

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF McAllen

The McAllen Planning and Zoning Commission convened in a Regular Meeting on Tuesday September 19, 2023, at 3:30p.m. at the McAllen City Hall, 3rd Floor Commission Chambers Room, 1300 Houston Avenue, McAllen, Texas.

Present:	Gabriel Kamel	Vice Chairperson
	Marco Suarez	Member
	Jose Saldana	Member
	Jesse Ozuna	Member
	Reza Badiozzamani	Member
Absent:	Michael Fallek	Chairperson
Staff Present:	Michelle Rivera	Assistant City Manager
	Edgar Garcia	Planning Director
	Omar Sotelo	Senior Planner
	Mario Escamilla	Planner III
	Kaveh Forghanparast	Planner III
	Samuel Nunez	Planner II
	Eduardo Garza	Planner II
	Adriana Solis	Planner II
	Hilda Tovar	Planner II
	Samantha Trevino	Planner I
	Jacob Salazar	Planner Technician I
	Magda Ramirez	Administrative Assistant

CALL TO ORDER – Vice Chairperson Mr. Gabriel Kamel

PLEDGE OF ALLEGIANCE

INVOCATION-. Mr. Marco Suarez

1) MINUTES:

- a) Approval/disapproval of the minutes for the August 22, 2023 meeting.

The minutes for the regular meeting held on August 22, 2023 was approved as submitted by Mr. Marco Suarez. Seconding the motion was Mr. Jose Saldana which carried unanimously with five members present and voting.

2) PUBLIC HEARING:

a) **CONDITIONAL USE PERMITS:**

- 1) Request of Robert Wilson, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a Bar (Eddies) at Lot A-1, Nolana Tower Subdivision, Hidalgo County, Texas; 400 Nolana Avenue, Suite G (CUP2023-0101)

Ms. Samantha Trevino stated that the property is located along the north side of Nolana Avenue between North 4th and North 6th Streets, and is zoned C-3 (general business) District. The adjacent zoning is C-1 (office building) District to the north, C-3 District to the east, south and west. There is also R-1 (single family residential) District to the east and A-O (agricultural and open space) District to the west. Surrounding land uses include commercial businesses, offices, restaurants, single and multifamily residences, vacant land, and a water tower. A bar is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.

The initial conditional use permit was approved for this establishment by the Planning and Zoning Commission on November 2, 1999 and had been renewed annually until September 2011. The last permit renewal was approved for one year on August 2nd of 2022 by the City Commission with a variance to the distant requirement.

The applicant is proposing to continue to operate a bar/pool hall (Fast Eddie's) from the existing 14,891 sq. ft. lease space within the shopping center. The hours of operation will continue to be from 11:00 a.m. to 2:00 a.m. Monday thru Saturday and from 12:00 p.m. to 2:00 a.m. on Sundays. A police activity report is attached for service calls from September 2022 to present. Fire Department has inspected the establishment and found it to be in compliance, pending Health Department inspection. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- a) The property line of the lot of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of residential zones and uses, and a water tower;
- b) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The property has direct access to Nolana Avenue, North 4th Street, and North 6th Street. The existing gates on North 4th Street need to be closed as required by other Conditional Use Permits issued in this commercial plaza;
- c) The abovementioned business must provide parking in accordance with the city off- street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. Currently there is a multi-tenant commercial building on the property. The shopping center consists of various uses including office, retail, vacant suites, restaurants, a children's event center, and bars. The proposed 11,875 sq. ft. bar/pool hall requires 149 parking spaces; 729 parking spaces are provided on the common parking area in the front and rear of the building. For the 729 parking spaces of the common parking area, 15 accessible parking spaces are required and are provided on site, 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 Chief Building Official and Fire Marshal. The occupancy load will be established by the Building Inspections 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(4) of the Zoning Ordinance.

At the meeting of September 6th there was no quorum, all items are to be heard at the meeting of September 19th, 2023.

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

Being no discussion, Mr. Marco Suarez moved to disapprove with favorable recommendation. Mr. Jesse Ozuna seconded the motion, which was disapproved with favorable recommendation with five members present and voting.

- 2) Request of Eric R. Pena, for a Conditional Use Permit, for one year, and adoption of an ordinance for a bar (Suerte Bar and Grill) at N98.5' Lot 1 Block 1, Fairway North Subdivision, Hidalgo County, Texas; 2001 South 10th Street. (CUP2023-0102)

Ms. Samantha Trevino stated that the property is located at the southeast corner of South 10th Street and Toronto Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, west and south, R-3A (apartments) and R-3C (condominiums) District to the east. Surrounding land uses include McAllen Country Club, Logan's Roadhouse, McCreery Aviation Co., La Placita retail plaza, Fairway Plaza Shopping Center, and condominiums. A bar is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.

The initial Conditional Use Permit request was approved by City Commission on August 22, 2022. The renewal for the bar was submitted August 1, 2023.

The applicant is proposing to continue to operate a bar (Suerte Bar and Grill) from the existing building. The proposed hours of operation are from Monday- Sunday from 12:00 P.M.- 2:00 A.M. A police activity report is attached for service calls from September 2022 to present. The Health and Fire Departments have inspected the bar and allowed the CUP process to be continued. The Planning Department has received no complaints regarding this use. The establishment must also 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 abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character

of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is within 400 ft. of the residential zone/use to the northeast;

- 2) The abovementioned businesses must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The establishment has direct access to South 10th Street;
- 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. 61 parking spaces are required and 63 are provided as per site plan.
- 4) The abovementioned businesses must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances.
- 5) The abovementioned businesses 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 of as much as possible of the site from a public street.
- 6) The abovementioned businesses 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 Chief Building Official and Fire Marshal. The occupancy load will be established by the Building Inspections 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.

At the meeting of September 6th there was no quorum, all items are to be heard at the meeting of September 19th, 2023.

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

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

- 3) Request of Sandra L. Gomez on behalf of Desperado Saloon, for a Conditional Use Permit, for one year, for a bar (Desperado Saloon), at Lot A, J.G. Ortegón Subdivision, Hidalgo County, Texas; 6328 South 23rd Street. **(CUP2023-0106)**

Ms. Samantha Trevino stated that the property is located at the northwest corner of South 23rd Street and Military Highway and is zoned C-4 (commercial industrial) District. The adjacent zoning is C-4 District to the North and South, I-1 (light industrial) to the east and A-O (agricultural and open space) District to the west. Surrounding land uses include a convenience store, gas station, auto sales, the McAllen Produce Terminal Market, Burger King, Texas Inn Hotel and vacant land. A bar is allowed in a C-4 District with a Conditional Use Permit and in compliance with requirements.

The initial Conditional Use Permit for this establishment was approved by the Planning and Zoning Commission in September of 1991 and has been renewed annually to different tenants. The last permit was approved for one year on July 6, 2022.

The applicant is proposing to continue operating a billiard saloon (Desperado Saloon) from the existing lease space. The hours of operation will be from 5:00 P.M to 2:00 A.M Monday through Saturday.

A police activity report is attached for service calls from September 2022 to present. The Health and Fire Departments inspections are still pending. Should the Conditional Use Permit be approved, the applicant will be required to sign the application acknowledging and agreeing to the conditions of the permit. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and special requirements as follows:

- a) The property line of those businesses having late hours (after 10:00 p.m.) must be at least 400 feet from the nearest residence, church, school or publicly-owned property or must provide sufficient buffer and sound insulation of the building such that the building is not visible and cannot be heard from the residential areas. This establishment is not within 400 feet of the above mentioned zones or uses;
- b) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment has direct access to South 23rd Street and Military Highway;
- c) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage of the establishment, 2,036 square feet, 21 parking spaces are required for this use and 21 additional spaces are required for the remainder of the building. There are 56 parking spaces provided in the common parking area in the front and rear of the building. The parking lot must be maintained free of potholes and clearly striped.
- d) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
- e) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;

- f) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- g) The abovementioned business shall restrict the number of persons within the building to those allowed by the Chief Building Official and Fire Marshal. The occupancy load will be established by the Building Inspections Department as part of the building permit review process. The allowable number of persons within the building is 116 persons.

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

At the meeting of September 6th there was no quorum, all items are to be heard at the meeting of September 19th, 2023.

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

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

- 4) Request of Eziquel Oritz, for a Conditional Use Permit, for one year, and adoption of an ordinance for a bar (Eutopia) at Lot 3, North Park Village Subdivision Phase 2, Hidalgo County, Texas; 1200 Auburn Avenue Suite 320. **(CUP2023-0115)**

Ms. Samantha Trevino stated that the subject property is located on the North side of Auburn Avenue, west of North 10th Street and is zoned C-3 (general business) District. The adjacent zoning is R-1 (single family residential) District to the north, C-3(general business) District to the East and south and R-3A (apartments) District to the south.

This is the initial Conditional Use Permit permit for the location for a bar.

The applicant is proposing to operate a bar (Eutopia) from the existing building. The proposed hours of operation Tuesday, Thursday, Friday, Saturday, and Sunday from 8:00 P.M.-2:00 A.M.

The Health and Fire Department have inspected the location and have Ok'd the CUP process to continue. The Planning Department received a call concerning noise. The establishment must also 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 abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is within 400 ft. of the residential zone/use to the north and south;
- 2) The abovementioned businesses must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The establishment has direct access

to Auburn Avenue;

- 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. 18 parking spaces are required and More than 250 are provided as per site plan with shared parking within the plaza.
- 4) The abovementioned businesses must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances.
- 5) The abovementioned businesses 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 of as much as possible of the site from a public street.
- 6) The abovementioned businesses 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 Chief Building Official and Fire Marshal. The occupancy load will be established by the Building Inspections 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(4) of the Zoning Ordinance.

At the meeting of September 6th there was no quorum, all items are to be heard at the meeting of September 19th, 2023.

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

After a short discussion regarding noise concerns, Mr. Marco Suarez moved to disapprove with favorable recommendation. Mr. Jose Saldana seconded the motion, which was disapproved with favorable recommendation with five members present and voting.

- 5) Request of Magda Villarreal for a Conditional Use Permit, for life of the use, and adoption of an ordinance, for a guest house, at Lot 35, Block 2, Colonia McAllen No. 2 Subdivision, Hidalgo County, Texas; 2220 South 26th Street. (CUP2023-0105)

Mr. Eduardo Garza stated that the subject property is located along the east side of South 26th Street approximately 200 feet north of Wichita Avenue. The property is zoned R-1 (single-family residential) District and has a Lot size of 5,880 square feet. The applicant is proposing to construct a guest house as an accessory use. A guest house is permitted in an R-1 (single-family residential)

District with a Conditional Use Permit (CUP) and in compliance with requirements. The adjacent zoning is C-3 (general business) District to the east and R-1 (single-family residential) District to the north, south, and west. Surrounding land uses are single-family residences and the McAllen Flea Market.

