove proposed from ROW dedication labeling., prior to final. Monies must be escrowed if improvements are not built prior to recording. Subdivision Ordinance: Section 134-105. E/W 1/4 Collector Road along North Property Line: 60-70 ft. total ROW Paving: 40-44 ft. Curb & gutter: Both sides Revisions Needed: Street names will be established prior to final. Plat layout must be revised to comply with ROW dedication requirements prior to final. Remove proposed from ROW dedication labeling., prior to final. Collector street is to be a public street. Road will align with properties to the west, and will be extended east when adjacent properties develop. The project engineer must verify it prior to final. Barricades to be provided as required prior to recording on east end. Monies must be escrowed if improvements are not built prior to recording. Plat layout must be revised to comply with ROW dedication requirements prior to final. Subdivision Ordinance: Section 134-105. 1200 ft. Block Length for R-3A Zone Districts. Subdivision Ordinance: Section 134-118. ROW: 20 ft. Paving: 16 ft. Pending Items: Engineer submitted a Variance request on December 28th, 2023, requesting to provide dumpster enclosures along the front of the lots as opposed to the back with an alley, as required by public works department requirements. Public Works departments reviewed the request and recommended compliance with alley requirements. Alley/service drive easement required for commercial/multifamily properties. As per Public Works Department, please provide a service drive for trash/recycling collection. Front: 20 ft. or greater for easements or approved site plan, whichever is greater applies. Revisions needed: Revise note as shown above prior to final. Proposing Front: 20 feet or greater for easements. Zoning Ordinance: Section 138-356. Rear: In accordance with Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Revisions needed: Revise note as shown above prior to final. Proposing Rear: 10 feet or greater for easements. Zoning Ordinance: Section 138-356. Interior sides: 6 ft. or greater for easements or approved site plan, whichever is greater applies. Revisions needed: Revise note as shown above prior to final. Proposing Side: 6 feet or greater for easements. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements or approved site plan, whichever is greater applies. Revisions needed: Revise note as shown above prior to final. Proposing Corner :10 feet or greater for easements. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setbacks 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 Queens Avenue (6 Mile Road) and both side of all interior streets. Revisions Needed: Plat note to be revised as shown above prior to final. 5 ft. sidewalk might be required as per Engineering Department prior to final. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along Queens Avenue (6 Mile Road). Revisions Needed: -Revise note as shown above prior to final. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping

Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along Queens Avenue(6 Mile Road). Revisions Needed: Revise the note as shown above prior to final. City's Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Revisions Needed: Please submit a site plan with the proposed number of units per lot, prior to final. Common Areas, any private streets/drives must be maintained by the lot owners and not the City of McAllen Revisions Needed: Clarify note #26 prior to final, indicating as Drainage Easements Dedicated to the City of McAllen. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Revisions needed: Clarify if subdivision will be private and if there will be any private streets/drives, revise plat note #20, as applicable. Section 110-72 applies if subdivision is proposed to be public. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Required: 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. Detention Pond lot boundary line must be modified to be in line with the south property line of Lots 11-14. 25 ft. Access Road is not permitted. Plat submitted on October 3rd,2022 has addressed this comment. Clarify dedication of 150 ft. Drain Area along north boundary prior to final. Zoning Ordinance: 138-1. Required: Minimum lot width and lot area. Clarify number of unit proposed per lot to verify compliance with area requirements prior to final. Zoning Ordinance: Section. 138-356. Required: Existing: R-3A(apartment residential) District Proposed: R-3A(apartment residential) District. Annexation and initial zoning to R-3A(apartment residential) District approved by the City Commission at their meeting of October 24, 2022. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. Annexation and initial zoning to R-3A(apartment residential) District approved by the City Commission at their meeting of October 24, 2022. Zoning Ordinance: Article V. Land dedication in lieu of fee. Park Fee required at \$700 per lot/dwelling unit to be paid prior to recording, if land dedication is not applicable. Park Fee required at \$700 per lot/dwelling unit to be paid prior to recording, if land dedication is not applicable. Provide total number of units proposed to establish requirements, prior to final. Pending review by the City Manager's Office. As per Traffic Department, Trip Generation is required to determine if a TIA will be required prior to final. As per Traffic Department, Trip Generation is required to determine if a TIA will be required prior to final. Must comply with City's Access Management Policy. Lots designated for detention must be labeled as detention/common areas with a lot # or letter on plat prior to final to establish final requirements. Please clarify if drain ditch is included within the subdivision boundaries since it appears to be a separate lot. If that is the case, lot is landlocked and subdivision layout must be modified prior to final to give frontage to this lot. EW Collector street is to be public and will align with properties to the west, and will be extended east when adjacent properties develop. Barricades to be provided as required prior to recording on east end. Indicate if subdivision is private or public prior to final as it may trigger changes on plat. Submit gate details for staff to review prior to final, if private. Any abandonment must be done by separate instrument and document number referenced on the plat, prior to final. If the subdivision on the east side is not recorded, the lot layout must be removed and the current legal description must be written prior to recording.

