

STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF McAllen

The McAllen Planning and Zoning Commission convened in a Regular Meeting on Wednesday July 26, 2023, at 3:31p.m. at the McAllen City Hall, 3<sup>rd</sup> Floor Commission Chambers Room, 1300 Houston Avenue, McAllen, Texas.

<b>Present:</b>	<b>Michael Fallek</b>	<b>Chairperson</b>
	<b>Jose Saldana</b>	<b>Member</b>
	<b>Emilio Santos Jr.</b>	<b>Member</b>
	<b>Erica De la Garza</b>	<b>Member</b>
	<b>Aaron Rivera</b>	<b>Member</b>
<b>Absent:</b>	<b>Gabriel Kamel</b>	<b>Vice Chairperson</b>
	<b>Marco Suarez</b>	<b>Member</b>
<b>Staff Present:</b>	<b>Austin Stevenson</b>	<b>Assistant City Attorney III</b>
	<b>Michelle Rivera</b>	<b>Assistant City Manager</b>
	<b>Edgar Garcia</b>	<b>Planning Director</b>
	<b>Luis Mora</b>	<b>Deputy Director</b>
	<b>Jose Humberto De la Garza</b>	<b>Development Coordinator</b>
	<b>Omar Sotelo</b>	<b>Senior Planner</b>
	<b>Mario Escamilla</b>	<b>Planner III</b>
	<b>Kaveh Forghanparast</b>	<b>Planner III</b>
	<b>Samuel Nunez</b>	<b>Planner II</b>
	<b>Adriana Solis</b>	<b>Planner II</b>
	<b>Jacob Salazar</b>	<b>Planner Technician I</b>
	<b>Jessica Puga</b>	<b>Planner Technician I</b>
	<b>Magda Ramirez</b>	<b>Administrative Assistant</b>

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

**PLEDGE OF ALLEGIANCE**

**INVOCATION**-. Mr. Emilio Santos Jr.

**1) MINUTES:**

- a) Approval/disapproval of the minutes for the July 12, 2023 meeting.

After a correction request from Chairperson Mr. Michael Fallek, the minutes for the regular meeting held on July 12, 2023 was approved as submitted by Mr. Jose Saldana. Seconding the motion was Mr. Aaron Rivera which carried unanimously with 5 members present and voting.

**2) PUBLIC HEARING:**

- a) **CONDITIONAL USE PERMITS:**

- 1) Request of Javier A. Zuazua, for a Conditional Use Permit, for one year, for a vocational school, at Lot 8, Block 1, International Center Block No.1 (Phase 1) Subdivision, Hidalgo County, Texas; 4102 North 23rd Street. **(CUP2023-0086)**

Mr. Samuel Nunez stated that the property is located on the east side of North 23rd Street, approximately 413 feet south of Primrose Avenue, and the subject property is zoned C-3 (general business) District. The contiguous zoning is C-3 District to the south, east, and north. The adjacent zoning is C-4 (commercial-industrial) District to the west. Surrounding land uses are Carr, Riggs & Ingram CPAs and Advisors, Dairy Queen, Whataburger, and Bridgestone. Institutional use (vocational school) is permitted in the C-3 District with a Conditional Use Permit.

International Center Block No.1 Subdivision was recorded on March 23, 1976. The applicant submitted an application for a Conditional Use Permit for the proposed vocational school on June 13, 2023.

The applicant is proposing to operate a vocational school from the approximate 1,010 square feet lease space. The proposed days and hours of operation are Friday's from 8 a.m. to 5 p.m.; Saturday's from 8 a.m. to 5 p.m., and Sunday's from 8 a.m. to 5 p.m. As per the submitted floor plan, there will be 1 classroom, 1 break room, 1 office, and 1 restroom. Based on (5) parking spaces per classroom area and (1.5) parking spaces for space use as an administration office, 7 parking spaces are required; there are 50 parking spaces of which 2 are reserved as accessible parking spaces on site. The parking spaces are provided as part of shared parking with the existing commercial development, and are in compliance with parking requirement since the development plaza has staggered hours of operation for the majority of the businesses.

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

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial;
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use off street parking, especially in residential areas. Based on (5) parking spaces per classroom area and (1.5) parking spaces for space use as an administration office, 7 parking spaces are required. The parking spaces are provided as part of the existing commercial development. The parking spaces for the proposed business is in compliance;
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits;
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;



- 6) The number of persons within the building shall be restricted to those allowed by the Fire Marshal and Building Official at the time of permit issuance.

Staff recommends approval of the request, for one year; subject to compliance with the conditions noted, Zoning Ordinance, Fire Department and building permit requirements.

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

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

- 2) Request of 956 REI, LLC, for a Conditional Use Permit, for life of the use, and adoption of an ordinance, for a guest house, at west 46 feet of Lot 12 and east 14 feet of Lot 13 and east 14 feet of Lot 14 and east 14 feet of north 27.75 feet of Lot 15, Mathis Addition Subdivision, Hidalgo County, Texas; 1109 Maple Avenue. **(CUP2023-0089)**

Mr. Samuel Nunez stated that the subject property is located along the south side of Maple Avenue, approximately 160 feet east of North 12<sup>th</sup> Street. The property is zoned R-1 (single-family residential) District and has a lot size of 8,610 square feet. The applicant is proposing to construct a guest house as an accessory use. A guest house is permitted in an R-1 District with a Conditional Use Permit (CUP). The adjacent zoning is R-1 District in all directions. Surrounding land uses are single-family residences.

The plat for Mathis Addition Subdivision was recorded on May 5, 1938. A demolition and residential permit application for the main house was submitted to the Building and Inspections Department in May and June 2023. The application for a Conditional Use Permit for a guest house was submitted on June 20, 2023.

The original guesthouse was demolished since it was encroaching into an existing easement area.

The proposed guest house will have an approximate size of 414 square feet. According to the submitted floor plan, the proposed guest house will include one bedroom, one bathroom, a living room, and a kitchen area.