The plat for Colonia McAllen No. 2 Subdivision was recorded on June 16, 1992. An application for a Conditional Use Permit was submitted to the Planning Department on August 08, 2023.

The proposed one-story guest house would have a size of 280 square feet once it is completed. According to the submitted floor plan, the proposed guest house will include a living area, a closet, a restroom, and a covered patio 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 comply with requirements set forth in Section 138-118(a)(5) of the Zoning Ordinance and specific requirements as follows:

- 1) Only one allowed per lot;
- 2) Must meet setback requirements;
- 3) Must be on same utilities as primary residence on lot;
- 4) Lot size must be a minimum 8,000 square feet. According to the Hidalgo County Appraisal District, the Lot size is 5,880 square feet;
- 5) There can be no separate driveway or garage for the guesthouse. Applicant is not proposing an independent driveway for the proposed guesthouse;
- 6) It must not be rented out; and
- 7) If money is ever paid for rent or share of utilities, etc., permit will be revoked.

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

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

Staff recommends disapproval of the request based on noncompliance with requirement # 4 (minimum lot size) of Section 138-118(a)(5) of the Zoning Ordinance.

At the meeting of September 06, 2023, there was no quorum, all items to be heard at the meeting of September 19, 2023.

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

After a short discussion regarding the setback requirements, Mr. Jesse Ozuna moved to disapprove with favorable recommendation. Mr. Marco Suarez seconded the motion, which was disapproved with favorable recommendation with five members present and voting.

- 6) Request of Shahid Rashid for a Conditional Use Permit, for one year, and adoption of an ordinance, for an event center at Lots 7 and 8, Block 45, North McAllen Subdivision, Hidalgo County, Texas; 220 North Main Street. **(CUP2023-0108)WITHDRAWN**

Case has been withdrawn. No discussion or action required.

- 7) Request of Victoria Ortega for a Conditional Use Permit, for one year, and adoption of an ordinance, for an event center at Lot 1, Nolana Heights Subdivision, Hidalgo County, Texas; 601 East Nolana Avenue. **(CUP2023-0109)**

Mr. Eduardo Garza stated that the property is located on the north side of East Nolana Avenue, approximately 140 ft. west of North McColl Road and is zoned C-3 (general business) District. The adjacent zoning is C-3 (general business) District on all directions. Surrounding land uses includes restaurants, a gas station, commercial businesses, a church, offices, apartments, and vacant land. An event center is allowed in a C-3 (general business) District with a Conditional Use Permit and in compliance with requirements.

A Conditional Use Permit for a bar was initially approved in April of 1999 and was renewed annually until 2005. The bar was closed and a new application was submitted and approved for a dancehall in May of 2008 and was been renewed annually until 2016. The last approval for a dancehall was on November 12, 2018 by City Commission with a variance to the distance requirement. City Commission approved a Conditional Use Permit for an event center for the existing building on November 8, 2021. A site plan review for the subject property was approved by the Planning and Zoning Commission on April 19, 2022. A CUP request for an event center with the proposed additions was approved by City Commission on May 9, 2022. A right-of-way abandonment for a 36 ft. shared access easement for Lots 1 and 3 was approved by City Commission on June 13, 2022.

The applicant is proposing to operate an event center named The Grand Event Center/Vidor Falls, from the existing building and proposed additions, approximately 17,225 sq. ft. The hours of operation are from 5:00 P.M. to 2:00 A.M. daily.

The Fire & Health Departments' approved and have allowed the CUP process to continue. The establishment must also 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 businesses must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. from the nearest residentially zoned property and a church (First United Methodist);
2. The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The establishment has direct access to East

Nolana Avenue and does not generate traffic into residential areas;

3. The abovementioned business must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. Based on the square footage and use of the building, 173 parking spaces are required and 203 spaces are provided. 98 spaces are provided on lot and 105 parking spaces are provided as shared parking with Lot 3, which has a common access easement to the west. The parking lot has to be free of potholes and clearly striped;
4. The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;
5. The abovementioned businesses 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 of as much as possible of the site from a public street;
6. The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
7. The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director.

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

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

At the meeting of September 06, 2023, there was no quorum, all items to be heard at the meeting of September 19, 2023.

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

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

- 8) Request of Florentino Obregon Jr., for a Conditional Use Permit, for life of the use, and adoption of an ordinance, for an Institutional Use (church), at Lot 15, Espensen Industrial Park Subdivision Unit No. 3, Hidalgo County, Texas; 2600 Zinnia Avenue. (CUP2023-0113)

Mr. Eduardo Garza stated that the subject property is located along the northwest corner of Zinnia Avenue and North 26th Lane. The property is zoned I-1 (light industrial) District. The adjacent zoning is R-1 (single-family residential) District to the north, I-1 (light industrial District to the east, south, and west. Surrounding land uses include residential homes and commercial businesses. An institutional use is permitted in a I-1 District with a Conditional Use Permit and in compliance with requirements.

This is the first Conditional Use Permit request for this property. The Conditional Use Permit request application was submitted on August 17, 2023.

There is an existing 2,560 sq. ft. (as per appraisal district) building which is being used as the main sanctuary for the church. The applicant is proposing to operate a church with a main sanctuary area. The days and hours of the services of the church will be on Sunday from 1:00 PM to 3:00 PM and Monday to Friday 6:00 AM – 7:00 AM for morning prayer and a monthly meeting on Thursday. Based on the 40 seats in the sanctuary area, 10 parking spaces are required; 7 parking spaces are provided on site on the south side of the property. A parking agreement has been submitted for an additional 6 parking spaces with the adjacent property.

The Fire Department inspection is still pending. Should the Conditional Use Permit be approved, the applicant would be required to sign the certificate acknowledging and agreeing to the conditions of the permit. The church must comply with the Zoning Ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The business has frontage on Zinnia Avenue.
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on the seating area of 40 seats in the sanctuary, 10 parking spaces are required; 7 parking spaces are provided on site on the south side of the property. A parking agreement has been submitted for an additional 6 parking spaces with the adjacent property.
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits.
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities.
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas.
- 6) The numbers of persons within the building shall be restricted to the existing seating capacity for the building.

- 7) Sides adjacent to commercially and residentially zoned or used properties shall be screened by a 6 ft. opaque fence.

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

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

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

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

Being no discussion, Mr. Jose Saldana to approve subject to conditions noted. Mr. Jesse Ozuna seconded the motion, which was approved with five members present and voting.

- 9) Request of Miguel A. Vargas, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a bar, at Lots 1 and 2, Mejia Subdivision Unit No.1, Hidalgo County, Texas; 2000 Nolana Avenue. **(CUP2023-0116)**

Mr. Eduardo Garza stated that the property is located at the northwest corner of Nolana Avenue and Bicentennial Drive and is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. Surrounding land uses include restaurants, commercial businesses, bars, offices, the International Museum of Arts & Science (IMAS), auto services, and vacant land. A bar and lounge is allowed in a C-3 zone with a Conditional Use Permit and in compliance with the requirements.

The first Conditional Use Permit for a bar at this location was approved by the City Commission on September 29, 2009, with a variance to the 600 ft. distance requirement. The permit has been renewed annually by different tenants with variances to the distance requirement by the City Commission until March 2018. An application for a Conditional Use Permit for one year for a bar was approved by the City Commission on August 10, 2020. The previous Conditional Use Permit was approved by the City Commission on October 11, 2021. The Conditional Use Permit was not renewed in 2022. The application for a Conditional Use Permit was submitted on August 21, 2023.

The applicant is proposing to operate a bar (Calandrias Bar & Lounge) with an outdoor patio area. The hours of operation will be Thursday to Sunday, from 9:00 p.m. to 2:00 a.m. Based on the 2,472 square feet for the bar, 25 parking spaces would be required. As per the subdivision plat Mejia Unit No. 1 Subdivision, the existing parking area is a common parking area for all 12 lots.

The Fire and Health Department have inspected the establishment and approved for the CUP process to continue. 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 establishment must comply with the requirements set forth in Section 138-118 (a)(4) of the Zoning Ordinance and specific requirements as follows:

- h) The property line of the lot of the abovementioned business must be at least 400 feet from the nearest residence or residentially zone property, church, school, or publicly owned

property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is within 400 ft. of the International Museum of Arts & Science (IMAS);

- i) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The establishment has direct access to Nolana Avenue and Bicentennial Drive and does not generate traffic into residential areas;
- j) 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. Based on the square footage of the bar, 25 parking spaces will be required, which are provided as part of the common parking area. There is a 2-year parking agreement on file valid from June 2023 to June 2025, that provides an additional 40 parking spaces.
- k) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;
- l) 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 of as much as possible of the site from a public street;
- m) The abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties; and
- n) 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. This number cannot exceed the number provided for in existing city ordinances.

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

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

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

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

- 10) Request of Humberto Ramos Martinez, for a Conditional Use Permit, for one year, for a portable building greater than 10 feet by 12 feet (storage shed) at Lot B1, Aim Media Subdivision, Hidalgo County, Texas; 1324 East Nolana Avenue. **(CUP2023-0110)**

Mr. Eduardo Garza stated that the subject property is located on the south side of Nolana Avenue and approximately 604 feet west of Jackson Road. The Greater McAllen Association of Realtors is currently on the subject property. The property is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. Surrounding land uses include O'Reilly Auto Parts, KRGV Channel Five News, One Nolana Center, and a vacant lot. A portable building greater than 120 square feet is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.

The initial Conditional Use Permit was approved by the Planning and Zoning Commission on August 17, 2021. The Conditional Use Permit was not renewed in 2022. The applicant submitted for a Conditional Use Permit application for a portable building on August 11, 2023.

The applicant is proposing to utilize an 8 feet by 20 feet portable building on the subject property for storage of outdoor equipment. The storage shed is to be 34 feet from the main office building and proposed to be located at the rear of the property, along the south side of the office building.

The Fire Department has conducted their necessary inspection and no violations were found. 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 portable building must also meet the requirements set forth in Section 138-118 of the Zoning Ordinance and specific requirements as follows:

- 1) Portable buildings shall not be used for living quarters. The portable building will be used as an outdoor equipment storage;
- 2) Portable buildings shall be located in such a manner as to have access to a public right-of-way within 200 feet;
- 3) Portable buildings approved for occupancy shall be connected to an approved water distribution and sewage disposal system;
- 4) Portable buildings shall be provided with garbage and trash collection services;
- 5) No form of pollution shall emanate beyond the immediate property line of the permitted use; and
- 6) Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use.