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

After a lengthy discussion regarding the variance and alley ways, Vice Chairperson Mr. Gabriel Kamel moved to disapprove the variance and approve the preliminary extension, subject to the conditions noted. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

- g) **Moorefield Development Subdivision, 9936 North Moorefield Road, SAMES Inc. (SUB2023-0098) (REVISED PRELIMINARY) SAMES**

Mr. Mario Escamilla stated N. Moorefield Road (FM 681):10 ft. of additional dedication for 60 ft. from centerline existing for 120 ft. ROW Paving: by the state Curb & gutter: by the state Revisions Needed: Please provide how existing ROW was dedicated on plat prior to final. Label reference to 110.0' ROW as Total ROW, prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan Monies must be escrowed if improvements are not constructed prior to recording. Interior street(s): Dedication as needed for 60 ft. Total ROW. Paving: 40 ft. Curb & gutter: both sides Revision needed Please provide ownership map to verify that no landlocked properties exist or will be created, prior to final. As per plat submitted, Lot 2 and remnant tract has no frontage onto a public street, please revise plat and label interior ROW as applicable, finalize prior to final. Clarify status of remnant tract along eastern plat boundary, prior to final. As per updated plat submitted on January 5th,2024 subdivision layout has been revised and presents a 3 lot subdivision with additional acreage. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not built prior to recording. N/S collector(Eastern Boundary,1/4 Mile Location): Dedication as needed for 30 ft. from centerline for 60 ft. total R.O.W. Paving 40 ft. Curb & gutter: Both Sides. Pending Items: Please provide ownership map to verify that no landlocked properties exist or will be created, prior to final. -Street alignment, transitions and R.O.W being reviewed by staff and plat would need to be revised accordingly as applicable prior to final. ROW subject to increase as applicable to accommodate transitions and street alignment, finalize prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Revisions Needed: Engineer to clarify status of remnant tract as it may affect block length requirements, block length requirements to be established once lot 2 frontage and remnant tract is clarified and resolved and subdivision layout is established. Finalize prior to final. As per updated plat submitted on January 5th, 2024 updated layout incorporates remnant tract subdivision layout currently exceed 1200 ft. block length plat must be revised accordingly prior to final, if no changes please submit a variance request. Subdivision Ordinance: Section 134-118. Revisions needed: Current subdivision layout does not provide for frontage for lot 2 onto a public street, revise layout to determine whether a variance request will be needed i.e. will there be interior streets? Lot 2 has no frontage. Block length requirements will be established once lot 2 frontage is resolved and subdivision layout is established prior to final.-As per updated plat submitted on January 5th,2024 updated layout incorporates remnant tract subdivision layout currently exceeds 600 ft. Cul-de-Sac length plat must be revised accordingly prior to final, if no changes please submit a variance request. Cul-de-Sac's shall have a turnaround not less than 200 feet in diameter (right-of-way) with pavement diameter of 180 feet in commercial and industrial areas please review Cul-de-Sac requirements and ensure compliance with requirements as noted above prior to final. Subdivision Ordinance: Section 134-105. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties and multi-family properties. Subdivision Ordinance: Section 134-106. Front: Proposing 25.00 feet or 1/2 of the ROW not to exceed 50 feet. 50.00 feet when fronting a 100 foot ROW or greater. Pending Items: Clarify proposed setback and ensure compliance with minimum setback requirements for City and County, finalize wording prior to final. Zoning Ordinance: Section 138-356. Rear: Proposing: 15.00 feet or easement whichever is greater. Pending Items: Clarify proposed setback and ensure

