

AGENDA

PLANNING & ZONING COMMISSION REGULAR MEETING

TUESDAY, JANUARY 19, 2021 - 3:30 PM

MCALLEN CITY HALL, 1300 HOUSTON AVENUE

CITY COMMISSION CHAMBERS, 3RD FLOOR

Web: <https://zoom.us/join> or phone: (346) 248-7799

Meeting ID: 672 423 1883

At any time during the course of this meeting, the Planning & Zoning Board may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the Planning & Zoning Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the Planning and Zoning Commission may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

1) MINUTES:

- a) Minutes for Regular Meeting held on December 3, 2020
- b) Minutes for Regular Meeting held on December 16, 2020
- c) Minutes for Regular Meeting held on January 5, 2021

2) PUBLIC HEARING

a) CONDITIONAL USE PERMITS

- 1. Request of Hidalgo County on behalf of McAllen ISD, for a Conditional Use Permit, for life of the use, for a personal wireless service facility at Lot 1 & 2, McAllen ISD Northwest Elementary Subdivision, Hidalgo County, Texas; 2901 Incarnate Word Avenue. **(CUP2020-0125)**
- 2. Request of Melissa Burton for a Conditional Use Permit, for life of the use, for a dog kennel at a 1.00 acre tract of land out of the South 19.39 acres of Lot 387, John H. Shary Subdivision, Hidalgo County, Texas, 6820 North Taylor Road. **(CUP2020-0131)**
- 3. Request of Jorge A. Gonzalez, for a Conditional Use Permit, for one year, for a bar at Lot 2A, Valram Heights Subdivision, Hidalgo County, Texas; 2801 Expressway 83, Building 200, Suites 280 & 290. **(CUP2020-0124)**
- 4. Request of Jessica Aguilar for a Conditional Use Permit, for one year, for a Bar at Lot A-1, Nolana Tower Subdivision, Hidalgo County, Texas; 400 Nolana Avenue, Suite Q. **(CUP2020-0135)**

b) REZONING

- 1. Rezone from A-O (agricultural and open space) District to R-1 (single-family residential) District: 14.664 acres out of Lot 2, Sharyland I.S.D. Junior High School Subdivision, Hidalgo County, Texas; 4500 Dove Avenue. **(REZ2020-0049)**

3) SUBDIVISIONS:

- a) Verdin Heights Subdivision, 7401 North Bentsen Road- Sergio Guzman (Revised Preliminary) **(SUB2020-0057) SEC**

- b) Campo De Suenos Phase II Subdivision; 8300 North Ware Road- Riverside Development Services Services, LLC (Revised Preliminary) **(SUB2020-0060)** M&H
- c) Campo De Suenos Phase III; 8300 North Ware Road- Riverside Development Services, LLC
(Revised Preliminary) **(SUB2020-0061)** M&H
- d) Lot 9A, Re-Plat of Lots 9 & 10, Block 49, Original Townsite McAllen Subdivision; 609 South 11th Street- Rafaqut P. Sultan (Preliminary) **(SUB2020-0098)** SEA

4) INFORMATION ONLY:

- a) City Commission Actions: January 11, 2021

ADJOURNMENT:

IF ANY ACCOMMODATIONS FOR A DISABILITY ARE REQUIRED, PLEASE NOTIFY THE PLANNING DEPARTMENT (681-1250) 72 HOURS BEFORE THE MEETING DATE. WITH REGARD TO ANY ITEM, THE PLANNING & ZONING COMMISSION MAY TAKE VARIOUS ACTIONS, INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR PARTICULAR ACTION AT A FUTURE DATE.

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF McAllen

The McAllen Planning and Zoning Commission convened in a Regular Meeting & Public Hearing on Tuesday, December 3, 2020 at 3:30 p.m. in the McAllen City Hall City Commission Room at 1300 Houston Avenue, McAllen, Texas.

Present:	Pepe Cabeza de Vaca Daniel Santos Michael Hovar Rogelio Cervantes Michael Fallek Gabriel Kamel	Chairperson Vice-Chairperson Member Member Member Member
Absent:	Jose Saldana	Member
Staff Present:	Victor Flores Michelle Rivera Edgar Garcia Luis Mora Rodrigo Sanchez Omar Sotelo Jose De La Garza Berenice Gonzalez Hebert Camacho Carlos Garza Juan Martinez Bilkis Olazaran Martinez Martina Mejia Felipe Hernandez Porfirio Hernandez Claudia Mariscal	Assistant City Attorney Assistant City Manager Director Deputy Director Senior Planner Senior Planner Planner II Planner III Planner I Planner I Development Coordinator Engineering Department (Virtual) Traffic Department (virtual) Fire Department (Virtual) Planning Technician II Administrative Secretary

CALL TO ORDER- Daniel Santos, Vice-Chairperson

Meeting held via Teleconference and Video Conference.

PLEDGE OF ALLEGIANCE

INVOCATION- Mr. Rogelio Cervantes

1) MINUTES:

a) Minutes for Regular Meeting held on November 17, 2020

No Action.

2) PUBLIC HEARING

a) CONDITIONAL USE PERMITS:

1. Request of Esaul Padilla, for a Conditional Use Permit, for one year, for an

automotive service and repair (truck accessories) at Lots 11 & 12, Block 2, West Addition to McAllen Subdivision, Hidalgo County, Texas; 2241 Dallas Avenue, STE. A. (CUP2020-0115)

Mr. Camacho stated that the property is located at the southeast corner of Dallas Avenue and South 23rd Street. The property has 100 ft. of frontage along Dallas Avenue and a depth of 140 ft. for a lot area of 14,000 square feet. It is zoned C-3 (general business) District. The adjacent zoning is R-2 (duplex-fourplex residential) District to the east and C-3 District to the north, south, and west. Surrounding land uses include single-family residences, vacant land, a body shop, various auto sales car lots, a yerberia and a plumbing company. An automotive service and repair business is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

There is a current conditional use permit approved in 2020 in the same building on the adjacent suite (STE. B), for a body shop repair. The request was disapproved but with a favorable recommendation to grant a variance to the distance requirement by the Planning and Zoning Committee. City Commission approved the request on July 13, 2020.

The initial conditional use permit for suite A was approved for the first time in 2015, for Truck Accessories part installations. The last time the CUP was renewed was in 2018

On the initial application, the case was presented to the Board of Commissioners; the applicant appealed the decision of the P&Z Board. Part of the discussion was the parking requirement. Applicant stated that the owner of the plaza bought a property across the street (2226 Dallas Ave) to comply with parking requirements; however, the property is zoned R-2 and would require a CUP for a parking facility. A CUP has not been submitted for this address. Furthermore, the address mentioned, is not paved as required by the ordinance. However, the initial permit was approved as to maintain existing parking since it was an older building.

There is an existing 9,600 sq. ft. commercial building with two suites. This building has been used for auto repair services.

The applicant is proposing to use Suite A of the building as a truck accessory business. The proposed hours of operation are from 8:00 A.M. to 6:00 P.M. Monday through Friday and 8:30 A.M. to 3:00 P.M. on Saturday. Based on the total 4,800 sq. ft. for the truck accessory business, 15 parking spaces are required; 9 parking spaces are provided on site. One of the provided spaces must be van accessible; one van accessible parking space is provided.

For both businesses to run simultaneously, 30 parking spaces are required as per their square footage. Suite B as per approved Permit, business will not be open to the public, but will still use 1 or 2 parking spaces. Leaving an 8 parking spaces deficiency. If both business open to the public 30 parking spaces will be required.

Staff has not received any phone calls in regards to this request.

The Fire Department has inspected the establishment and found the place to be in compliance. 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 business must meet the requirements set forth in Section 138-281 of the Zoning Ordinance and specific requirements as follows:

- 1) A minimum lot size of 10,000 sq. ft. is required. The subject property is approximately 14,000 sq. ft.
- 2) All service, repair, maintenance, painting and other work shall take place within an enclosed area. The applicant is proposing to work inside the main structure.
- 3) Outside storage of materials is prohibited.
- 4) The building where the work is to take place shall be at least 100 ft. from the nearest residence. The Building is adjacent to single-family residential use to the east, south and north.
- 5) A 6 ft. opaque fence buffered the proposed use from any residential use or residentially zoned area is required. There is an existing block wall, which decreases from 6'-3" to 3'-10" as approaching to the front property line on the west side of the property.
- 6) New buildings and conversions of existing buildings shall meet current building and fire code requirements concerning separation of high hazard uses from other occupancy use classifications.

Staff recommends disapproval of the request based on non-compliance with requirements #4 (distance) of Section 138-281 and Section 138-395 (off-street parking requirement) of the Zoning Ordinance.

Vice-Chairperson Santos asked if there was anyone present in opposition of the proposed Conditional Use Permit, there was none.

Chairperson Cabeza de Vaca and Mr. Michael Fallek joined the meeting.

Mr. Fallek asked if the only issue was the paving of the parking lot, and Mr. Camacho stated that in past it was approved as is because of the age of the location. Mr. Hovar recollected on a previous conditional use permit at this location that the board approved for there not to have a 6-foot opaque wall and requested the same approval to exclude number 5.

After the brief discussion, Mr. Michael Fallek moved to disapprove with a favorable recommendation and to exclude number 5 on the requirements. Mr. Michael Hovar seconded the motion, which was approved with six members present and voting.

Chairperson Cabeza de Vaca took over the meeting.

2. Request of William C. Smith, for a Conditional Use Permit, for one year, for a bar at Lot A- Phase I & Lot B- Phase II Town & Country Subdivision, Hidalgo County, Texas; 5001 N. 10th Street. (CUP2020-0116)

Mr. Camacho stated that the property was located on the southwest corner of Zinnia Avenue and North 10th Street, and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, east and south, R-1 (single family residential) District to the west, R-3A (multifamily apartments) District to the south and A-O (agricultural open space) District to the north. Surrounding land uses include a variety of commercial and medical plazas, single family houses, Palm Manor Apartments and Bill Schupp Park. A bar is allowed in a C-3 zone with a Conditional

Use Permit and in compliance with requirements.

There is a current conditional use permit for a barbershop that serves alcohol that was approved by City Commission meeting of April 27, 2020 with a variance to the distance requirement.

The applicant is proposing to operate a cigar club from an approximate area of 1537 sq. ft. The hours of operation would be Tuesday through Thursday from 5:00PM to 10:00 PM and Friday through Saturday from 5:00PM to 12:00AM.

The Fire Department has inspected the establishment and found the place to be in compliance. Health Department is pending its review. The police activity report for service calls from November 2019 to present is attached. The Planning Department has received no complaints regarding this use. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned businesses must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. from residential zones/uses, Bill Shupp Park and residential uses/zones to the east and southwest;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment is located on North 10th Street.
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. The proposed 1,880 sq. ft. bar would require 19 parking spaces. For every business to run simultaneously in the commercial plaza, 289 parking spaces would be required; there are 424 parking spaces provided on site;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. Occupancy load is 45 people.

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

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the proposed Conditional Use Permit, there was none.

Being no discussion, Mr. Gabriel Kamel moved to disapprove with a favorable recommendation. Mr. Rogelio Cervantes seconded the motion, which was approved with six members present and voting.

3. Request of Karla P. Macias, for a Conditional Use Permit, for one year, for an Institutional Use (church) at Lot 2, Fire-Check Subdivision Phase I, Hidalgo County, Texas, 3750 Gardenia Avenue, Suite B. (CUP2020-0117)

Mr. Garza stated that the property was located at the cul-de-sac between 36th Street and Gardenia Avenue. It is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the east and south, and R-1 (single family residential) District to the north and west. Surrounding land uses include Briarcliff Nursing and Rehabilitation Center, G A Nails Beauty School, Tex-Star DME Inc. Medical supply store, single-family residences, and vacant land. An institutional use is permitted in a C-3 District zone with a conditional use permit and in compliance with requirements.

The property is located in a commercial/office strip center. The applicant is proposing to use a vacant lease space (Suite B) with approximately 5,000 sq. ft. for a church. A conditional use permit for a church was previously approved by the Planning and Zoning Commission on October 05, 2010. Based on seating capacity of 120 people in the main sanctuary and three additional rooms used for kid's class and youth class, 35 parking spaces are required. The hours of operation are 10 a.m. to 10 p.m. on Sunday, 7 p.m. to 9 p.m. on Wednesday, and 7 p.m. to 11 p.m. on Thursday. The site plan shows 41 parking spaces.

The Fire Department inspection is pending. The Planning Department has received no complaints regarding this use. The establishment must also meet the requirements set forth in Section 138-118 of the Zoning Ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property is approximately 320 ft. from North Ware Road.
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of parking along street, especially in residential areas. Based on the seating capacity of 120 people and the three additional rooms used for kid's class and youth class, 35 parking spaces are required. 41 parking spaces are provided on the site plan. The proposed hours of operation will not interfere with the other establishments. The parking must be clear of potholes and be properly striped per city requirements.
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits;
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential

areas;

6) The number of persons within the main building shall be determined by the Building Inspections Department and shall maintain the existing seating capacity for the main sanctuary; and

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

Staff recommends approval of the request, for one year, subject to compliance with requirements in Section 138-118 and Section 138-400 of the Zoning Ordinance, and Building Permits and Fire Department requirements.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the proposed Conditional Use Permit, there was none.

Being no discussion, Mr. Gabriel Kamel moved to disapprove with a favorable recommendation. Mr. Rogelio Cervantes seconded the motion, which was approved with six members present and voting.

4. Request of OL Beverage Holdings, LLC for a Conditional Use Permit, for one year, for a bar at Lot A2, Lots A2 and A3 Wichita Commercial Park, Hidalgo County, Texas; 2121 South 10th Street. (CUP2020-0118)

Mr. Michael Fallek abstained from this item.

Mr. Garza stated that the property is located on the corner of South 10th Street and Wichita Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, west, and east, and A-O (agricultural and open space) District to the south. Surrounding land uses include McAllen Country Club, Logan's Roadhouse, Mccrery Aviation Co., La Placita retail plaza, Fairway Plaza Shopping Center, and multifamily condominiums. A bar is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

The applicant is proposing to operate bar (Ojos Locos Sports Cantina) from the existing 5,566 sq. ft. building. The proposed hours of operation would be from 11 a.m. to 12 a.m. Sunday through Wednesday and 11 a.m. to 2 a.m. Thursday through Saturday.

The Fire Department inspection is pending. The Health Department inspected the bar and determined the property to be in compliance. The police activity report is attached and indicates service calls from November 2019 to present. The Planning Department has received no complaints regarding this use. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

1) The property line of the lot of any of the 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;

- 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. 65 parking spaces are required and 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 businesses 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 recommends disapproval of the request based on noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the proposed Conditional Use Permit, there was none.

Being no discussion, Mr. Gabriel Kamel moved to disapprove with a favorable recommendation. Mr. Daniel Santos seconded the motion, which was approved with six members present and voting.

5. Request of Shawn M. Mendiola for a Conditional Use Permit, for one year, for a bar at, Lot 25 and the West ½ of Lot 26, Gartman's Subdivision Hidalgo County, Texas; 1113 Upas Avenue. (CUP2020-0119)

Mr. Garza stated that the property was located on the south side of Upas Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the northeast and east, R-3A (multifamily residential apartments) District to the northwest and north, R-2 (duplex-fourplex residential) District to the west, and R-1 (single family residential) District to the west and south. Surrounding land uses include a step in time antique store, bridges and company home good store, and single family residential. A bar is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

The applicant is proposing to operate a bar from the existing 1,239.5 sq. ft. building. The proposed

hours of operation will be from 12:00 p.m. to 2:00 a.m. Monday through Sunday.

The Fire Department inspection is pending. The Health Department pending questions on the kitchen and service area. The police activity report is attached, which indicates service calls from November 2019 to present. The Planning Department has received one call in opposition to the request in regards to the off street parking. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the 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, south, and west;
- 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 is approximately 480 ft. from North 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. Based on the 1239.5 sq. ft. building, 13 parking spaces are required, 9 parking spaces are provided on site.
- 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 businesses 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 recommends disapproval of the request based on noncompliance with requirement #1 (distance) and #3 (parking) of Section 138-118(4) of the Zoning Ordinance.

Chairperson Cabeza de Vaca asked there was anyone present in opposition of the proposed Conditional Use Permit, Ted Cation 1112 Upas Avenue #B was present. Mr. Cation stated his concerns were increase traffic, parking in front of mailboxes, parking itself, noise, the alleys being

blocked, reduced property value and the potential of more businesses attempting this in the area. Mr. Gregory Keller 2004 North 12th Street, is concerned with the clientele and the location of the bar. Ms. Katherine Julia 1200 Upas, was present and has concerns with the proposed bar being too close to a densely populated area. Chairperson Cabeza de Vaca asked to speak to the applicant, Mr. Vicente Solano and Mike was present. Mr. Solano stated that they wanted to have a pleasant hang out, they did not want loud music and a place where citizens could take their pets. He also explained that there was parking areas they were able to use. Mr. Shawn Mendiola the other applicant, stated that since the area has a side walk sale every first Saturday of the month, they thought it would be a good idea to have a restaurant so the shoppers could stop by to get some food. Mr. Mendiola does not intend to make it into a bar but would like to be able to sell alcohol if permitted.

After the brief discussion, Mr. Gabriel Kamel moved to disapprove. Mr. Rogelio Cervantes seconded the motion, which was approved with five members present and voting and one voting against.

Chairperson Cabeza de Vaca asked Mr. Michael Hovar to present the three consent items all together to be voted on.

3) CONSENT:

- a) Shary Manor Subdivision; 7000 North Shary Road- Shary 80 Phase I, LLC (Final) (SUB2020-0079) JHE

The property is located on North Shary Road: 60 ft. from centerline for 120 ft of ROW Paving: by the state Curb & gutter: by the state Provide copy of document for ROW dedication (Doc. #2913274) Provide range of dedication along North Shary Road, including ROW from centerline to new property line to verify if additional dedication required prior to final. Thunderbird Avenue: 30 ft. dedication from centerline for 60 ft. ROW Paving: 40 ft. Curb & gutter: both sides Must escrow monies if improvements are not built prior to recording. Robin Avenue (entrance Streets): 60 ft. ROW with 5 ft. Sidewalk/Utility Easement proposed on both sides Paving: 40 ft. Curb & gutter: both sides Escrow monies if improvements not built prior to plat recording. Interior Street: (proposed as private) 50 ft. ROW with 5 ft. Sidewalk/Utility Easement proposed on both sides Paving: 40 ft. Curb & gutter: both sides Must escrow monies if improvements are not built prior to final. As per Fire and Traffic Departments, please show no parking for edges of knuckles in subdivision. N. 56th Street: 35 ft. ROW dedication for 70 ft. ROW Paving: 50 ft. Curb & gutter: both sides Indicate the total and dedicated ROW on North 56th St. City Commission approved a variance request to allow a half street with 24 ft. of paving at their meeting of March 27, 2017. Variance will be applied to this subdivision. Escrow monies if improvements not built prior to plat recording 800 ft. block length: City Commission approved a variance request to allow block lengths greater 800 ft. at their meeting of March 27, 2017. Variance will be applied to this subdivision. 600 ft. Maximum Cul-de-Sac. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Front: 20 ft. or greater for easements except for 15 ft. for unenclosed carport only. Planning and Zoning Board approved setback requested by the engineer on August 4, 2020 meeting for "20 ft. or greater for easements except for 15 ft. for unenclosed carport only." Rear setbacks: 10 ft. or greater for easements. Sides setbacks: 6 ft. or greater for easements. Corner setbacks: 10 ft. or greater for easements. Garage setbacks: 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 N. 56th Street, Thunderbird Avenue, and on both sides of all interior

streets. 5 ft. wide minimum sidewalk on North Shary Road as may be required by the Engineering Department prior to final. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along North Shary Road, North 56th Street, and Thunderbird Avenue. Please include "Thunderbird Avenue" on plat note #10 prior to recording. 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 Shary Road, North 56th Street and Thunderbird Avenue. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Common Areas, any private streets/drives must be maintained by the lot owners and not the City of McAllen Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. HOA will be recorded simultaneously with subdivision plat Minimum lot width and lot area. Compliance Existing: C-3 Proposed zoning: R-3A Rezoning to R-3A approved by the City Commission on their meeting of June 22, 2020. Lots fronting public streets. Interior streets are proposed to be private. Land dedication in lieu of fee. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Pending review by the Parkland Dedication Advisory Board and CC. As per Parks Department, Board recommendation was approved by City Commission on September 14, 2020 whereas developer will pay half of required Park Fees (\$148,400) prior to recording and the other half (\$148,400) at the time of building permit. As per Traffic Dept., Trip Generation and TIA approved. Must comply with City's Access Management Policy as per Public Works Dept., please submit site plan indicating proposed dumpster locations and enclosure details As per Traffic Department, please barricade on North 56th Street as may be applicable.

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

Being no discussion, Mr. Daniel moved to approve. Mr. Gabriel Kamel seconded the motion, which was approved with six members present and voting.

- b) McAllen Temple Subdivision; 300 Trenton Road- The Church Of Jesus Christ LDS (Final) (SUB2020-0093) M&H

The property is located on North 2nd Street: 70 ft. ROW existing. Proposing a 13 ft. dedication for 60 ft. from centerline for 120 ft. of ROW. Paving: Minimum 65 ft. Curb & gutter: Both sides. Must escrow monies if improvements are not constructed prior to recording. Please show total ROW after accounting for any ROW dedication. Trenton Road: Show range of dedication to provide for 60 ft. from centerline for 120 ft. ROW. Paving: 65 ft. Curb & gutter: Both sides Show range of ROW dedicated prior to recording. Must escrow monies if improvements are not constructed prior to recording. ROW: 20 ft. Paving: 16 ft. Plat submitted on October 16, 2020 shows a 45 ft. service drive easement that will be maintained by lot owners and not City of McAllen. Service drive easement shown on site plan submitted September 1, 2020 shows two parallel 20 ft. wide drives with a 5 ft. wide median. Please remove "Alleys: 20 ft. Paving 16 ft." from plat note #3 Plat note #12 not needed, please remove. Front setbacks: Trenton Road- 60 ft. or greater for approved site plan or easement. N. 2nd Street- 60 ft. or greater for approved site plan or easement. Rear setbacks: In accordance with the Zoning Ordinance, or greater for easements or approved site plan. Interior Sides setbacks: In accordance with the Zoning Ordinance, or greater for easements

or approved site plan. Corner setbacks: See front setbacks. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required along North 2nd Street and Trenton Road. 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. 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. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Please remove plat note #8 prior to recording. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Common Areas, any private drives/streets must be maintained by the lot owners and not the City of McAllen Minimum lot width and lot area. Compliance Lots fronting public streets. Existing: R-1 Proposed: R-1 CUP for institutional use approved by P&Z at their meeting of October 6, 2020 and approved the City Commission at their November 9, 2020 meeting. Rezoning Needed Before Final Approval CUP for institutional use approved by P&Z at their meeting of October 6, 2020 and approved the City Commission at their November 9, 2020 meeting Review by the Parkland Dedication Advisory Board and CC not applicable. If use changes from institutional to residential, review by Parkland Dedication Advisory Board and C.C. might be applicable. Per Traffic Department, Trip generation has been approved, TIA will be waived Must comply with City's Access Management policy.

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

Being no discussion, Mr. Daniel moved to approve. Mr. Gabriel Kamel seconded the motion, which was approved with six members present and voting.

- c) Palms Community Center No. 2 Lot 15A Subdivision; 3713 North 10th Street- Emilia G. Luebbert (Final) (SUB2020-0082) M&H

The property is located on North 10th Street: 50 ft. from center line for 100 ft. ROW Paving: by the state Curb & gutter: by the state. Need to label centerline to review ROW: 24 ft. Paving: 20 ft. Alley/service drive easement required for commercial properties. Engineer proposing 24 ft. private paved service drive easement. Clarify the use and ownership of strip of land located to the west of the property shown in vicinity map. If this strip of land is for "alley", and alley dedication might be required prior to final. w if any dedication is needed for 50 ft. from centerline for 100 ft. ROW prior to recording. Front setback: 75 ft. per the Board of Appeals, City of McAllen, Texas November 12, 1975 Rear setback: In accordance with the Zoning Ordinance or greater for approved site plan or easements. Interior side setbacks: In accordance with the Zoning Ordinance or greater for approved site plan or easements. All setbacks are subject to increase for easements or approved site plan 5 ft. wide minimum sidewalk required along North 10th Street as required per Engineering. 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. 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. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Common Areas, any private drives/streets must be maintained by the lot owners and not the City of McAllen Minimum lot width and lot area. Lots fronting public streets. Existing: C-3 Proposed: C-3 Park Fee of \$700 per lot/dwelling unit to be paid prior to recording Pending review by the Parkland Dedication Advisory Board and CC. Per Traffic Department, Trip

Generation approved, no TIA required Must comply with City's Access Management Policy.

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

Being no discussion, Mr. Daniel moved to approve. Mr. Gabriel Kamel seconded the motion, which was approved with six members present and voting.