The proposed guest house is for temporary stays by visiting relatives. A guest house is permitted within an R-1 District with an approved Conditional Use Permit and in compliance with all other requirements.

The guest house must meet the requirements in Section 138-118(a)(5) of the Zoning Ordinance as follows:

- 1) Only one guest house shall be permitted on the property;
- 2) The proposed use shall comply with setback requirements. The proposed structure's setbacks are in compliance as shown on the submitted site plan;
- 3) The proposed use shall be connected to the same utilities as the primary residence;

- 4) Lot size must be a minimum 8,000 square feet. According to the Hidalgo County Appraisal District, the Lot size is 8,610 square feet;
- 5) Separate driveways or garages for the proposed use shall not be permitted. The applicant is not proposing a separate driveway or garage for the proposed guest house;
- 6) The proposed use shall not be rented;
- 7) The permit shall be revoked if money is ever paid for rent or utility expenses are shared with the proposed use.

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

Staff received one phone call to inquire about the guesthouse as an accessory use to a primary structure since the lot was currently vacant. Staff informed the resident that a permit for the primary structure had been submitted and approved for issuance.

At the Planning and Zoning Commission meeting of July 12, 2023 no one appeared in opposition to the request. After staff presented their analysis and their recommendation of approval, the Board requested to speak to anyone in opposition to the request. The Board then proceeded to unanimously vote to recommend approval of the request subject to condition noted. There was five members present and voting.

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

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

- 3) Request of Sara C. Lopez, for a Conditional Use Permit, for one year, and adoption of an ordinance, for an amendment food truck park, at Lot 1, Lopez-Torres, Hidalgo County, Texas; 4300 South Ware Road. **(CUP2023-0087)**

Ms. Adriana Solis stated that the subject property is located along the west side of South Ware Road and is zoned C-3 (general business) District. The adjacent zoning is I-1 (light industrial) District to the west, C-3L (light commercial) District to the north and south, and R-1 (single-family residential) District to the east across South Ware Road. A food truck park is permitted in a C-3 District, subject to compliance with Conditional Use Permit requirements.

The applicant is proposing to continue operating an existing food truck park on the subject property. This location was previously approved on October 17, 2022 by the City Commission for a food truck park. The previous request was approved for the six existing vendors are part of the proposed food truck park.

Based on the submitted site plan, the food truck park consist of seven existing food trucks and an extra space available. A total of 32 parking spaces are required, 40 parking spaces are provided on



the subject property.

The food truck park's proposed days and hours of operation would be 7:00 AM to 2:00 AM, Monday through Sunday.

The Fire and Health Departments approved and have allowed the CUP process to continue.

The food truck park and its vendors must comply with the requirements set forth in Section 138-118 of the Zoning Ordinance and 54-52 of the Health and Sanitation Ordinance for mobile food vendors and the following Conditional Use Permit specific requirements:

- 1) The property line of the lot must be at least 200 feet from the nearest residence or residentially zoned property;
- 2) The name, address, phone number and email address of a contact person who shall be available 24 hours per day, 7 days per week for the purposes of responding to complaints regarding the operation of the mobile food vendor court;
- 3) Mobile food vendor courts shall not operate between the hours of 2:00 AM and 7:00 AM;
- 4) Each mobile food vendor court shall provide access to a restroom on or within 600 feet of the property lines of the track of land on which it is situated;
- 5) Mobile food vendor courts must provide one (1) garbage receptacle, to hold a minimum of thirteen (13) gallons, per each vendor located on premises for public use. This requirement is in addition to the receptacles required of each individual vendor;
- 6) Mobile food vendors may not be placed or parking on unimproved surfaces;
- 7) Adequate lighting, as determined by the Health Director, to enable clear and unobstructed visibility of mobile food vendors and patrons shall be provided at all entrances and exits of the mobile food vendor court;
- 8) Mobile food vendor courts shall provide on-premise parking areas sufficient to accommodate staffing needs and seating areas.

The Planning Department has not received any phone calls, emails, or letters in opposition to the Conditional Use Permit request.

Staff recommends approval of the Conditional Use Permit request subject to compliance with the above mentioned requirements.

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

Being no discussion, Mr. Aaron Rivera moved to approve. Mr. Jose Saldana seconded the motion, which was approved with five members present and voting.

- 4) Request of Omar J. Mena, for a Conditional Use Permit, for one year, for a food concession stand, at Lot 2, Redbud No. 2, Hidalgo County, Texas; 6700 North 23rd Street, Suite E. **(CUP2023-0088)**

Ms. Adriana Solis The subject property is located west of North 23<sup>rd</sup> Street, and north of Oriole Avenue. The property is zoned C-3 (general business) District. The adjacent zone is R-3 C (condominiums) to the north and C-1 (office building) District to the south. The properties to the west and east of the subject property are zoned R-1 (single-family) District. Surrounding land uses include a commercial plaza, offices, multi and single family residencies. A portable food concession stand is permitted in a C-3 District with a Conditional Use Permit and in compliance with requirements.

On June 15, 2023, an application was submitted to the Planning Department for a Conditional Use Permit for a portable food concession stand at the subject property. A Conditional Use Permit has been approved for a portable food concession stand in this location.

The applicant is proposing to operate from a 172 sq. ft. portable food trailer with an existing 38 sq. ft. outdoor deck area on the subject property. The portable food trailer business is already in place. The applicant may utilize outdoor seating, maximum of 10 seats. Based on the total area of the 210 sq. ft. portable food concession stand/deck area, 6 parking spaces are required if the applicant includes seating area; 56 parking spaces provided on site. Of the 56 parking spaces, 35 parking spaces are required for the existing restaurant and 5 parking spaces are required for the retail uses, for a total of 40 spaces required. The proposed days and hours of operation are, Monday through Sunday from 11 AM to 11 PM.

The Fire Department and Health Department have completed and approved the necessary inspection. The portable building must also meet the requirements set forth in Section 138-118(a)(9) 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-3 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 restriped and ensure there are no loose gravel visible
- 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.