compliance with minimum setback requirements for City and County, finalize wording prior to final. Zoning Ordinance: Section 138-356. Sides: 6.0 feet or easement whichever is greater. Pending Items: Clarify proposed setback and ensure compliance with minimum setback requirements for City and County, finalize wording prior to final. Zoning Ordinance: Section 138-356. Corner: Proposing : 10 feet corner Where ROW is greater than 50 feet: 20 feet Pending Items: Clarify proposed setback and ensure compliance with minimum setback requirements for City and County, finalize wording prior to final. Zoning Ordinance: Section 138-356. Garage: Proposing: 18 Pending Items: Clarify proposed setback as it is being proposed as a commercial development prior to final. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on N. Moorefield Road (F.M. 681) and both sides of all interior streets and other street as applicable, prior to final. Revisions needed: Finalize wording for note once Lot Frontage/ROW requirements have been finalized, prior to final. Sidewalk requirements may increase to 5 ft. prior to final per Engineering Department requirements, finalize wording for note prior to final. Proposing: A 5 foot wide minimum sidewalk required on N. Moorefield Road. 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 other street as applicable Revisions needed: Finalize wording for note once Lot Frontage/ROW requirements have been finalized, prior to final. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. Must comply with City Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Requirement does not apply, unless annexed in the near future. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Revisions Needed: Include note as shown above, note subject to change once subdivision requirements have been finalized. Finalize wording for note prior to final. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Lots fronting public streets. Current subdivision layout does not provide for frontage onto a public street for lot 2, revise layout minimum 100 ft. of frontage required, finalize lot frontage requirements prior to final. Clarify status of remnant tract and ensure compliance with minimum lot frontage requirements, finalize prior to final. As per updated plat submitted on January 5th, 2024 subdivision layout has been revised and presents a 3 lot subdivision with additional acreage and frontage on a public street. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing : ETJ (Extraterritorial jurisdiction) Proposed: ETJ (Extraterritorial jurisdiction). Proposed land use is commercial (retail). Zoning Ordinance: Article V. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Pending Items: As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Must comply with City's Access Management Policy. Any abandonments must be done by separate process, not by plat, any abandonments by separate instrument must be finalized prior to recording. Please provide ownership map to verify that no landlocked properties exist or will be created and to finalize street requirements, prior to final. As per updated plat submitted on January 5th, 2024 updated layout shown with 3 lots and additional acreage, requiring Planning and Zoning Commission action. Engineer must update application to reflect updated changes prior to final.

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

Being no discussion, Vice Chairperson Mr. Gabriel Kamel moved to approve in revised preliminary form subject to conditions noted, drainage and utilities approvals. Mr. Marco Suarez seconded the

motion, which was approved with five members present and voting.

- h) Harvest Creek at Ware Subdivision Phase I, 2301 North Ware Road, Erickson Construction **(SUB2023-0011) (REVISED FINAL) M&H**