4) SUBDIVISIONS:

- a) McAllen Bus Transfer Subdivision; 4600 North 23rd Street- City Of McAllen (Final) (SUB2020-0085) HAI

Ms. Gonzalez stated that property is located on N. 23rd Street, min. 20 ft. additional ROW dedication for 60 ft. from center line for 120 ft. ROW Paving by the State, Curb & gutter by the State. Label as N. 23rd Street (F.M. 1926) instead of 23rd Street shown on plat submitted September 1, 2020. N. Bicentennial Blvd. Show range of variable ROW on the Plat for 150 ft. ROW Paving 52 ft.\ 65 ft. existing, Curb & gutter both sides. Trophy Drive: 30 ft. of the 60 ft. reciprocal easement for ingress & egress lies within subdivision boundaries, Paving 40 ft., Curb & gutter both sides. 800 ft. Block Length ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties * Front setbacks: N. 23rd Street - 60 ft. or greater for easements, site plan or average setbacks of existing structures, whichever is greater. Rear setbacks in accordance with the zoning ordinance, or greater for easements or site plan. Sides setbacks in accordance with the zoning ordinance or greater for easements or site plan. Corner setback on Trophy Drive - 30 ft. or greater for easements or site plan. All setbacks are subject to increase for easements or approved site plan. 5 ft. wide minimum sidewalk required on N. 23rd Street. Perimeter sidewalks must be built or money escrowed if not built at this time. Revised Note #10 as noted above, prior to final. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. 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, Bicentennial Blvd as may be applicable. Site plan must be approved by the Planning Department and other development departments prior to issuance of a building permit. Common Areas, Service drives must be maintained by the lot owners and not the City of McAllen, prior to final. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Lots fronting public streets Minimum lot width and lot area Existing zoning: I-1, Proposed zoning: I-1. Conditional Use Permit for Institutional Use as required, prior to final. Rezoning Needed Before Final Approval. Trip Generation to determine if TIA is required, prior to final plat. Per Traffic Department must submit a Trip Generation to determine if a TIA is required, prior to final. Traffic Impact Analysis (TIA) required prior to final plat. **Must comply with City's Access Management Policy. Comply with other department requirements, prior to final. Finalize Conditional Use Permit. Subdivision has been revised from one lot to two lots. Any easements not dedicated by this plat need to reflect the document number included on the plat, etc., as may be applicable.

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

Being no discussion, Mr. Daniel Santos moved to approve. Mr. Michael Fallek seconded the motion, which was approved with six members present and voting.

b) McAllen Palms Business Park Subdivision; 4900 South Old 10th Street - Megaware Corp., A Texas Corporation (Preliminary) (SUB2020-0089) JHE

Ms. Gonzalez stated that the property is located on S. Old 10th Street: 20 ft. additional ROW Paving: 65 ft. Curb & gutter: Both sides Label S. Old 10th Street show centerline, and existing ROW and on both sides of centerline. Monies must be escrowed if improvements are not built prior to recording. Streets A, B & C: 70 ft. ROW Paving: 44 ft. Curb & gutter: Both sides Street A exceeds the 800 ft. in length. Plat needs to be revised or engineer needs to submit a variance letter. Street names will be revised prior to final 800 ft. Block Length. Plat exceeds 800 ft. without a stub-out street. Revise plat accordingly or submit variance request. 600 ft. Maximum Cul-de-Sac. Plat exceeds 600 ft. in length without a cul-de-sac, revise accordingly or submit variance letter. ROW: 20 ft. Alley Paving: 16 ft. Alley/service drive easement required for commercial properties. Revise plat to show a minimum 24 ft. service drive waste collection services. Front setbacks: 35 ft. or greater for easements. Revise plat as noted above. Rear setbacks: In accordance with the zoning ordinance or greater for easements. Interior Side setbacks: In accordance with the zoning ordinance or greater for easements. Corner side setbacks: 10 ft. or greater for easements. Garage setbacks: 18 ft. except where greater setback is required, greater setback applies. All setbacks are subject to increase for easements or approved site plan 5 ft. wide minimum sidewalk required on S. Old 10th Street and 4 ft. sidewalk required on both sides of all interior streets. Revise plat as noted above 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. Note #9 on plat references N. 29th Street, revise accordingly. 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 S. Old 10th Street. Revise Note #11 on plat. Site plan must be approved by the Planning and other Development Departments prior to building permit issuance. Common Areas, Private Streets must be maintained by the lot owners and not the City of McAllen Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. 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. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Lots fronting public streets. Minimum lot width and lot area Existing zoning: I-1 Proposed zoning: I-1 Trip Generation required by Traffic Department 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. Plat needs to be revised to provide for a minimum 24 ft. service drive for waste collection services. Revise Note #7 accordingly. Revise Note #9 accordingly. Revise Note #11 accordingly. Revise/Remove Note #18 on plat.

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

Mr. Michael Hovar wanted to clarification on the length of the street and the distance with the cul-de-sac because it is not in compliance with the ordinance. Mr. Hovar asked if staff recommended a variance request for it. Ms. Gonzalez stated that an abandonment request was processed in order for the owner to begin the subdivision process and apart of the condition for the abandonment request was a plat that needed to be recorded, which staff was aware of. Ms. Gonzalez explained

that the owner wanted to develop a subdivision on that property and the engineer has a chance to revise anything prior to final. Mr. Fallek asked why staff was recommending approval. Ms. Gonzalez stated that staff recommends approval subject to conditions noted, utilities and drainage approvals, meaning the applicant still has to comply with all requirements. Mr. Hovar asked how staff would approve the layout, how wide would the road have to be and how would the fire department approved since they have no access and the only way it would be approved would be with a second access and reducing the roads without an outlet. Mr. Mora explained that the board could approved with a recommendation to comply with the city requirements because no variances have been requested. Mr. Hovar asked if there was any way the street could extend to the west but Mr. Mora stated that it would be difficult with the canal that is there.

Chairperson Cabeza de Vaca left the meeting, Vice Chairperson Daniel Santos took over.

After the discussion, Mr. Michael Hovar moved to approve subject to conditions noted by staff with their recommendations. Mr. Gabriel Kamel seconded the motion, which was approved with five members present and voting.

c) MFTWS LLC Subdivision; 401 East Yuma Avenue- MFTWS, LLC (Preliminary)
(SUB2020-0090) RDE

Ms. Gonzalez stated that the property is located on E. Yuma Avenue: 10 ft. dedication for 40 ft. from centerline for 80 ft. ROW Paving: 52-65 ft. Curb & gutter: Both sides. Monies must be escrowed if improvements are not built prior to recording. 800 ft. Block Length 600 ft. Maximum Cul-de-Sac. Front setbacks: 25 ft. or greater. Rear: 10 ft. or greater for easements. Sides easements: 6 ft. or greater for easements. Garage setbacks: 18 ft. except where greater setback is required, greater setback is applying. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on East Yuma Avenue. Revise plat as noted above. 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. Plat references Northgate Ln., revise accordingly. 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 Per Traffic Department, 200 ft. spacing required for collector roads. Site plan must be approved by the Planning and other Development Departments prior to building permit issuance. Common Areas, private drives, etc. must be maintained by the lot owners and not the City of McAllen* Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies for public subdivisions. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Lots fronting public streets. Minimum lot width and lot area. Existing zoning: R-1, C-1 Proposed zoning: R-1 Rezoning request will be presented at the P&Z meeting scheduled for December 16, 2020. Rezoning Needed Before Final Approval Park Fee of \$700 per lot/dwelling x 4 lots proposed = \$2,800 to be paid prior to recording. Trip Generation to determine if TIA is required, per Traffic Department prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Must comply with City's Access Management Policy Clarify if subdivision is public/private Revise/remove Note #14 since it references another subdivision. Remove Note #15 from plat, there are no common areas identified in this subdivision. Note #13 will need to be revised, only access available is through Yuma Avenue. Rezoning needs to be finalized prior to final.

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

Being no discussion, Mr. Gabriel Kamel moved to approve subject to conditions noted. Mr. Rogelio Cervantes seconded the motion, which was approved with five members present and voting.

d) Taylor Grove Subdivision; 701 South Taylor Road- MDM Land Company, LLC
(Preliminary) (SUB2020-0087) RDE

Ms. Gonzalez stated that the property is located on S. Taylor Road: 10 ft. dedicated for 40 ft. from centerline for an 80 ft. ROW Paving: 52 ft. - 65 ft. Curb & gutter: both sides *Owner must escrow monies for improvements not built prior to plat recording. Street A: 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides Name to be revised prior to final. Street B, Street C, Street D: 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides Name to be revised prior to final. Streets need to be at least 60 ft. width. 800 ft. Block Length Streets A & C dead end onto Lot 54 which is zoned R-3A. Revise plat accordingly prior to final to extend streets and or provide cul-de-sac/turnaround. 600 ft. Maximum Cul-de-Sac Streets A & C dead end onto Lot 54. Plat needs to be revised prior to final, extend the street and/or provide a turnaround/cul-de-sac. Minimum 96 ft. paved diameter required, may increase prior to final. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Service drive / turnarounds needed at east of Streets A & C currently shown per Public Works Department. Front setbacks: Proposing 25 ft. or greater for easements. Will be established once the zoning/use has been clarified, but not less than the ordinance requirements for single family, multi-family use, etc. Rear setback: In accordance with the zoning ordinance, or greater for easements. Will be established once the zoning/use has been clarified, but not less than the ordinance requirements for single family, multi-family use, etc. Sides: In accordance with the zoning ordinance, or greater for easements. Will be established once the zoning/use has been clarified, but not less than the ordinance requirements for single family, multi-family use, etc. Corner setbacks: Proposing 10 ft. or greater for easements. Will be established once the zoning/use has been clarified, but not less than the ordinance requirements for single family, multi-family use, etc. Garage setbacks: 18 ft. except where greater setback is required, greater setback applies. Will be established once the zoning/use has been clarified, but not less than the ordinance requirements for single family, multi-family use, etc. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on S. Taylor Rd. and both sides of all interior streets. Revise plat as noted above. 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 S. Taylor Rd. 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. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Common Areas, private drives, etc. must be maintained by the lot owners and not the City of McAllen. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies for public subdivisions. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Lots fronting public streets Show existing dimensions, per Traffic Department 200 ft. spacing required on Taylor Rd. Need to clarify if any of the streets are private, prior to final. Minimum lot width and lot area Pending clarification on the proposed use for Lot 54. Lot size/width

will be determined once zoning/use of lots is clarified, but not less than the ordinance requirements. Existing zoning: R-3A Proposed zoning: R-1 and R-3T Pending review for rezoning cases from R-3A to R-1 and R-3T to be presented at the P&Z meeting scheduled for December 16, 2020. Rezoning Needed Before Final Approval * Park Fee of \$700 per dwelling unit/lot to be paid prior to recording. Per application, 53 Lots are proposed x \$700 = \$37,100 due prior to recording Master Trip Generation required by Traffic Department 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 Clarification pending on the proposed use for Lot 54. Plat will need to be revised since streets cannot dead-end onto Lot 54 as currently shown.

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

Being no discussion, Mr. Michael Hovar moved to approve subject to conditions noted. Mr. Rogelio Cervantes seconded the motion, which was approved with five members present and voting.

- e) Twin Subdivision; 1500 North Bentsen Road- Maria Dolores Fernandez de Jauregui Pozo (Preliminary) (SUB2020-0091) AEC

Ms. Gonzalez stated that N. Bentsen Road: Project engineer to show centerline and label existing ROW on both sides to determine ROW dedication requirement for 50 ft. from centerline for 100 ft. ROW Paving: 65 ft. Curb & gutter: both sides Owner must escrow monies for improvements not constructed prior to plat recording. 800 ft. Block Length 600 ft. Maximum Cul-de-Sac ROW; 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties Front setbacks: N. Bentsen Road - 45 ft. or in line with existing structures, whichever is greater. Revise plat as noted above Rear setbacks: in accordance with the Zoning Ordinance, or greater for easements Revise plat as noted above. Sides setbacks: in accordance with the Zoning Ordinance, or greater for easements Revise plat as noted above Garage setbacks: 18 ft. except where greater setback is required; greater setback applies. Revise plat as noted above. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on N. Bentsen Rd. 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 as noted above. 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. Site plan must be approved by the Planning and other Development Departments prior to building permit issuance. Lots fronting public streets Minimum lot width and lot area Existing zoning: R-1 Proposed zoning: R-1 Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Per Traffic, the Trip Generation has been waived for two single family homes and driveway must be in a way that vehicles exit front first onto N. Bentsen Rd.

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

Being no discussion, Mr. Michael Hovar moved to approve subject to conditions noted. Mr. Michael Falleg seconded the motion, which was approved with five members present and voting.

- f) Bella Vista Ranch Subdivision; 7017 North Taylor Road- Jorge A. Bautista (Preliminary) (SUB2020-0088) SEA

Mr. De La Garza stated that the property is located on N. 56th Street: 35 ft. ROW dedication for 70 ft. ROW Paving: 44 ft. Curb & gutter: both sides Indicate the total and dedicated ROW on North 56th St. Please clarify "alley" reference on the west side of centerline for North 56th Street. Escrow monies if improvements not built prior to plat recording Planning and Zoning Board disapproved subdivision in Preliminary form at their October 20, 2020 meeting due to the proposed lot to not have the minimum 50 ft. frontage required to a street. Engineer has submitted a new application and a revised plat that shows 2 lots with 143.66 ft. of total frontage along North 56th Street. Engineer has indicated that the applicant is in the process of acquiring the 40 ft. United Irrigation District ROW that is located along the west property line, of which the western 35 ft. are proposed to be dedicated to the City of McAllen for North 56th Street. This process must be finalized prior to final. Front: Proposed 20 ft. or greater for easements or approved site plan; or in line with the average setbacks of existing structures, whichever is greater Setbacks will be established prior to final being that it fronts a collector street, but no less than the Zoning Ordinance. Rear: Proposed 10 ft. or greater for easements. Setbacks will be established prior to final. Interior Sides: Proposed In accordance with the Zoning Ordinance or greater for easements. Setbacks will be established prior to final. 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 56th Street. Requirement might change prior to final depending on any design changes. 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. 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. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Property is currently in ETJ. If property is annexed prior to recording, site plan review might be required Common Areas, any private driveways/streets must be maintained by the lot owners and not the City of McAllen Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies if a public subdivision is proposed. Minimum lot width and lot area. Minimum 50 ft. of lot frontage must be kept throughout the depth of Lot 2. Please revise plat to comply with requirement prior to final. Lots fronting public streets. Engineer has indicated that the applicant is in the process of acquiring the 40 ft. United Irrigation District ROW that is located along the west property line, of which the western 35 ft. are proposed to be dedicated to the City of McAllen for North 56th Street. This process must be finalized prior to final. Existing: ETJ Proposed: ETJ (Residential) Property is currently in ETJ. If annexation is requested, processes including initial zoning, will have to be finalized prior to final. Rezoning Needed Before Final Approval. Property is currently in ETJ. If annexation is requested, processes including initial zoning, will have to be finalized prior to final. Park Fee of \$700 per lot/ dwelling unit to be paid prior to recording. Property is currently in ETJ. If annexation is requested, the amount of \$700 will have to be paid prior to recording. As per Traffic Department, Trip Generation will be waived for 2 single-family residences. No TIA required. Must comply with City's Access Management Policy. If annexation is requested, process will have to be finalized prior to final. Planning and Zoning Board disapproved the subdivision in Preliminary form at their October 20, 2020. As per Fire and Traffic Department, please submit gate detail if applicable prior to final.

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

Being no discussion, Mr. Michael Hovar moved to approve subject to conditions noted. Mr. Rogelio Cervantes seconded the motion, which was approved with five members present and voting.

5) DISCUSSION:

- a) Consideration and possible action on ordinance amending C-3 and C-3L Zoning Districts

ORDINANCE NO. 2020- _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCALLEN AT CHAPTER 138 ("ZONING"), ARTICLE V ("DISTRICTS"), DIVISION 8.5 ("C-3L LIGHT COMMERCIAL DISTRICT"), DIVISION 9 ("C-3 GENERAL BUSINESS DISTRICT"), TO CLARIFY USES ALLOWED IN SAID ZONING DISTRICTS; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City of McAllen desires to ensure safe, harmonious neighborhoods to maintain property values,

WHEREAS, the City of McAllen finds that certain zoning districts require clarification on uses allowed,

WHEREAS, the City Commission finds that it is in the public interest to amend the McAllen Code of Ordinances to clearly establish where liquor stores and smoke/vape shops are allowed,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MCALLEN, TEXAS, THAT:

SECTION I: The Code of Ordinances, City of McAllen, Chapter 138 ("Zoning"), Article V ("Districts"), Division 8.5 ("C-3L Light Commercial District") is hereby amended to read as follows:

Sec. 138-268. – Permitted Uses.

The uses permitted in the C-3L light commercial districts are as follows:

- (1) All uses listed as permitted uses in the C-1 office building district.
- (2) All uses listed as permitted uses in the C-2 neighborhood commercial district, excluding gasoline service stations or retail outlets where gasoline products are sold.
- (3) Retail businesses that sell products such as: candy nuts, and confectionaries, bakeries or tortillerias, ice cream stores, specialized food products, apparel and accessories, computer hardware and software, records, tape and compact diskettes, musical instruments, drug and proprietary goods, household furniture and electronics, miscellaneous shopping goods (sic 594), products from miscellaneous retail stores (sic 599) and similar or related uses.
- (4) Restaurants which do not derive more than 25 percent of the gross income from the sale of alcoholic beverages.
- (5) On-premise signs, including those that are animated or illuminated.
- (6) All signs permitted in the C-1 office building district.
- (7) Household goods warehousing and storage in individually rented storage units.

Sec. 138-269. – Conditional uses.

- (1) All conditional uses listed in the C-2 neighborhood commercial district except gasoline service

stations or retail outlets where gasoline products are sold.

(2) Liquor stores that only offer alcohol for off-premise consumption.

Sec. 138-270 – Prohibited uses.

The uses prohibited in the C-3L light commercial districts are as follows”

(1) Any building erected or land used for other than one or more of the uses specified in this division

(2) Any use of property that does not meet the required minimum lot size; front, side and rear yard dimensions; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required in section 138.356.

(3) Vape shops and smoke shops.

Sec. 138-271 – 138.275. - Reserved.

SECTION II: The Code of Ordinances, City of McAllen, Chapter 138 (“Zoning”), Article V (“Districts”), Division 9 (“C-3 General Business District”) is hereby amended to read as follows:

Sec. 138-277. – Permitted uses.

(1) All uses listed as permitted uses in C-1 and C-2 zoning districts.

(2) Any retail businesses, personal services or business services except the following: lumberyard or contractor yards, farm equipment or other heavy equipment sales or service, farm products warehousing and storage or stockyards, general warehousing and storage. Household goods warehousing and storage in individually rented storage units is permitted.

(3) Hospitals.

(4) Hotels, motels.

(5) Restaurants, eating places.

(6) Printing, publishing and allied products manufacturing.

(7) Rail and motor vehicle transportation passenger terminals.

(8) Telephone, telegraph, television, radio or similar media stations, centers, studios, but not including public microwave, radio and television towers.

(9) Any wholesale trade or wholesale trade accessory to any permitted retail operation except the following: raw cotton, grain, hide, skins and raw furs, tobacco, wool, mohair, livestock, commercial or industrial machinery or supplies, metals and minerals, petroleum bulk stations and terminals, scrap or junk waste materials.

(10) Signs in accordance with adopted ordinances.

(11) Automotive repair as an accessory use to a permitted retail use, such as retail sale of automobiles or retail sale of automobile parts.

Sec. 138.278 – Conditional uses.

(1) All conditional uses listed in C-1 office building district.

(2) Gasoline service stations or retail outlets where gasoline products are sold.

(3) Planned shopping centers.

(4) Bars and nightclubs in accordance with applicable adopted ordinances and section 138-118(a)(4), (b), and (c).

(5) Automotive repair and service as a primary use, including auto paint and body work as a primary use subject to required conditions listed in section 138.281.

(6) Outdoor flea markets or farmers’ markets.

(7) Personal wireless service facilities.

(8) Transit terminal facility.

(9) Vape shops and smoke shops.

SECTION III: The City Secretary of the City of McAllen is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas in accordance with the Code of Ordinances of the City of McAllen, Section 2-56. Publication of ordinances.

SECTION IV: The City Secretary of the City of McAllen is hereby authorized and directed to cause the language in Chapter 138, Division 8.5 and Division 9 of the McAllen Code of Ordinances, as amended by Section I and Section II, hereinabove, to be published in the appropriate location in the said Code of Ordinances.

SECTION V: This Ordinance shall be and remain in full force and effect from and after its passage by the Board of Commissioners, and execution by the Mayor.

SECTION V: If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

CONSIDERED, PASSED and APPROVED this _____ day of _____, 2020, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

Mr. Gabriel Kamel wanted to clarification on what would need to be done if a shopping center which is zoned as C-3 and a tenant was to rent out the location to put a Vape shop there if it would be allowed. Mr. Garcia explained that the tenant with the vape shop would need to apply for a Conditional Use Permit just as a bar would do in the same situation.

Being no discussion, Mr. Michael Hovar moved to approve subject to conditions noted. Mr. Michael Fallek seconded the motion, which was approved with five members present and voting.

6) INFORMATION ONLY:

a) City Commission Actions: November 23, 2020

Mr. Garcia gave a brief presentation about the City Commission meeting on November 23, 2020

ADJOURNMENT:

There being no further business to come before the Planning & Zoning Commission, Mr. Gabriel Kamel adjourned the meeting at 4:54 p.m., and Mr. Daniel Santos seconded the motion, which carried unanimously with seven members present and voting.

ATTEST: _____
Claudia Mariscal, Secretary

Chairperson, Pepe Cabeza de Vaca

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF McAllen

The McAllen Planning and Zoning Commission convened in a Regular Meeting & Public Hearing on Wednesday, December 16, 2020 at 3:38 p.m. in the McAllen City Hall City Commission Room at 1300 Houston Avenue, McAllen, Texas.

Present:	Pepe Cabeza de Vaca	Chairperson
	Daniel Santos	Vice-Chairperson
	Michael Hovar	Member
	Rogelio Cervantes	Member
	Michael Fallek	Member
	Gabriel Kamel	Member
Absent:	Jose Saldana	Member
Staff Present:	Victor Flores	Assistant City Attorney
	Michelle Rivera	Assistant City Manager
	Edgar Garcia	Planning Director
	Luis Mora	Planning Deputy Director
	Rodrigo Sanchez	Senior Planner
	Omar Sotelo	Senior Planner
	Berenice Gonzalez	Planner III
	Kaveh Forghanparast	Planner II
	Iris Alvarado	Planner I
	Porfirio Hernandez	Planning Technician II
	Claudia Mariscal	Administrative Secretary
	Aime Garcia	Administrative Secretary

CALL TO ORDER- Pepe Cabeza de Vaca, Chairperson

Meeting held via Teleconference and Video Conference.

PLEDGE OF ALLEGIANCE

INVOCATION- Mr. Rogelio Cervantes

1) MINUTES:

- a)** Minutes for Regular Meeting held on November 17, 2020.

The minutes for the regular meeting held on December 17, 2020 were approved as submitted. The motion to approve was made by Mr. Gabriel Kamel. Mr. Michael Hovar seconded the motion, which carried unanimously with five members present and voting.

- b)** Minutes for Regular Meeting held on December 3, 2020.

No action taken.

2) PUBLIC HEARING

- a) CONDITIONAL USE PERMITS:**

- 1) Request of Kathleen G. Azufra on behalf of Brighter Horizons, Multi-Services LLC, for a Conditional Use Permit, for one year, for a Home Occupation (Face and Body Contouring Office) at Lot 142, La Floresta Subdivision Phase I, Hidalgo County, Texas; 1901 Queens Avenue.
(CUP2020-0120)

Mr. Escamilla stated the property was located on the south side of Queens Avenue, between North 18th Street and North 20th Street. It was zoned R-1 (single family residential) District. The adjacent zoning was R-1 District in all directions and the surrounding land use was single-family residential. A home occupation was allowed in the R-1 District with a Conditional Use Permit and in compliance with requirements.

A complaint was received on September 22, 2020 from a resident in the area regarding a commercial use in a residential zone. A stop work order was issued by the Building and Inspections Department staff on September 22, 2020 for construction of an accessory building (storage building 10 ft. by 10 ft.) without an inspection. The original purpose for construction of the “storage building” may have been to house the proposed use associated with the conditional use permit request. Storage buildings that are 200 ft. or less in size do not require a building permit but must respect the setbacks in the zoning district in which they are located. An application for a conditional use permit (CUP) was submitted to the Planning Department on November 13, 2020. There was no prior history of a conditional use permit being approved for this location.

The applicant was proposing to operate a home occupation that involves “non-invasive face and body contouring (aesthetics)”. The applicant has stated that her non-invasive face and body procedures include ultherapy and thermage. According to publications and research, the thermage procedure was a non-invasive treatment designed to tighten skin and firm facial and body contours. This was accomplished over a period of time as the body responds to the heat effect of the treatment by spurring new collagen production. Thermage focuses on treating wrinkles on the face and in the under eye area and on improving wrinkles and bulges on the body. Furthermore, publications state “that Ultherapy was the only non-surgical treatment that’s been approved by the FDA specifically for tightening the skin on the neck and chin and in the brow area”. Mr. Escamilla stated that Ulthera is the device that was used in ultherapy, it uses focused ultrasound energy to lift and tighten the skin, this process involves making small burns beneath the skin. Pain is dependent on one’s tolerance for discomfort. These treatments are typically found in a medical spa.

The applicant states that she will also be offering facial services the kind that are customarily provided by a day spa.

Based on researching the topic, traditional day spas provide personal care treatments focused on improving beauty, health, and relaxation. Common services at day spas include massages, pedicures/manicures, aromatherapy, facials, and mud wraps. Some Day spas offer specialized treatments like lava stone massage and reflexology, while others integrate hair salon and makeup services so spa-goers can get a new hair style while they relax.

Furthermore, medical spas offer medical grade aesthetic procedures in a relaxing environment. Such treatments can include injections for wrinkles in the upper face, fillers for restoring volume loss in the face, laser therapies for repairing sun damage, laser hair removal, acne therapy, and medical-grade facials and peels.