The Planning Department has not received any phone calls nor emails in opposition of the Conditional Use Permit request.

Staff recommends approval of the request, for one year, subject to compliance with requirements



from Section 138-118(a)(9) of the Zoning Ordinance, Building Permit, Health, and Fire Department requirements.

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

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

- 5) Request of Alwin Veslage Alvarez, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a vaporizer store, at Lot 5, Block 38, McAllen Addition, Hidalgo County, Texas; 404 South 15th Street. **(CUP2023-0090)**

Ms. Adriana Solis stated that the property is located along the west side of South 15<sup>th</sup> Street and south of Dallas Avenue. This property is located within the DROD (Downtown Retail Overlay District). The subject property is zoned C-3 (general business) District as well as the adjacent properties all around. The zoning to the southwest corner is R-2 (duplex-fourplex) District. Surrounding land uses include commercial businesses, offices, restaurants, and multifamily residence. A smoke shop is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.

This is the initial request by the applicant for a Conditional Use Permit for a bar and a vape shop at this location.

The applicant is proposing to operate a vape and CBD shop to operate from the existing 1,500 sq. ft. suite within a commercial plaza. The proposed hours of operation are from 10:00 a.m. to 12:00 a.m (midnight), Monday thru Sunday.

The Fire Department conducted an inspection of the establishment and determined to be in compliance. The establishment must also meet the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

- a) The property line of the lot of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of residential zone to the southwest corner;
- b) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The property has direct access to South 15<sup>th</sup> Street;
- c) The abovementioned business must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. The proposed 1,500 sq. ft. vape and cbd shop is located within the DROD area and is subjected to the conditions of Sec. 138-336. Parking fees will apply during the building permit. As per section 138-400(a) of the Off-Street Parking and Loading requirements, all off-street parking must be clearly

striped and free of potholes;

- d) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;
- e) The abovementioned business should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility as much as possible of the site from a public street;
- f) The abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- g) The abovementioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Director of Planning. The occupancy load for this establishment will be established by the Building Inspection Department as part of the building permit review process.

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

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, Ms. Erica De la Garza moved to disapprove with favorable recommendation. Mr. Aaron Rivera seconded the motion, which was disapproved with favorable recommendation with five members present and voting.

b) REZONING:

- 1) Rezone from C-3 (general business) District to R-3T (townhouses) District: 5.170 acres out of Lot 11, Section 13, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 7901 North 10th Street (west). **(REZ2023-0035)**

Ms. Adriana Solis stated that the subject property is located on the east side of North Main Street, approximately 1,166 feet west of North 10<sup>th</sup> Street. The lot has 144.54 feet of frontage and 959.51 feet of depth, for a total lot area of 5.170 gross acre as per the submitted survey.

The applicant is requesting to rezone the property from C-3 (general business) District to R-3T (townhouses) District. A feasibility plan has not yet been submitted to the Planning Department. The District Phase III Subdivision is under subdivision review.

The subject property is zoned C-3 District, there is also R-1 (single family) District to the west and north. There is R-3A (apartments) District to the east. There is C-3 District to south.



The property currently is vacant and will undergo Site Plan Review. Surrounding land uses include single-family residences, commercial plazas, restaurants and Sam's Club.

The future land use plan designated for this area is classified as mixed-use nodes. Mixed-use nodes allow a combination of dense residential and nonresidential uses in a compact design to create a walkable environment. The most appropriate development type includes small multifamily, mixed use urban on both a neighborhood and community scale, as well as civic and parks/open space. The lease appropriate development type includes single-family, duplex, ADU, manufacturing and light industrial spaces.

The development trend for this section along North Main Street is complete community, public/semi-public, parks and open space as well as mixed-use nodes. The development trend along Auburn Avenue is mixed-use nodes.

The subject property was zoned C-3 District and a bona fide effort was made to be rezoned to R-3T (townhomes) District on August 19, 2021 but was withdrawn. There had not been any rezoning requests since that time, until June 22, 2023.

The development trend for this section along Auburn Avenue is mixed-uses nodes. Mixed-uses nodes includes mixed-use urban on a neighborhood and community scale, providing retail and diverse housing options. Auburn Avenue is designated as a collector road with 80 feet of right-of-way.

The proposed development area would have 5.170 acres (224,792 square feet). Based on the maximum density per gross acres in the R-3A District: 225-one bedroom units, 180-two bedroom units, and 150-three bedroom units would be allowed. Seven thousand square feet represents the minimum lot area for any R-3 multifamily residential district use, exclusive of townhouse. Max allowable density per acre will be defined on site plan approval, once a final subdivision plat is recorded.

Some of the permitted uses within the proposed zoning district are as follows: duplex-fourplexes, apartment buildings with five units or more, condominiums and townhouses with five or more attached townhouses.

The approved site plan must comply with all Zoning, landscaping, buffer, parking and maneuvering, and other requirements set forth by the Development Team.

A recorded subdivision plat and approved site plan are required prior to building permit issuance. A masonry screen eight feet in height shall be required where a commercial, industrial or multifamily use has a side or rear property line in common with a single-family use or zone. Required parkland dedication or a fee in lieu of land comprising \$700 per dwelling unit is required prior to recording a subdivision plat.

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

Staff recommends approval of the rezoning request since it is compatible with the development trend for this section along Auburn Avenue of mixed-use nodes, with diverse housing options.

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

Being no discussion, Mr. Jose Saldana Jr. moved to approve. Mr. Aaron Rivera seconded the motion which was approved with five members present and voting.

- 2) Rezone from R-3A (apartments) District to R-3T (townhouses) District: 1.336 acres out of Lot 11, Section 13, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 7901 North 10th Street (east). **(REZ2023-0039)**

Chairperson Mr. Michael Fallek stated that Item 2b1 and 2b2 are the same requests, one is in the east side and the other is the west in which the case did not have to be presented.