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

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

Staff recommends approval of the request, for one year, subject to Section 138-118 of the Zoning

Ordinance, Building Permit, and Fire Department requirements.

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

Being no discussion, Mr. Marco Suarez moved to approve. Mr. Jesse Ozuna seconded the motion, which was approved with five members present and voting.

- 11) Request of Mario Almodovar, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a Hooka Bar, at Lot 1, Gateway Plaza Shopping City Subdivision S85'-N300', Hidalgo County, Texas; 1215 South 10th Street, Suite D. **(CUP2023-0117)**

Ms. Samantha Trevino stated that the subject property is located on the east side of North 10th Street, south of Lindberg Avenue and is zoned C-3 (general business) District. The Suite is located inside of the Gateway Plaza Shopping City along with 2 other businesses, Puff Air, and Metro by T-Mobile. A Bar is allowed in a C-3 District with a Conditional Use Permit.

This is the initial application for a Conditional Use Permit for a Hooka bar at this location. Puff Air smoke shop next door was opened back in 2021 with no CUP on file.

The applicant is proposing to operate a Hooka bar/restaurant by the name of Dubi Lunch and Grill from the 4,131 square foot Suite. Hours of operation will be from Sunday to Thursday from 11:00 A.M. to 12:00 A.M. and Friday to Saturday from 11:00 A.M to 2:00 A.M. The Hooka bar will be located in the front area of the suite and the restaurant will be in the rear area of the suite.

Fire Department has inspected the establishment and have okay'd the CUP process to continue, pending Health Department inspection. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- a) The property line of the lot of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of residential zones and uses.
- 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 10th Street, and Lindberg Avenue.
- c) The abovementioned business must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. Currently there is a multi-tenant commercial building on the property. The shopping center consists 2 other suites, Metro T-Mobile, and Puff Air. The proposed 4,131 sq. ft. restaurant/bar requires 10 parking spaces; 37 parking spaces are provided on the common parking area in the front of the building, all 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 Chief Building Official and Fire Marshal. The occupancy load will be established by the Building Inspections 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(4) of the Zoning Ordinance.

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

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

- 12) Request of Ramon R. Martinez, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a food truck park, at Lot 1, Valley Salvage Center Subdivision, Hidalgo County, Texas; 701 East Highway 83. (CUP2023-0119)

Ms. Samantha Trevino stated that the subject property is located north of East Highway 83 on the corner of North McColl Road and East Beech Avenue. The subject property is zoned I-1 (light industrial) District. The adjacent zones to the south, east, and across McColl Road to the West, are also L-1 District, with a C-4 (commercial industrial) District across East Beech Avenue to the north. A food truck park is a permitted use under an I-1 District, subject to compliance to a Conditional Use Permit's requirements.

The last approved CUP for the location was last year August 16, 2022.

The applicant is proposing to operate a food truck park on the subject property (which currently serves as a parking lot area). According to the applicant, 150 parking spaces (not including spaces for food trucks and tables) will be available on the subject property for the general public. The food truck park's proposed days and hours of operation would be 8:00 AM to 12:00 AM Monday through Sunday. The food truck park will continue to consist of 6 food trucks and 14 tables.

The food truck park and its vendors must comply with the requirements set forth in Section 54-51 of the Zoning Ordinance for mobile food vendors and the following 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 trucks 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 of the Conditional Use Permit request.

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

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

After a brief discussion regarding compliance of restrooms, Mr. Jesse Ozuna moved to approve subject to conditions noted. Mr. Jose Saldana seconded the motion, which was disapproved with favorable recommendation with five members present and voting.

- 13) Request of Armando Rios, for a Conditional Use Permit, for one year, for a Portable Food Concession Stand for Raspadin, at E96.53' N127.55'- Lot 1, Alta Loma Subdivision, Hidalgo County, Texas; 2309 Galveston Avenue. (CUP2023-0120)

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

Conditional Use Permit for a portable building at this location. Currently there is one food truck on the adjacent lot by the name of Taquero Mucho, the lot described above will be adding a food truck by the name of Raspadin. There is currently a pergola on the north side of the portable building, the seating from there will be relocated to the front of the Raspadin food truck. An additional pergola is being proposed in front of the food truck as well.

The applicant is requesting a conditional use permit for an existing portable building located on the property (previously Raspadin). The portable building dimensions are 12 feet by 34 feet as per the submitted site plan. The building will be used as a commissary and prep area for Raspadins and Taquero Muchos food trucks. As per the submitted site plan, the portable building will not be placed on any existing parking spaces. Any addition or canopy on site would require the necessary permits and must comply with our city ordinances.

The Fire Department review is currently under review, the Health Department has okay'd the CUP process to continue. Should the Conditional Use Permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions of the permit.

The establishment must also meet the requirements set forth in Section 138-118 of the Zoning Ordinance and specific requirements as follows:

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

- 1) Portable buildings must not be used for living quarters. The portable building will be used as storage for both food trucks;
- 2) Must be located in such a manner as to have access to a public right-of-way within 200 feet;
- 3) The proposed use and adjacent businesses shall comply with the off-street parking and loading ordinance. The parking lot has to be paved and striped according to Section 138-400 of the Zoning Ordinance;
- 4) Must provide garbage and trash collection and disposal;
- 5) No form of pollution shall emanate beyond the immediate property line of the permitted use; and
- 6) Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use.

Staff is recommending approval of the portable building subject to conditions and in compliance with Health and Fire Department requirements.

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

Being no discussion, Mr. Jose Saldana moved to approve subject to conditions noted. Mr. Marco

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

b) REZONING:

- 1) Rezone from R-1 (single-family residential) District to R-3A (multifamily apartment residential) District: 5.411 acres, more or less, out of Lot 27, La Lomita Irrigation & Construction Company Subdivision, Hidalgo County, Texas; 3401 La Lomita Road. (REZ2023-0044)

Mr. Eduardo Garza stated that the property is located on the south side of La Lomita Road. The applicant is proposing to rezone the property to R-3A (multifamily residential apartments) District in order to develop the tract of land for a detached duplex development. A submitted feasibility plan depicts that the subject property will be split up into 13 different lots.

The adjacent zoning is R-2 (duplex-fourplex residential) District to the north and R-1 (single-family residential) District to the east, south, and west.

The subject property is vacant. Surrounding land uses include single-family, proposed multi-family residences, and Hidalgo County Irrigation District No. 1 Main Canal.

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

The development trend for this area along La Lomita Road is single family residential and duplex-fourplex residential.

The requested zoning conforms to the Envision McAllen Future Land Use Plan designation.

La Lomita Road is designated as a major collector road and is constructed as a two lane rural roadway. There are no curb and gutter or sidewalk adjacent to the subject tract. The Hidalgo County Irrigation District No. 1 Main Canal is also located along the rear of the entire subject tract.

The proposed development area would have 5.411 acres (235,724.00 square feet). Based on the maximum density per gross acres in the R-3A District: 235-one bedroom units, 188-two bedroom units, and 157-three bedroom units would be allowed. Seven thousand square feet represents the minimum lot area for any R-3 multifamily residential district use, exclusive of a townhouse. Max allowable density per acre will be defined once a final subdivision plat is recorded.

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

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

Staff recommends disapproval of the rezoning request to R-3A (multifamily apartment residential) since there is a potential for up to 235 units with an access to a major collector road.

At the meeting of September 06, 2023, there was no quorum, all items to be heard at the meeting of September 19, 2023.

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

Applicant Mr. Ahmad Gorabi stated that the plan for multifamily apartments which consists of 13 buildings and will have 2 units in each building. Mr. Gorabi stated that by rezoning this location and allowing the project, it will allow new jobs and it would improve the city economy.

After a short discussion, Mr. Marco Suarez moved to approve. Mr. Jose Saldana seconded the motion which was approved with five members present and voting.

- 2) Initial Zoning to R-1 (single-family residential) District: 1.09 acres, more or less, out of Lot 417, John H. Shary Subdivision, Hidalgo County, Texas; 4800 Auburn Avenue. (REZ2023-0045)

Mr. Samuel Nunez stated that the property is located along the north side of Auburn Avenue and is part of a larger tract of land (i.e., 25.63 acres gross) that also has frontage on North Taylor Road. This particular tract is comprised of 1.09 acres of vacant land.

The applicant is requesting annexation of the property and initial zoning to R-1 (single-family residential) District in order to develop the tract of land for a single-family residential subdivision with 121 lots proposed. The tract is currently outside of McAllen's City limits. The initial zoning to R-1 District will become effective upon the annexation of the tract into the City. The subdivision process will be required prior to building permit issuance.

The adjacent properties to the north and west are currently outside of McAllen's city limits and are therefore without zone. Adjacent properties to the east and south across Auburn Avenue include A-O (agricultural and open space) District and R-1 District.

The property is currently vacant. Surrounding land uses are a mix of single-family residential, institutional, and open spaces.

The Envision McAllen Future Land Use Plan designates the future land use for this property as Parks and Open Space. Civic and Parks and Open Space uses are considered most appropriate for this property.

The development trend for this area along Auburn Avenue is single family residential.

The requested zoning does not conform to the Parks and Open Space use designation on the Envision McAllen Future Land Use Plan. However, this proposal would be compatible with the existing single-family residential uses in the vicinity.

If the property is ever rezoned and or re-subdivided for a multifamily residential, commercial, or industrial use, a recorded 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 R-1 (single-family residential) District.

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

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

- 3) Initial Zoning to R-1 (single-family residential) District: 24.54 acres, more or less, out of Lot 417, John H. Shary Subdivision, Hidalgo County, Texas; 8100 North Taylor Road. **(REZ2023-0046)**

Mr. Samuel Nunez requested that the previous analysis from 2b2 tract to be voted together with this item.

Applicant Mr. Ivan Garcia with Rio Delta Engineering stated that they submitted the application separate due to the difference in the acreage and two separate owners at the time he turned in the application. It is now combined with the subdivision and are currently owned by the same owner.

The property is located along the east side of North Taylor Road and is part of a larger tract of land (i.e., 25.63 acres gross) that also has frontage on Auburn Avenue. This particular tract is comprised of 24.54 acres of vacant land.

The applicant is requesting annexation of the property and initial zoning to R-1 (single-family residential) District in order to develop the tract of land for a single-family residential subdivision with 121 lots proposed. The tract is currently outside of McAllen's City limits. The initial zoning to R-1 District will become effective upon the annexation of the tract into the City. The subdivision process will be required prior to building permit issuance.

The adjacent properties to the north and west are currently outside of McAllen's city limits and are therefore without zone. Adjacent properties to the east and south across Auburn Avenue include A-O (agricultural and open space) District and R-1 District.

The property is currently vacant. Surrounding land uses are a mix of single-family residential, institutional, and open spaces.