The proposed home occupation location is in a 2,600 sq. ft. one story single-family residence. The "aesthetics" procedures will take place in a designated room shown on the submitted site plan as a 10 ft. x 10 ft. area. The application states that the hours of operation are, weekdays from 5:00 PM to 7:00 PM (by appointment only) and Fridays and Saturdays from 10:00 AM to 7:00 PM (by appointment only). There will be two employees which include the applicant and her spouse. No retail sales and signage are proposed.

The Fire and Health Departments have pending inspections. The proposed use shall meet all the minimum standards and applicable ordinances. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions on the permit. The home occupation may not be operational until the issuance of the certificate. The home occupation must comply with requirements set forth in Section 138-118(a)(1) of the Zoning Ordinance as follows:

- 1) The home occupation shall be clearly secondary to the residential use. The applicant lives at the residence.
- 2) Signs shall not be permitted. Applicant has stated no signs will be put up.
- 3) No exterior display or alterations indicating that the building is being used for any purpose other than residential, shall be permitted. Applicant stated no exterior alterations will be made.
- 4) No more than 1 additional unrelated employee other than immediate family members residing on the premises shall be permitted. Applicant has stated that spouse will be the only other employee.
- 5) No outside storage of materials or products shall be permitted. Applicant has stated there will be no outside storage of materials.
- 6) Traffic generated by the proposed use shall not exceed 10% of the average load per hour per street. Applicant has stated that customer visits will be by appointment only.
- 7) No retail sales shall be permitted. Applicant has stated that there will be no retail sales.
- 8) No additions to the residence or accessory building specifically to accommodate the use shall be permitted. There is a storage building on the property but it is for personal storage use as per applicant.
- 9) The proposed use shall take place in the primary residential structure rather than a detached garage or accessory building. The site plan submitted shows the proposed use will take place in the primary residence.
- 10) The proposed use shall take place at the location specified on the permit. The proposed use will take place at the address provided on the application.

Staff recommended disapproval of the request. The proposed use appears to be more appropriate in a medical spa setting. Medical spas and similar uses are permitted in commercial zoning districts.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the proposed conditional use permit, there were none. Chairperson also requested for applicant Ms. Azufra to give more details about her product and machine that would be used. After Ms. Azufra gave details on her product and thermage procedure, Chairperson stated that he recommends more information and research on the actual thermage machine for safety precautions.

After a brief discussion, Mr. Gabriel Kamel moved to disapprove with a favorable recommendation. Mr. Rogelio Cervantes seconded the motion, as to which two board members voted to oppose the motion, Chairperson suggested to table the motion in order to allow applicant to provide more information on product and thermage machine which was moved to approve by Mr. Michael Hovar. Mr. Michael Fallek seconded the motion to be tabled with five members present and voting.

b) REZONING:

1. Rezone from C-1 (office building) District to R-1 (single-family residential) District: 1.68 acres out of Lot 5, Block 15, Steele & Pershing Subdivision, Hidalgo County, Texas; 501 East Yuma Avenue.
(REZ2020-0045)

Ms. Alvarado stated that the property was located on the north side of Yuma Avenue, approximately 280 ft. west of South McColl Road. The proposed tract has 240 ft. of frontage along Yuma Avenue with a depth of 290 ft. for a tract size of 69,600 sq. ft.

The applicant was requesting to rezone the subject property to R-1 (single-family residential) District in order to build single-family residences. A feasibility plan has not been submitted. A four lot residential plat under the name of MFTWS LLC subdivision has been submitted and received approval in preliminary form at the Planning and Zoning Commission meeting of December 3, 2020.

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

The subject property was currently vacant and surrounding land uses include single-family residences, multifamily, and vacant land.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Suburban Commercial which is comparable to C-1 (office building) District to C-3L (light commercial) District.

The development trend for this area along Yuma Avenue was residential with light commercial. The subject property was zoned R-1 (single-family residential) District upon annexation into the city on November 1995. A rezoning request to C-1 (office building) District for the subject property was approved by the City Commission on June 11, 2001 but was never developed for commercial use.

The requested zoning does not conform to the Suburban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan; however, the request constitutes a

downzoning that is consistent with the surrounding single-family residential zoning and land use to the west.

The proposed zoning is part of a larger tract of which a portion to the west is already zoning R-1 (single-family residential) District and together will comprise a single family development. The proposed rezoning to R-1 (single-family residential) District will revert the zoning to its initial zoning when the tract was annexed into the city in 1995.

Ms. Alvarado stated staff has not received any calls or emails in opposition to the rezoning request.

Staff recommended approval of the rezoning request to R-1 (single-family residential) District.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the request, there was none.

Being no discussion, Mr. Michael Hovar moved to approved. Mr. Rogelio Cervantes seconded the motion, which was approved with five members present and voting.

2. Rezone from A-O (agricultural & open space) District to R-1 (single-family residential) District: 0.68 acres out of Lot 377, John H. Shary Subdivision, Hidalgo County, Texas; 5001 Selinda Drive. **(REZ2020-0044)**

Ms. Alvarado stated the property was located along the south side of Selinda Drive, approximately 520 ft. east of North Taylor Road. The tract has 190 ft. of frontage along Selinda Drive and a depth of 155 ft. for a tract size of 0.68 acres.

The applicant was requesting to rezone the subject property to R-1 (single-family residential) District in order to build a covered patio measuring 20 ft. by 20 ft.

The adjacent zoning was A-O (agricultural-open space) District in all directions. There was also R-1 (single-family residential) District to the north.

The subject property contains a single family residence and a swimming pool. Adjacent land uses include single family homes and vacant land.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as Auto Urban Single Family which is comparable to R-1 (single-family residential) District.

The development trend for this area along Selinda Drive was a single family residential. The proposed zoning is consistent with residential development trends in the area and would bring the existing use on the subject property into compliance with the zoning ordinance.

The property was initially zoned A-O (agricultural-open space) District upon annexation in 1999. There have been no rezoning requests on the property since that time. A rezoning request to R-1 (single family residential) District was approved by the City Commission for 5020 Selinda Drive on May 5, 2011; and 5100 Selinda Drive on July 22, 2019.

Ms. Alvarado stated that Selinda Drive was a private street constructed on a 50 ft. access

easement with 24 ft. of pavement width providing 2 travel lanes, curb and gutter and a cul-de-sac with a length of approximately 1,240 feet. During a site visit staff noted no sidewalks or street lights were provided along Selinda Drive. Sharyland Water Supply Corporation provides water services to the property. Selinda Drive was constructed as part of an unrecorded subdivision plat that was developed in McAllen's extraterritorial jurisdiction.

Subdivision requirements generally, are initiated upon the request for a building permit from either the City or County for unplatted properties. A recorded subdivision plat may be required prior to any building permit. A variance to the subdivision process for address 5020 Selinda Drive was approved by City Commission on April 25, 2011; a subdivision variance for 5100 Selinda Drive was approved by City Commission on May 13, 2019. The building permit review process will be required prior to issuance of any building permits for construction.

The requested zoning conforms to the Auto Urban Single Family land use designation as indicated on the Foresight McAllen Comprehensive Plan.

Ms. Alvarado stated staff has not received any calls or emails in opposition to the rezoning request.

Staff recommended approval of the rezoning request to R-1 (single-family residential) District.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the request, there was none.

Being no discussion, Mr. Michael Fallek moved to approved. Mr. Gabriel Kamel seconded the motion, which was approved with five members present and voting. Chairperson Cabeza De Vaca stated that Mr. Daniel Santos joined the meeting.

3. Rezone from R-3A (multifamily residential apartment) District to R-1 (single-family residential) District: 3.87 acres out of Lot 197, John H. Shary Subdivision, Hidalgo County, Texas; 701 South Taylor Road. (REZ2020-0042)

Mr. Forghanparast stated the property was located on the east side of South Taylor Road, approximately 1,850 ft. south of U.S. Business 83. The irregularly shaped tract had 445.91 ft. of frontage along South Taylor Road with a depth of 310 ft. and comprise 3.87 acres.

The applicant was requesting to rezone the property to R-1 (single-family residential) District in order to construct single-family residences. A subdivision plat for the subject property under the name of Taylor Grove Subdivision was approved in preliminary form on December 3, 2020, by the Planning and Zoning Commission.

The adjacent zoning was R-3A (multifamily residential apartment) District to the east and south and R-1 (single-family residential) and R-3A (multifamily residential apartment) Districts to the north. The properties to the west of South Taylor Road were outside the City limits.

The property was currently vacant and surrounding land uses were single-family and fourplex residences, El Valle de la Luna affordable homes, Romulo D. Martinez Elementary School, and vacant land.

The Foresight McAllen Comprehensive Plan designated the future land use for this property as Auto Urban Single Family, which was comparable to R-1 (single-family residential) District. The development trend for this area along South Taylor Road was single and multifamily residential.

The tract was annexed into the city and initially zoned A-O (agricultural and open space) District in 1999. The City Commission approved an application initiated by the City to rezone the property to R-3A (multifamily residential apartment) District on April 13, 2015.

The requested zoning constituted a downzoning which conforms to the Auto Urban Single Family land use designation as indicated on the Foresight McAllen Comprehensive Plan as well.

The maximum density in R-1 (single-family residential) District was 8 dwelling units per acre. Therefore, the maximum number of units for the subject property was approximately 30 single-family houses.

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

Mr. Forghanparast stated staff had not received any calls or emails in opposition to the rezoning request.

Staff recommended approval of the rezoning request to R-1 (single-family residential) District.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the request, there was none.

Being no discussion, Mr. Michael Hovar moved to approve. Mr. Michael Fallek seconded the motion, which was approved with six members present and voting.

4. Rezone from R-3A (multifamily residential apartment) District to R-3T (multifamily residential townhouse) District: 3.61 acres out of Lot 197, John H. Shary Subdivision, Hidalgo County, Texas; 701 South Taylor Road (MID). **(REZ2020-0043)**

Mr. Forghanparast stated the property was located on the east side of South Taylor Road, approximately 1,675 ft. south of U.S. Business 83. The irregularly shaped tract had 118.74 ft. of frontage along South Taylor Road and comprises 3.61 acres.

The applicant was requesting to rezone the property to R-3T (multifamily residential townhouse) District in order to construct townhomes. A subdivision plat for the subject property under the name of Taylor Grove Subdivision was approved in preliminary form on December 3, 2020, by the Planning and Zoning Commission.

The adjacent zoning was R-3A (multifamily residential apartment) District to the north, east and south and R-1 (single-family residential) and R-3A (multifamily residential apartment) Districts to the west. The properties to the west of South Taylor Road were outside the City limits.

The property was currently vacant. Surrounding land uses were single-family and fourplex residences, El Valle de la Luna affordable homes, Romulo D. Martinez Elementary School, and vacant land.

The Foresight McAllen Comprehensive Plan designated the future land use for this property as Auto Urban Single Family, which was comparable to R-1 (single-family residential) District.

The development trend for this area along South Taylor Road was single and multifamily residential.

The tract was annexed into the city and initially zoned A-O (agricultural and open space) District in 1999. The City Commission approved an application initiated by the City to rezone the property to R-3A (multifamily residential apartment) District on April 13, 2015.

The requested zoning did not conform to the Auto Urban Single Family land use designation as indicated on the Foresight McAllen Comprehensive Plan. However, the rezoning request provided opportunities for a variety of housing types throughout the city that responded to the residents' economic and social lifestyles. The proposed development would be in proximity to a compatible use, Martinez Elementary School, since institutional uses were located within residential neighborhoods. Townhouse zoning would encourage home ownership within an area that is zone for R-3A District for rental housing.

The maximum density in R-3T (multifamily residential townhouse) District was 20 dwelling units per acre. Therefore, the maximum number of units for the subject property is approximately 72 townhomes.

Section 110-49 (a) Vegetation Ordinance requires a masonry screen eight ft. in height where a commercial, industrial or multifamily use has a side or rear property line in common with a single-family use or zone. Where such use has 200 feet or less in common with any residential use or zone, the buffer shall be eight feet in height but may be cedar planks.

A recorded subdivision plat and approved site plan are 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.

Mr. Forghanparast stated staff had not received any calls or emails in opposition to the rezoning request.

Staff recommended approval of the rezoning request to R-3T (multifamily residential townhouse) District

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the request, there was none.

Being no discussion, Mr. Rogelio Cervantes moved to approve. Mr. Michael Hovar seconded the motion, which was approved with six members present and voting.

5. Rezone from R-1 (single-family residential) District to R-3A (multifamily residential apartment) District: 24.95 acres out of Lots 27 and 28, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas; 3421 La Lomita Road. **(REZ2020-0046)**

Mr. Forghanparast stated the property was located 1,363.51 ft. west of North 29th Street, approximately 370 ft. south La Lomita Road. The irregular-shaped tract consisted of 24.95 acres and abuts Hidalgo County Irrigation District No.1 Main Canal R.O.W. on the west but had no street R.O.W. frontage.

The applicant was requesting to rezone the property to R-3A (multifamily residential apartments) District in order to construct detached duplexes. A submitted feasibility plan depicts that the subject property would be subdivided into 66 lots as part of a larger development.

The adjacent zoning was R-1 (single-family residential) District to the north, east, and south. The properties to the west of the subject property were outside the city limits.

The property was currently vacant. Surrounding land uses were single-family residences, vacant land, and HCID No.1 Main Canal.

The Foresight McAllen Comprehensive Plan designated the future land use for this property as Suburban Residential which was comparable to R-1 (single-family residential) to R-3 (multifamily residential) Districts.

The development trend for this area along La Lomita Road was single-family residential. The tract was annexed into the city and initially zoned R-1 (single-family residential) District in 2016 and 2017.

The requested zoning conformed to the Suburban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan.

The maximum density in R-3A (multifamily residential apartments) District was 29 three-bedroom units (1,500 sq. ft.) per acre to 43 one-bedroom apartment units (1000 sq. ft.) per acre. Therefore, the maximum number of units for the subject property was approximately 723 three-bedroom units to 1,072 one-bedroom units.

Section 110-49 (a) Vegetation Ordinance required a masonry screen eight ft. in height where a commercial, industrial, or multifamily use had a side or rear property line in common with a single-family use or zone.

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

Mr. Forghanparast stated staff had not received any calls or emails in opposition to the rezoning request.

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

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the request, there was none.

Being no discussion, Mr. Gabriel Kamel moved to approve. Mr. Rogelio Cervantes seconded the motion, which was approved with six members present and voting.

3) CONSENT:

- a) 495 Commerce Center Phase XV Subdivision; 1100 North McColl Road- 495 Commerce Center Partners, LTD. (Final) (SUB2020-0095) PCE**

The property is located North McColl road has a 60 ft. ROW from centerline for a 120 ft. ROW paving 6ft. curb & gutter both sides on east Jasmine avenue and a 60 ft. ROW shown on plat paving 40 ft. curb & gutter on both sides of E. Laurel Ave. and a 60 ft. ROW shown on plat Paving on a 4ft. curb & gutter on both sides 800 ft. Block Length. ROW 20 ft. and paving 16 ft. Alley/service drive easement was required for commercial properties and a private service drive easement to provide city services is required. It will be maintained by the property owners, and not the City of McAllen. It will be on the site plan and also on the plat as may be needed, prior to recording. A plat note will be required to be noted on the plat regarding the service drive, prior to recording. Setbacks on front north McColl Rd. 60 ft. or greater for approved site plan or easements. On E. Jasmine Ave. 30 ft. or greater for approved site plan or easements. And E. Laurel Ave. 30 ft. or greater for approved site plan or easements. Setbacks on rear in accordance with zoning ordinance or greater for approved site plan or easements. On interior Sides in accordance with zoning ordinance or greater for approved site plan or easements. All setbacks are subject to increase for easements or approved site plan. Sidewalks are a 4 ft. wide minimum sidewalk required on E. Laurel Ave and E. Jasmine Ave, and a 5 ft. wide minimum sidewalk is required along North McColl Road. Perimeter sidewalks must be built or money escrowed if not built at this time. Buffers are at 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. An 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. The perimeter buffers must be built at time of Subdivision Improvements. Site plans must be approved by the Planning and Development Departments prior to building permit issuance. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Common Areas, any private drives/streets must be maintained by the lot owners and not the City of McAllen. Minimum lot width and lot area. Lots fronting public streets. Existing C-3 Proposed C-3. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Must comply with City's Access Management Policy Service drive will be reviewed by staff at site plan review stage. As per Traffic Department, Trip Generation has been approved, and Traffic Impact Analysis Level 1 was required at building permit process.

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

Being no discussion, Mr. Gabriel Kamel moved to approved. Mr. Daniel Santos seconded the motion, which was approved with six members present and voting.

- b) Just-A-Closet #4 Subdivision; 2500 South McColl Road- Just-A-Closet #4, LLC (Final) (SUB2020-0094) RDE**

The property is located South McColl Road had 50 ft. from centerline for a 100 ft. ROW paving 65 ft. curb & gutter on both sides. Monies must also be escrowed if improvements are not built prior to recording. East Yuma Avenue had a 10 ft. dedication for 40 ft. from centerline for an 80 ft. ROW paving 52-65 ft. curb & gutter on both sides. Monies must be escrowed if improvements are not built prior to recording. ROW with 20 ft. paving of 16 ft. Alley/service drive easement is required for commercial properties. A 24 ft. private service drive to provide city services are required. It will be maintained by the property owners, and not the City of McAllen and it will be on the site plan and also on the plat as may be needed. Setbacks for front South McColl Road of 50 ft. or greater for easements or approved site plan on East Yuma Avenue 40 ft. or greater for easements or approved site plan. Setbacks on rear in accordance with the Zoning Ordinance, or greater for easements or approved site plan. Setbacks on sides in accordance with the Zoning Ordinance, or greater for easements or approved site plan. A 4 ft. wide minimum sidewalk was required on South McColl Road and East Yuma avenue. A 5 ft. wide minimum sidewalk was required along South McColl Road as per engineer. A plat notes was shown above for a sidewalk required along East Yuma Avenue. Perimeter sidewalks must be built or money escrowed if not built at this time. A 6 ft. opaque buffer is required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along South McColl Road and East Yuma Avenue as may be applicable. An 8 ft. masonry wall was required between single family residential and commercial, industrial, or multi-family residential zones/uses and along west property line. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Common Areas, any private drives/streets must be maintained by the lot owners and not the City of McAllen. Lot requirements were minimum lot width and lot area and lots fronting public streets. As per Traffic Department, Trip generation approved, no traffic impact analysis was required.

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

Being no discussion, Mr. Gabriel Kamel moved to approved. Mr. Daniel Santos seconded the motion, which was approved with six members present and voting

4) **SUBDIVISIONS:**

- a) Barcelona Subdivision; 1800 South Bentsen Road- New Millenium L. Investments, Inc. (Final) **(SUB2020-0092)** SE

Mr. Jose Humberto De La Garza stated that South Bentsen Road had a 10 ft. dedication for 40 ft. from centerline for 80 ft. of ROW with 52 ft. of paving and curb & gutter on both sides. Monies must be escrowed if improvements are not built prior to recording. Colbath Road: 18.5 ft. dedication for 40 ft. from centerline for 80 ft. ROW with 52 ft. of paving and curb & gutter on both sides. Monies must be escrowed if improvements are not built prior to recording. Revise street name to "Colbath Road" on plat, vicinity map and wherever is applicable prior to recording. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Private service drive easement to provide city services required. It will be maintained by the property owners, not the City of McAllen. It will be on the site plan and also on the plat as may be needed, prior to recording setbacks. Plat note will be required to be noted on the plat regarding the service drive, prior to recording. South Bentsen Road had 40 ft. or greater

for approved site plan or easements. Colbath Road: 40 ft. or greater for approved site plan or easements. Rear: 10 ft. or greater for site plans or easements. The engineer submitted a variance letter on September 4, 2020 to allow a rear setback of 6 ft. or greater for easements instead of the required 10 ft. or greater for easements. The Planning and Zoning Board disapproved the variance requested. Interior Sides were in accordance with the Zoning Ordinance or greater for easements or approved site plan. Corner setbacks for North Bentsen Road and Colbath Road. Garage setbacks were 18 ft. or greater for approved site plan or easements. All setbacks are subject to increase for easements or approved site plan. A 4 ft. wide minimum sidewalk required on South Bentsen Road and Colbath Road. Perimeter sidewalks must be built or money escrowed if not built at this time. A 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along Colbath Road. An 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses and along north side property. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Common Areas, any private drives must be maintained by the lot owners and not the City of McAllen. Minimum lot width and lot area. Lots fronting public streets. Existing: R-3. Proposed: R-3A. Rezoning to R-3A approved by Planning and Zoning on November 19, 2019. Rezoning to R-3A approved by the City Commission on December 12, 2019. Park Fee of \$700 per dwelling unit to be paid prior to recording. As per parks department, park fees will apply at a rate of \$700 per dwelling unit. Total amount of fees is \$13,300 ($\$700 \times 19 = \$13,300$). Fees may vary depending on the proposed amount of dwelling units. As per Traffic Department, trip generation has been waived, no TIA required. Must comply with City's Access Management Policy. A variance for landscaping requirements will be presented before the Zoning Board of Adjustments and Appeals at their December 17, 2020 meeting.

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

Being no discussion, Mr. Michael Fallek moved to approved. Mr. Gabriel Kamel seconded the motion, which was approved with six members present and voting.

b) The Grove Subdivision; 500 South Ware Road- MDM Land Company, LLC (Preliminary) (SUB2020-0057) RDE

Ms. Berenice Gonzalez stated that S. Ware Road had a 60 ft. from centerline for a 120 ft. ROW paving by the state curb & gutter. Collector Road (E/W) is 80 ft. of ROW and paving 52-65 ft. curb & gutter on both sides. Monies must be escrowed if improvements are not built prior to recording and alignment of any applicable streets as shown on the thoroughfare plan will be finalized prior to final. A ROW 20 ft. and paving of 16 ft. and an alley/service drive easement was required for commercial properties. A setback for front 60 ft. or in line with the existing average building setbacks, or easements or approved site plan, whichever is greater. Rear setback in accordance with the Zoning Ordinance, or greater for easements or approved site plan. Sides in accordance with the Zoning Ordinance, or greater for easements or approved site plan. Revise Note #2 as noted above for rear setback. Revise Note #2 as noted above for corner as proposed, not a corner lot. A 5 ft. wide minimum sidewalk was required on South Ware Road. A 8 ft. masonry wall was 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. Site plan must be approved by the Planning Department and other development departments prior to building permit issuance. Common Areas, Private Drives/Streets must be maintained by the lot owners and not the City of McAllen. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. 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. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Lot requirements were fronting public streets and minimum lot width and lot area. An existing C-3 and R-3A were proposed C-3 and R-3. A rezoning from C-3 to R-3A was approved by P&Z Board on August 16, 2019 and City Commission on August 26, 2019. Park Land Dedication Advisory Board reviewed a variance of fees in lieu of land on November 13, 2019 to pay 50% prior to recording and the remaining 50% of the fees are to be paid during building permit application process as approved by City Commission on November 25, 2019. A park fee of \$700 per dwelling unit/lot to be paid prior to recording x 139 units = \$97,300 due. A park land dedication advisory board reviewed a variance of fees in lieu of land on November 13, 2019 to pay 50% prior to recording and the remaining 50% of the fees are to be paid during building permit application process as approved by City Commission on November 25, 2019. A pending review by the Parkland Dedication Advisory Board and CC. A park Land Dedication Advisory Board reviewed a variance of fees in lieu of land on November 13, 2019 to pay 50% prior to recording and the remaining 50% of the fees are to be paid during building permit application process as approved by City Commission on November 25, 2019. A Trip Generation to determine if TIA was required, prior to final plat. As per Traffic Department, Trip Generation and TIA have been approved. Traffic Impact Analysis (TIA) required prior to final plat. As per Traffic Department, TIA has been approved. Must comply with City's Access Management Policy, Planning and Zoning Commission approved the subdivision in preliminary form, with conditions, at the meeting of May 21, 2019. The preliminary approval has expired, pending review by the Board.

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

Being no discussion, Mr. Gabriel Kamel moved to approved. Mr. Rogelio Cervantes seconded the motion, which was approved with six members present and voting.

c) Verdin Heights Subdivision; 7401 North Bentsen Road- Sergio Guzman (Revised Preliminary) (SUB2020-0057) SEC

Mr. Jose Humberto De La Garza stated that North Bentsen road had a 30 ft. of dedication and was required for a 50 ft. from centerline for 100 ft. ROW paving 65 ft. and curb & gutter on both sides. Monies must be escrowed if improvements are not built prior to recording. Mr. De La Garza stated they must label a centerline to verify if any ROW dedication is required prior to final. Also, 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. Engineer dept. had also 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. A plat was submitted on December 2, 2020 to show the 30 ft. ROW dedication required on North Bentsen road, along with North 48th Street and 30 ft. dedication for 30 from centerline for 60 ft. ROW paving a 40 ft. curb & gutter on both sides. Monies must be escrowed if improvements are not built prior to recording. An interior street of a 50 ft. ROW paving of 32 ft. curb & gutter on both Sides, streets names are subject to change prior to final. It was stated to provide a temporary turn around and/or barricade on the west end of proposed Umar Avenue and Verdin Avenue as may be applicable along with a temporary turn around and/or barricade on the north end of proposed North 45th Street as may be applicable. An 810 block length is being proposed by the Engineer and a maximum block length allowed is 800 ft. 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. A variance request will be presented before the City Commission at the January 11, 2021 meeting. For alleys a ROW of 20 ft. paving and 16 ft. with an Alley/service drive easement required for commercial properties with the front of 25 ft. or greater for easements. Interior sides of 6 ft. or greater for easements, and corner of 10 ft. or greater for easements. A garage of 18 ft. except where greater setback is required, and greater setback applies. All setbacks are subject to increase for easements or approved site plan. A 4 ft. wide minimum sidewalk was required on North Bentsen Road, North 48th Street, and both sides of all interior streets and a perimeter sidewalk must be built or money escrowed if not built at this time. A 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses, and along North Bentsen Road and North 48th Street. A 8 ft. masonry wall was required between single family residential and commercial, industrial, or multi-family residential zones/uses and a perimeter buffers must be built at time of Subdivision improvements. No curb cut, access, or lot frontage permitted along North Bentsen Road and North 48th Street. Common Areas and any private streets must be maintained by the lot owners and not the City of McAllen. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies for public subdivisions. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. HOA Document is required to be recorded simultaneously with a subdivision plat. A minimum lot width and lot area was required along with lots fronting public streets. An existing A-O was proposed to a R-1 and a rezoning request was 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, subdivision will be subject to review by the Park Land Dedication Advisory Board. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per Parks Department, subdivision will be subject to review by the Park Land Dedication Advisory Board. Pending review by the Parkland Dedication Advisory Board and CC. As per Parks Department, subdivision will be subject to review by the Park Land Dedication Advisory Board. 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, please verify with Traffic Department if a Master Plan is required prior to final.