Being no discussion, Mr. Jose Saldana Jr. moved to approve. Mr. Aaron Rivera seconded the motion which was approved with five members present and voting.

- 3) Rezone from R-1 (single family residential) District to R-3A (multifamily apartment residential) District: the south 15.25 acre, more or less, of a 19.59 acre tract; being the west one half of Lot 12, Section 280, save and except that part lying north of the south Right-of-Way line of State Highway 107, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas; 2701 State Highway 107 (rear). **(REZ2023-0032)**

Mr. Samuel Nunez stated that the property is located along the south side of State Highway 107, approximately 160 feet east of North Rooth Road (North 29<sup>th</sup> Street).

The applicant is proposing to rezone the property to R-3A (multifamily apartment residential) District in order to develop the tract of land into a fourplex residential subdivision with 62 lots.

The subject property currently has two zoning designations, a C-3 (general business) District to the north, and R-1 (single family residential) District to the south. The adjacent zoning is R-1 (single family residential) District to the east and west, and R-3A (multifamily apartment residential) District to the south.

There is an existing single family dwelling on the property that will be demolished. Surrounding land uses include agricultural uses, single-family residences, and vacant land.

The Envision McAllen Future Land Use Plan designates the future land use for this property as Regional Commercial. Neighborhood and community scale shopping centers are considered most appropriate for this area. Civic and parks and open space uses are also considered appropriate.

The development trend for this area along State Highway 107 is commercial uses with multifamily residential zones.

The requested zoning does not conform to the Regional Commercial future land use designation as indicated on the Envision McAllen Future Land Use Plan. However, there are existing R-3A Districts in the vicinity.



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

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

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

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

Being no discussion, Mr. Jose Saldana motioned to approve. Mr. Emilio Santos Jr. seconded the motion which item was approved with five members present and voting.

- 4) Rezone from C-3 (general business) District to R-3A (multifamily apartment residential) District: the north 4.340 acre, more or less, of a 19.59 acre tract; being the west one half of Lot 12, Section 280, save and except that party lying north of the south Right-of-Way line of State Highway 107, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas; 2701 State Highway 107 (front). **(REZ2023-0033)**

Chairperson Mr. Michael Fallek stated that Item 2b3 and 2b4 are the same requests, one is in the rear side of the property and the other is the front side of the property in which the case did not have to be presented.

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

- 5) Initial Zoning to A-O (agricultural and open space) District: 1,288.63 acres gross, comprised of a 3.422 acre tract of Section 213, Texas-Mexican Railway Company's Survey, and all of Section 216 and 217, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas; 18900 North Abram Road. **(REZ2023-0034)**

Mr. Samuel Nunez stated that the property is located along the east side of North Abram Road, which has an intersection with Mile 12 Road to the west. The tract is comprised of 1,288.63 gross acres.

The applicant is proposing annexation of the property and is requesting A-O (agricultural and open space) District with no development plan for the near future. The tract is currently outside of McAllen's City limits. The initial zoning to A-O District will become effective upon the annexation of the tract into the City. The subdivision and site plan review processes may be required prior to building permit issuance.

The adjacent properties to the subject property are currently outside of McAllen's City limits and are therefore not zoned.

The property is currently used for agriculture and open space. Surrounding land uses include agricultural uses and vacant land.

The Envision McAllen Future Land Use Plan designates the future land use for this property as Industrial. Light industrial flex spaces, manufacturing, civic, and parks and open space uses would be considered most appropriate for this area.

The development trend for this area along North Abram Road is primarily agricultural.

The requested zoning does not conform directly to the Industrial land use designation on the Envision McAllen Future Land Use Plan. However, open spaces are considered appropriate for this area.

If the property is ever rezoned for a residential, commercial, or industrial use, a recorded subdivision plat and an approved site plan review may be required prior to building permit issuance. Required park land dedication or a fee in lieu of land comprising \$700 per dwelling unit is required prior to recording a subdivision plat.

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

Staff recommends approval of the initial zoning request to A-O (agricultural and open space) District.

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

Being no discussion, Ms. Erica De la Garza moved to approve. Mr. Aaron Rivera seconded the motion which item was approved with five members present and voting.

### **3) CONSENT:**

- a) Cascada at Tres Lagos Phase III Subdivision, 7001 Tres Lagos Blvd., Rhodes Development, Inc. (SUB2022-00135) (FINAL)M&H

Being no discussion, Ms. Erica De la Garza moved to approve subdivision in consent form for Item 3a. Mr. Jose Saldana seconded the motion, which was approved with five members present and voting.

### **4) SUBDIVISIONS:**

- a) El Dorado at Thousand Oaks I, II, III, and IV Phase II, 13100 North 38th Street, Red Rock Real Estates Development, LTD.(SUB2023-0071) (PRELIMINARY)QHA

Mr. Mario Escamilla stated that North Ware Road: Dedication as needed for 150 ft. Total ROW Paving: by the state Curb & gutter: by the state Revisions Needed: Provide a copy of existing dedication for staff review, prior to final. Label Centerline, existing ROW dedications, from centerline, total, etc. on both sides, as to ensure compliance with dedication requirements as noted above, prior to final. Clarify any acquisitions by the state and existing dedications prior to final.



Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. North 34th Lane: 60 Total ROW. Paving : 40 ft. Curb & gutter Both Sides Revisions Needed: Provide Existing ROW details along with document number for existing dedications, prior to final. North 34th Lane along Blocks II, III and IV, dedicated by Eldorado at Thousand Oaks I, II, and III recorded plat. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. 8 1/2 Mile Road: Dedication as needed for 100 ft. Total ROW Paving: 65 ft. Curb & gutter: Both sides Revisions Needed: Provide Existing ROW details along with document number for existing dedications, prior to final. Portion of 8 1/2 Mile Road along Block IV, dedicated by Eldorado at Thousand Oaks I, II, and III recorded plat. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. 1. Block I and Block II: 50 ft. ROW ( Zoned R-1) (Block I Private Streets and Block II Public Streets) Paving: 32 ft. Curb & gutter: Both sides Revisions Needed Subdivision layout must be revised as to provide for street looping or extension and not dead end any existing streets as shown on the north side of Block I and II and SW Corner of Block IV dedicated by Vineyards Estates Subdivision Phase 1A , should the streets not be looped or extended, a Cul-de-Sac with paving diameter 96 ft. paving diameter face-to-face with appropriate ROW of 10 ft. back of curb within the boundaries of this development will be required. (Rear of Lots 73 and 59 Block I and Lot 117 Block II). For Block I, provide gate details prior to final. Gate details will have to be approved by staff prior to final. Increase in ROW widths required as needed to accommodate gate detail requirements, sidewalks, and pedestrian gates, finalize prior to final. Street names will be established prior to final. Finalize street name requirement 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. 2. Block III: 60 ft. ROW( Zoned R3-A) (Private Streets) Paving 40 ft. Curb & gutter: Both sides Revisions Needed: ROW at "Cul-De Sac" areas may have to be increased to comply with Fire Department requirements, finalize prior to final. As per Fire Department requirements, 96 ft. of paving face to face required, and 10 ft. of ROW back of curb around Cul-de-Sac required. For Block III, provide gate details prior to final. Gate details will have to be approved by staff prior to final. Increase in ROW widths required as needed to accommodate gate detail requirements, sidewalks, and pedestrian gates, finalize prior to final. Street names will be established prior to final. Finalize street name requirement 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. 3. Block IV: 50 ft. ROW ( Zoned R-1) (Private Streets) Paving: 32 ft. Curb & gutter: Both sides Revisions Needed: ROW at "Cul-De Sac" areas may have to be increased to comply with Fire Department requirements, finalize prior to final. As per Fire Department requirements, 96 ft. of paving face to face required, and 10 ft. of ROW back of curb around Cul-de-Sac required. For Block III, provide gate details prior to final. Gate details will have to be approved by staff prior to final. Increase in ROW widths required as needed to accommodate gate detail requirements, sidewalks, and pedestrian gates, finalize prior to final. Street names will be established prior to final. Finalize street name requirement prior to final. Must escrow monies if improvements are not built at this time, prior to recording. Barricade and/or temporary turnaround at the north end of streets as needed. 1,200 ft. Block Length. Revisions Needed: Subdivision layout for Block I(Lots 58-73) does not comply with block length requirement, please revise accordingly prior to final. If no changes please submit variance request for 1200ft. maximum block length requirement. Subdivision Ordinance: Section 134-118. 900 ft. Block Length for R-3 Zone Districts. Revisions Needed: Subdivision layout for Block III (Lots 123-135) does not comply with block length requirement, please revise accordingly prior to final. If no changes please submit variance request for 900ft. maximum block length requirement. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac. Revisions Needed: For Block IV



subdivision layout does not comply with block length requirement, please revise accordingly prior to final. If no changes please submit variance request for 600 ft. maximum block length requirement. Should a variance be approved ROW requirements subject to increase to 60 ft. of ROW with 40 ft. of paving. As per Fire Department requirements, 96 ft. of paving face-to face required, and 10 ft. of ROW back of curb around Cul-de-Sac required. Provide "Cul-De Sac" details prior to final. Auto Turn Study may be required to verify compliance with maneuvering space needed at "Cul-De Sac", "Knuckle's", and curvatures, prior to final. Subdivision Ordinance: Section 134-105. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial and multi-family properties. Subdivision Ordinance: Section 134-106. Front: 25.00 ft. Blocks I, II, & IV or greater for easements. Front: 20.00 ft. Block III or greater for easements. Revisions Needed: Revise front setback in note#4 as noted above, prior to final.(Include Block IV). Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Interior Sides: In accordance with Zoning Ordinance or greater for easements. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Garage: 18 ft. or greater for easements 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 8 1/2 Mile Road, North 34th Lane, and both sides of all interior streets. A 5 ft. wide minimum sidewalk required along North Ware Road (F.M.2220). Revisions Needed: Revise note #9 as shown above, finalize wording for note prior to final. Sidewalk requirements may increase to 5 ft. prior to final per Engineering Department requirements, finalize wording for note prior to final. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along North Ware Road, North 34th Lane, 8 1/2 Mile Road for Block IV and Lots 116-123 Block III. Revisions Needed: Revise note#17 as shown above, finalize wording for note 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 North Ware Road (F.M.2220), 8 1/2 Mile Road for Block IV and Lots 116-123 Block III, North 34th Lane, North 38th Street for Block IV. Revisions Needed: Revise note #10 as shown above, finalize wording for note prior to final. Must comply with City Access Management Policy. For Block III, as applicable: Site plan must be approved by the Planning and Development Departments prior to building permit issuance for 5 or more dwelling units on each lot if applicable. 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 final. Zoning Ordinance: Section 138-210. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Proposing: Common areas must be maintained by the Lot Owners, HOA, and not the City of McAllen. Note subject to change once subdivision requirements have been finalized. Finalize wording for note 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. Revisions Needed: Developer/Homeowner's Association/Owner notes must be revised to include all blocks, finalize note wording prior to final. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.