Mr. Mario Escamilla stated North Ware Road: 60 ft. from centerline for 120 ft. ROW Paving: 65 ft. Curb & gutter: Both Sides Revisions Needed: Provide additional ROW details along plat boundary from centerline, as ROW varies prior to recording. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Required: Warrior Drive (Vine Ave.): 10 ft. dedication for 40 ft. from centerline for 80 ft. ROW Paving: 52 ft. Curb & gutter: both sides Pending Items: - Please revise street name as shown above prior to recording. Engineer submitted a variance application on February 13, 2023 requesting that the pavement width be reduced and escrow not be required for Warrior Drive. There is an existing 40.67-42.29 ft. of paving currently and 52 ft. is required. At the Planning and Zoning Commission meeting of March 7th, 2023 the subdivision was approved in Final form subject to conditions noted and with a recommendation of approval for the requested variance. At the City Commission meeting of March 27th, 2023, the variance request was approved and no further board action was required. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Required: N.43rd Lane: Proposing 60 ft. ROW Paving: 40 ft. Curb & gutter: both sides Revisions needed: -Revise street name as shown above prior to recording, were applicable plat, notes, etc. Label dash line on west side to determine any ROW dedication. (May affect adjacent development to the north) Revise plat accordingly to accommodate ROW, prior to recording. Existing 40 ft. ROW on west side, of which 20 ft. is within this plat boundary; clarify and label accordingly prior to recording. Temporary turnaround at the Northwest Corner of subdivision plat must comply with Fire Department requirements, additional notes may be needed prior to recording. As per conversation with Engineer on December 13th, 2023, street build out for N. 43rd Lane to not extend past La Vista Avenue, finalize any temporary turnaround requirements and escrow requirements as applicable prior to recording. Street cannot dead must provide a turnaround mechanism in compliance with Fire and Public Works Department requirements, finalize prior to recording. Clarify cul-de-sac turnaround proposed on the north; 20 ft. ROW beyond turnaround cul-de-sac. Must be resolved prior to recording. As per updated plat submitted on November 22, 2023 plat no longer shares common lot lines with previously referenced 20 ft. ROW. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Internal Streets for R-3A: 60 ft. ROW Paving: 40 ft. Curb & gutter: both sides Pending Items: ROW at gate locations to increase to accommodate proposed improvements, finalize prior to recording. Engineer submitted a variance application on February 13, 2023 requesting that the ROW be reduced from 60 ft. to 50 ft., the engineer has indicated that the 40 ft. paving width will remain. Development staff has reviewed the request and indicated that if approved that a 10 ft. U.E and Sidewalk Easement be dedicated along the front of the lots as applicable. At the Planning and Zoning Commission meeting of March 7th, 2023 the subdivision was approved in Final form subject to conditions noted and with a recommendation of approval for the requested variance. 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. 900 ft. Block Length for R-3A Zone Districts. Revisions needed: Subdivision layout does not comply with block length requirement, please revise accordingly prior to final. Length proposed, approximately 2,355 ft. Engineer submitted variance to the block length requirement on May 4, 2022. At the PZ meeting of May 17, 2022, the board recommended approval of the variance to the block length requirement for the R-3A district, and City Commission approved the variance request on June 13, 2022. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac. Pending

Items: Temporary turnaround at the Northwest Corner of subdivision plat must comply with Fire Department requirements, additional notes may be needed prior to recording. As per conversation with Engineer on December 13th, 2023, street build out for N. 43rd Lane to not extend past La Vista Avenue, finalize any temporary turnaround requirements as applicable prior to recording. Street cannot dead must provide a turnaround mechanism in compliance with Fire and Public Works Department requirements, finalize prior to recording. Subdivision Ordinance: Section 134-105. Required: ROW: 20 ft. Paving: 16 ft. Must comply with Public Works Department waste collection service requirements for the R-3A lots prior to recording. 24 ft. Utility and Service Drive Easement proposed at the rear of lots 35-87. Alley/service drive easement required for commercial properties and Multi-Family properties. Subdivision Ordinance: Section 134-106. Front: 20 ft. or greater for easement. Pending Items: Engineer submitted a variance application on January 9th, 2024 requesting a front setback of 20 feet except 10 feet for unclosed carports for lots 1-112. Development staff reviewed the request and recommended if approval is considered that the setback for unenclosed carports only be at 15 feet. Wording for front setback notes must be finalized given the outcome of the request prior to recording. Zoning Ordinance: Section 138-356 Required: Rear: 10 ft. or greater for easement. 12ft. U.E and Service Drive Easement proposed at the rear of lots 35-87. Zoning Ordinance: Section 138-356. Interior Sides: 6 ft. or greater for easement. Zoning Ordinance: Section 138-356. Corner: 10 ft. 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. Required: 4 ft. wide minimum sidewalk required along N. Ware Road, Warrior Dr. (Vine Ave.), and both sides of N. 43rd Lane and both sides of all internal streets. Revisions needed: Plat note #7 will need to be revised as shown above, and once sidewalk requirements are determined, prior to recording. Sidewalk along N. Ware Road subject to increase to 5 ft. as per Engineering Department prior to final. Sidewalk width requirement for Warrior Dr. (Vine Ave.), N. 43rd Lane and both sides of internal streets subject to increase prior to recording as per Engineering Department requirements. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. Required: 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along Warrior Dr. (Vine Ave.), N. Ware Rd. And N. 43rd Lane. Please revise plat note #9 as shown above prior to recording. Additional buffers may be required prior to recording. Landscaping Ordinance: Section 110-46. Required: 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along N. Ware Rd, Warrior Dr. (Vine Ave.) and N. 43rd Lane. Revisions Needed: Please revise plat note #13 as shown above prior to recording. Must comply with City Access Management Policy. Required: Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Revisions Needed: Remove note #19 prior to recording as it is a requirement not a required note. Requirement might be triggered depending on the # of units proposed per lot on the multifamily lots. Required: 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. Required: Lots



fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area Revisions Needed: Please verify that all lots are in compliance with lot width requirements. Please see interior lots 29-31 lots will have to be adjusted to comply with minimum 50 ft. of frontage requirements 54 ft. for corner lots prior to recording. Review all lots and revise applicable prior to recording. Previous final approved as noted above comment yet to be addressed, must comply with requirements as noted above prior to recording. Provide preliminary site plan for multi-family lots to verify compliance with landscaping requirements. Zoning Ordinance: Section 138-356. Existing: A-O Proposed: R-1 & R-3A \*\*Rezoning was approved by City Commission on 2/14/22. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. Rezoning was approved by City Commission on 2/14/22. Zoning Ordinance: Article V. Land dedication in lieu of fee. Must comply with Park Department requirements, the Developer submitted a variance request letter to the Park Land Ordinance requirements to be waived and proposes to dedicate an additional 10 ft. ROW and construct an 8-foot trail with landscape, lighting and irrigation and a connection to Bentsen Hike & Bike Trail instead. On June 29, 2022, City Manager's Office approved the variance request with conditions. Must comply with conditions noted as per agreement letter dated July 14, 2022 prior to recording. Required: Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Must comply with Park Department requirements, the Developer submitted a variance request letter to the Park Land Ordinance requirements to be waived and proposes to dedicate an additional 10 ft. ROW and construct an 8-foot trail with landscape, lighting and irrigation and a connection to Bentsen Hike & Bike Trail instead. On June 29, 2022, City Manager's Office approved the variance request with conditions. Must comply with conditions noted as per agreement letter dated July 14, 2022 prior to recording. Required: Pending review by the City Manager's Office. Must comply with Park Department requirements, the Developer submitted a variance request letter to the Park Land Ordinance requirements to be waived and proposes to dedicate an additional 10 ft. ROW and construct an 8-foot trail with landscape, lighting and irrigation and a connection to Bentsen Hike & Bike Trail instead. On June 29, 2022, City Manager's Office approved the variance request with conditions. Must comply with conditions noted as per agreement letter dated July 14, 2022 prior to recording. Required. As per Traffic Department, previous Trip Generation and TIA submitted to be honored for Phase I. As per Traffic Department, previous Trip Generation and TIA submitted to be honored for Phase I. Comments/Revisions needed: Label reference for dash line on the west side side of proposed north to south street on the west boundary. Label parcel on the west side of the west boundary line. Subdivision proposed to be private with dedication for ROW on perimeter streets as required, prior to recording. Entry access from the R-3A district along N. Ware Rd. on the plat submitted was reviewed by Traffic Department. ROW at gate locations to increase to accommodate proposed improvements, finalize prior to recording. Any changes to setbacks may require Planning and Zoning Commission action in the future. Must comply with City's Access Management Policy. Subdivision approved in Preliminary form at the Planning and Zoning Commission meeting of November 16th, 2022, subject to conditions noted in Planning Review. At the Planning and Zoning Commission meeting of March 7th, 2023 the subdivision was approved in Final form subject to conditions noted and with a recommendation of approval for both Variances. Subdivision boundaries have changed therefore requiring revised final approval by the Planning and Zoning Commission. At the Planning and Zoning Commission meeting of December 19th, 2023 the subdivision was approved in Revised Final form subject to conditions noted.

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

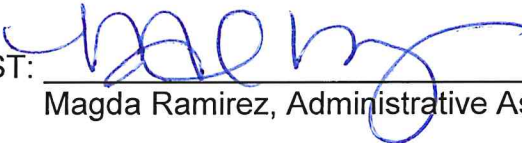
After a brief discussion, Vice Chairperson Mr. Gabriel Kamel moved to approve in revised final form subject to conditions noted and clarification of the requested variance. Mr. Jesse Ozuna seconded the motion, which was approved with five members present and voting.

**ADJOURNMENT:**

There being no further business to come before the Planning & Zoning Commission, Mr. Marco Suarez adjourned the meeting at 4:45p.m. with Mr. Jesse Ozuna seconding the motion with five members present and voting.



\_\_\_\_\_  
Chairperson Michael Fallek

ATTEST:   
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Magda Ramirez, Administrative Assistant