The Envision McAllen Future Land Use Plan designates the future land use for this property as Parks and Open Space. Civic and Parks and Open Space uses are considered most appropriate for this property.

The development trend for this area along North Taylor Road is single family residential.

The requested zoning does not conform to the Parks and Open Space use designation on the Envision McAllen Future Land Use Plan. However, this proposal would be compatible with the existing single-family residential uses in the vicinity.

If the property is ever rezoned and or re-subdivided for a multifamily residential, commercial, or industrial use, a recorded 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 R-1 (single-family residential) District.

After a discussion of why the two cases are being voted as the same, Mr. Marco Suarez moved to approve. Mr. Jesse Ozuna seconded the motion which was approved with five members present and voting.

3) SITE PLAN:

- a) Site plan approval for Lots 38 to 43, IGOA Business Campus Subdivision Phase I, Hidalgo County, Texas; 4101 North M Street. (SPR2022-0069)

Mr. Samuel Nunez stated that the subject property is located on the southwest corner of East Primrose Avenue and North M Street. The subject property is zoned C-3 (general business) District. Adjacent properties are zoned C-3 District in all directions. Surrounding land uses include commercial retail and office uses.

The applicant is proposing to construct an 8,519 square-foot building and operate a therapy clinic.

Access to the site is from East Primrose Avenue and North M Street. No alley exists or is proposed.

Based on 8,519 square feet that will be used for office use, 47 parking spaces are required for the site. 72 parking spaces are proposed. Moreover, 1 of the proposed regular parking spaces must be accessible for van accessibility with an 8-foot wide aisle. The applicant is meeting parking requirements for the new development.

5,435.4 square feet of green area is required for the new development and 34,866.97 square feet is proposed. The tree requirement is as follows: 17 two-and-a half-inch-caliper trees, 9 four-inch caliper trees, 4 six-inch caliper trees, or 7 palm trees. A minimum 10 feet wide landscaped strip is required inside the front property line. Fifty percent of the required green area for the new development must be visible from the street or front property line, and each parking space must be within 100 feet of a landscaped area with a tree. Finally, a 6-foot buffer is required around dumpsters/compactors if visible from the street. The applicant is meeting landscaping requirements for green area and trees.

There is a 30-foot minimum front yard setback, and all other setbacks must be in accordance with the zoning ordinance minimum requirements for commercially zoned properties. No structures are permitted to be built over any easements. The new development will be complying with all required setbacks for the property.

A 4-foot wide minimum sidewalk is required along East Primrose Avenue and North M Street.

The Building Permit Site Plan must comply with requirements noted on the Development Team

Review sheet.

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

Being no discussion, Mr. Jose Saldana moved to approve the site plan. Mr. Marco Suarez seconded the motion, which was approved with five members present and voting.

- b) Site plan approval for Lot 3A, Shops At 29 Subdivision, Hidalgo County, Texas; 2800 Expressway 83. (SPR2023-0035)

Ms. Adriana Solis stated that the subject property is located north of Expressway 83. The subject property is zoned C-3 (general business) District. Adjacent properties are zoned C-3 District in all directions. Surrounding land uses include commercial retail and office uses.

The applicant is proposing to construct a 12,352 square foot building, comprising of a 3,801 square foot suite to operate Panera Bread.

Access to the site is from a 30 foot service drive to Express 83 as per the plat. No alley exists or is proposed.

Based on 3,801 square feet that will be used for restaurant use (Panera Bread), 38 parking spaces are required for the site. Based on the remaining 8,551 square feet for retail use requires 25 parking spaces. 89 parking spaces are proposed. Parking requirements are subject to change, should other uses be proposed other than retail for the remaining suites. Moreover, 4 of the proposed regular parking spaces must be accessible for van accessibility with an 8-foot wide aisle. The applicant is meeting parking requirements for the new development.

6,386.55 square feet of green area is required for the new development and 6,558 square feet is proposed. The tree requirement is as follows: 19 two-and-a half-inch-caliper trees, 10 four-inch caliper trees, 5 six-inch caliper trees, or 8 palm trees. A minimum 10 feet wide landscaped strip is required inside the front property line. Fifty percent of the required green area for the new development must be visible from the street or front property line, and each parking space must be within 100 feet of a landscaped area with a tree. Finally, a 6-foot buffer is required around dumpsters/compactors if visible from the street. The applicant is meeting landscaping requirements for green area and trees.

There is a 50-foot minimum front yard setback, and all other setbacks must be in accordance with the zoning ordinance minimum requirements for commercially zoned properties. No structures are permitted to be built over any easements. The new development will be complying with all required setbacks for the property.

Must maintain existing 4-foot wide minimum sidewalk along South 29th Street and fronting Expressway 83.

Must comply with Utilities Department requirements, regarding cleanout and grease trap to be located out of the driveway.

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

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

Being no discussion, Mr. Marco Suarez moved to approve the site plan subject to conditions noted. Mr. Jose Saldana seconded the motion, which was approved with five members present and voting.

4) SUBDIVISIONS:

- a) Silverado Moon Subdivision, 8100 North Taylor Road, Fortis Land Company, LLC
(SUB2023-0102) (FINAL) RDE

Mr. Mario Escamilla stated that North Taylor Road: Proposing 10 ft. of dedication for 40 ft. from centerline for 80 ft. total ROW Paving: 52 ft. Curb & gutter: both sides. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. Auburn Avenue (5 Mile Line Road) : Proposing 40 ft. of dedication for 60 ft. from centerline for 120 ft. total ROW. Paving: 65 ft. Curb & gutter: Both sides Revision Needed: Clarify 40 ft. existing on the south side of Auburn Avenue, any additional/ existing dedications must be referenced with document number on plat, finalize prior to recording. As per conversation with Engineer on September 15th,2023 to continue verifying existing dedications along the south ROW line of Auburn Avenue. Any adjustments to ROW will require review of ROW dedication requirements, and may require Planning and Zoning Commission action in the future, finalize prior to NTP/ recording. Label ROW as" Total ROW "after accounting for dedication from center line, and Label ROW as" Total ROW "after accounting for dedication from existing ROW line across Auburn Avenue, prior to recording. Ensure that all dimensions are legible, ex referenced 60.00',review and revise as applicable 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 Interior Street: Dedication as needed for 50 ft. total ROW. Paving: 32 ft. Curb & gutter: Both Sides Revisions Needed: Street names will be established prior to recording finalize street name prior to recording/Mylar printing. Subdivision layout currently exhibits stub outs, clarify stub outs along lots 90 and 91 and lots 108 and 109, subdivision layout will have to be revised to provide for "Knuckle" design as dead end street are not permitted as this is a private subdivision, review and revise prior to final. As per plat submitted on July 19th,2023, subdivision provides for knuckle design. As per plat submitted on June 2nd,2023 subdivision proposed to be private and for single family use, gate details are required. Gate details are under review and ROWs are subject to increase for gate areas, finalize prior to NTP/Recording. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. E/W Quarter Mile Collector (northern boundary):Dedication as needed for 60 ft. total ROW Paving: 40 ft. Curb & gutter: Both sides Pending Items: Engineer submitted a variance application on July 7, 2023 in reference to the ROW dedication requirements for the E/W collector(1/4 Mile Collector) along the Northern Boundary the engineer has indicated that the street would not be able to extend east as there is an existing drain ditch and there are existing established developments to the north of this subdivision. After review of the ownership map submitted on July 12,2023, due to the developed properties to the north and existing canal to the west and collector alignment, the E/W collector street along the northern boundary is not feasible. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. N/S collector(Eastern Boundary,1/4 Mile Location): Dedication as needed for 60 ft. total R.O.W. Paving _40 ft._ Curb &

gutter: Both Sides. As per plat submitted on August 11th, 2023, plat exhibits an additional acreage due to addition 40 ft. along eastern plat boundary. Street alignment and R.O.W being reviewed by staff and plat would need to be revised accordingly. After review of the submitted plans on August 25, 2023, for the state drainage project from the engineer due to the developed properties to the north, collector alignment and state drainage project, the N/S collector street along the eastern boundary is not feasible. Engineer must clarify status of remnant tract, due to addition 40 ft. along eastern plat boundary. As per conversation with Engineer on September 15th, 2023 remnant of additional 40 ft. tract to be utilized by the state for a drainage project. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not constructed prior to recording. 1,200 ft. Block Length. Subdivision layout does not comply with 1200 ft. block length requirement. Engineer submitted a variance application on August 1, 2023, requesting a variance to the 1200ft. Block Length requirement. Under the authority and review of the Planning Director the Variance request to the block length was approved administratively. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac Pending Items: 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. As per conversation with Engineer on September 15th, 2023, 10ft. U.E and Sidewalk easement proposed, engineer to continue to coordinating with corresponding departments to ensure compliance, finalize prior to NTP/Recording. Subdivision Ordinance: Section 134-105. Front: 25 ft. or greater for easements. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Interior sides: 6 ft. or greater for easements. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required; greater setback applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required along Auburn Avenue (5 Mile Line Road), North Taylor Road, and both sides of all interior streets. 5 ft. sidewalk might be required by Engineering Dept., finalize note wording requirements, prior to recording. 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 Auburn Avenue (5 Mile Line Road) and North Taylor Road. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. Required. No curb cut, access, or lot frontage permitted along Auburn Avenue (5 Mile Line Road) and North Taylor Road. 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. Revisions Needed: Add note as shown above, prior to recording. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 134-168 applies if private subdivision is proposed. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Homeowner's Association Covenants must be submitted for staff review, prior to recording. Section 134-168 applies if private subdivision is proposed. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Lots fronting public streets. Private Subdivision proposed as per plat submitted on June 2nd, 2023. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section