Homeowner's Association Covenants must be submitted for staff review, prior to recording. Section 134-168 applies if private subdivision is proposed. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Proposed subdivision layout is compliant with proposed zoning requirements, lot width and area compliance to finalized once zoning requirements have been established, finalize prior to final. Zoning Ordinance: Section 138-356. Existing R-1 (Single-Family Residential) District Proposed : R-1 (Single-Family Residential) District (Blocks I,II, & IV) and R-3A (Multi-family Residential) District (Block III). Planning and Zoning Commission recommended approval of the request from R-1 to R-3A for Block III portion of this development at their meeting of July 12, 2023. The item is scheduled for the City Commission meeting of August 14, 2023. Rezoning process must be finalized before final plat approval. Engineer must verify if proposed subdivision is within appropriate zoning as it may prompt changes to plat and or rezoning process, review and finalize prior to final. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. Planning and Zoning Commission recommended approval of the request from R-1 to R-3A for Block III portion of this development at their meeting of July 12, 2023. The item is scheduled for the City Commission meeting of August 14, 2023. Rezoning process must be finalized before final plat approval. Engineer must verify if proposed subdivision is within appropriate zoning as it may prompt changes to plat and or rezoning process, review and finalize prior to final. Zoning Ordinance: Article V. 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. Please provide number of lots/dwelling units prior to final. Once clarified if land dedication is applicable to this development, a written request must be submitted if requesting fees in lieu of land to be reviewed by the City Manager's office. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Park Fee required at \$700 per lot/dwelling unit to be paid prior to recording, if land dedication is not applicable. Please provide number of lots/dwelling units prior to final. Once clarified if land dedication is applicable to this development, a written request must be submitted if requesting fees in lieu of land to be reviewed by the City Manager's office. Pending review by City Managers Office. Once clarified if land dedication is applicable to this development, a written request must be submitted if requesting fees in lieu of land to be reviewed by the City Manager's office. As per Traffic Department, Master Trip Generation for both Phase I and II has been approved. Master TIA has been approved with conditions. As per Traffic Department, Master Trip Generation for both Phase I and II has been approved. Master TIA has been approved with conditions. 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. Clarify proposed use of Lot B, subdivision requirements subject to change and additional notes may be required as applicable, once clarified.

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

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

- b) 6400 Industrial Center Subdivision, 5800 South 10th Street, Mario E. Gonzalez, (SUB2023-0070) (PRELIMINARY)NE

Mr. Mario Escamilla stated that Military Highway (F.M. 1016):Dedication as needed for 75 feet from



centerline for 150 feet total ROW. Paving: 65-105 ft. Curb & gutter: Both sides Revisions Needed: Provide for dedication as noted above on plat prior to final. Label Centerline, existing ROW dedications, from centerline, total, etc. on both sides. prior to final. Revise all street name references as shown above prior to final. Please provide how existing ROW was dedicated on plat 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. South 10th Street: Dedication as needed for 75 ft. from centerline for 150 ft. total ROW Paving: By the state Curb & gutter: By the State Revisions Needed: Provide for dedication as noted above on plat prior to final. Label existing ROW dedications, from centerline, total, etc. on both sides. Show ROW for South 10th Street to establish ROW dedication requirements prior to final. Revise all street name references as shown above prior to final. Please provide how existing ROW was dedicated on plat prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. 1,200 ft. Block Length. Subdivision Ordinance: Section 134-118. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial, industrial, and multi-family properties. Revisions Needed: Provide for alley or service drive easement on the plat prior to final. Alley or service drive easement cannot dead-end. Private Access Service Drive Easement must be minimum 24 ft. with 24 ft. of paving and in compliance with Fire and Public Works Department requirements. Subdivision Ordinance: Section 134-106. Front: South 10th Street/ Military Highway (F.M. 1016): In accordance with zoning ordinance, or greater for easements or approved site plan, or in line with average setback, whichever is greater applies. Revisions Needed: Revise plat note as shown above prior to final. Proposing: 60.0' or greater for easement or approved site plan. Zoning Ordinance: Section 138-356. Rear: In accordance with Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Revision Needed: Revise note as shown above prior to final. Proposing: Interior Sides: In accordance with the Zoning Ordinance or greater for easements line, or approved site plan whichever is greatest. Zoning Ordinance: Section 138-356. Sides: In accordance with Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Revision Needed: Revise note as shown above prior to final. Proposing: Interior Sides: In accordance with the Zoning Ordinance or greater for easements line, or approved site plan whichever is greatest. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 5 ft. wide minimum sidewalk required on Military Highway (F.M.1016) and South 10th Street. Revisions Needed: Revise plat as noted above. 5 ft. sidewalk required on Military Highway and South 10th Street as per Engineering Department. Proposing: 4 ft. minimum sidewalk is required on W. Military Highway and South 10th Street. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and as may be required by ordinance. Revisions Needed: Finalize note wording as may be required prior to final. A buffer shall be provided to screen refuse areas (including refuse dumpsters, compactors and contained compactors), outdoor storage areas and loading docks from public streets. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Revisions needed: In note#10 revise reference from "walls" to "wall", review note as noted above, review and revise as applicable prior to final. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along South 10th Street. Revision Needed; Include note as shown above, prior to final. As per Traffic Department, As per McAllen Access Management Policy, spacing requirement for Military Highway is 425 ft. between any existing and proposed access, spacing requirement for S. 10th Street is 425 ft. between driveways and entrances, no additional driveways will be allowed along S. 10th Street. Must comply with City Access Management Policy. Site plan



must be approved by the Planning and Development Departments prior to building permit issuance. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Revisions Needed: Include note as shown above, prior to final. Note subject to change once subdivision requirements have been finalized. Finalize wording prior to final. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: C-4(Commercial-Industrial) District Proposed: C-4(Commercial-Industrial) District. Engineer must verify if proposed subdivision is within appropriate zoning as it may prompt changes to plat and or rezoning process, review and finalize prior to final. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. 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.

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

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

- c) JLG Subdivision, 9212 North Bentsen Palm Drive, Jose Luis Gonzalez Espana, **(SUB2023-0064) (PRELIMINARY) AE(ATLAS)**

Mr. Kaveh Forghanparast stated that 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: Label centerline prior to final. Show and label the "existing ROW" prior to final. If 70 ft. is existing ROW please label accordingly. Show and label existing ROW on both sides of centerline prior to final. Show and label "ROW dedicated by this plat" prior to final. It's not clear if 40 ft. is existing or dedicated by this plat. For the existing ROW, reference the document number on the plat and provide a copy for staff review prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. Gonzalez Lane (interior street): Dedication as required for 50 ft. Paving: 32 ft. Curb & gutter: both sides Revisions required: Clarify if it is a public or private subdivision prior to final. For private subdivision, gate details are required and ROW may need to increase prior to final. 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. Finalize the name of the street with City prior to final. Cul-de-Sac requires 96 ft. of paving face to face with 10 ft. of additional ROW around it. Submit paving layout and revise Cul-de-Sac ROW accordingly prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. 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 Revisions needed: Show the ROW dedication as required prior to final. Name of the collector must be finalized prior to final. Laura Street (N/S 50 ft. ROW) exists to the south. Street number may be assigned by the City. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. 1,200 ft. Block Length. Revise the plat to comply with the requirement or apply for a variance prior to final.



Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac. Based on the design, access to lots 3 to 6 are through Zavala Drive or Laura Avenue and Hailey Drive which will exceed 600 ft. Cul-de-Sac requirement. Revise the plat and show a quarter mile collector on the east boundary (Laura Street) prior to final. Cul-de-Sac requires 96 ft. of paving face to face with 10 ft. of additional ROW around it. Submit paving layout and revise Cul-de-Sac ROW accordingly prior to final. Subdivision Ordinance: Section 134-105. Front: Lots 1 & 2: 45 ft. or greater for easements, or inline with the existing structures, whichever is greater Other Lots: 25 ft. or greater for easements. Revise the plat note as shown above prior to final. Proposed: 25 ft. Zoning Ordinance: Section 138-356. Rear: 15 ft. or greater for easements. Revise the plat note as shown above prior to final. Proposed: 15 ft. Zoning Ordinance: Section 138-356. Sides: 6 ft. or greater for easements. Revise the plat note as shown above prior to final. Proposed: 6 ft. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements. If the plat is revised to show a quarter mile collector along the east side of the property, add a plat note as shown above prior to final. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required, greater setback applies. Revise the plat note as shown above prior to final. Proposed: Front Garage: 18 ft. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on Bentsen Palm Drive, both sides of all interior streets, and N/S collector street. Add a plat note as shown above prior to final once the name of the collector street is finalized. Clarify with Engineering Department as they may require 5 ft. sidewalk. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses, and along N/S collector street. Add a plat note as shown above prior to final once the name of the collector street is finalized. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Add a plat note as shown above prior to final. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along N/S collector street. Add a plat note as shown above prior to final once the name of the street is finalized. Must comply with City Access Management Policy. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Clarify if this is a public or private subdivision prior to final. If private subdivision is proposed, add a plat note as shown above prior to final. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Clarify if the subdivision is public or private and add a plat note as shown above and reference the correct Section (Section 134-168 if private and Section 110-72 if public). 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 HOA draft document prior to final. A plat note to reference the HOA document number must be finalized prior to final. Contact staff for any questions. 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. Lot 5 is proposed with 87.12 ft. of frontage and 106.86 ft. of rear side. Lots with septic tanks require 100 ft. minimum frontage. Revise the layout as applicable prior to final. Verify if curve "A" length is correct as shown to be 235.62 ft. prior to final. Add curve "B" dimensions to the Curve Data Chart prior to final. Lot B's frontage seems to be consisting of curve "B" and a line on the east side of it, since there seems to be 2 points at the southeast corner of Lot 4. Clarify/Label the line on the east side of curve "B" as "L3" and add it to the Line Table prior to final. Revise the lot



areas for Lots 5 & 6, shown as 0.0.61 acres. Move the lot area label for Lot 2 away of the contour lines to be legible. 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 add up of the lot dimensions and 40 ft. ROW exceeds the property's total length of 1,455.83 ft. Revise lot dimensions as applicable prior to final. Use a bold line around the original subdivision boundary prior to final. The ROW shown along Bentsen Palm Drive for this subdivision and the subdivision to the south shown as 70 ft. but there is a notch on the southwest corner of Lot 1. Clarify/revise plat layout prior to final. Provide the legal description of all adjacent lots on all sides including on the west side of Bentsen Palm Drive prior to final. Provide the name of the subdivision for Lots 8 and 9 on the east side on the plat prior to final. Provide the document number for the 30 ft. existing Irrigation easement on the plat and provide a copy for staff review prior to final. Provide bearing and dimensions for the 30 ft. existing Irrigation easement on the plat prior to final. Show the distance from the 30 ft. existing Irrigation easement to the lot's corner points prior to final. Signature blocks including the owner's acknowledgement 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. Show the lot layouts of the existing subdivisions on the location map prior to recording. Must comply with City's Access Management Policy.

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

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

- d) La Lomita Paradise Subdivision, 3500 Mile 6 1/2 Road, La Lomita Paradise, LLC, (SUB2023-0069) (PRELIMINARY) AE (ALPHA)

Mr. Kaveh Forghanparast stated that La Lomita Rd. (Mile 6 1/2 Road): proposed 60 ft. dedication from centerline for 80 ft. total ROW Paving: 52 ft. - 65 ft. Curb & gutter: both sides Revisions required: Show the document number on the plat for the existing ROW and provide a copy for staff review prior to final. If 60 ft. is "dedicated by this plat", label it accordingly prior to final. Show and label existing ROW on both sides of centerline prior to final. Show and label "total ROW" after ROW dedication prior to final. La Lomita Rd. (Mile 6 1/2 Road) is designated as a major collector with 80 ft. ROW. The dedication requirements will be finalized prior to final. Revise the name of the street to La Lomita (Mile 6 1/2) Road and with a bigger font to be legible prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. Brazos Avenue (E/W 1/4 mile Collector on Northern Boundary): 35 ft. ROW dedication for 70 ft. ROW Paving: 44 ft. Curb & gutter: both sides Revisions needed: Clarify if 35 ft. is dedicated by this plat or existing. Label it accordingly prior to final. If existing ROW, show the document number on the plat and provide a copy for staff review prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. Interior Streets: proposed 60 ft. ROW Paving: 40 ft. Curb & gutter: both sides. Revisions needed: Clarify if the subdivision is proposed to be public or private. If proposed to be private, provide gate details with paving layout prior to final. ROW at gate area may need to increase to comply with 20 ft. minimum face to face paving requirement on each side of the island and 10 ft. additional ROW on each side. Contact Staff for name of the interior street(s) prior to final. Clarify if the subdivision is proposed to be public or private. If private, add the following after the name of the street(s): "(PRIVATE STREET)" Subdivision Ordinance: Section 134-105. Monies must be escrowed if