Staff recommended approval of the subdivision in revised preliminary form subject to conditions noted, and utilities and drainage approvals and clarification on variance requested. The engineer indicated that he requested the variance to match the setback of Plantation Gap 1 which is adjacent to the south. Staff also indicated that Plantation Gap 1 had only dedicated 40 ft. from centerline instead of 50 ft. like Verdin Height is proposing.

After a brief discussion, Mr. Gabriel Kamel moved to approved. Mr. Michael Fallek seconded the motion, which was approved with six members present and voting.

d) Nemont Estates 1 Subdivision; 13800 North 29th Street- Nemont Estates Limited Partnership (Revised Preliminary) (SUB2020-0064) MAS

Mr. Jose Humberto De La Garza stated that N. 29th Street (Rooth Road): 82.90 ft. ROW dedication for 100 ft. ROW paving 65 ft. curb & gutter on both sides. Must show centerline to determine if any ROW dedication was required prior to final. Please show ROW on both sides of centerline and total ROW after accounting for any ROW dedication required prior to final. Label the "19.08 ft." reference on the North 29th Rd. Monies must be escrowed if improvements are not built prior to final. North 25th Lane: 30 ft. dedication for 30 ft. from centerline for 60 ft. ROW paving: 40 ft. Curb & gutter: Both sides. Monies must be escrowed if improvements are not built prior to final. Label centerline to determine if any ROW dedication was required prior to final. Show ROW on both sides of centerline and total ROW after accounting for any ROW dedication needed prior to final. Vicinity map must be revised prior to final. Linva Avenue (Internal E/W street) a 50 ft. ROW paving: 32 ft. curb & gutter on both sides. Monies must be escrowed if improvements are not built prior to final. An Engineer must clarify if subdivision was public or private prior to final for staff review. Street names would be revised prior to final and a temporary turnaround might be required if North 25th Lane is not built prior to recording an engineer would clarify this prior to final. Paving curb & gutter 800 ft. maximum block length allowed; submitted plat shows a block length of approximately 1,150 ft. for Linva Avenue (Internal E/W street). Engineer submitted a letter on November 10, 2020 requesting a variance to allow a block length of 1,327 ft. instead of the maximum allowed of 800 ft. Setbacks were for a front 25 ft. or greater for easements and a rear of 10 ft. or greater for easements and interior sides of 6 ft. or greater for easements. Corner 10 ft. or greater for easements. Please add plat note as shown above prior to final. Garage: 18 ft. except wherever a greater setback is required, greater setback applies. All setbacks are subject to increase for easements or approved site plan. A 4 ft. wide minimum sidewalk was required on east side of North 29th Street (Rooth Road), west side of North 25th Lane, and both sides of interior streets. A perimeter sidewalk must be built or money escrowed if not built at this time. A 6 ft. opaque buffer was required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along North 29th Street and North 25th Lane. A 8 ft. masonry wall was 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 29th Street (North Rooth Road) and North 25th Lane. It was stated that 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. 110-72 for public subdivisions. An engineer must clarify if proposed subdivision was private or public prior to final. A Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. An HOA document will be recorded simultaneously with plat. A minimum lot width and lot area were required along with Lots fronting public streets. Existing ETJ Proposed ETJ (single-family residential). Annexation and initial zoning must be finalized prior to final. Rezoning Needed Before Final approval. Annexation and initial zoning must be finalized prior to final. Land dedication in lieu of fee. Property currently in ETJ. If property were to be annexed to the City of McAllen prior to recording, park fees and Park Land Dedication Advisory Board review might be required. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Property currently in ETJ. If property were

to be annexed to the City of McAllen prior to recording, park fees and Park Land Dedication Advisory Board review might be required. Pending review by the Parkland Dedication Advisory Board and CC. Property currently in ETJ. If property were to be annexed to the City of McAllen prior to recording, park fees and Park Land Dedication Advisory Board review might be required

As per Traffic Department, Trip Generation approved; no TIA was required. Must comply with City's Access Management Policy and as per Fire and Traffic Department, gate detail needs to be submitted if private subdivision is proposed prior to final. Annexation and initial zoning must be finalized prior to final. A clarification/revision vicinity map to determine location of E/W 1/4 mile collector prior to final and a vicinity map must be revised prior to final.

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

Being no discussion, Mr. Gabriel Kamel moved to approved. Mr. Daniel Santos seconded the motion, which was approved with six members present and voting.

5) INFORMATION ONLY:

a) City Commission Actions: December 14, 2020

Mr. Edgar Garcia briefly stated there was a rezoning from RT-3 to R-1 on Taylor that was approved as well as Conditional Use Permits for Ojos Locos located on 10th street along with El Divino and a Wireless Cell Tower located at the golf course. Commission agreed to disapprove the rezoning on Austin Avenue. Mr. Garcia also stated the Conditional Use Permit for a parking facility on Harvey was approved by the Commission Board for only one (1) year. The Conditional Use Permit for Shawn Mendiola a bar on Upas was disapproved by Commission Board. Lastly, ordinance changes on C-3L and C-3 for Vape Shops and Liquor Stores were approved by Commission Board.

ADJOURNMENT:

There being no further business to come before the Planning & Zoning Commission, Mr. Michael Hovar adjourned the meeting at 4:59 p.m., and Mr. Daniel Santos seconded the motion, which carried unanimously with six members present and voting.

Chairperson, Pepe Cabeza de Vaca

ATTEST: _____
Aime Garcia, Secretary

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF McAllen

The McAllen Planning and Zoning Commission convened in a Regular Meeting & Public Hearing on Tuesday, January 05, 2021 at 3:31 p.m. in the McAllen City Hall City Commission Room at 1300 Houston Avenue, McAllen, Texas.

Present:	Pepe Cabeza de Vaca	Chairperson
	Michael Hovar	Member
	Rogelio Cervantes	Member
	Michael Fallek	Member
	Gabriel Kamel	Member
	Jose Saldana	Member
Absent:	Daniel Santos	Member
Staff Present:	Victor Flores	Assistant City Attorney
	Edgar Garcia	Planning Director
	Luis Mora	Planning Deputy Director
	Rodrigo Sanchez	Senior Planner
	Omar Sotelo	Senior Planner
	Juan Martinez	Development Coordinator
	Jose Humberto De La Garza	Planner III
	Berenice Gonzalez	Planner III
	Kaveh Forghanparast	Planner II
	Liliana Garza	Planner II
	Mario Escamilla	Planner I
	Porfirio Hernandez	Planning Technician II
	Claudia Mariscal	Administrative Secretary
	Aime Garcia	Administrative Secretary

CALL TO ORDER- Pepe Cabeza de Vaca, Chairperson

Meeting held via Teleconference and Video Conference.

PLEDGE OF ALLEGIANCE

INVOCATION- Mr. Rogelio Cervantes

1) MINUTES:

- a)** Minutes for Regular Meeting held on December 03, 2020.

No action taken.

- b)** Minutes for Regular Meeting held on December 16, 2020.

No action taken.

2) PUBLIC HEARING

- a) CONDITIONAL USE PERMITS:**

- 1) Request of Hilda G. Sewell, for a Conditional Use Permit, for one year, for a bar (nightclub) at Lot 1, Nolana West Subdivision, Hidalgo County, Texas; 2200 Nolana Avenue, Suites 2232 & 2234. **(CUP2020-0122)**

Mr. Escamilla stated that the property was located on the northeast corner of North 23rd Street and Nolana Avenue. It was zoned C-3 (general business) District. The adjacent zoning was C-3 District in all directions. There was R-3A (multifamily residential apartments) District to the south and C-4 (commercial-industrial) District to the northwest. Surrounding land uses are commercial businesses, offices, bars, churches, libraries and restaurants. Surrounding uses include BBVA Bank, Cigar Bar, Rebecca's Mexican Restaurant, New Life Family Church and McAllen's Public Library. A bar was allowed in a C-3 district with a Conditional Use Permit and in compliance with requirements. The initial Conditional Use Permit was approved by the City Commission on July 9, 2007 with a variance to the 600 ft. distance requirement. The last approval by the City Commission was on December 9, 2019 with a variance to the distance requirement of being at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property. The subject property is the location for a multi-tenant commercial shopping center by the name of Nolana West. The applicant was proposing to continue operating a bar (Ranas) from combined suites 2232 and 2234 with an area of 3000 sq. ft. as shown on the submitted site plan. The hours of operation would continue to be from 8:00 P.M. to 2:00 A.M. Wednesday through Sunday. Staff received one letter in opposition, with concerns regarding the amount of bars in the area and problems they create. The Fire and Health Departments have inspected the bar and the property was in compliance with applicable code requirements. The police activity report for service calls from December 2019 to present was attached. The Planning Department has received no complaints regarding the present use as a bar. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The establishment must 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 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. from residential zones/uses, New Life Family Church and McAllen's Public Library;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment was located on two major arterials, Nolana Avenue and North 23rd Street, and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. The proposed 3,000 sq. ft. bar would require 30 parking spaces. For every business to run simultaneously in the commercial plaza, 293 parking spaces would be required; there are 305 parking spaces provided on site;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;

6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and

7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director.

Staff recommended disapproval of the request based on noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance. Mr. Escamilla stated that the applicant was not able to attend meeting due to a family emergency.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the request, there was none. Mr. Cabeza de Vaca stated that the applicant had renewed back in 2007 and the most recent was in 2019.

Mr. Michael Fallek moved to disapprove the request but with a favorable recommendation. Mr. Michael Hovar seconded the motion, which was disapproved with a favorable recommendation. There were five members present and voting.

- 2) Request of Kathleen G. Azufra on behalf of Brighter Horizons, Multi-Services LLC, for a Conditional Use Permit, for one year, for a Home Occupation (Face and Body Contouring Office) at Lot 142, La Floresta Subdivision Phase I, Hidalgo County, Texas; 1901 Queens Avenue.
(CUP2020-0120)

Chairperson Cabeza de Vaca asked for a motion to remove item from table, as to which Mr. Michael Hovar and Mr. Michael Fallek approved to remove from table. Chairperson Cabeza De Vaca also stated that Mr. Gabriel Kamel joined the meeting.

Mr. Escamilla stated that the property was located on the south side of Queens Avenue, between North 18th Street and North 20th Street. It was zoned R-1 (single family residential) District. The adjacent zoning was R-1 District in all directions and the surrounding land use was single-family residential. A home occupation was allowed in the R-1 District with a Conditional Use Permit and in compliance with requirements. A complaint was received on September 22, 2020 from a resident in the area regarding a commercial use in a residential zone. A stop work order was issued by the Building and Inspections Department staff on September 22, 2020 for construction of an accessory building (storage building 10 ft. by 10 ft.) without an inspection. The original purpose for construction of the "storage building" may have been to house the proposed use associated with the conditional use permit request. Storage buildings that are 200 ft. or less in size do not require a building permit but must respect the setbacks in the zoning district in which they are located. An application for a conditional use permit (CUP) was submitted to the Planning Department on November 13, 2020. There was no prior history of a conditional use permit being approved for this location. The applicant was proposing to operate a home occupation that involves "non-invasive face and body contouring (aesthetics)". The applicant has stated that her non-invasive face and body procedures include ultherapy and thermage. According to publications and research, the thermage procedure was a non-invasive treatment designed to tighten skin and firm facial and body contours. This was accomplished over a period of time as the body responds to the heat

effect of the treatment by spurring new collagen production, Thermage focuses on treating wrinkles on the face and in the under eye area and on improving wrinkles and bulges on the body. Furthermore, publications state "that Ultherapy was the only non-surgical treatment that's been approved by the FDA specifically for tightening the skin on the neck and chin and in the brow area". Ulthera was the device that is used in ultherapy, it uses focused ultrasound energy to lift and tighten the skin, this process involves making small burns beneath the skin. Pain was dependent on one's tolerance for discomfort. These treatments are typically found in a medical spa. The applicant states that she will also be offering facial services the kind that are customarily provided by a day spa. Based on researching the topic, traditional day spas provide personal care treatments focused on improving beauty, health, and relaxation. Common services at day spas include massages, pedicures/manicures, aromatherapy, facials, and mud wraps. Some Day spas offer specialized treatments like lava stone massage and reflexology, while others integrate hair salon and makeup services so spa-goers can get a new hair style while they relax. Furthermore, medical spas offer medical grade aesthetic procedures in a relaxing environment. Such treatments can include injections for wrinkles in the upper face, fillers for restoring volume loss in the face, laser therapies for repairing sun damage, laser hair removal, acne therapy, and medical-grade facials and peels. The proposed home occupation location was in a 2,600 sq. ft. one story single-family residence. The "aesthetics" procedures would take place in a designated room shown on the submitted site plan as a 10 ft. x 10 ft. area. The application states that the hours of operation are, weekdays from 5:00 PM to 7:00 PM (by appointment only) and Fridays and Saturdays from 10:00 AM to 7:00 PM (by appointment only). There would be two employees which include the applicant and her spouse. No retail sales and signage are proposed. The Fire and Health Departments have pending inspections. The proposed use shall meet all the minimum standards and applicable ordinances. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions on the permit. The home occupation may not be operational until the issuance of the certificate. The home occupation must comply with requirements set forth in Section 138-118(a)(1) of the Zoning Ordinance as follows:

- 1) The home occupation shall be clearly secondary to the residential use. The applicant lives at the residence.
- 2) Signs shall not be permitted. Applicant has stated no signs will be put up.
- 3) No exterior display or alterations indicating that the building is being used for any purpose other than residential, shall be permitted. Applicant stated no exterior alterations will be made.
- 4) No more than 1 additional unrelated employee other than immediate family members residing on the premises shall be permitted. Applicant has stated that spouse will be the only other employee.
- 5) No outside storage of materials or products shall be permitted. Applicant has stated there will be no outside storage of materials.
- 6) Traffic generated by the proposed use shall not exceed 10% of the average load per hour per street. Applicant has stated that customer visits will be by appointment only.
- 7) No retail sales shall be permitted. Applicant has stated that there will be no retail sales.
- 8) No additions to the residence or accessory building specifically to accommodate the use shall

be permitted. There is a storage building on the property but it is for personal storage use as per applicant.

9) The proposed use shall take place in the primary residential structure rather than a detached garage or accessory building. The site plan submitted shows the proposed use will take place in the primary residence.

10) The proposed use shall take place at the location specified on the permit. The proposed use will take place at the address provided on the application.

Staff recommended disapproval of the request since the proposed use appears to be more appropriate in a medical spa setting and in a commercial district. Medical spas and similar uses are permitted in commercial zoning districts.

At the Planning and Zoning Commission meeting of December 16th, 2020, the board tabled the request in order to allow time for staff and the applicant to provide more information regarding the equipment and procedures to be used for the Ultherapy services.

Ms. Azufra gave a brief presentation on the Ultherapy equipment and described how the procedure would work. Mr. Hovar also asked if City/Staff members would be held responsible for liability if any injury should occur while the process of an Ultherapy session. City Attorney Mr. Flores replied that it would be very difficult for City of McAllen to be held liable based on a board commission considering the facts presented by staff and placing requirements needed to the applicant. Mr. Fallek also asked applicant if anybody else would be performing treatments for reason on traffic outside her resident, as to which Ms. Azufra stated she would be the only person performing treatments. Assistant Attorney Flores stated the requirements for the Code of Ordinance 138-118(a)(1) on a Home Occupation Conditional Use Permit that was provided on the Board members packets.

After discussion, Mr. Michael Hovar moved to approved. Mr. Jose Saldana seconded the motion, which was approved with five members present and voting, and one opposition vote from Mr. Gabriel Kamel.

b) REZONING

1. Rezone from R-2 (duplex-fourplex residential) District to R-3A (multifamily residential apartment) District: 1.00 acres out of Lot 2, Rancho de La Fruta Subdivision No. 2, Hidalgo County, Texas; 1009 East Cedar Avenue. **(REZ2020-0047)**

Mr. Forghanparast stated that the property was located on the north side of Cedar Avenue, approximately 1,000 ft. east of North McColl Road. The tract had 74.57 ft. of frontage along Cedar Ave with a depth of 584.76 ft., for a lot size of 1.00 acres. The applicant was requesting to rezone the property to R-3A (multifamily residential apartment) District in order to construct 4 three-bedroom duplexes. A feasibility plan submitted by the applicant was included in the packet. The adjacent zoning was R-4 (mobile home and modular home) District to the north, R-1 (single-family residential) District to the west, R-3A (multifamily residential apartment) District to the east, and C-4 (commercial industrial) District to the south. The property was currently vacant. surrounding land

uses included single-family residences, duplex and fourplex residences, Cedro Apartments, Aguilar Apartments, Homestead Ranch Mobile Homes, Templo Vida Victoriosa Church, Hidalgo County Water District No.1 Canal R.O.W., and vacant land. The Foresight McAllen Comprehensive Plan did not designate a future land use for the subject property. However, it designated Urban Multifamily for the properties adjacent to the east and north of the subject property which was comparable to R-2 (duplex-fourplex residential) and R-3 (multifamily residential) Districts. It also designated Auto Urban Single Family to the adjacent properties to the west and south of the subject property which was comparable to R-1 (single-family residential) District. The development trend for this area along East Cedar Avenue was single and multifamily residences. The subject property was zoned R-2 (duplex-fourplex residential) District during comprehensive zoning in 1979. There had been no other rezoning requests since then. There was no future land use designation for the subject property; however, the requested zoning conformed to the Urban Multifamily land use designation for the adjacent properties to the east and north. It also followed the rezoning trend to R-3A District of the surrounding area. The submitted survey depicted an existing gas line on the rear side of the property, located approximately 20.7 ft. from the rear property line. The maximum density in R-3A (multifamily residential apartments) District was 29 three-bedroom units (1,500 sq. ft.) per acre to 43 one-bedroom apartment units (1000 sq. ft.) per acre. Therefore, the maximum number of units for the subject property was approximately 29 three-bedroom units to 43 one-bedroom units. Section 110-49 (a) Vegetation Ordinance required a masonry screen eight ft. in height where a commercial, industrial, or multifamily use had a side or rear property line was common with a single-family use or zone. A recorded subdivision plat and approved site plan were required prior to building permit issuance. Required park land dedication or a fee in lieu of land comprising \$700 per dwelling unit was required prior to recording a subdivision plat.

Staff had not received any calls or emails in opposition to this request. Staff recommended approval of the rezoning request to R-3A (multifamily residential apartment) District.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the request, there was none

Being no discussion, Mr. Jose Saldana moved to approve. Mr. Rogelio Cervantes seconded the motion, which was approved with six members present and voting.

2. Rezone from R-4 (mobile home and modular home) District to C-3 (general business) District: 3.811 acres out of Lot 161, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 1312 South Ware Road (REAR). **(REZ2020-0048)**

Mr. Forghanparast stated that the property was located on the west side of South Ware Road, approximately 200 ft. north of U.S. 83 Expressway. The irregularly-shaped tract had 25 ft. of frontage along South Ware Road with a depth of 1320 ft. at its deepest point, for a lot size of 3.811 acres. The applicant was requesting to rezone the property to C-3 (general business) District for commercial use. The requested zoning was part of a larger commercial development which would include a gas station. A feasibility plan had not been submitted. The adjacent zoning is C-3 (general business) District in all directions. The property was currently used as a mobile home park. Surrounding land uses included Westway Mobile Home Park, McAllen Parks and Recreation office, Palms Crossing Plaza, Westside park, auto repair shops, a law office, Comar Equipment

Rentals, and vacant land. The Foresight McAllen Comprehensive Plan designated the future land use for this property as Auto Urban Commercial which was comparable to C-1 (office building) to C-3 (general business) Districts. The development trend for this area along South Ware Road was commercial. The subject property was zoned A-O (agricultural and open space) District during comprehensive zoning in 1979. A request to rezone the subject property to R-4 (mobile home and modular home) District was approved by the City Commission on June 10, 1991. A request to rezone the adjacent property to the east of the subject property, recorded as Ware Road Investments Subdivision, from R-4 (mobile home and modular home) District to C-3 (general business) District was approved by the City Commission on September 23, 2002. The requested zoning conformed to the Auto Urban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan. A recorded subdivision plat and approved site plan were required prior to building permit issuance. Gasoline service stations or retail outlets where gasoline products were sold required a Conditional Use Permit as well. Uses that were allowed in C-3 (general business) District included offices, retail stores, hospitals, hotels, restaurants, and passenger terminals.

Staff had not received any calls or emails in opposition to this request. Staff recommended approval of the rezoning request to C-3 (general business) District.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the request, there was none.

Being no discussion, Mr. Jose Saldana moved to approve. Mr. Gabriel Kamel seconded the motion, which was approved with six members present and voting.

3) SITE PLAN

- a) Site Plan Approval for Lot 1, Rolando Gomez Properties Subdivision; 3224 Buddy Owens Boulevard. **(SPR2019-0009)**

Ms. Garza stated that the property was located on the northwest corner of Buddy Owens Boulevard and North 33rd Street was zoned C-3L (light commercial) District. The adjacent zoning was C-3L District to the east, A-O (agricultural – open space) District to the south and R-1 (single family residential) District to the north and west. Surrounding land use include single family residences, commercial businesses and De Leon Soccer Complex and Middle School. The property was part of Rolando Gomez Properties Subdivision, which was recorded on June 27, 2005. A note on the plat indicates that a site plan must be approved by the Planning and Zoning Commission prior to issuance of a building permit. The applicant was proposing to construct a drive thru (The Palma Azul) with a 3,249 square foot retail building. The plat stated that a site plan must be approved by the Planning & Zoning Commission prior to building permit issuance. The proposed drive thru building would be 3,249 square feet, which required 12 parking spaces, 13 parking spaces were provided. One of the provided parking spaces must be accessible, one of which must be van accessible with an 8 ft. wide aisle. One access point to the site was being proposed; which was 30 ft. wide curb cut along N. 33rd Street. Required landscaping was 1,908 square feet with the trees required as follows: 10 – 2 ½ inch caliper trees, or 5 – 4 inch caliper trees, or 3 – 6 inch caliper trees, or 20 palm trees. A minimum 10 ft. wide landscape strip was required inside the property line along N. 33rd Street and along Buddy Owens Blvd. Fifty percent of the landscape must be visible in the front area, and each parking space must be within 50 ft. of a landscape area with a tree, as required by ordinance. A 6 ft. buffer was required

around dumpster if visible from the street and a 6 ft. opaque buffer required on the north side that has a portion of lot line in common with residential lot. No structures are permitted over easements. All setbacks would comply with the plat note requirements and the zoning ordinance. Site plan must comply with the reciprocal access easement agreement on file. The Building Permit Site Plan must comply with requirements set forth by Engineering, Traffic, Fire, Utilities, and Public Work's Departments. A grading plan to be submitted at time of building permit, Driveway was to match TxDot standards, must comply with cross access easement as per recorded document, driveway access must align with the cross access easement document, any changes made to the site plan may trigger additional requirements by the Departments.

Staff had not received any calls or emails in opposition to this request. Staff recommended approval of the site plan subject to the conditions noted by, Engineering, Traffic Department, Utility, Public Works Department and Fire Department requirements, paving and building permit requirements, and the subdivision and zoning ordinances.

Being no discussion, Mr. Michael Fallek moved to approve. Mr. Rogelio Cervantes seconded the motion, which was approved with six members present and voting.

b) Site Plan Approval for Lot 2, Rolando Gomez Properties Subdivision; 3228 Buddy Owens Boulevard. (SPR2017-0010)

Ms. Garza stated that the property was located on the northwest corner of Buddy Owens Boulevard and North 33rd Street was zoned C-3L (light commercial) District. The adjacent zoning was C-3L District to the east, A-O (agricultural – open space) District to the south and R-1 (single family residential) District to the north and west. Surrounding land use include single family residences, commercial businesses and De Leon Soccer Complex and Middle School. The property was part of Rolando Gomez Properties Subdivision, which was recorded on June 27, 2005. A note on the plat indicates that a site plan must be approved by the Planning and Zoning Commission prior to issuance of a building permit. The applicant was now proposing to construct a carwash with a 1,224 sq. ft. building. The plat states that a site plan must be approved by the Planning & Zoning Commission prior to building permit issuance. The proposed carwash building will be 1,224 square feet, which requires 6 parking spaces; 6 parking spaces were being proposed. One of the provided parking spaces must be accessible, one of which must be van accessible with an 8 ft. wide aisle. One access point to the site is being proposed; which was 25 ft. wide curb cut along Buddy Owens. Required landscaping was 1,329 sq. ft. with trees required as follows: 7 -2 ½" caliper trees, or 4 -4" caliper trees, or 2 -6" caliper trees, or 14 palm trees. A minimum 10 ft. wide landscape strip was required inside the property line along Buddy Owens. Fifty percent of the landscaping must be visible in front areas, and each parking space must be within 50 ft. of a landscaped area with a tree, as required by ordinance. A 6 ft. buffer was required around the dumpster if visible from the street and a 6 ft. opaque buffer required on the northwest side that has a portion of lot line in common with residential lot. No structures are permitted over easements. All setbacks would be in compliance with the plat note requirements and the zoning ordinance. Site plan must comply with the reciprocal access easement agreement on file. The Building Permit Site Plan must comply with requirements set forth by Engineering, Traffic, Fire, Utilities, and Public Work's Departments. A grading plan was to be submitted at time of building permit, Driveway was to match TxDot standards, must comply with cross access easement as per recorded document, driveway access must align with the cross access easement document, any changes made to the site plan may trigger additional requirements by the Departments.