138-356. Existing: (Extraterritorial jurisdiction) Proposed: R-1 (single-family residential) District Pending Items: Annexation scheduled for the City Commission meeting of October 9th, 2023. Initial Zoning to R-1 (single-family residential) District scheduled for the Planning and Zoning Commission meeting of September 19th, 2023 and City Commission meeting of October 9th, 2023. Zoning requirements must be finalized prior to recording. Zoning Ordinance: Article V Required. Rezoning Needed Before Recording. Pending Items: Annexation scheduled for the City Commission meeting of October 9th, 2023. Initial Zoning to R-1 (single-family residential) District scheduled for the Planning and Zoning Commission meeting of September 19th, 2023 and City Commission meeting of October 9th, 2023. Zoning Ordinance: Article V. Land dedication in lieu of fee. As per Parks Department, based on proposed annexation and initial zoning scheduled for the City Commission meeting of October 9th, 2023, plat depicts 121 lots, as per City of McAllen Parkland Dedication Ordinance land dedication is over an acre. A variance request must be submitted if requesting fees in lieu of land to be reviewed by the City Manager's office. Parkland dedication requirements must be finalized prior to recording. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per Parks Department, based on proposed annexation and initial zoning scheduled for the City Commission meeting of October 9th, 2023, plat depicts 121 lots, as per City of McAllen Parkland Dedication Ordinance land dedication is over an acre. A variance request must be submitted if requesting fees in lieu of land to be reviewed by the City Manager's office. Parkland dedication requirements must be finalized prior to recording. Required. Pending review by City Manager's Office. As per Parks Department, based on proposed annexation and initial zoning scheduled for the City Commission meeting of October 9th, 2023, plat depicts 121 lots, as per City of McAllen Parkland Dedication Ordinance land dedication is over an acre. A variance request must be submitted if requesting fees in lieu of land to be reviewed by the City Manager's office. Parkland dedication requirements must be finalized prior to recording. As per Traffic Department, Trip Generation approved, TIA Level I triggered. As per Traffic Department, Trip Generation approved, TIA Level I triggered. TIA Waiver granted with conditions, must comply with conditions as noted in TIA Waiver Letter. Must comply with City's Access Management Policy. Any abandonments must be done by separate process, not by plat. Annexation scheduled for the City Commission meeting of October 9th, 2023. Initial Zoning to R-1 (single-family residential) District scheduled for the Planning and Zoning Commission meeting of September 19th, 2023 and City Commission meeting of October 9th, 2023. Zoning requirements must be finalized prior to recording. At the Planning and Zoning Commission meeting of August 8th, 2023, the subdivision was approved in Revised Preliminary Form subject to conditions noted. As per plat submitted on August 11th, 2023, plat exhibits an additional acreage due to addition 40 ft. along eastern plat boundary. At the Planning and Zoning Commission meeting of August 22nd, 2023, the subdivision was approved in Revised Preliminary Form subject to conditions noted in the Planning Review. Engineer must clarify status of remnant tract, due to addition 40 ft. along eastern plat boundary. As per conversation with Engineer on September 15th, 2023 remnant of additional 40 ft. tract to be utilized by the state for a drainage project. Clarify solid line running through lots 20-38 any easements must be labeled, finalize prior to recording.

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

Being no discussion, Mr. Jose Saldana moved to approve subject to conditions noted. Mr. Jesse Ozuna second the motion, which was approved with five members present and voting.

After reading 4b, Mr. Jesse Ozuna had additional questions regarding the escrow funding on the subdivision projects.

b) Estancia at Tres Lagos Phase III Subdivision, 4800 Town Lake Drive, Rhodes Development, Inc. (SUB2022-00121) (FINAL) M&H

Mr. Mario Escamilla stated Town Lake Drive: 50 ft. ROW Paving: 32 ft. minimum Curb & gutter: Both sides Revisions needed: Clarify temporary turnaround easement as it appears to be outside plat boundary, additional notes as required may apply, finalize temporary turnaround requirements, prior to recording. If done by separate instrument, document must be finalized prior to recording with document numbers shown on plat. As per Fire Department, temporary turnaround paving must be 96 ft. in diameter face to face. 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: Common areas and access walks/drives provided per agreement. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac: Cul-de-sac street length does not apply provided that the development uses the "coving method" and emergency access walks/drives are provided, per agreement. Revisions needed: Clarify temporary turnaround easement as it appears to be outside plat boundary, additional notes as required may apply, finalize temporary turnaround requirements, prior to recording. As per Fire Department, temporary turnaround paving must be 96 ft. in diameter face to face. Subdivision Ordinance: Section 134-105. Front: 20 ft. minimum or as shown in "Front Setback Table" (sheet 2 of 2). Must comply with PID requirements. Zoning Ordinance: Section 138-356. Rear: 11 ft. or greater for easements 16 ft. or greater for easements for Lots 100-115 Revisions Needed: Revise rear setback note as shown above prior to recording. Must comply with PID requirements. Zoning Ordinance: Section 138-356 Required. Interior Sides: 5 ft. or greater for easements. Revisions Needed: Revise side setback note as shown above prior to recording. The proposed subdivision complies with minimum setback requirements, as per agreement. Must comply with PID requirements. Zoning Ordinance: Section 138-356 Required. Corner: 10 ft. or greater for easements. Revisions Needed: Revise corner setback note as shown above prior to recording. Must comply with PID requirements. Zoning Ordinance: Section 138-356 Required. Garage: 18 ft. except where greater setback is required; greater setback applies. Must comply with PID requirements. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on: City Ordinance will not apply provided a sidewalk having at least an adequate width for pedestrian and bike traffic is provided in a plan that is sealed by the registered engineer designing the unit of development, per agreement filed with City. Revisions needed: Please provide sidewalk plan prior to recording. Subdivision Ordinance: Section 134-120 Required. 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. Revisions Needed: Revise note#9 as shown above, prior to 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. 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. Public Improvement District (PID) or Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies if public subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. 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: Access to subdivision from Estancia at Tres Lagos and Estancia at Tres Lagos Phase II subdivision, which has access to Tres Lagos Boulevard. The proposed subdivision complies with minimum access points, as per agreement. Minimum lot width and lot area: Lots must comply with the minimum 50 ft. frontage requirement and 54 ft. on corner lots, or in compliance per Agreement. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: R-1(Single-Family Residential) District and C-4 (Commercial-Industrial) District Proposed: R-1(Single-Family Residential) District. Rezoning for portion of C-4 scheduled for the Planning and Zoning Commission meeting of October 17th,2023, and City Commission meeting of November 13th,2023. Rezoning must be completed prior to recording. Zoning Ordinance: Article V. Required Rezoning Needed Before Recording. Rezoning for portion of C-4 scheduled for the Planning and Zoning Commission meeting of October 17th,2023, and City Commission meeting of November 13th,2023. Zoning Ordinance: Article V. As per Traffic Department, Master TIA approved. Traffic Impact Analysis (TIA) required prior to final plat. As per Traffic Department, Master TIA approved. Comments/Revisions needed: Please provide sidewalk plan prior to recording. Must comply with City's Access Management Policy. Must comply with Agreement and Public Improvement District (PID) conditions. Must comply with other requirements, as may be applicable, prior to recording. Any documents being recorded by separate instrument must be finalized prior to recording. Clarify drainage easement by document number as it appears to not be included, prior to recording.

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

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

c) **AFG Plaza Subdivision, 5520 North McColl Road, Suzie An. (SUB2022-0146)
(REVISED PRELIMINARY) SEA**

Mr. Mario Escamilla stated McColl Road (F.M. 2061): 20 ft. of additional dedication for 60 ft. from centerline for 120 ft. total ROW. Paving 65 ft.-85 ft. Curb & gutter: Both Sides. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are required prior to recording, if not done by the state. E. Dove Avenue: Dedication as needed for 75 ft. from centerline for 150 ft. total ROW. Paving: 65 ft. to 105 ft. Curb & gutter: Both Sides Revisions needed: City of McAllen thoroughfare plan designates E. Dove Avenue, as a Hi-Speed arterial with 150ft. of ROW. Current subdivision layout does not comply with required ROW dedication requirements. Engineer submitted a variance request to allow existing 100 ft. ROW as depicted on plat with no additional dedication. If approved dedication requirements to maintain existing 100 ft. of ROW throughout the plat boundary would apply.(Ex. NE Corner of plat that was not included in conveyance to the City of McAllen). Label ROW being dedicated by this plat along Dove Avenue please see requirements above, prior to final. Clarify NE corner of plat not included in conveyance to the City of McAllen, prior to final. Clarify area conveyed to the City Of McAllen, submit copy of referenced documents for staff review prior to final. Include any document numbers regarding existing dedication of Dove Avenue, as applicable and provide copies for staff review, prior to final. A new corner clip will be required after dedication, review and revise as applicable, finalize prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan Monies must be escrowed if improvements are required prior to recording. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. COM Thoroughfare Plan 1,200 ft. Block Length.**Subdivision Ordinance: Section 134-

118. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties
Revisions Needed: As per plat submitted on August 14th, 2023, plat proposes a 20 ft. service drive, if proposing Private Service Drive Easement, Easement must be private with 24 ft. of dedication with 24 ft. of paving in compliance with Public Works and Fire Department requirements. Alley or service drive easement cannot dead-end, provide for extension or looping of alley or service drive easement on the plat prior to recording. Finalize alley/ service drive requirements prior to recording. Subdivision Ordinance: Section 134-106. Front: McColl Road (F.M. 2061)/ E. Dove Avenue: In accordance with the zoning ordinance, or greater for easements or approved site plan, or in line with average setback, whichever is greater applies. Zoning Ordinance: Section 138-356. Rear: In accordance with the Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Zoning Ordinance: Section 138-356. Sides In accordance with the Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Zoning Ordinance: Section 138-356. Corner :See front setback note. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 5 ft. wide minimum sidewalk required along N. McColl Road and 4 ft. wide minimum sidewalk required along E. Dove Avenue. 5 ft. Sidewalk requirements as per Engineering Department requirements. 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. 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. 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. Must comply with City Access Management Policy. As per McAllen's Access Management Policy, spacing requirement along both McColl Road at 55 MPH and Dove Avenue is 425 ft. between any entrances/streets. 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. 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. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Include original subdivision boundary. Original subdivision boundary should be a bold solid line and new lot lines should be solid lines but not as bold as original subdivision boundary line, finalize prior to final. Zoning Ordinance: Section 138-356. Existing : A-O(Agricultural and Open-Space) District and C-4 (Commercial Industrial) District Proposed: C-4 (Commercial Industrial) District. At the City Commission meeting of December 12th,2022, a rezoning request at the subject property was approved to complete the entire tract zoning C-4 District. Zoning Ordinance: Article V Compliance Rezoning Needed Before Final Approval. At the City Commission meeting of December 12th,2022, a rezoning request at the subject property was approved to complete the entire tract zoning C-4 District. Zoning Ordinance: Article V. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Must comply with City's Access Management Policy. Any abandonments must be done by separate process, not by plat, any abandonments by separate instrument must be finalized prior to recording. Subdivision boundaries may need to be adjusted as needed due to existing dedications as needed, prior to final. Including bold boundary lines as applicable.

Staff recommends approval of the subdivision in revised preliminary form subject to conditions noted, drainage and utilities approvals and clarification of the requested variance for e. Dove avenue.