improvements are required prior to recording COM Thoroughfare Plan. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. COM Thoroughfare Plan. 1,200 ft. Block Length. Show the dimensions and bearing of the subdivision boundary on the plat prior to final. Based on the survey it seems that the subdivision does not comply with block length requirement. Clarify/revise plat prior to final. Subdivision Ordinance: Section 134-118. 900 ft. Block Length for R-3 Zone Districts. Clarify the proposed zone and number of units on each lot prior to final to determine compliance. Show the dimensions and bearing of the subdivision boundary on the plat prior to final. Based on the survey it seems that the subdivision does not comply with block length requirement. Clarify/revise plat prior to final. Subdivision Ordinance: Section 134-118. ROW: 20 ft. Paving: 16 ft. Alley may need to be looped back to the interior street instead of La Lomita (Mile 6 1/2) Road based on the Traffic Department's requirement prior to final. Revise as applicable. Clarify if subdivision is proposed to be public or private prior to final. The application does not include the proposed zone. Clarify prior to final. The application states the proposed land use as duplex. Clarify if one duplex on each lot is proposed or two. Cul-de-Sac requirement will be reviewed by staff and finalized prior to final after the items mentioned above are clarified. Alley/service drive easement required for commercial/multifamily properties. Subdivision Ordinance: Section 134-106. Front: 20 ft. or greater for easements. Add a plat note as shown above prior to final. 25 ft. front setback is required if single-family development is proposed. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements. Add a plat note as shown above prior to final. Rear setback is subject to increase prior to final for access, maneuvering, etc. Clarify if parking is proposed at the rear prior to final. Zoning Ordinance: Section 138-356. Sides: 6 ft. or greater for easements. Add a plat note as shown above prior to final. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements. Add a plat note as shown above prior to final. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required, greater setback applies. Add a plat note as shown above prior to final. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan.

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

- e) Maebelle Estates Subdivision, 11201 N. Moorefield Road, Onesimo Guerrero and Griselda Gutierrez **(SUB2023-0076) (FINAL)M2E**

Mr. Kaveh Forghanparast stated that N. Moorefield Road (FM 681): Dedication as required for 60 ft. from centerline for 120 ft. total ROW Paving: by the State Curb & gutter: by the State Revisions as needed: Please reference document number for the existing ROW on the plat and provide a copy for staff review, prior to recording. Show and label total ROW after dedication prior to recording. Finalize that the overlap of the 5 ft. ROW dedication and the existing 8.00' ROW Easement to Sharyland Water is not an issue with the City and/or Sharyland Water prior to final/recording. Provide a copy of the document for staff review prior to recording. Any abandonment must be done by separate instrument and referenced on plat prior to recording. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. COM Thoroughfare Plan. N/S Collector (west boundary): Dedication as required for 30-35 ft. of ROW dedication from the centerline for 60-70 ft. total ROW Paving: 40-44 ft. Curb & gutter: both sides. Based on the submitted ownership map, it seems that no property will be landlocked. However, ROW dedication may be required in future. Project Engineer informed staff that the owner has no issues with a plat note to dedicate ROW in future and pay their share of cost



whenever the City or County requests it. The plat note wording will be finalized prior to recording. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to recording. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final COM Thoroughfare Plan. 1,200 ft. Block Length. Subdivision Ordinance: Section 134-118. Front: 45 ft. or greater for easements. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Sides: 6 ft. or greater for easements. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required; greater setback applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. Remove note from plat prior to recording, as it's not a required plat note. 4 ft. wide minimum sidewalk required on N. Moorefield Road (FM 681). 4 ft. sidewalk will be required along the quarter mile collector, if applicable. Provide an ownership map to verify that prior to final/recording. Engineering Department may require 5 ft. sidewalk. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. A 6 ft. buffer will be required along the N/S collector street on the west side, if applicable. Provide an ownership map to verify that prior to final/recording. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. However, it's not a required plat note. Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. Remove plat note #15 prior to recording since it's a one lot residential subdivision. 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. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording (if annexed). The proposed subdivision is outside the City limits; therefore, park fees do not apply unless it is annexed. As per Traffic Department, Trip Generation for one lot single family subdivision will be waived. An ownership map of the surrounding properties is required to assure no adjacent properties will be landlocked. Additional Streets may be required, based on surrounding properties/ownership map. If additional ROW dedication is required, it must be shown on the plat prior to final/recording. After discussing with the engineer regarding the ownership map requirement, the engineer requested the item to be placed on agenda for final consideration by the Board and stated that they would provide the information prior to the meeting for staff review. Staff informed the engineer that if the required document is not provided, staff recommends the item to be tabled until the ownership map is provided. Remove plat note #11, regarding landscape requirement as per McAllen Unified Code, prior to recording. Provide the legal description of all adjacent properties on the plat including the north side of the subdivision and the east side of N. Moorefield Road prior to recording. Signature blocks including the owner's acknowledgement 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. Must comply with City's Access Management Policy. All comments must be addressed prior to recording. Any abandonment must be done by separate document and referenced on plat. Must comply with City's Access Management Policy. Must comply with other requirements, as may be applicable.

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

Being no discussion, Ms. Erica De la Garza moved to approve in final form subject to the conditions noted. Mr. Aaron Rivera 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, Ms. Erica De la Garza adjourned the meeting at 3:59p.m. with Mr. Emilio Santos Jr. seconding the motion with five members present and voting.

ATTEST:



Magda Ramirez, Administrative Assistant



Chairperson Michael Fallek