Staff had not received any calls or emails in opposition to this request. Staff recommended approval of the site plan subject to the conditions noted by Traffic Department, Public Works Department and Fire Department requirements, paving and building permit requirements, and the subdivision and zoning ordinances.

Being no discussion, Mr. Gabriel Kamel moved to approve. Mr. Jose Saldana seconded the motion, which was approved with six members present and voting.

4) CONSENT:

- a) Frontera Peak Subdivision; 1701 Frontera Road- Xavier E. Morales and Karli Marie Maldonado (Final) **(SUB2020-0099)** G&M

The property was located on Frontera Road 20 ft. with dedication required for 40 ft. from centerline for 80 ft. total ROW. Paving min. from 52 ft. Curb & gutter on Both sides of Paving Curb & gutter 800 ft. block Length 600 ft. maximum Cul-de-Sac. Setbacks for front 45 ft. or greater for easements, or in line with the average setback of existing structures, whichever was greater. Rear setbacks 10 ft. or greater for easements. Setbacks for sides 6 ft. or greater for easements. Setbacks for garage, 18 ft. except where greater setback was required, greater setback applies. Revise plat note as noted above. All setbacks are subject to increase for easements or approved site plan. Other setbacks as applicable prior to final if additional streets were required. A 4 ft. wide minimum sidewalk was required on Frontera Road. A plat note must be revised prior to recording. A perimeter sidewalk must be built or money escrowed if not built at this time. A 6 ft. opaque buffer was required from adjacent/between multi-family residential and commercial, and industrial zones/uses. An 8 ft. masonry wall was required between single family residential and commercial, industrial, or multi-family residential zones/uses. Perimeter buffers must be built at time of Subdivision Improvements. Lot required a minimum lot width and lot area and lots fronting public streets. A zoning existing: R-1 was proposed to R-1. A park fee of \$700 per dwelling unit/lot (1 lot) to be paid prior to recording. It was commented that the property must comply with City's Access Management Policy along with revision of plat prior to recording to not show setback lines.

Being no discussion, Mr. Michael Fallek moved to approve. Mr. Jose Saldana seconded the motion, which was approved with six members present and voting.

5) SUBDIVISIONS:

- a) Bella Vista Ranch Subdivision; 7017 North Taylor Road- Jorge A. Bautista (Revised Preliminary) **(SUB2020-0088)** SEA

Mr. De La Garza stated that the property was located N. of 56th Street on 35 ft. ROW dedication for 70 ft. ROW paving 44 ft. curb & gutter on both sides. There was clarification needed on "alley" reference on the west side of centerline for North 56th Street. Escrow monies if improvements not built prior to plat recording Engineer has indicated that the applicant was in the process of acquiring the 40 ft. United Irrigation District ROW that was located along the west property line, of which the

western 35 ft. are proposed to be dedicated to the City of McAllen for North 56th Street. This process must be finalized prior to final paving curb & gutter. The setbacks for the front was proposed 20 ft. or greater for easements or approved site plan or in line with the average setbacks of existing structures, whichever is greater. Setbacks would be established prior to final being that it fronts a collector street, but no less than the Zoning Ordinance. A rear setback proposed to 10 ft. or greater for easements. Setbacks for interior sides were proposed in accordance with the zoning ordinance or greater for easements. Setbacks would be established prior to final. Garage setbacks, 18 ft. except where greater setback was required; greater setback applied. All setbacks are subject to increase for easements or approved site plan. A 4 ft. wide minimum sidewalk was required on North 56th Street. Perimeter for sidewalks must be built or money escrowed if not built at this time. A 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. A 8 ft. masonry wall was 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 would be permitted along. The property was currently in ETJ. If property was annexed prior to recording, site plan review might be required. The common Areas, and any private driveways/streets must be maintained by the lot owners and not the City of McAllen. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 would apply if a public subdivision was proposed. A minimum lot width and lot area were required along with lots fronting public streets. Engineer has indicated that the applicant was in the process of acquiring the 40 ft. United Irrigation District ROW that was located along the west property line, of which the western 35 ft. were proposed to be dedicated to the City of McAllen for North 56th Street. This process must be finalized prior to final. Existing zoning ETJ was proposed: ETJ (Residential). Property was currently in ETJ. If annexation was requested, processes including initial zoning, would have to be finalized prior to final. A park fee of \$700 per lot/ dwelling unit to be paid prior to recording. Property was currently in ETJ. If annexation is requested, the amount of \$700 would have to be paid prior to recording. As per Traffic Department, Trip Generation would be waived for 1 single-family residence. No TIA was required. Must comply with City's Access Management Policy. If annexation was requested, process would have to be finalized prior to final. Planning and Zoning Board disapproved the subdivision in Preliminary form at their October 20, 2020. Planning and Zoning Board approved the subdivision in Preliminary form at their December 3, 2020. As per Fire and Traffic Department, a gate detail would need to be submitted if applicable prior to final.

Staff recommended approval of the subdivision in revised preliminary form subject to conditions noted, utilities and drainage approvals. Mr. De La Garza also stated that subdivision was being presented because the number of lots had changed from 2 to 1.

Being no discussion, Mr. Gabriel Kamel moved to approve. Mr. Rogelio Cervantes seconded the motion, which was approved with six members present and voting.

- b) The Ravenna Subdivision; 10300 North Shary Road- Anaiah Builders LLC (Preliminary) **(SUB2020-0096)** M&H

Mr. De La Garza stated that the property was located north Shary Road 60 ft. from centerline for 120 ft. of total ROW paving by the state curb and gutter. A copy must be submitted of documents for ROW dedication prior to final. Label centerline prior to final to verify if any ROW dedication was

required. A 6 1/2 Mile Road 80 ft. ROW paving 52-65 ft. curb & gutter on both sides. Monies must be escrowed if improvements were built prior to recording. Plat must be revised to comply with Thoroughfare Plan requirements prior to final. Entrance streets were 60 ft. with paving of 40 ft. curb & gutter on both sides. Monies must be escrowed if improvements were not built prior to recording. Property must provide a temporary turnaround and/or barricade at the west end of west entrance street as may be applicable. Property needed to clarify dimensions of United Irrigation District Canal ROW adjacent to the east property line. Internal streets 50 ft. of ROW paving 32 ft. curb & gutter on both sides. Monies must be escrowed if improvements were not built prior to recording. Paving curb & gutter on 800 ft. Block Length and 600 ft. maximum Cul-de-Sac. Setbacks for front 25 ft. or greater or easements. Setbacks on rear 10 ft. or greater for easements except 25 ft. for double fronting lots. Setbacks on interior sides 6 ft. or greater for easements. Setbacks corner 10 ft. or greater for easements. Setbacks for garage 18 ft. except where greater setback was required; greater setback applies. All setbacks are subject to increase for easements or approved site plan. A 4 ft. wide minimum sidewalk was required along both sides of all interior streets, and a 5 ft. wide minimum sidewalk required along North Shary Road. A 5 ft. sidewalk along North Shary Road as per Engineering, and other as may be applicable prior to final with revised plat note as shown above. Perimeter sidewalks must be built or money escrowed if not built at this time. A 6 ft. opaque buffer was required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along North Shary Road. A plat note number must be added for this plat note. An 8 ft. masonry wall was required between single family residential and commercial, industrial, or multi-family residential zones/uses. The perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage was permitted along North Shary Road. A revised plat note must be shown. Plat must be revised to include 6 1/2 Mile prior to final. Requirements would probably have to be revised depending on revised plat. 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 if public subdivision was proposed. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. HOA document would be recorded simultaneously with subdivision plat. Lots required fronting public streets. Minimum lot width and lot area. Lots 7-10, 17-20, 82-85 did not comply with minimum lot frontage requirement. All lots needed to comply with a minimum of 50 ft. of frontage, and 54ft. for corner lots. Plat needed to be revised to comply with requirements prior to final. Existing zoning is ETJ; proposed use single-family residences. If annexation was requested, initial zoning and annexation process must be finalized prior to final review. Rezoning needed before final approval if annexation was requested, initial zoning and annexation process must be finalized prior to final review. A land dedication in lieu of fee. As per Parks Department, if subdivision was annexed, property would be subject to Park Land Dedication Advisory Board review because land dedication for this subdivision was over one acre. A park fee of \$700 per lot/dwelling unit to be paid prior to recording. A pending review by the Parkland Dedication Advisory Board and CC. As per Parks Department, if subdivision was annexed. As per Traffic Department, please submit trip generation, to determine if a traffic impact analysis was required. Subdivision must comply with City's Access Management Policy. As per Fire Dept. and Public Works, please submit gate details for staff to review if private subdivision was proposed prior to final. A copy would be provided of document for United Irrigation District Canal ROW prior to final for staff's review. Provide radius for knuckles/cul-de-sacs, and verify compliance with minimum lot frontage requirements. A revised plat to provide for 6 1/2 Mile as shown on the Thoroughfare Plan prior to final.

Staff recommended approval in preliminary form subject to conditions noted, utilities and drainage approvals.

Being no discussion, Mr. Jose Saldana moved to approve. Mr. Rogelio Cervantes seconded the motion, which was approved with six members present and voting.

c) Starbucks Subdivision; 2908 Nolana Avenue- Vaquero Nolana Partners, LP
(Preliminary) **(SUB2020-0097)** JHE

Ms. Gonzalez stated that the property was located on Nolana Avenue 60 ft. from centerline for 120 ft. total ROW, paving 65 ft. curb & gutter on both sides. A removal of "W." (West) reference from plat. Paving curb & gutter 800 ft. Block Length and 600 ft. maximum Cul-de-Sac. An alley ROW of 20 ft. paving of 16 ft. alley/service drive easement required for commercial properties. A copy of document No. 3168910, and 30 ft. access easement/service drive would be required to extend west as properties start developing. A temporary turnaround/loop was needed at west end of private access/service drive. Setbacks for front (W. Nolana Avenue) 60 ft. or greater for approved site plan or easements. All other setbacks, as per zoning ordinance or greater for approved site plan or easements. Setbacks for rear, as per zoning ordinance or greater for approved site plan or easements. Setbacks for sides in accordance with the zoning ordinance or greater for approved site plan or easements. All setbacks are subject to increase for easements or approved site plan. A 4 ft. wide minimum sidewalk was required on Nolana Avenue. Need to remove W. reference from plat. Perimeter sidewalks must be built or money escrowed if not built at this time. A 6 ft. opaque buffer was required from adjacent/between multi-family residential and commercial, and industrial zones/uses. An 8 ft. masonry wall was required between single family residential and commercial, industrial, or multi-family residential zones/uses. Perimeter buffers must be built at time of Subdivision improvements. As Per Traffic Department, spacing requirement along Nolana Avenue was 360 ft. Site plan must be approved by the Planning and other Development Departments prior to building permit issuance. Common Areas, service easements, any private streets must be maintained by the lot owners and not the City of McAllen. Common areas for commercial developments provided for common parking, access, setbacks, landscaping, etc. Required lots fronting public streets and Minimum lot width and lot area, and lots fronting public streets. Zoning existing to C-3 Proposed to C-3. As per Traffic Department, Trip Generation was required to determine if TIA was required, prior to final plat. Traffic Impact Analysis (TIA) was required prior to final plat. Subdivision must comply with City's Access Management Policy. Note #11 was not required, and needed to be removed from plat prior to final. A revised lienholder's signature block was needed prior to recording. A revised plat to reflect 30 ft. access easement which was required to extend west as properties to develop, access easement cannot dead-end. Provide temporary turnaround/loop as needed for access easement. Submit Trip Generation per Traffic Department, to determine if a TIA would be required. As Per Public Works Department, submit site plan to review service drive location prior to final approval. Staff recommended approval of the subdivision in preliminary form, subject to conditions noted, utilities, and drainage approvals.

Being no discussion, Mr. Michael Fallek moved to approve with conditions noted. Mr. Jose Saldana seconded the motion, which was approved with six members present and voting.

ADJOURNMENT:

There being no further business to come before the Planning & Zoning Commission, Mr. Jose Saldana adjourned the meeting at 4:30 p.m., and Mr. Michael Hovar seconded the motion, which carried unanimously with six members present and voting.

ATTEST: _____
Aime Garcia, Secretary

Chairperson, Pepe Cabeza de Vaca

Memo

TO: Planning and Zoning Commission

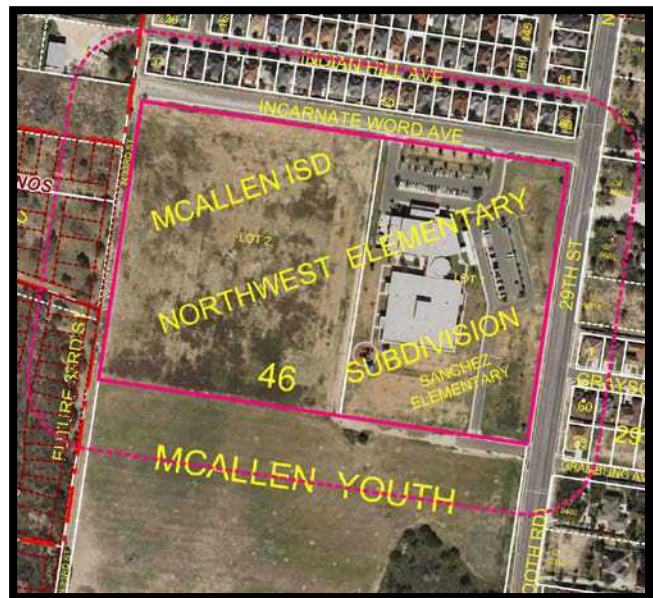
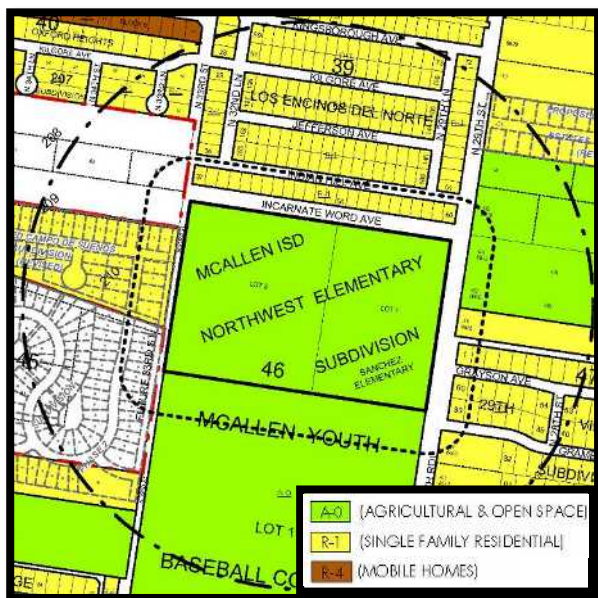
FROM: Planning Staff

DATE: January 14, 2021

SUBJECT: REQUEST OF HIDALGO COUNTY ON BEHALF OF MCALLEN ISD, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PERSONAL WIRELESS SERVICE FACILITY AT LOT 1 & 2, MCALLEN ISD NORTHWEST ELEMENTARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2901 INCARNATE WORD AVENUE. (CUP2020-0125).

BRIEF DESCRIPTION:

The subject property is located on the southwest corner of Incarnate Word Avenue and 29th Street. The property has a zoning classification of A-O (agricultural-open space) District and surrounding zoning is A-O District to the east and south, R-1 (single family residential) District to the north, west and east. Land uses in the area include elementary school, and family residential to the north, east, and west. A personal wireless service facility is allowed in an A-O (agricultural-open space) District with a Conditional Use Permit and in compliance with requirements.



The 225 sq. ft. personal wireless service facility area is proposed to be located on the north side of the existing school pavilion located on Lot 2 of the McAllen ISD Sanchez Elementary.

PROPOSAL:

The applicant is proposing to place a 70 ft. three leg steel tower on the north side of the existing school pavilion located on Lot 2 with a 15 ft. by 15 ft. equipment shelter. The proposal will need to meet all minimum setbacks and building permit requirements. Federal Aviation Administration (FAA) approval must be obtained prior to beginning construction.

In addition, the request must comply with requirements set forth in Section 138-118(11) of the zoning ordinance as follows:

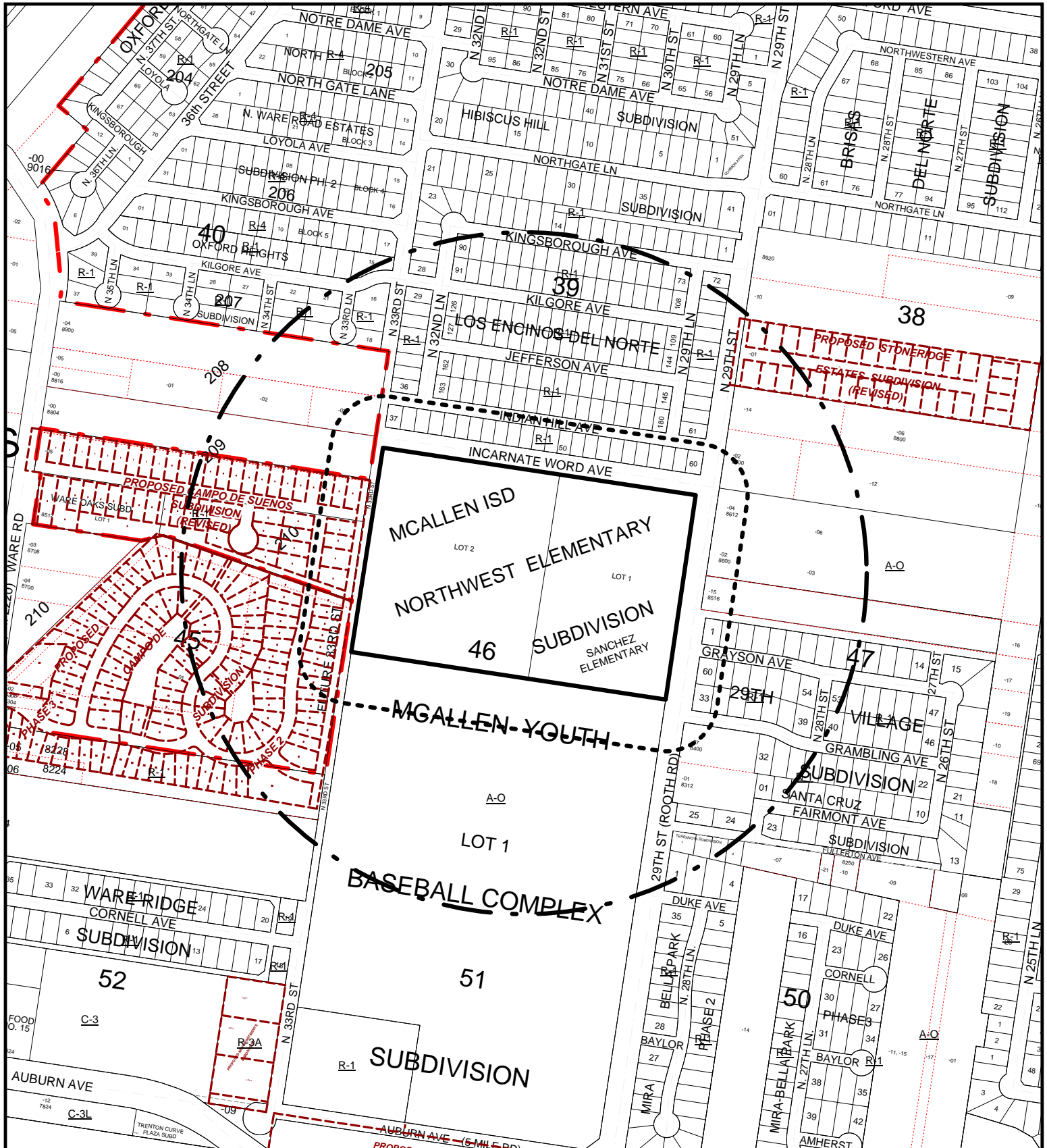
- a. Maximum height of pole or tower structure of 80 feet within commercial zones or within 200 feet of an existing residential structure;
 - The applicant is proposing to construct a 70 ft. in height three leg steel tower.
- b. Maximum height of pole or tower structure of 120 feet within industrial zones for measuring distance purposes, the leasehold interest area boundary or compound area boundary, whichever is greater shall be utilized;
 - The applicant is not locating within an industrial zone;
- c. Only one pole or tower structure-allowed per lot or tract within a commercial or industrial zone;
 - There is no other pole structure on property;
- d. The applicant shall attempt to locate the proposed facility on an existing structure, or base station, as per subsections k—m of this section. If collocation of the proposed wireless facility is not possible (as per subsections k—m of this section) then the applicant for a personal wireless service facility must submit at least two alternatives designs for antenna and supporting structure, pole or tower design (including the equipment shelter, as per subsection h, below) that is treated with an architectural material (e.g., "stealth" design) so as to conform to the predominant architectural environment in the area of the facility. Such "stealth" personal wireless service facility shall blend into its proposed surroundings such as a tree, flag pole or other feature, to be approved. When a tree-type stealth design is used, one live and growing tree of the same variety or species one-half the height of the proposed tower shall be planted at the time of installation;
 - Collocation for proposal is not possible.
- e. Minimum spacing between poles and tower structures within commercial or industrial zones of 1,000 feet measured in a direct line of another tower;
 - There are no co-locatable towers within 1,000 feet;
- f. Minimum setback of one-half the street right-of-way from front property line, ten feet from side yard and ten feet from rear, unless greater requirements as noted on subdivision plat;
 - The monopole is meeting minimum setbacks;
- g. A masonry wall shall be required as a buffer if pole or tower structure is located within the front or side yard, or adjacent to a residential use or zone;
- h. The transmission equipment structure installed at the base of the proposed tower shall be not greater than 180 square feet and constructed to conform to the predominant architectural environment;
- i. A landscaped buffer area to soften the visual impact shall commence along the perimeter of the lease area or the property line. At least one row of shrubs shall be installed as well as trees as appropriate shall be included. Materials shall be of a variety which can be expected to grow to form a continuous hedge at least six feet in height within two years of planting;


- j. The pole or tower structure will be constructed or installed with the capabilities of locating thereon additional personal wireless service facilities when tower or pole is greater than 80 feet in height. The applicant agrees to cooperate with other personal wireless service facility providers in collocating additional facilities on permitted support structures;
- k. A permittee shall exercise good faith in collocating with other providers and sharing the permitted structure, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities as opposed to a competitive conflict or financial burden). Such good faith shall include sharing technical information to evaluate the feasibility of co-location. In the event a dispute arises as to whether a permittee has exercised good faith in accommodation other users, the city may require a third party technical study at the expense of either or both the applicant and permittee;
- l. All conditional use applicants shall demonstrate good-faith, reasonable efforts in developing a collocation alternative for their proposed personal wireless service facility site, which efforts shall be documented to the city and shall include, but not be limited to, providing technical details sufficient to determine co-locations efforts. If the applicant asserts that co-location is not possible, the applicant must provide, in addition to the foregoing, an affidavit in a form provided by the city stating that all efforts to collocate the personal wireless facility at an existing facility have been exhausted and that there is no possibility of co-location on the existing towers;
- m. Failure to comply with the collocation requirements of this section may result in the denial of a permit request or revocation of an existing permit;
- n. If any applicant provides false or misleading information on their application, or in the application process to obtain a permit for a personal wireless facility, then their application may be denied or revoked at the expense of the applicant or the permittee;
- o. If property is leased, term of conditional use permit shall be co-terminus with that term of lease of property;
- p. Construction of tower and equipment facilities shall meet applicable building codes and wind loads;
- q. Notwithstanding the above conditions, to the extent an applicant is fully qualified as an eligible facilities request under Section 6409, in the event of a conflict between the above conditions in this subsection and those criteria and conditions in section 138-1.A., above, and the 2014 Infrastructure Order, then section 138-1.A., and the 2014 Infrastructure Order control, subject to the city reservation of rights, as set forth in the preface to section 138-1.A.

Staff received a call inquiring about the conditional use permit request.

RECOMMENDATION:


Staff recommends approval of the request subject to Section 138-118(11) of the zoning ordinance, compliance with co-location conditions, FAA approval, and building permit requirements.







CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**

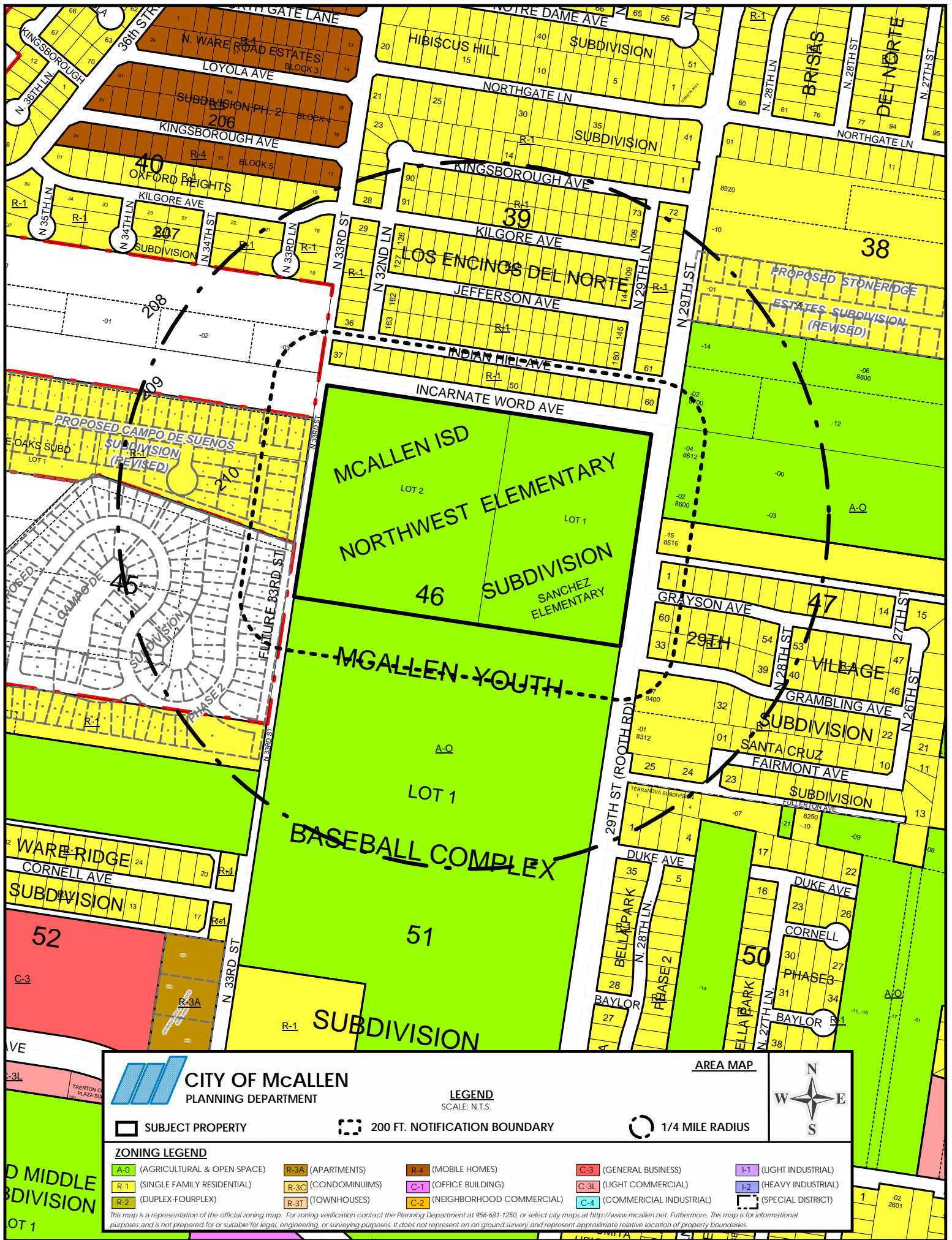
 **1/4 MILE RADIUS**

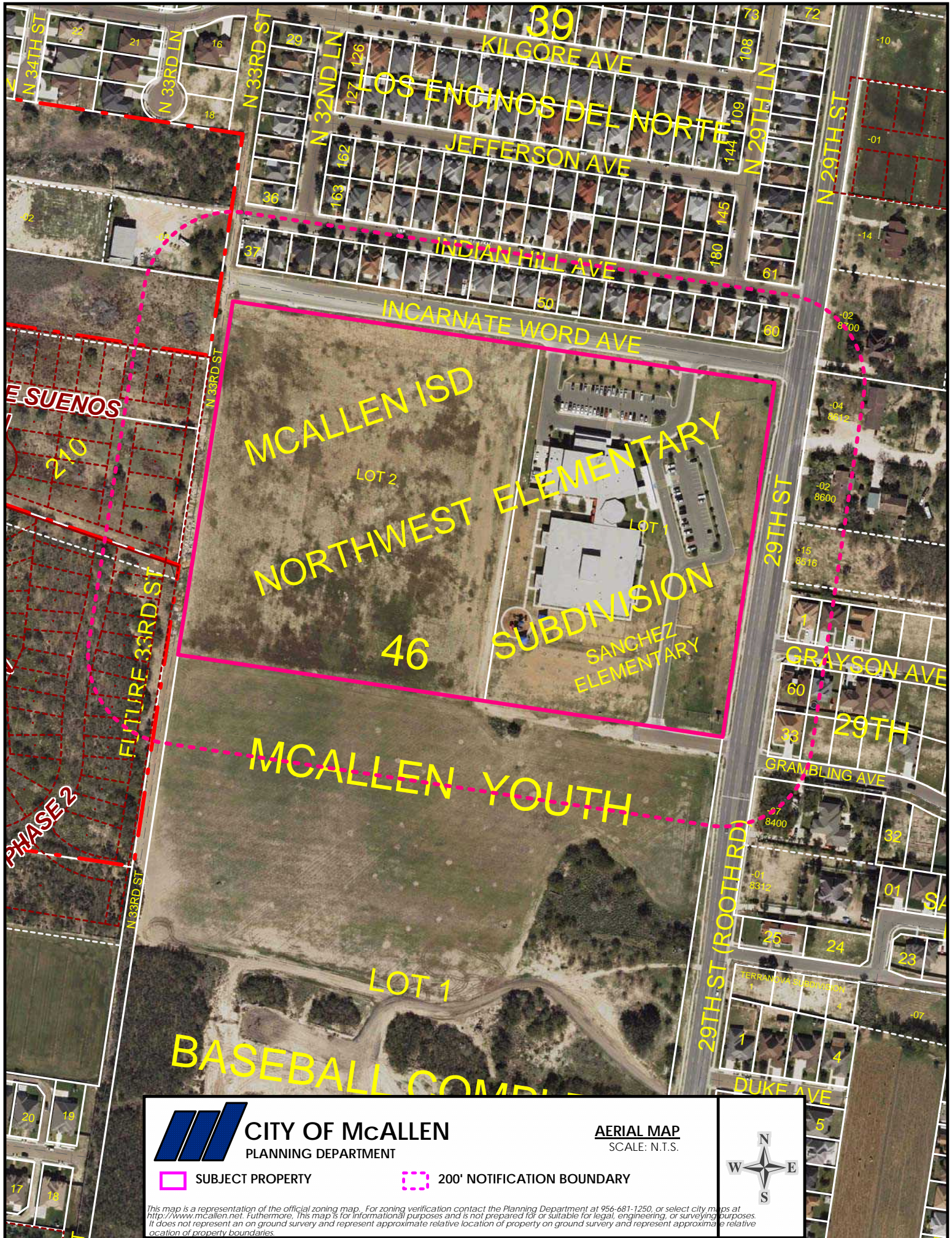
ZONING LEGEND

A-O (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.



SUBJECT PROPERTY

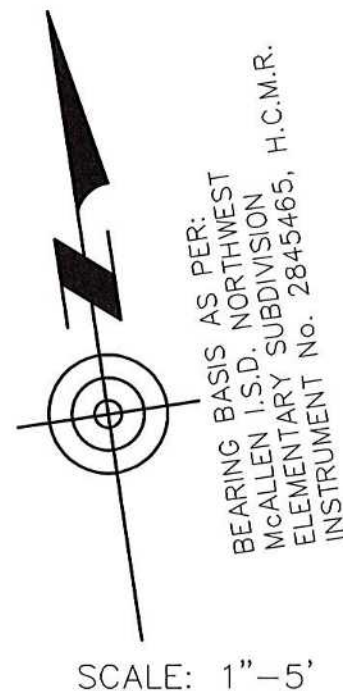


200' NOTIFICATION BOUNDARY



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AREA: 0.005 OF ONE ACRE
(225 SQUARE FEET)



SCALE: 1"=5'

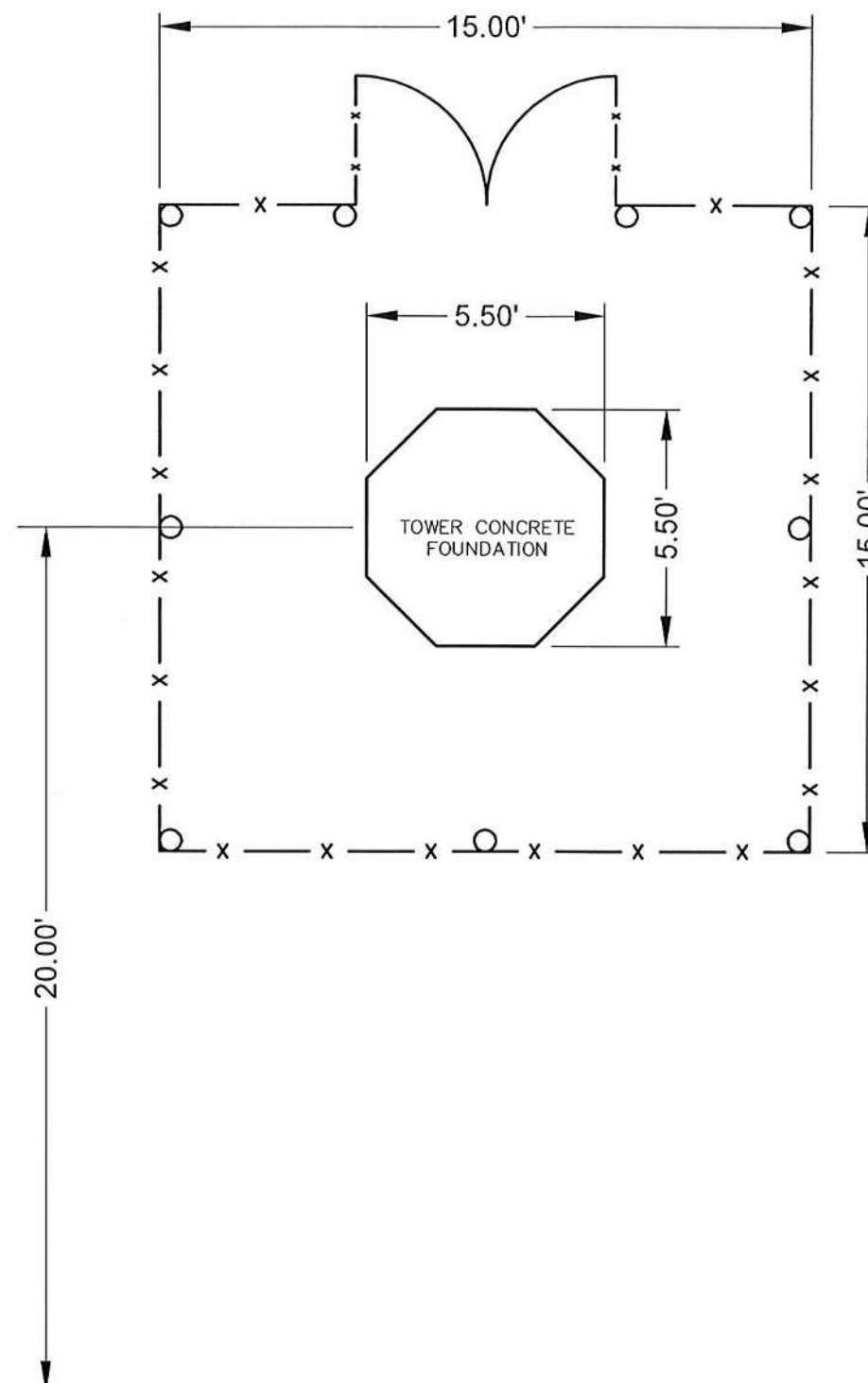
NOTES

FENCE DIMENSIONS: 15'X15'X8'

FENCE MATERIAL: CYCLONIC CHAINLINK WITH GALVANIZED POSTS.

GATE IS SHOWN HEREIN FOR ILLUSTRATIVE PURPOSES. SIZE AND LOCATION SHALL BE COORDINATED BY INSTALLER AND OWNER.

CENTER OF TOWER'S CONCRETE FOUNDATION SHALL BE LOCATED 20 FEET NORTH OF EXISTING BUILDING (AS DEPICTED HEREIN).



AEC ENGINEERING, LLC.
*Agricultural * Environmental * Civil*

A TEXAS REGISTERED ENGINEERING FIRM F-9688

P.O. BOX 480 EDINBURG, TEXAS 78540

PH #: 956 - 380 - 6558

FAX #: 956 - 380 - 6110

www.aecengineering.net

EXHIBIT "B"

DESIGN INFORMATION

Job No. 1522.001

Prep. Date DECEMBER 8, 2020

Designed/Drawn J. d' Z.

Checked CARLOS GARZA, P.E.

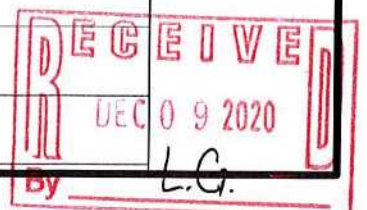
Approved CARLOS GARZA, P.E.

PLAN SCALE: AS SHOWN

HIDALGO COUNTY WI-FI PROJECT WI-FI TOWER

SUBDIVISION: McALLEN I.S.D. NORTHWEST
ELEMENTARY SUBDIVISION
(BLANCA E. SANCHEZ ELEMENTARY SCHOOL)
INSTRUMENT No. 2845465, H.C.M.R.

EXISTING PAVILION



Section	T1	T2	T3	T4	
Legs	P1.5x.145		P2x.218	P2.5x.276	
Leg Grade			A500-50		
Diagonals	SR 7/8		SR 1		
Diagonal Grade			A36		
Top Girts			SR 3/4		
Bottom Girts			SR 3/4		
Horizontals			SR 3/4		
Sec. Horizontals			SR 9/16		
Face Width (ft)			4		
# Panels @ (ft)			18 @ 3.25		
Weight (K)	3 @ 3.16667	0.3	0.7	0.9	2.5

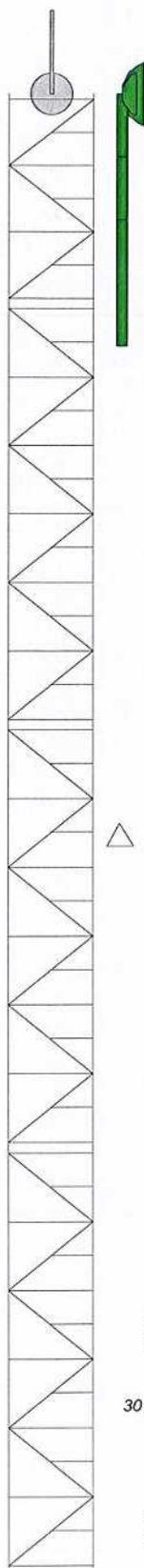
70.0 ft

60.0 ft

40.0 ft

20.0 ft

0.0 ft



DESIGNED APPURTENANCE LOADING

TYPE	ELEVATION	TYPE	ELEVATION
5/8" x 4' Lightning Rod	70	(6) Mimosa A5c w/Mount	67
VHLP3-11W	70	(6) NS-45x4 w/Mount	64
(2) VHLP2-18/C	70	C5c	61
KP-5PDC5C-2	70	(2) B5c	61
(2) HDDA5W-29-DP	70		

MATERIAL STRENGTH

GRADE	Fy	Fu	GRADE	Fy	Fu
A500-50	50 ksi	62 ksi	A36	36 ksi	58 ksi

TOWER DESIGN NOTES

1. Tower is located in Hidalgo County, Texas.
2. Tower designed for Exposure C to the TIA-222-H Standard.
3. Tower designed for a 135 mph basic wind in accordance with the TIA-222-H Standard.
4. Tower is also designed for a 30 mph basic wind with 0.50 in ice. Ice is considered to increase in thickness with height.
5. Deflections are based upon a 60 mph wind.
6. Tower Risk Category II.
7. Topographic Category 1 with Crest Height of 0.00 ft
8. Connections use galvanized A325 bolts, nuts and locking devices. Installation per TIA/EIA-222 and AISC Specifications.
9. Tower members are "hot dipped" galvanized in accordance with ASTM A123 and ASTM A153 Standards.
10. Tower design is ****Conceptual Only - Not For Construction****
11. TOWER RATING: 95.4%

ALL REACTIONS
ARE FACTORED

MAX. CORNER REACTIONS AT BASE:

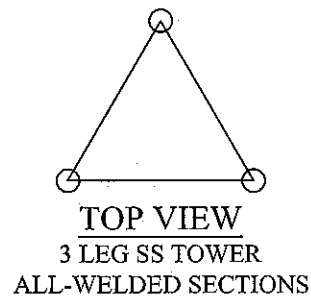
DOWN: 80 K
SHEAR: 2 K

UPLIFT: -76 K
SHEAR: 3 K

AXIAL
7 K
SHEAR
0 K
MOMENT
22 kip-ft
TORQUE 0 kip-ft
30 mph WIND - 0.5000 in ICE

AXIAL
5 K
SHEAR
6 K
MOMENT
272 kip-ft
TORQUE 4 kip-ft
REACTIONS - 135 mph WIND

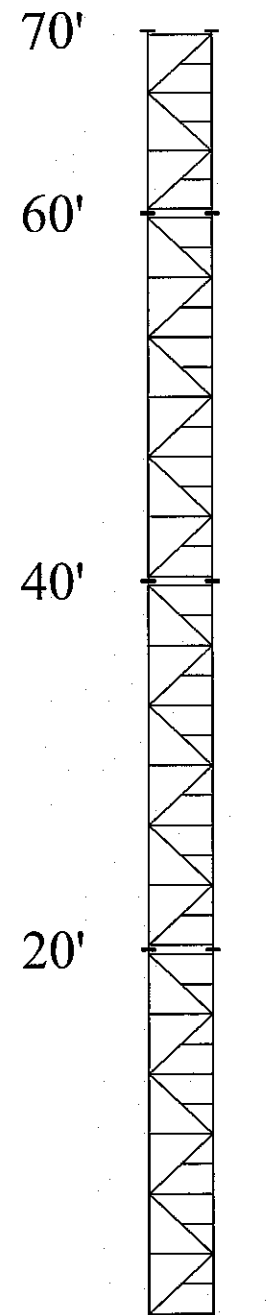
Western Towers		Job: 10994
320 W. 26th Street		Project: SO Substation
San Angelo, TX		Client: SmartWave Technologies
www.WesternTowers.com		Drawn by: pedram.sadr
Phone: (325) 658-6539		App'd:
FAX: (325) 655-1185		Code: TIA-222-H
		Date: 10/05/20
		Scale: NTS
		Path: C:\Users\SmartWave\Documents\10994 - SO Substation\77 A.W.10994.dwg
		Dwg No. E-1



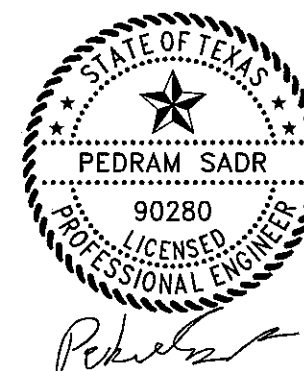
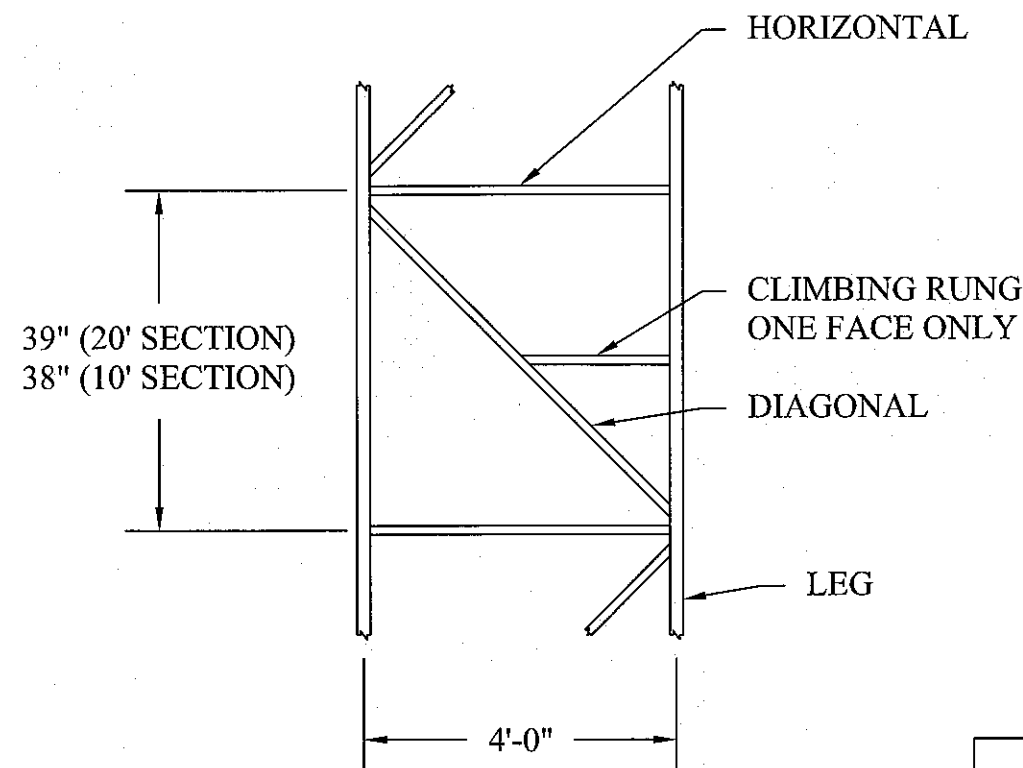
****USE FOR CONSTRUCTION****

LOADS

ELEV.	ITEM
70'	LIGHTNING ROD
70'	VHLPX3-18
70'	KP-5PDC5C-2
67'	(7) MIMOSA A5C
64'	(7) HG3-CC-S30
61'	MIMOSA B24
61'	C5C



*ONE FACE						
ELEV.	TOP WIDTH	BASE WIDTH	LEG	DIAGONAL	HORIZONTAL	CLIMB RUNG
60'-70'	4'-0"	4'-0"	1 1/2" SCH.40	7/8"Ø S.R.	3/4"Ø S.R.	9/16"Ø S.R.
40'-60'	4'-0"	4'-0"	1 1/2" SCH.40	1"Ø S.R.	3/4"Ø S.R.	9/16"Ø S.R.
20'-40'	4'-0"	4'-0"	2" SCH.80	1"Ø S.R.	3/4"Ø S.R.	9/16"Ø S.R.
0'-20'	4'-0"	4'-0"	2 1/2" SCH.80	1"Ø S.R.	3/4"Ø S.R.	9/16"Ø S.R.



10/20/2020

TEXAS FIRM# F19610

BASE REACTIONS
MOMENT: 183 K-FT
SHEAR: 4 KIPS
AXIAL: 5 KIPS

LEG REACTIONS
COMP: 54 KIPS
UPLIFT: 51 KIPS
SHEAR: 2 KIPS

PROPRIETARY DRAWINGS
CONFIDENTIAL INFORMATION WHICH CANNOT BE
ISSUED, COPIED, OR USED BY OTHERS WITHOUT
WRITTEN AUTHORIZATION BY WESTERN TOWERS.
FOR USE BY WESTERN TOWERS ONLY.

SITE: RAYBURN ELEM.

HEIGHT: 70'

TIA STD: 222-H

WIND: 130 MPH

ICE: 1/2" (30 MPH)

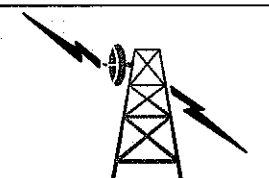
EXP. CAT.: C

TOPO. CAT.: 1

RISK CAT.: 2

NOTES

1. DESIGN MEETS THE REQUIREMENTS OF TIA DESIGN STANDARD LISTED ABOVE.
2. LEG MATERIAL SHALL BE MINIMUM 50 KSI YIELD. FLANGE PLATES SHALL BE MINIMUM 50 KSI YIELD. ALL OTHER STEEL SHALL BE MINIMUM OF 36 KSI YIELD.
3. ALL STEEL SHALL BE HOT DIPPED GALVANIZED PER ASTM A 123.
4. ALL CONNECTIONS ARE DESIGNED TO HOLD THE DESIGN LOAD OF THE CONNECTING MEMBERS.
5. ALL CONNECTIONS (WELDED AND BOLTED) CONFORM TO AISC "MANUAL OF STEEL CONSTRUCTION" LATEST EDITION.
6. IF ANY ITEM OF THE COMPLETED STRUCTURE VARIES FROM WHAT IS SHOWN ON THIS DRAWING THE CERTIFICATION BY WESTERN TOWERS SHALL BE CONSIDERED INVALID.
7. TOWER RATING: 69.2%



WESTERN TOWERS

320 W 26th • San Angelo, Texas 76903
1.800.622.6539
www.westerntowers.com

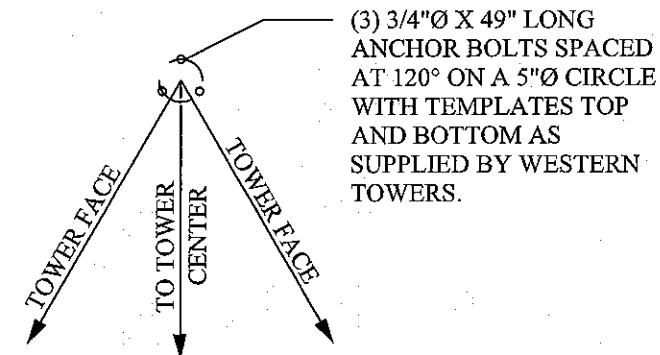
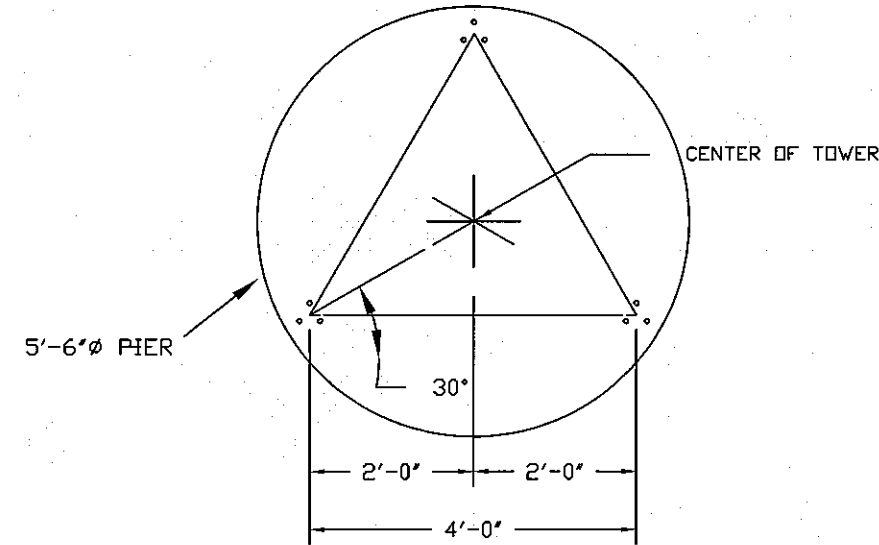
JOB NO.