After a lengthy discussion, Mr. Jesse Ozuna moved to table the item. Mr. Marco Suarez seconded the motion, which was tabled with five members present and voting.

d) **Bentsen View Subdivision, 4109 Highway 83, Adryca Properties, LLC, (SUB2023-0094) (PRELIMINARY) M2E**

Mr. Mario Escamilla stated U.S. Business Highway 83 (Loop 374): 50 ft. ROW required from centerline for 100 ft. total ROW Paving: by the state Curb & gutter: by the state Revisions needed: Revise reference from "Future ROW" to "Total ROW", prior to final. Provide dimension from centerline to new property line after accounting for dedication, prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not built prior to recording. Interior street(s): Dedication as needed for 60 ft. Total ROW. Paving: 40 ft. Curb & gutter: both sides Revision needed: As per plat submitted, Lot 2 has no frontage to a street, please revise plat and label interior ROW as applicable, finalize prior to final. Subdivision Ordinance: Section 134-105 and/or COM Thoroughfare Plan. Monies must be escrowed if improvements are not built prior to recording. 1,200 ft. Block Length. 1,200 ft. Block length applies to Lot 1. Subdivision Ordinance: Section 134-118. 900 ft. Block Length for R-3 Zone Districts. Block Length requirement applies for Lot 2. 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. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac. 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 Fire Department requirements, 96 ft. of paving face-to face required, and 10 ft. of ROW back of curb around Cul-de-Sac required. Subdivision Ordinance: Section 134-105 Non-compliance. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties and multi-family properties. Subdivision Ordinance: Section 134-106. Lot 1: Front: In accordance with zoning ordinance, or greater for easements or approved site plan, or in line with average setback, whichever is greater applies. Lot:2: Setbacks will be established once lot 2 frontage is resolved and subdivision layout is established prior to final. Proposing: 50.00 feet or greater for easement or approved site plan. Zoning Ordinance: Section 138-356. Lot 1: Rear: In accordance with Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Lot:2: Setbacks will be established once lot 2 frontage is resolved and subdivision layout is established prior to final. Proposing: 15.00 feet or easements whichever is greater. Zoning Ordinance: Section 138-356. Lot 1: Sides: In accordance with Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. Lot:2: Setbacks will be established once lot 2 frontage is resolved and subdivision layout is established prior to final. Proposing: In accordance with Zoning Ordinance or greater for easements or approved site plan. Zoning Ordinance: Section 138-356. Corner: Setbacks will be established once lot 2 frontage is resolved and subdivision layout is established prior to final. Current subdivision layout does not propose any buildable lots abutting a street, if layout changes and buildable lot abuts a street intersection, the corner setback note will be required. Zoning Ordinance: Section 138-356. Lot 1: Garage: N/A Commercial Development Lot 2: Garage: 18 ft. except where greater setback is required, greater setback applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on U.S. Business Highway 83 and other street as applicable

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 U.S Business Highway 83. 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. Revisions Needed: Revise note#17 as shown above, prior to final. Landscaping Ordinance: Section 110-46 Non-compliance. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. Required. Must comply with City Access Management Policy Applied. Lot 1: Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Lot 2: 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. 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. Revisions needed: Current subdivision layout does not provide for frontage onto a public street for lot 2, revise layout minimum 50 ft. of frontage required, finalize lot frontage requirements prior to final. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: Lot 1:C-3(General Business) District, Lot 2: R-3A (Multi-family) District Proposed: Lot 1:C-3(General Business) District, Lot 2: R-3A (Multi-family) District. Rezoning to R-3A for a portion on the rear was approved by Planning and Zoning Commission at their meeting of December 6, 2022 and by City Commission on January 9, 2023. Engineer must verify if proposed subdivision is within appropriate zoning as it may prompt changes to plat and or rezoning process, review and finalize prior to final. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. Rezoning to R-3A for a portion on the rear was approved by Planning and Zoning Commission at their meeting of December 6, 2022 and by City Commission on January 9, 2023. Engineer must verify if proposed subdivision is within appropriate zoning as it may prompt changes to plat and or rezoning process, review and finalize prior to final. Zoning Ordinance: Article V. Land dedication in lieu of fee. Lot 1: Commercial , as per parks department park fees do not apply to commercial developments. For Lot 2 (Multi-family), 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. Lot 1: Commercial , as per parks department park fees do not apply to commercial developments. For Lot 2 (Multifamily), 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 the City Manager's Office. Lot 1 :Commercial , as per parks department park fees do not apply to commercial developments. For Lot 2 (Multi-family), 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. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Non-compliance. 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. Subdivision requirements subject to change once lot 2 frontage is resolved and subdivision layout is established Current subdivision layout does not provide for frontage onto a public street for lot 2, revise layout minimum 50 ft. of frontage required, finalize lot frontage requirements prior to final. Clarify area labeled as detention easement, prior to final. Remove prop from easement dedications and include dedicated by this plat, as applicable prior to final. At the Planning & Zoning Commission meeting of February 7th, 2023, the board voted to approve the preliminary 6-month extension subject to conditions noted, drainage, and utility approvals. Subdivision approval extension expired therefore new submittal was submitted.

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

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

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

Mr. Mario Escamilla stated N. Moorefield Road (FM 681): 60 ft. from centerline existing for 120 ft. ROW Paving: by the state Curb & gutter: by the state Revisions Needed: Remove proposed from ROW labeling, prior to final. Label ROW dedications, on both sides of centerline to verify if any additional ROW dedication are required prior to final. Please provide how existing ROW was dedicated on plat prior to recording. Clarify Prop 1.0' Non-access easement, 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. 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 once status of remnant tract is clarified 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. 1,200 ft. Block Length. Pending Items: 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. Subdivision Ordinance: Section 134-118. 900 ft. Block Length for R-3 Zone Districts. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac. 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 Fire Department requirements, 96 ft. of paving face-to face required, and 10 ft. of ROW back of curb around Cul-de-Sac required. Subdivision Ordinance: Section 134-105. 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 15 feet or inline with average setback of existing structures or easements, whichever is greater. Pending Items: Clarify proposed setback and ensure compliance with minimum setback requirements for City and County, finalize wording prior to recording. Zoning Ordinance: Section 138-356. Rear: Proposing: 10.0' or greater for easements. Pending Items: Clarify proposed setback and ensure compliance with minimum setback requirements for City and County, finalize wording prior to recording. Zoning Ordinance: Section 138-356. Sides: 5.0' or greater for easements. Pending Items: Clarify proposed setback and ensure compliance with minimum setback requirements for City and County, finalize wording prior to recording. Zoning Ordinance: Section 138-356. Corner: Setbacks will be established once lot 2 frontage is resolved and subdivision layout is established prior to final. Current subdivision layout does not propose any buildable lots abutting a street, if layout changes and buildable lot abuts a street intersection, the corner setback note will be required. 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 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 Applied. 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. Revisions needed: 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. 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). 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. Comments:

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. Subdivision requirements subject to change once lot 2 frontage is resolved and subdivision layout is established. 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. Please provide ownership map to verify that no landlocked properties exist or will be created, prior to recording.

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

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

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

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: 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. 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. If the variance request is approved subject to any conditions, the conditions must be met prior to recording. The submitted variance request does not include a variance to ROW dedication requirement on N. Bentsen Palm Drive. 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. 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. 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 variance application and letter (VAR2023-0022) was submitted by the applicant which includes the following items for the interior street (Gonzalez Lane): Request of 18 ft. paving instead of minimum 32 ft., not to provide or escrow sidewalk, and curb and gutter. If the variance request is approved subject to any conditions, the conditions must be met 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. 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). If the variance request is

approved subject to any conditions, the conditions must be met prior to recording. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. COM Thoroughfare Plan Applied. 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. 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. If the variance request is approved subject to any conditions, the conditions must be met prior to recording. 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. A variance application and letter (VAR2023-0022) was submitted by the applicant which includes a request to provide 100 ft. diameter ROW with 82 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. ROW around it. 96 ft. of paving in Cul-de-Sac is a Fire Department requirement and could not be waived; however, the Board may review the proposed 100 ft. ROW for the Cul-de-Sac including 96 ft. of paving and 2 ft. of additional ROW around it. If the request is approved, it should be subject to 10 ft. Sidewalk easement at the front of the lots around the Cul-de-Sac. Utilities or Engineering Departments may require the easement to be 10 ft. sidewalk/utility easement prior to final. 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. 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). If the variance request is approved subject to any conditions, the conditions must be met prior to recording. The sidewalk note will be finalized based on the Commission action. Perimeter sidewalks must be built or money escrowed if not built at this time. 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). If the variance request is approved subject to any conditions, the conditions must be met prior to recording. 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, etc. must be maintained by the lot owners and not the City of McAllen. Add a plat note as shown above prior to final. 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. Add a plat note as shown above prior to final. 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 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. 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. 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 0.061 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. 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. As per the applicant, the subdivision is private. The signature block wording must be referenced correctly to include public dedication for N. Bentsen Palm Drive and N/S quarter mile collector. Name of the interior street will be finalized by staff prior to final/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. Show the lot layouts of the existing subdivisions on the location map 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). 2. A variance to 1,200 ft. block length requirement 3. A variance to provide 18 ft. of paving for the interior instead of 32 ft. minimum paving requirement and provide 100 ft. ROW with 82 ft. of paving for Cul-de-Sac instead of 116 ft. ROW with 96 ft. of paving face to face and 10 ft. ROW around it. 4. To not provide or escrow for sidewalk and curb and gutter along N. Bentsen Palm Drive and the interior street. Minimum 96 ft. of paving face to

face for a Cul-de-Sac is Fire Department requirement and could not be approved by the Board. A variance to provide 100 ft. ROW with 96 ft. of paving face to face and 2 ft. of additional ROW around it could be reviewed by the Board. 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 variance requests. The Board asked if staff had any recommendation for the variance requests. Mr. Forghanparast stated that staff recommended approval of variance requests number one and number two, north-south quarter mile collector and 1,200 ft. block length requirements. For variance request number three, staff recommended disapproval for 18 ft. paving width, since 32 ft. was the minimum paving requirement for a residential street. Mr. Forghanparast added that Fire Department required minimum 96 ft. of paving for a Cul-de-Sac; therefore, the Board could not review or approve paving width for a Cul-de-Sac. However, the Board could consider approval for 100 ft. of ROW with minimum 96 ft. of paving for the Cul-de-Sac. For variance request number four, being a private subdivision, staff recommended approval for paving and curb and gutter for the interior street only. If the Board would like to approve the variance request to not provide or escrow for sidewalk and curb and gutter on North Bentsen Palm Drive, it should be subject to a contractual agreement. Ms. Xitlali Gonzalez, the applicant, and the project engineer, Mr. Lucas Castillo, were present at the meeting and spoke in favor of the requested variances. After further discussion, Mr. Marco Suarez moved to approve the subdivision in preliminary form subject to conditions noted, drainage and utilities approvals and concurred with staff's recommendation on the requested variances. Mr. Jesse Ozuna seconded the motion, which was approved with five members present and voting.

g) **Bentsen Oaks Phase I Subdivision, 7401 North Bentsen Road, Guzman Construction (SUB2020-0057) (REVISED PRELIMINARY) SEC**

Mr. Kaveh Forghanparast stated North Bentsen Road: 30 ft. of dedication required for 50 ft. from centerline for 100 ft. ROW Paving 65 ft. Curb & gutter: Both Sides Revisions needed: Label centerline to verify if any ROW dedication is required prior to final. The Planning and Zoning Board, at their November 3, 2020 meeting, approved the subdivision in Revised Preliminary form. Engineer had requested a variance to dedicate only 20 ft. instead of the required 30 ft. for North Bentsen Road. The Planning and Zoning Board did not approve this requested variance. Plat submitted on December 2, 2020, and September 9, 2023, shows the 30 ft. ROW dedication required on North Bentsen Road. Monies must be escrowed if improvements are not built prior to recording. Interior streets: 50 ft. ROW Paving: 32 ft. Curb & gutter: Both Sides Proposed: 50-60 ft. ROW (ROW for E/W interior streets between N. Bentsen Road and N. 44th Lane is proposed to be 60 ft.) Revisions needed: Connection and extension of N. 44th Street and N. 45th Street to existing ROW on the south side is required. Clarify and show the legal description and document number of the 12.54 ft. ROW owned by the City, as applicable, prior to final. Streets names are subject to change prior to final. Provide temporary turn around on the west end of proposed Umar Avenue and Verdin Avenue as may be applicable. Clarify if the subdivision is public or private and provide gate details. Additional ROW may be needed in the gate area to show compliance with requirements. 1,200 ft. Block Length. Subdivision Ordinance: Section 134-118. The Planning and Zoning Board, at their November 3, 2020 meeting, approved the subdivision in Revised Preliminary form with a variance request to allow a block length greater than the maximum allowed 800 ft. only. This variance was approved for the blocks of Lots 40- 55 and Lots 86-100. The engineer submitted a revised letter on January 14, 2021 requesting a variance for the block length of Lots 1-27 (1,390 ft.). Plat submitted on January 5, 2020 does not provide a stub out street north as shown on the previously approved plat. Ordinance revised; based on the ordinance revision adopted on 12/13/21. Block length along lots 22 through 59 is approximately 1,200 ft. which complies with

ordinance revision. Block length for Phase I and II along the north is proposed at 1,391 ft. which exceeds the 1,200 ft. maximum block length without a stub out street to the north. Revise plat as applicable, prior to final. Revised plats for 781 ft. east of the original boundary as Bentsen Oaks Phase I and the west 690 ft. as Bentsen Oaks Phase II were submitted on August 22, 2023, and September 1, 2023. Front: 25 ft. or greater for easements. Rear: 10 ft. or greater for easements. The Planning and Zoning Board approved the subdivision in Revised Preliminary form with a variance request to allow a block length greater than the maximum allowed 800 ft. only at their November 3, 2020 meeting. Engineer had also requested a variance to allow a "10 ft. or greater for easements" setback instead of the required "25 ft. or greater for easements" on double fronting lots (Lots 27-31). The Planning and Zoning Board did not approve this requested variance. The Planning and Zoning Board approved a variance on December 2, 2020 to allow 10 ft. or greater for easements on the rear setback for double fronting lots (Lots 27-31) instead of the required 25 ft. setback or greater for easements. Sec. 138-367(b) of the Zoning Ordinance was amended by the City Commission on October 11, 2021, to read as follows: Where lots have double frontage, running through from one street to another, a required front yard shall be provided on one street only. Interior Sides: 6 ft. or greater for easements. Corner: 10 ft. or greater for easements. Garage: 18 ft. except where greater setback is required, greater setback applies. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on North Bentsen Road and both sides of all interior streets. Revise the plat note as shown above prior to final. Engineering Department may requires 5 ft. sidewalk. 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, or industrial zones/uses, and along North Bentsen Road. Revise the plat note as shown above prior to final. 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 Bentsen Road. Revise the plat note as shown above prior to final. Common Areas, any private Streets must be maintained by the lot owners and not the City of McAllen. Clarify if the subdivision is proposed to be private or public to finalize the plat note requirement prior to final. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies for public subdivisions. Clarify if the subdivision is public or private prior to final. A plat note referencing the correct Section of the ordinance (public or private) is required prior to final. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Clarify if the subdivision is public or private prior to final. A plat note to cross reference the HOA document is required prior to final. Submit the draft HOA document for staff review prior to final. HOA Document is required to be recorded simultaneously with subdivision plat. Minimum lot width and lot area. Lots fronting public streets. Existing: A-O Proposed: R-1. Rezoning request approved by the Planning and Zoning Board on October 6, 2020, and by the City Commission on October 26, 2020. Rezoning Needed Before Final Approval. Rezoning request approved by the Planning and Zoning Board on October 6, 2020, and by the City Commission on October 26, 2020. Land dedication in lieu of fee. As per Parks Department, fee is required in lieu of land. A revised plat showing 47 single-family lots as Bentsen Oaks Phase I Subdivision was submitted on August 22, 2023. The subdivision application must be revised to reflect the revised number of lots. A Park Fee of \$32,900, based on \$700 per dwelling units is required prior to recording. Park fee will change if the number of units changes again. Common Areas, any private Streets must be maintained by the lot owners and not the City of McAllen. Clarify if the subdivision is proposed to be private or public to finalize the plat note requirement prior to final. Developer/Homeowner's Association/Owner, their

successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies for public subdivisions. Clarify if the subdivision is public or private prior to final. A plat note referencing the correct Section of the ordinance (public or private) is required prior to final. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. - Clarify if the subdivision is public or private prior to final. A plat note to cross reference the HOA document is required prior to final. Submit the draft HOA document for staff review prior to final. HOA Document is required to be recorded simultaneously with subdivision plat. Minimum lot width and lot area. Lots fronting public streets. Existing: A-O Proposed: R-1. Rezoning request approved by the Planning and Zoning Board on October 6, 2020, and by the City Commission on October 26, 2020. Rezoning Needed Before Final Approval. Rezoning request approved by the Planning and Zoning Board on October 6, 2020, and by the City Commission on October 26, 2020. Land dedication in lieu of fee. As per Parks Department, fee is required in lieu of land. A revised plat showing 47 single-family lots as Bentsen Oaks Phase I Subdivision was submitted on August 22, 2023. The subdivision application must be revised to reflect the revised number of lots. A Park Fee of \$32,900, based on \$700 per dwelling units is required prior to recording. Park fee will change if the number of units changes again. Review the application to reflect the correct number of lots, acreage, etc. prior to final. A revised survey for the revised layout boundary is required prior to final, as applicable, Connection and extension of N. 44th Street and N. 45th Street to existing ROW on the south side is required. Clarify and show the legal description and document number of the 12.54 ft. ROW owned by the City, as applicable, prior to final. Signature blocks must comply with Sec. 134-61 of the Subdivision ordinance. Remove the lot layout and reference to Bentsen Oaks Phase II, since it's not recorded, and reference the existing legal description prior to final. Provide a master layout for both phases prior to final. Must comply with City's Access Management Policy. Plat approved in revised preliminary form at the Planning and Zoning Commission meeting of November 3, 2020. Revised preliminary with variance to block length to the north not approved at the Planning and Zoning Commission meeting of January 19, 2021. Revised plats for 781 ft. east of the original boundary as Bentsen Oaks Phase I and the west 690 ft. as Bentsen Oaks Phase II were submitted on August 22, 2023.

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

Being no discussion, Mr. Jose Saldana moved to approve subject to conditions noted, drainage, and utilities approval. Mr. Marco Suarez seconded the motion, which was approved with five members present and voting.

- h) **Bentsen Oaks Phase II Subdivision, 7401 North Bentsen Road (Rear), Sergio Guzman (SUB2023-0095) (PRELIMINARY) SEC**

Mr. Kaveh Forghanparast stated North 48th Street: 30 ft. dedication for 30 from centerline for 60 ft. total ROW Paving: 40 ft. Curb & gutter: Both Sides Revisions needed: Connection and extension of N. 48th Street to existing ROW on the north and south side is required. Clarify and show the legal description and document number of the 12.54 ft. ROW owned by the City on the south side, as applicable, prior to final. Monies must be escrowed if improvements are not built prior to recording. Must label centerline to verify if any additional ROW dedication is required prior to final. Interior streets: 50 ft. ROW Paving: 32 ft. Curb & gutter: Both Sides Revisions needed: - Provide temporary turn around on the west end of proposed Umar Avenue and Verdin Avenue as

applicable. Streets names are subject to change prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. 1,200 ft. Block Length Revised plat for for 781 ft. east of the original Verdin Heights Subdivision was submitted as Bentsen Oaks Phase I and the west 690 ft. as Bentsen Oaks Phase II on August 22, 2023, and September 1, 2023. Subdivision Ordinance: Section 134-118. Front: 25 ft. or greater for easements. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Interior Sides: 6 ft. or greater for easements. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required, greater setback applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on N. 48th Street and both sides of all interior streets. The Engineering Department may require 5 ft. sidewalk prior to final. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along N. 48th Street. Revise the plat note as shown above prior to final. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. 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. 48th Street. 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 the subdivision is public or private to finalize the plat note 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 110-72 applies if private subdivision is proposed. Clarify if the subdivision is public or private prior to final. A plat note referencing the correct Section of the ordinance (public or private) is required 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. Clarify if the subdivision is public or private prior to final. A plat note to cross reference the HOA document is required prior to final. Submit the draft HOA document for staff review prior to final. Section 110-72 applies if private 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: R-1 Proposed: R-1 Zoning Ordinance: Article V. Land dedication in lieu of fee. The Subdivision application submitted on September 1, 2023, mentions 40 single-family lots; however, the submitted plat shows 52 lots. Revise the application to show the correct number of lots. As per the Park Department, a Park Fee of \$700 per dwelling unit must be paid prior to recording. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. The Subdivision application submitted on September 1, 2023, mentions 40 single-family lots; however, the submitted plat shows 52 lots. Revise the application to show the correct number of lots. As per the Park Department, a Park Fee of \$700 per dwelling unit must be paid prior to recording. As per Traffic Department, Master Trip Generation required to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Revise the application to reflect the correct number of lots, etc. prior to final. A revised survey for the revise layout boundary is required prior to final, as applicable, Connection and extension of N. 48th Street to the south side is required. Clarify and show the legal description and document number of the 12.54 ft. ROW owned by the City, as applicable, prior to final. Signature blocks must comply with Sec. 134-61 of the Subdivision ordinance. Provide the name of the recorded subdivision on the south side on the plat. Provide a master layout for both phases prior to final. Bentsen Oaks

Phase II may not be recorded before Bentsen Oaks Phase I, since access to N. Bentsen Road is pending the ROW dedication and improvements for Bentsen Oaks Phase I. Proposed Lots numbers for Phase I and Phase II may become confusing where both phases meet. Contact staff for questions and revise as applicable prior to final. Must comply with City's Access Management Policy.