20.34.02

DATA SHEET
HIDALGO COUNTY, TX
SMARTWAVE

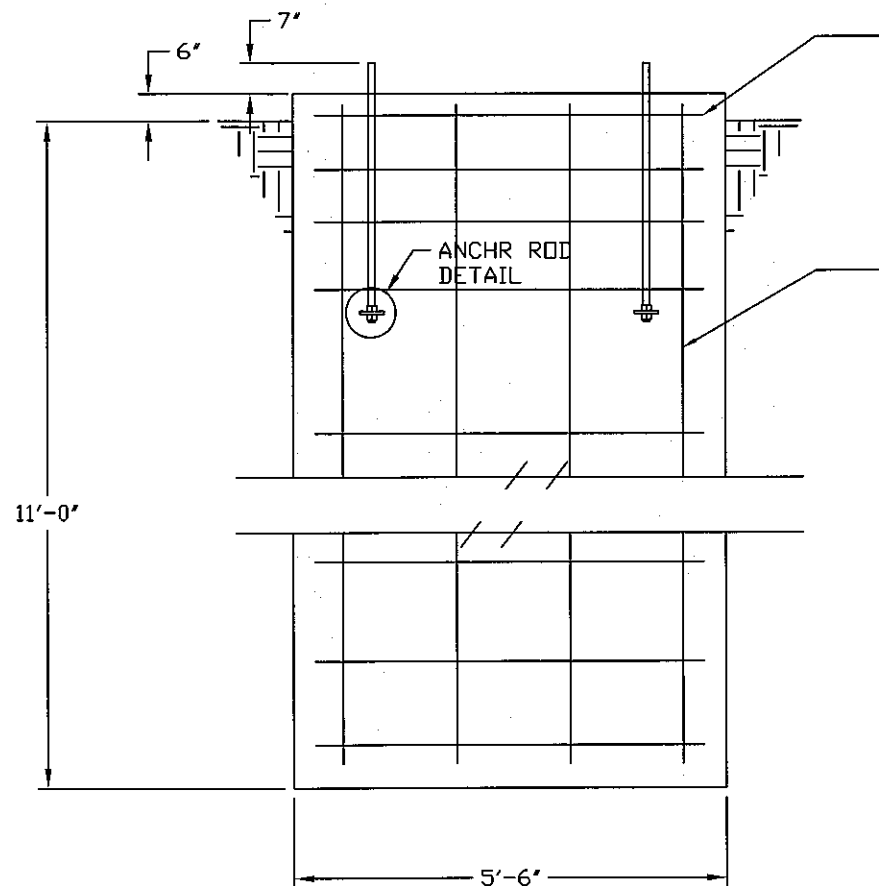
DWG. NO.	DATE	PAGE	OF	BY
11012-DS	10/12/2020	1	1	JB

****USE FOR CONSTRUCTION****



NOTES:

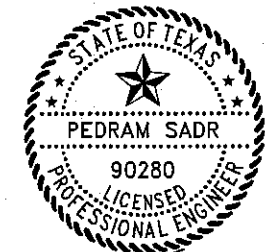
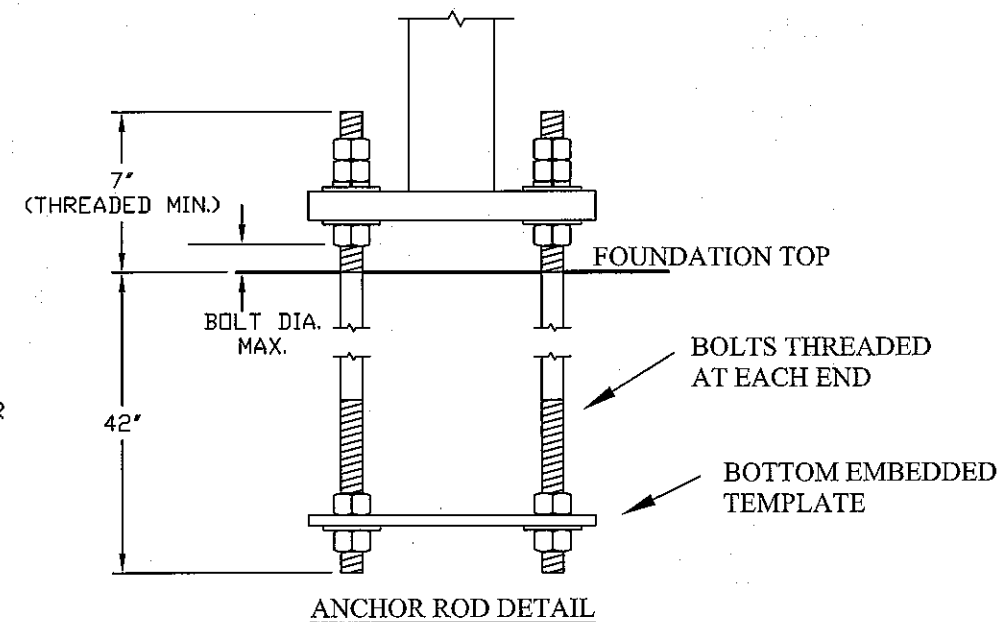
1. CONCRETE SHALL OBTAIN 3000PSI COMPRESSIVE STRENGTH AT 28 DAYS.
2. ANCHOR BOLTS SHALL BE 3/4"Ø ASTM F1554-GRADE105 SUPPLIED WITH FIVE EACH GALVANIZED HH NUTS AND WASHERS. WASHERS SHALL CONFORM TO ASTM F436. NUTS SHALL CONFORM TO ASTM A563 GRADE 'A' OR BETTER. ANCHOR BOLT SHALL BE HOT DIPPED GALVANIZED GALVANIZING SHALL CONFORM TO ASTM A153.
3. ALL REBAR SHALL HAVE A MINIMUM OF 3" CONCRETE COVER AND SHALL CONFORM TO THE ASTM A615 GRADE SPECIFIED.
4. FOUNDATION DESIGNED PER PRESUMPTIVE SOILS FOUNDED IN TIA 222 REV. H, ANNEX F. THE ACTUAL SOIL PARAMETERS MUST BE VERIFIED BY A GEOGRAPHICAL ANALYSIS. WITHOUT THIS VERIFICATION, IN CASE OF ANY FOUNDATION FAILURE WESTERN TOWERS WILL NOT BE RESPONSIBLE.
5. 10.2 C.Y. OF CONCRETE REQUIRED THIS SITE (NO WASTE ACCOUNTED FOR).



(17) #4 GR.40 X 60" ØD MAX. CIRCULAR TIES SPACED (8) TIES AT 6" O.C. AT TOP OF PIER, REMAINDER AT 12" O.C.

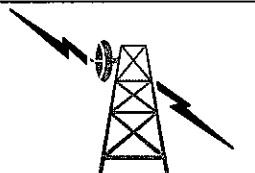
(14) #8 GR. 60 VERTICAL REBAR 11'-0" LONG INSIDE OF CIRCLE REBAR TIES.

BASE REACTIONS:
MOMENT = 183 KIP-FT.
AXIAL = 5 KIPS
MAX SHEAR = 4 KIPS



10/15/2020

TEXAS FIRM# F19610



WESTERN TOWERS

320 W 26th • San Angelo, Texas 76903
1.800.622.6539
www.westerntowers.com

PROJECT NO.

FOUNDATION

Rayburn Elementary School
SmartWave Technologies

PROPRIETARY DRAWINGS
CONFIDENTIAL INFORMATION WHICH CANNOT BE
ISSUED, COPIED, OR USED BY OTHERS WITHOUT
WRITTEN AUTHORIZATION BY WESTERN TOWERS.
FOR USE BY WESTERN TOWERS ONLY.

DWG. NO. 11012-FND	DATE 10/15/20	PAGE 1	OF 1	BY PS
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NOTICE
PERSONAL
WIRELESS FACILITY
FOR
THIS PROPERTY
CUP2020-0125

Planning Department

Memo

TO: Planning and Zoning Commission

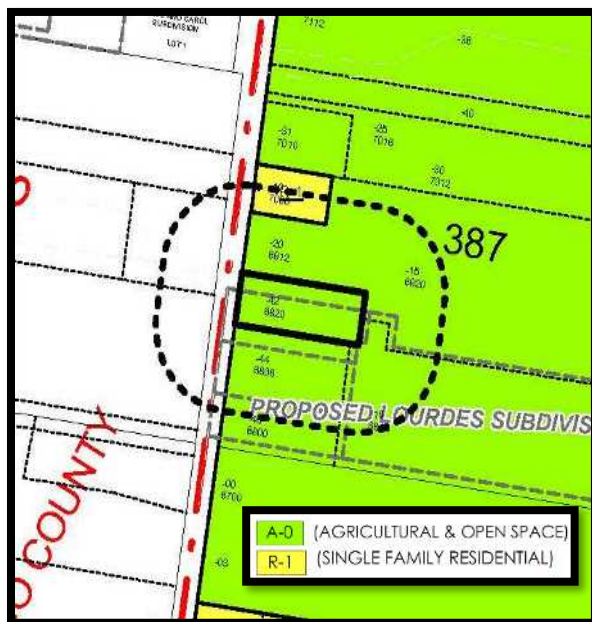
FROM: Planning Staff

DATE: January 14, 2021

SUBJECT: REQUEST OF MELISSA BURTON, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A DOG KENNEL AT A 1.00 ACRE TRACT OF LAND OUT OF THE SOUTH 19.39 ACRES OF LOT 387, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 6820 NORTH TAYLOR ROAD. (CUP2020-0131)

BRIEF DESCRIPTION:

The property is located on the east side of North Taylor Road approximately 1,400 ft. north of Lark Avenue and is zoned A-O (agricultural-open space) District. The adjacent zoning is A-O District to the north, south and east, and outside city limits properties to the west. Surrounding land uses include single family residences and vacant land. A dog kennel is allowed in an A-O District zone with a Conditional Use Permit and in compliance with requirements.



HISTORY:

The item initially was presented before the P&Z Board on April 7, 2020, as per applicant

the item was tabled. The request remained table for four P&Z Meetings until the meeting of June 2, 2020. At the Planning and Zoning Commission, meeting of June 2, 2020 one neighbor appeared in opposition to the conditional use permit. The neighbor stated his concerns about dogs barking all day, traffic issues, and the operation of a business in a residential area. The Board voted unanimously to recommend disapproval of the conditional use permit.

The CUP initially appeared at the City Commission Meeting of April 13, 2020. The request was tabled as per applicant for the next five meetings until the meeting of June 22, 2020. At the City Commission Meeting of June 22, 2020, one neighbor appeared in opposition of the request, his concerns were the same mentioned on the P&Z meeting. After some discussion between the Commissioners and applicant, the Board decided to approved the Conditional Use Permit with conditions:

1. Dogs must be inside the residence from 8:00 PM to 6:00 AM, unless they need to go outside for their necessities.
2. Drop off and pick up should be limited to no earlier than 6:00AM and no later than 8:00PM
3. 50 dogs limit at all times
4. A sign is required to let customers know of business location

The Code Enforcement Department responded to a complaint on February 4, 2019 for a possible business running from a residential area with a sign erected. On May 2019, the Code Enforcement Department received another complaint and requested a "complaint and summons." The applicant has appeared at Municipal Court on several occasions to resolve this issue since then. On September 28, 2020, a complaint was issued for trash and debris on side of road.

REQUEST/ANALYSIS:

There is an approximately 2,700 sq. ft. single family residence in the 1-acre property. The applicant divided the backyard and front yard into 4 different playgrounds for the dogs. The applicant is proposing to continue operating a dog daycare from the existing residence and the outdoor playgrounds in the property.

There are 1-2 employees/volunteers in the location. Boarding is also available and no grooming services are offered.

The CUP was never fully executed; applicant never came to pick up and signed the permit and the application. The applicant erected a Business sign for location purposes; however, there are no permit on file with the building department. Some signage is allow on A-O without a sign permit (Sec.130-60), however the existing sign will not qualify for a identification, wall or ground sign (Sec.130-60 (10)) since a fence it's not consider a wall square footage is limited to 4 square feet. The sign measures 2 ft. by 5 ft. and 2 ft. 10 inches above ground. A sign was required as a condition by City Commission in order to prevent customers going into the wrong location and disturb surrounding neighbors.

A site visit revealed that the sign it is not easily visible. There is some sight obstruction

from an existing mailbox, keypad access gate and dumpster.

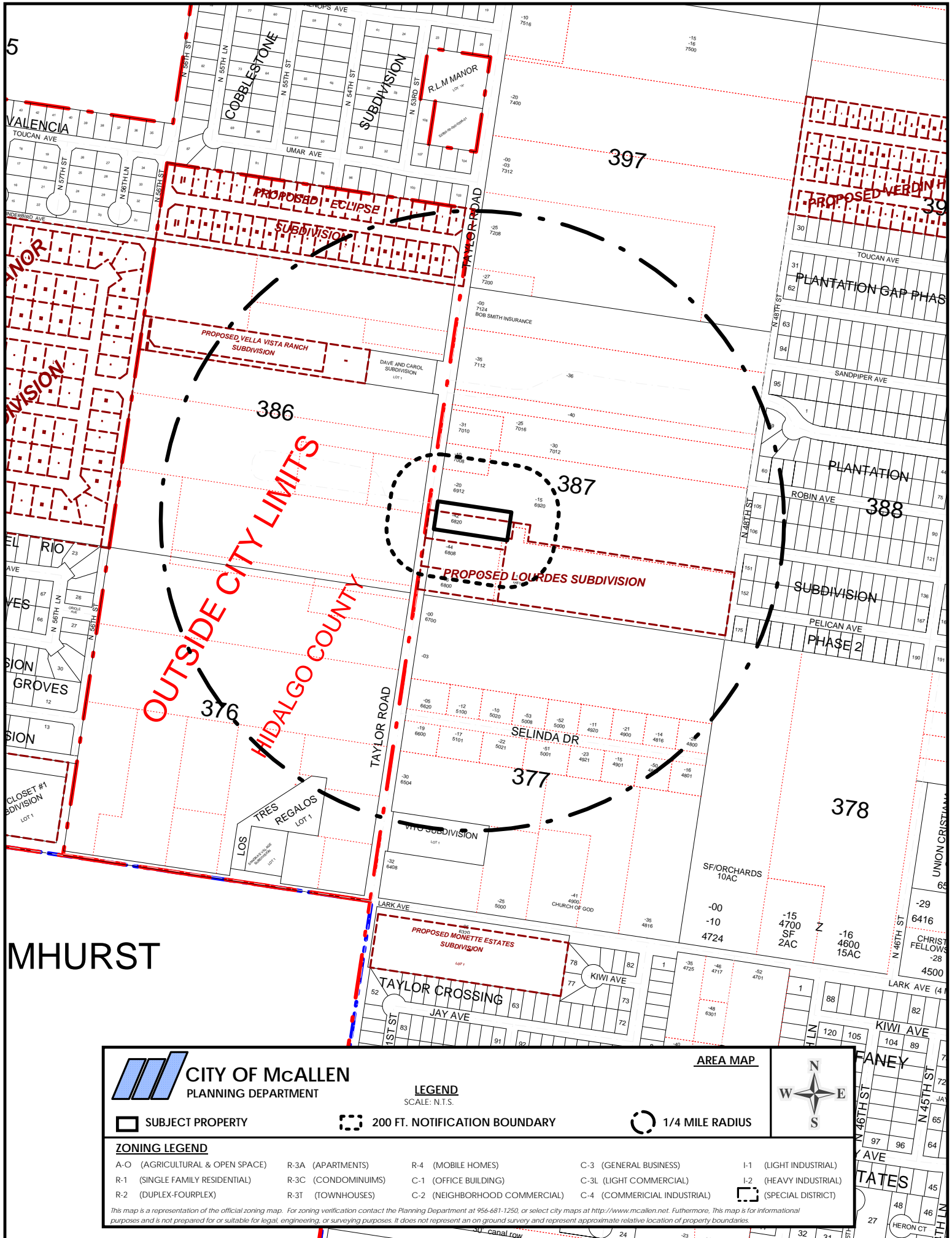
The Health Department has inspected the establishment, and the property is in compliance. Fire Department final inspection is pending. The establishment must also meet the requirements set forth in Section 138-163 (8) of the Zoning Ordinance and specific requirements as follows:


- 1) Located a minimum of 300 feet from the nearest residence. The operations take place inside the residence and outdoors in the different dog playgrounds.
- 2) On parcels of 5 acres or more. This property is a 1-acre parcel.

Staff has received a letter in opposition in regards to this request. Concerns were mainly about the Barking Ordinance (Sec. 14-39), Animal cruelty Ordinance (Sec 14-16 (C)) and how the services she provides would not met standard requirements. An opposition map is attached. A 35.6% is opposition of the request.

RECOMMENDATION:


Staff recommends disapproval of the request based on noncompliance with requirements #1(distance) and #2 (property size) of Section 138-163 (8) of the Zoning Ordinance.







CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY

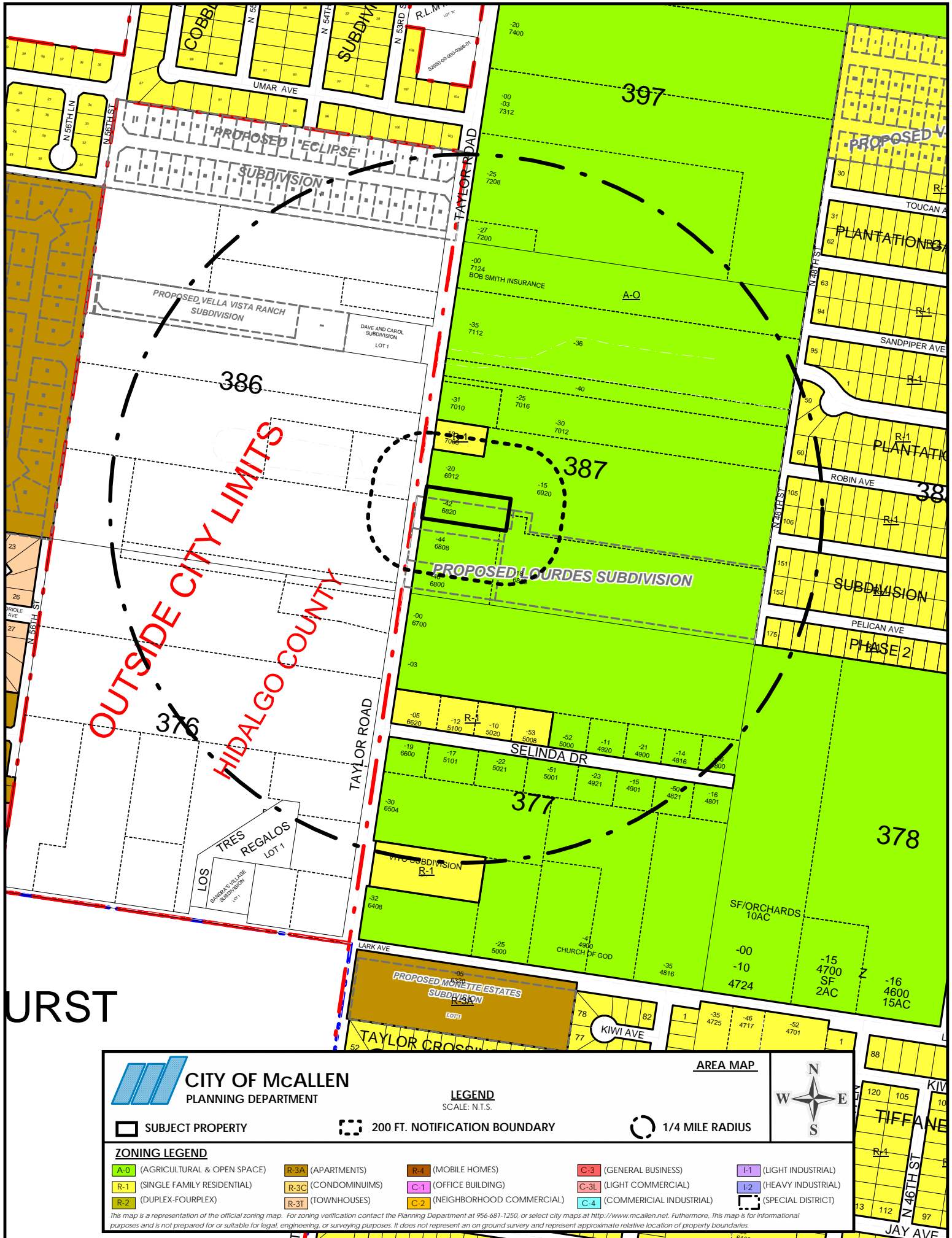
 1/4 MILE RADIUS

ZONING LEGEND

A-O (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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McHURST



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

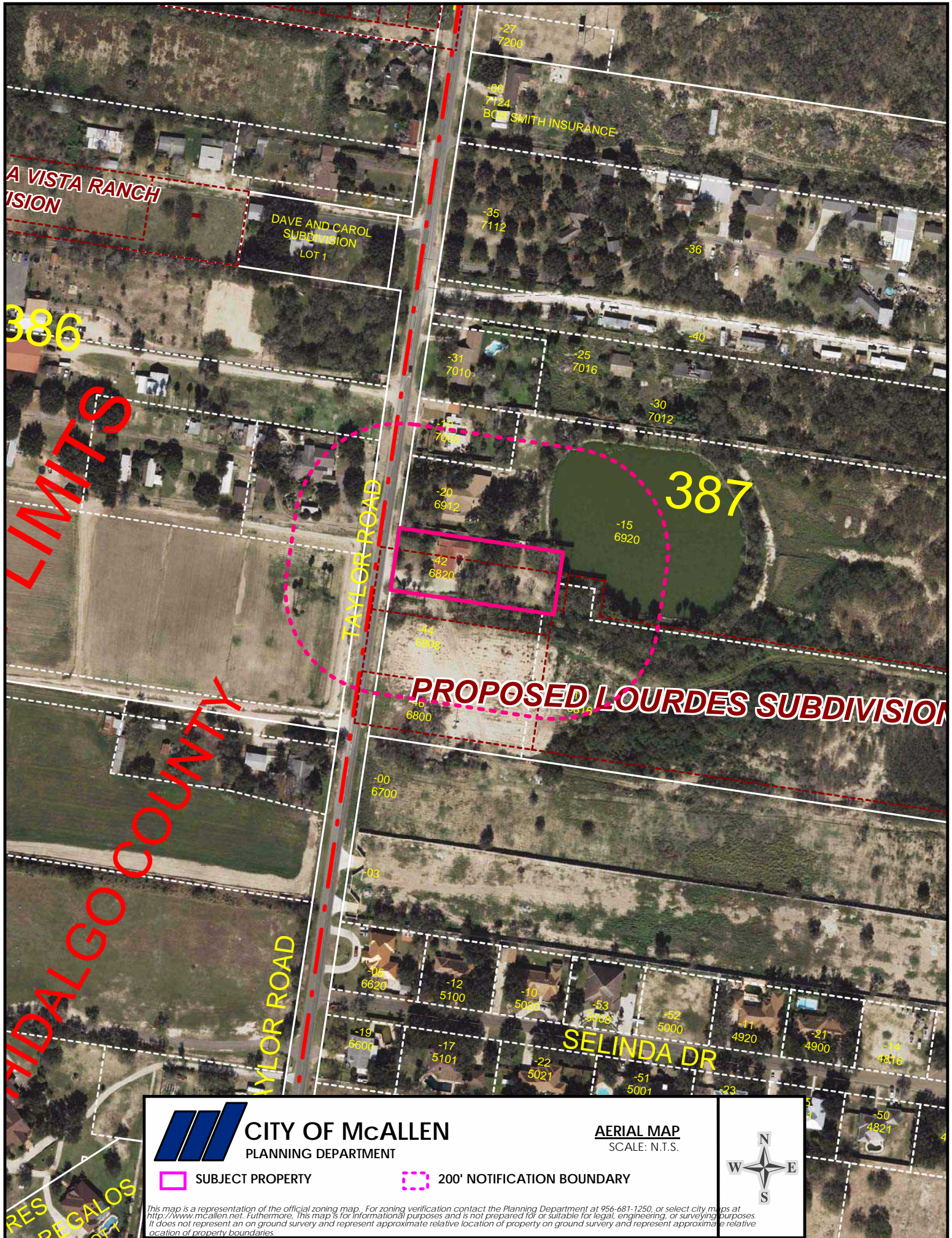
1/4 MILE RADIUS



ZONING LEGEND


A-O (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3I (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	S (SPECIAL DISTRICT)