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

Being no discussion, Mr. Jose Saldana moved to approve subject to conditions noted, drainage and utilities approval. Mr. Marco Suarez seconded the motion, which was approved with five members present and voting.

- i) **Norlola Subdivision, 700 South 8th Street, Lola Properties, LLC, John Paul & Nora Sandoval (SUB2023-0096) (PRELIMINARY) MAS**

Mr. Kaveh Forghanparast stated Houston Ave: Dedication for 40 ft. from centerline for total 80 ft. ROW Paving: 52 ft. Curb & gutter: both sides Revisions needed: Provide document number for the existing 50 ft. ROW on the plat and provide a copy for staff review prior to final. Revise the label from "Prop. 15 ft. Addit ROW" to "15 ft. ROW dedicated by this plat" prior to final. Show the total ROW from centerline including the ROW dedicated by this plat prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. S. 8th Street: Dedication for 25 ft. from centerline total 50 ft. ROW Paving: 32 ft. Curb & gutter: both sides Revisions needed: Revise the street name from "N. 8th Street" to "S. 8th Street" prior to final. Show the existing ROW on both side of the centerline to finalize the ROW dedication requirement prior to final. Reference the document number for the existing ROW on both sides of the centerline and provide a copy for staff review prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. Galveston Ave: Dedication for 25 ft. from centerline for 50 ft. total ROW Paving: 32 ft. Curb & gutter: both sides Proposing: 13 ft. Additional ROW by this plat Revisions needed: Survey of the north portion of the subdivision (labeled as Lot 1) has not been submitted. Submit the survey to finalize the ROW dedication requirement prior to final. Show and label the centerline and the distance to property line to establish the ROW dedication requirement prior to final. Remove any reference to "future Galveston St." and show the legal description of the lot prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. 1,200 ft. Block Length. Subdivision Ordinance: Section 134-118. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial and multifamily properties. Provide alley/service drive easement for the multifamily lots prior to final. Subdivision Ordinance: Section 134-106. Front: Proposing 25 ft. or greater for easements. Clarify the proposed setback prior to final. Setback note must be finalized prior to final. As per the submitted application and site plan on September 1, 2023, and conversation with the engineer, Lot 1 will be single-family and Lots 2 & 3 will be multifamily. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Sides: 6 ft. or greater for easements. Proposing: In accordance with the Zoning Ordinance or greater for easements. Clarify the setback note or revise as shown above prior to final. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required, greater setback applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on Houston Avenue, S. 8th Street, and Galveston Avenue. Revise plat note #5 as shown above prior to final. Engineering

Department may require 5 ft. sidewalk prior to final. Subdivision ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. Required 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. Based on the access to perimeter streets, the plat note requirement will be 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. No curb cut, access, or lot frontage permitted along. Must comply with City Access Management Policy. Site plan must be approved by the Planning and Development Departments for any lots with more than 4 dwelling units prior to building permit issuance. Common Areas, any private streets/drives, etc. must be maintained by the lot owners and not the City of McAllen. Revise plat note #11 as shown above prior to final. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: R-1 and R-3A Proposed: R-1 and R-3A. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. As per the applicant, the rezoning was done before the subdivision was submitted. The project engineer needs to verify if the zoning line matches the proposed lot layout. If not, new rezoning must be submitted and approved prior to final. Zoning Ordinance: Article V. Land dedication in lieu of fee. The application and plat submitted on September 1, 2023, proposes 3 lots; two multifamily lots and one single-family lot. A park fee of \$700 per dwelling unit must be paid prior to recording. Clarify the total number of units prior to final, to finalize the total park fee. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. The application and plat submitted on September 1, 2023, proposes 3 lots; two multifamily lots and one single-family lot. A park fee of \$700 per dwelling unit must be paid prior to recording. Clarify the total number of units prior to final, to finalize the total park fee. As per Traffic Department, clarify number of units for the apartment complex to determine if a Trip Gen would be required. Traffic Impact Analysis (TIA) required prior to final plat. Use a bold line to show the original boundary of the subdivision prior to final. Survey and metes and bounds of the north portion of the subdivision (labeled as Lot 1) has not been submitted. Submit the survey prior to final. Show the legal description of all adjacent properties on all sides including the ones across from Houston Ave., S. 8th St., and Galveston Ave. For the properties which are subdivided, the subdivision name must be included as well as the lot number. Review and revise prior to final. Show the name of the S. 8th Street on the south side of Houston Avenue prior to final. Clarify if the 10 ft. U.E. shown on the plat is by this plat or existing. Revise the note as applicable prior to final. For any existing easement, add the document number as well. As per the submitted application and site plan on September 1, 2023, and conversation with the engineer, Lot 1 will be single-family and Lots 2 & 3 will be multifamily. The project engineer needs to verify if the zoning line matches the proposed lot layout. If not, new rezoning must be submitted and approved prior to final. If any variance is needed, it must be submitted and approved prior to final. Add the following plat note prior to final: 25 ft. x 25 ft. sight obstruction easement is required at all street intersections. Signature blocks must comply with Sec. 134-61 of the subdivision ordinance. Must comply with City's Access Management Policy.

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

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

Construction (SUB2023-0097) (PRELIMINARY) PCE

Mr. Kaveh Forghanparast stated N. Ware Road: Dedication for 60 ft. from centerline for total 120 ft. ROW Paving: by the State Curb & gutter: by the State Revisions needed: Show and label centerline and the existing ROW on both sides to establish the ROW dedication requirement prior to final. Clarify if 70 ft. is the ROW dedicated by this plat or by a separate document prior to final. Add the wording "by this plat" if dedicated by this plat. Instead of "ROW Varies" show the total existing ROW dimensions as well as both sides of the centerline at multiple points prior to final. Show and label the ROW from centerline and total ROW after dedication prior to final to verify any additional ROW dedication requirement prior to final. There are multiple document referenced on the plat. Clarify what part of the ROW each document references and provide a copy for staff review prior to final. Clarify the solid line on the ROW. If it is the centerline, please use a dashed line to avoid confusion prior to final. Clarify/revise the E/W solid line on N. Ware Road ROW on the northwest side of IVY Ave. prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. Pecan Blvd.: Dedication for 60 ft. from centerline for total 120 ft. ROW Paving: by the State Curb & gutter: by the State Revisions needed: Show and label centerline and the existing ROW on both sides to establish the ROW dedication requirement prior to final. Clarify if 10 ft. is the ROW dedicated by this plat or by a separate document prior to final. Add the wording "by this plat" if dedicated by this plat. Instead of "ROW Varies" show the total existing ROW dimensions as well as both sides of the centerline at multiple points prior to final. Show and label the ROW from centerline and total ROW after dedication prior to final to verify any additional ROW dedication requirement prior to final. There are multiple document referenced on the plat. Clarify what part of the ROW each document references and provide a copy for staff review prior to final. Clarify the solid line on the ROW. If it is the centerline, please use a dashed line to avoid confusion prior to final. Continue the solid line for the south side of Pecan ROW to the west. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. Subdivision Ordinance: Section 134-105. Monies must be escrowed if improvements are required prior to final. COM Thoroughfare Plan. 1,200 ft. Block Length. Revise the plat layout to comply with block length requirement prior to final. If a variance is requested, it must be approved prior to final. Subdivision Ordinance: Section 134-118. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Show alley/private service drive easement prior to final. Subdivision Ordinance: Section 134-106. N. Ware Road/Pecan Boulevard: In accordance with the Zoning Ordinance, or greater for the approved site plan, or easements, or in line with existing structures, whichever is greater. Revise the plat note as shown above prior to final. Proposing: 30 ft. or greater for approved site plan or easements. Zoning Ordinance: Section 138-356. Rear: In accordance with the Zoning Ordinance, or greater for the approved site plan, or easements. Zoning Ordinance: Section 138-356. Sides: In accordance with the Zoning Ordinance, or greater for the approved site plan, or easements. Zoning Ordinance: Section 138-356. Corner: see front setback. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on N. Ware Road and Pecan Boulevard. Engineering Department may require 5 ft. sidewalk. Clarify the proposed note and revise as applicable prior to final. The word "minimum" should be added to the plat note. Proposing: A 5 ft. sidewalk is required along the west side of N. Ware Road, and a 5 ft. sidewalk is required along the south side of W. Pecan Boulevard. 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. - Revise plat note #7 as shown above prior to final. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Add a plat note as

shown above prior to final. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along. Must comply with City Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Remove plat note #9 prior to final. Site plan approval from the Planning and Zoning Commission is not required. Common Areas, any private streets/drives, etc. must be maintained by the lot owners and not the City of McAllen. Add a plat note as shown above prior to final. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Lots fronting public streets. Subdivision Ordinance: Section 134-1. Minimum lot width and lot area. Zoning Ordinance: Section 138-356. Existing: A-O & C-3 Proposed: C-3. Rezoning must be finalized prior to final. Proposed development for STC. An Approved CUP for an institutional use is required prior to building permit issuance. 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. Based on the application, the subdivision is proposed as one lot. The original properties lot lines within this subdivision boundary must be revised to resemble the ghosted text prior to final, so that they would not be confused with proposed lot lines for this subdivision. Use a solid line for the new property line after ROW dedication prior to final. Revise the text for the existing U.E. and HCID No.1 labels and use regular line, not a ghosted line. Provide a copy of the referenced documents for staff review prior to final. Write the legal description of all adjacent properties on all sides including the north side of Pecan Blvd. and east side of Ware Rd. prior to final. Any abandonment must be done by a separate document and referenced on the plat prior to final. Revise the label to clarify if the 30 ft. HCID No. 1 on the south side is an easement or ROW. Clarify if it continues to any other property to the east or west. Revise as applicable prior to final. Proposed development for STC. An Approved CUP for an institutional use is required prior to building permit issuance. Add the following plat note prior to final, "All easements are dedicated by this plat, unless stated otherwise." Must comply with City's Access Management Policy.

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

Being no discussion, Mr. Marco Suarez moved to approve in preliminary form subject to conditions noted, drainage, and utilities approval. Mr. Jose Saldana 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. Jose Saldana adjourned the meeting at 5:01p.m. with Mr. Marco Suarez seconding the motion with five members present and voting.

ATTEST:


Magda Ramirez, Administrative Assistant


Vice Chairperson Gabriel Kamel