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CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

 200' NOTIFICATION BOUNDARY



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ART SALINAS

ENGINEERING & SURVEYING

1524 DOVE AVENUE,

McALLEN, TEXAS 78504

PH: (956) 818-5565

FAX: (956) 818-5540

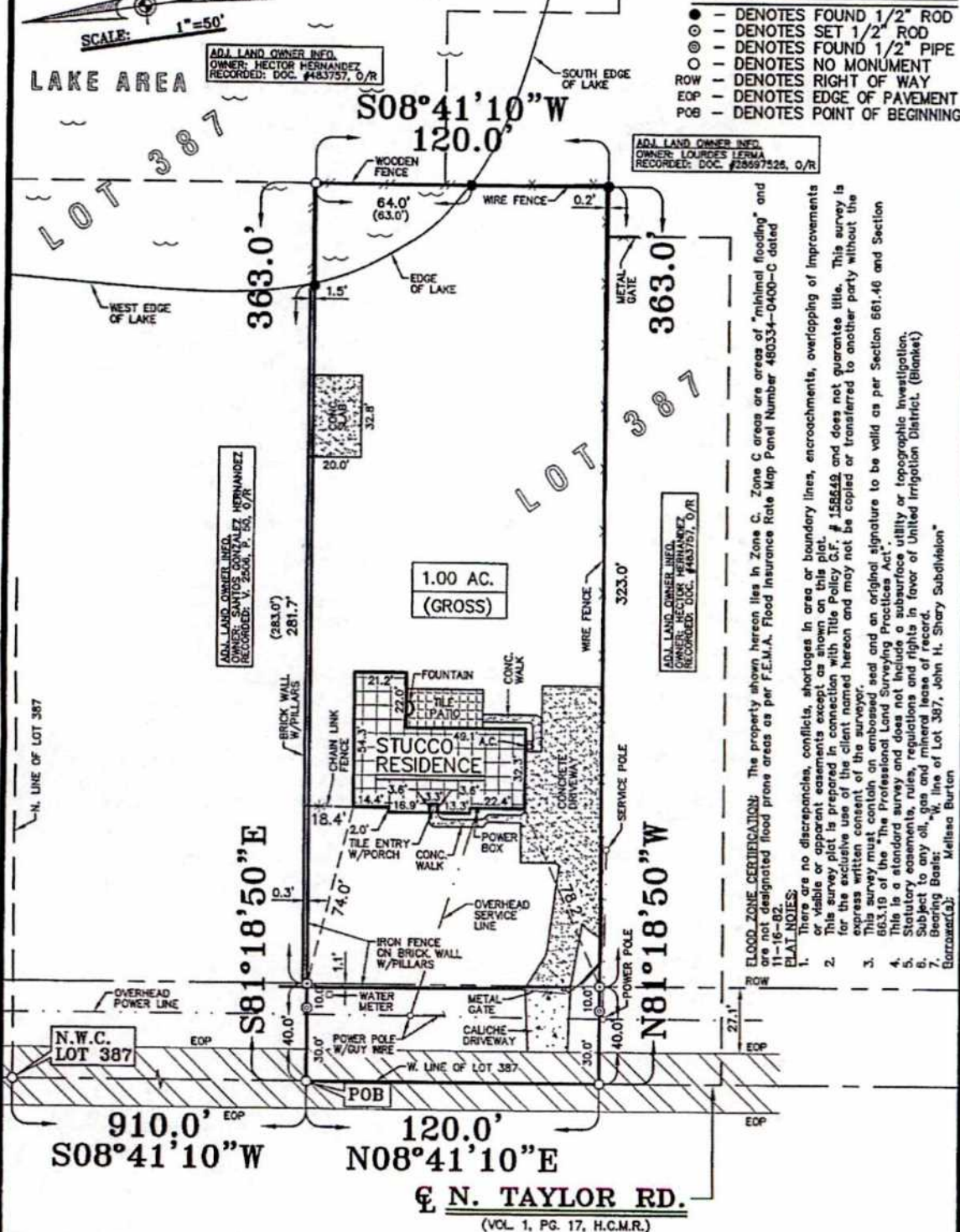


LAKE AREA

ADJ. LAND OWNER INFO.
OWNER: HECTOR HERNANDEZ
RECORDED: DOC. #483757, O/R

LEGEND

- - DENOTES FOUND 1/2" ROD
- ⊙ - DENOTES SET 1/2" ROD
- ⊗ - DENOTES FOUND 1/2" PIPE
- - DENOTES NO MONUMENT
- ROW - DENOTES RIGHT OF WAY
- EOP - DENOTES EDGE OF PAVEMENT
- POB - DENOTES POINT OF BEGINNING



FLOOD ZONE CERTIFICATION: The property shown herein lies in Zone C. Zone C areas are areas of "minimal flooding" and are not designated flood prone areas as per F.E.M.A. Flood Insurance Rate Map Panel Number 480334-0400-C dated 11-16-82.

ELABORATIONS:

- There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent easements except as shown on this plot.
- This survey plot is prepared in accordance with Title Policy C.T. # 158640 and does not guarantee title. This survey is for the exclusive use of the client named herein and may not be copied or transferred to another party without the express written consent of the surveyor.
- This survey must contain an embossed seal and an original signature to be valid as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practice Act".
- This is a standard survey and does not include a subsurface utility or topographic investigation.
- Subject to any oil, gas and mineral lease of record.
- Bearing Basis: "W. line of Lot 387, John H. Shary Subdivision"
- Borrower(s): Melissa Burton

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE PROPERTY WHICH IS LOCATED AT 6820 N. TAYLOR RD., in McALLEN, TEXAS, DESCRIBED AS FOLLOWS:
A 1.00 ACRE TRACT OF LAND, MORE OR LESS, OUT OF THE SOUTH 19.39 ACRES OF LOT 387, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 42A, (DEED RECORD: VOLUME 1, PAGE 17), MAP RECORDS, HIDALGO COUNTY, TEXAS AND ACCORDING TO WARRANTY DEED WITH VENDOR'S LIEN RECORDED UNDER COUNTY CLERK'S DOCUMENT No. 358132, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS. (SEE METES AND BOUNDS DESCRIPTION)

18-54468
Job No.

10-10-18
Date

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**ART SALINAS
ENGINEERING & SURVEYING**

1524 DOVE AVENUE

McALLEN, TX 78504

PH: (956) 618-5565

FAX: (956) 618-5540

ARTURO A. SALINAS, P.E., R.P.L.S.

METES AND BOUNDS DESCRIPTION: 1.00 Gross Acre Tract

A 1.00 acre tract of land, more or less, out of the South 19.39 acres of Lot 387, JOHN H. SHARY SUBDIVISION, Hidalgo County, Texas, as per map or plat thereof recorded in Volume 1, Page 42A, (Deed Record: Volume 1, Page 17), Map Records, Hidalgo County, Texas and according to Warranty Deed with Vendor's Lien recorded under County Clerk's Document No. 358132, Official Records, Hidalgo County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point on the West line of Lot 387, and in the centerline of N. Taylor Rd. for the Northwest corner of this tract, said point bears South 08 degrees 41 minutes 10 seconds West, 910.0 feet from the Northwest corner of Lot 387;

THENCE, South 81 degrees 18 minutes 50 seconds East, along the South line of the Santos Gonzalez Hernandez 1.00 acre tract (1.00 acre out of the South 19.39 acres of Lot 387, John H. Shary Subdivision, according to Deed recorded in Volume 2506, Page 50, Official Records, Hidalgo County, Texas), passing a 1/2 inch iron pipe found at 30.0 feet in line for reference, passing a 1/2 inch iron rod set at 40.0 feet for the East right-of-way line of N. Taylor Rd., passing a 1/2 inch iron rod 24 inches in length found at 321.7 feet (deed: 323.0 feet) for the West edge of a Lake, a total distance of 363.0 feet to a point on the West line of the Hector Hernandez Tract (Tract II: 8.619 acres out of Lot 387, John H. Shary Subdivision, according to the Deed recorded under County Clerk's Document No. 483757, Official Records, Hidalgo County, Texas), for the Southeast corner of the Santos Gonzalez Hernandez 1.00 acre tract, and the Northeast corner of this tract;

THENCE, South 08 degrees 41 minutes 10 seconds West, along the West line of the Hector Hernandez Tract, and the West line of the Lourdes Lerma 6.167 acre tract (6.167 acres out of the South 19.39 acres of Lot 387, John H. Shary Subdivision, according to Deed recorded under County Clerk's Document No. 2869756, Official Records, Hidalgo County, Texas), passing a 1/2 inch iron rod 24 inches in length found at 64.0 feet (deed: 63.0 feet) for the South edge of a Lake, a total distance of 120.0 feet to a 1/2 inch iron rod 24 inches in length found for the Southeast corner of this tract;

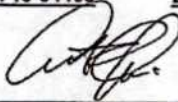
THENCE, North 81 degrees 18 minutes 50 seconds West, along the North line of the Lourdes Lerma 6.167 acre tract, and the North line of the Hector Hernandez Tract (Tract I: A 0.393 acre tract out of Lot 387, John H. Shary Subdivision, according to the Deed recorded under County Clerk's Document No. 483757, Official Records, Hidalgo County, Texas), passing a 1/2 inch iron rod set at 323.0 feet for the East right-of-way line of N. Taylor Rd., passing a 1/2 inch iron pipe found at 333.0 feet in line for reference, a total distance of 363.0 feet to a point on the West line of Lot 387, and in the centerline of N. Taylor Rd. for the Northwest corner of the Hector Hernandez Tract, and the Southwest corner of this tract;

THENCE, North 08 degrees 41 minutes 10 seconds East, along the West line of Lot 387, and the centerline of N. Taylor Rd., a distance of 120.0 feet to the POINT OF BEGINNING, and containing 1.00 acre of land, more or less.

Bearing Basis: "W. line of Lot 387, John H. Shary Subd."

Job No. 18-54468

Date: 10-10-18



Arturo A. Salinas, R.P.L.S. #4802



T.B.P.E. FIRM REG. NO. F-5154

T.B.L.S. FIRM REG. NO. 10004000

119 ft

Big Yard

19.8"

Missy

70.8

10.4

15.8"

10.4

24.9

8.0

26.7 ft

19

24 ft

DRIVE WAY

Back Yard

TAVOR Rd









6820

DOGGIE
DAYCARE







NOTICE
DOG KENNEL
FOR
THIS PROPERTY
CUP2020-0131

DOGGIE
DAYCARE

CITY OF
McALLEN

215537

DO NOT
PARK

6820

I of 8
Melissa Burton request for permit on
Dog Boarding Business.

1. My name is Hector Hernandez and I
am an immediate neighbor to the North of
Mrs. Melissa Burton at 6820 N. TAYLOR RD.

2. I have lived here over 30 yrs.

3. The request for Melissa Burton to ask for
a dog kennel permit out of her house is
ridiculous.

4. Zoning regulates land use in whole districts.
When the change in zoning does not advance
a general public purpose in land use it should
be considered as illegal.

5. Since Mrs. Burton opened her dog business
in Nov. of 2018 all the barking of the dogs
she takes care of has been a real nuisance.

6. Barking of dogs day and night, and it is
not just one dog, it is a whole bunch of them.

7. Devalues property.

8. Screaming at the dogs to stop fighting and
barking or to do this, and that. This is an all day
situation.



9. Code of Ordinances (Animals) Chapter 14
FOR THE City of McAllen

Sec. 14-39 BARKING DOGS

IT SHALL BE UNLAWFUL TO KEEP ANY dog IN THE CITY WHICH BY LOUD, FREQUENT OR HABITUAL BARKING OR HOWLING SHALL CAUSE ANNOYANCE AND DISTURB THE PEACE, AND QUIET OF AN ORDINARY NORMAL PERSON

Code 1966 § 5-23 ORD. NO 2010-25 § 1
 4-26-10

10 On top of all this Mrs. Burton opened up her dog business in Nov. 2018 without any permit whatsoever which is very illegal. She did not apply for a permit until after she got caught. It was over a yr. later. Now she wants to be rewarded. Do you want to reward her?

11. A few weeks after she bought the house dogs started coming in. Why I know, is because of the traffic that built up outside my gate. And they still do. Thinking that my house is where the dog kennel business is at.

11. What Mrs. Burton is doing is called Spot zoning which benefits only the property owner, and not the community like a school, or park that benefits the whole community.

12. What Mrs. Burton is asking for is at odds with the zoning district and if granted, that would show favoritism toward landowner.

13. Under Chapter 14 Code of Ordinances for M^C ALLEN under

SEC 14-16-(c) Cruelty to Animals

IT STATES that Failure to provide acceptable standards of housing & care constitutes animal cruelty.

1. Kennels should be large enough for the animal to comfortably have shelter from the elements, provide at all times access to shade & water, allow a reasonable place to eliminate body waste.

A. Does not have dog kennels

B. Advertises on internet as cage free.

C. Where do all those dogs eliminate body waste? ANS. On the ground all over the place. The yard is infested with urine, and feces. Just causing infectious diseases is what is happening.

1. Cage Free dog boarding services is very dangerous to dogs spreading diseases.

A. Why because social diseases among dogs are highly infectious, and spread very quickly when large groups of dogs are kept within a confined area. All it takes is for one dog that is carrying the illness to introduce it into a boarding facility.

B. Confined area in this case would be when if they tried to protect the dogs from the elements like cold, or rain. They would have to take all those dogs inside the house, and that is confinement.

C. If they don't take them inside, and leave them out on the rain, and cold. That would be cruelty to animals. The same as being confined inside the house.

D. Keep in mind that cruelty to animals is failure to provide acceptable standard of housing and care.

E The property itself is about 1 acre & seems to be real small for the amt. of dogs that Mrs. Burton has at her house.

Social diseases, & how they can be transported.

1. First a dog can be a carrier of the disease and not yet show symptoms or their symptoms could have gone unnoticed by an owner who does

not know what they are looking for. In this case there is little that can be done from being introduced in a social setting
(Second)

Once the infected dog has entered the boarding facility, even if staff members notice symptoms the disease has already been introduced to the environment and all other dogs are at risk for infection.

Keep in mind that even vaccinated dogs can contract diseases that they have been vaccinated against. Many vaccinations simply lowers the chances of contracting a disease, or shortens the duration of the disease.

An example of the illness that is spread from a single carrier is Bordetella or Kennel Cough. All it takes is for a single infected dog to cough or sneeze in a kennel & the Bordetella bacteria is dispersed in the air. Once this happens, it's very likely that other dogs in close confines will inhale the bacteria and contract Kennel Cough too. Cruelty to Animals

VI

Having 20 or more dogs inside a house protecting them from the elements is not acceptable standards of housing, and constitutes Animal Cruelty

If granted a permit, and ^{why} business expands it is going to get worse. More, and more dogs and not enough space. A real mess.

(With all due respect)

How in the world do you expect Melissa Burton to stop 20 or more dogs from barking, growling & howling?

Not only that, there is a woman there that screams so loud that you would think somebody is killing her.

Thank you very much


2007 \$95,992 \$46,725 0 142,717 \$0 \$142,717

Deed History - (last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	10/26/2018	WDV	WARRANTY DEED/VENDORS LIEN	PRIETO SANDRA L STEPHENS	BURTON MELISSA			2960784
2	11/26/2007	WD	WARRANTY DEED	STEPHENS SANDRA L ET AL	PRIETO SANDRA STEPHENS			1829604
3	3/26/2006	GFD	GIFT DEED	PRIETO SANDRA STEPHENS	PRIETO SANDRA L STEPHENS			1872469-472

Tax Due

Property Tax Information as of 01/08/2021

Amount Due if Paid on: 

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Interest	Penalty & Attorney Fees	Amount Due
------	---------------------	---------------	----------	-----------------	--------------	---------------------	-------------------------	------------

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Questions Please Call (956) 381-8466.

Dog Kennels

near McAllen · Choose area

Within 1 mi

Sort by distance

Op

Melissa's Pet
Services: Cage Free



Animals Etc P

Exotic Tropical Petworld
of McAllen Pet Stores



McAllen Pharr



Map data ©

Melissa's Pet Services: Cage Free

4.2 ★★★★★ (29) · 140 ft

Dog day care center · 6820 N Tayl...

Open · Closes 7PM

Animals Etc Pet Motel



JAMES E. DARLING, Mayor
VERONICA WHITACRE, Mayor Pro Tem & Commissioner District 6
JAVIER VILLALOBOS, Commissioner District 1
JOAQUIN J. ZAMORA, Commissioner District 2
J. OMAR QUINTANILLA, Commissioner District 3
TANIA RAMIREZ, Commissioner District 4
VICTOR "SEBY" HADDAD, Commissioner District 5

ROEL "ROY" RODRIGUEZ, P.E., City Manager

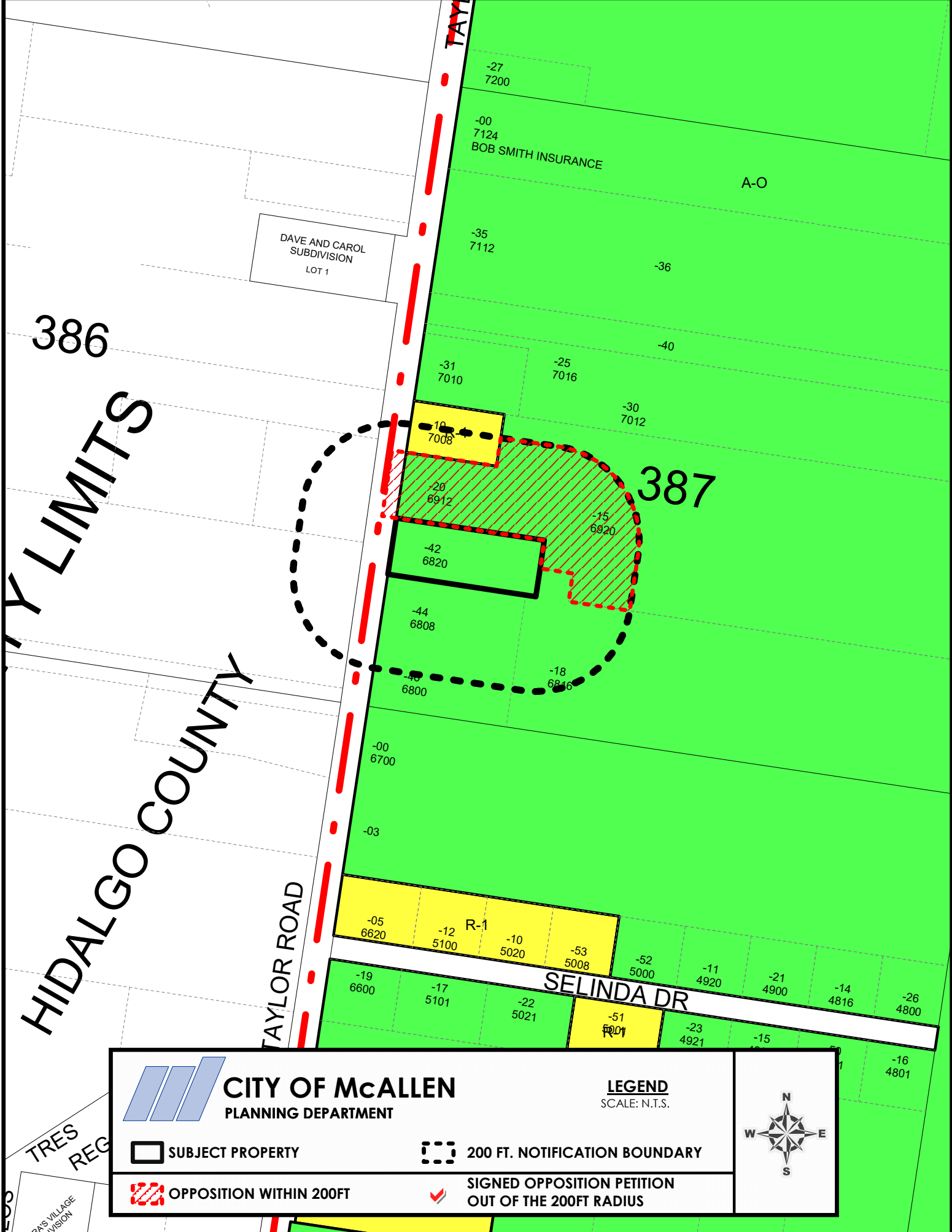
CUP2020-0131
6820 N TAYLOR RD
JOHN H SHARY-S120'-N1030'-W363' LOT 387 1.0AC GR 0.89AC NET

200 Ft. Radius: 337,593 Sq. Ft.
Subject Property: 37,825 Sq. Ft.
Total Area of Opposition: 106,902 Sq. Ft.

200 Ft Radius	<u>Total Area of Opposition</u>	= 0.*** x 100 =	Percentage
- Subject Property	Total Adjusted Area		for Opposition
Total Adjusted Area			

337,593 Sq.Ft.	<u>106,902 Sq.Ft.</u>	= 0.356 x 100 =	35.6% Opposition
- 37,825 Sq.Ft.	299,768 Sq.Ft.		
299,768 Sq.Ft.			

Prepared By: Jose F. Ortega
Planning Technician III/GIS



386

387

HIDALGO COUNTY

TAYLOR ROAD

SELINDA DR



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

OPPOSITION WITHIN 200FT

SIGNED OPPOSITION PETITION
OUT OF THE 200FT RADIUS



Planning Department

Memo

TO: Planning & Zoning Commission

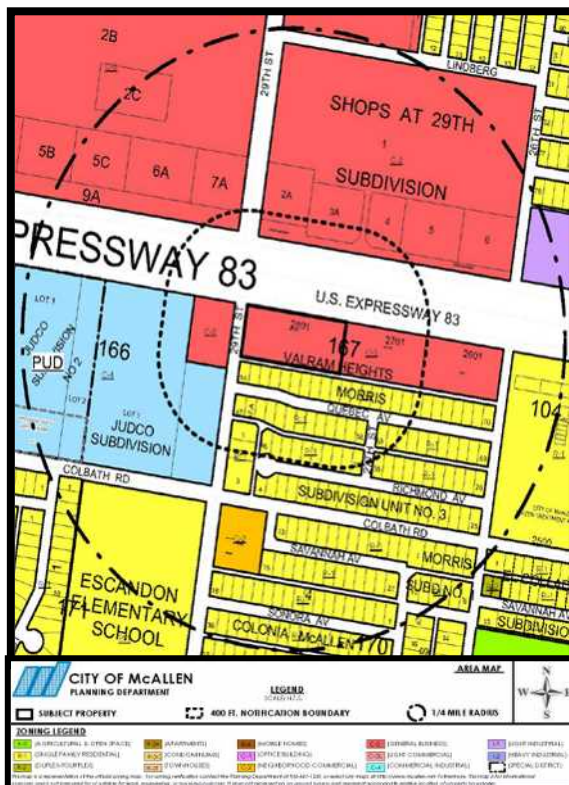
FROM: Planning Staff

DATE: January 14, 2021

SUBJECT: REQUEST OF JORGE A. GONZALEZ, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOT 2A, VALRAM HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 2801 EXPRESSWAY 83, BUILDING 200, SUITES 280 & 290. (CUP2020-0124)

BRIEF DESCRIPTION:

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



REQUEST/ANALYSIS:

The applicant is proposing to continue to operate a retail store for Cigars & Luxury Goods and a lounge (Elephant Bar and Cigar Lounge) out of an approximate 2,950 sq. ft. lease area, from an existing 15,872 sq. ft. multi-tenant commercial building. The proposed days and hours of operation are Monday through Saturday from 12:00 p.m. to 2:00 a.m. There was a conditional use permit for IL Regalo Preferito approved initially on January 12, 2015. The establishment changed its name to Elephant Bar and Cigar Lounge in 2017. The last conditional use permit was approved on January 13, 2020 by the City Commission with a variance to the distance requirement. 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 Health Department has inspected the building and found it to be in compliance, Fire Department is still pending inspection. Attached is a police report from January 2020 to the present. The Planning Department has received no complaints regarding the present use as a bar. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The bar must also comply with requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the 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 bar is within 400 ft. of the adjacent residential zone and use to the south.
- 2) The business must be as close as possible to a major arterial and shall not allow traffic generated by such businesses onto residential streets or allow such traffic to exit into a disrupt residential areas. The bar has access to U.S. Expressway 83 and South 29th Street, and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. The 2950 sq. ft. combined retail and lounge area would require a total of 16 parking spaces. The above mentioned business meets zoning ordinance parking requirements;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and

- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director.

RECOMMENDATION:

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

P&Z-1/19/21



CITY OF McALLEN, TEXAS
311 NORTH 15TH STREET, McALLEN, TX 78501

Permit No.

CUP2020-0124
NEW

P. O. BOX 220, McALLEN, TEXAS 78505-0220 • (956) 681-1250 • FAX (956) 681-1279

**BARS, COCKTAIL LOUNGES, TAVERNS, CANTINAS, SALOONS
DANCEHALLS, DISCOTHEQUES, DISCOS OR NIGHTCLUBS, EVENT CENTERS**

CONDITIONAL USE PERMIT APPLICATION

(Please print or type)

Application Date 12/3/20

Applicant Jorge A. Gonzalez
(first) (initial) (last)

PHONE NO.: 956 744-2407

Mailing Address 2801 W. Expressway 83 Bld 200 Suite 280-290
(city) (state) (zip)

Property Owner Jessica Juraidini
(first) (initial) (last)

PHONE NO.: 956-9095665

Mailing Address 2000 W. minister Brownsville Tx. 78521
(city) (state) (zip)

Property Location (street address) 2801 West Expressway 83 Bldg 200 Suite 280-290

Property Legal Description (if metes and bounds, attach survey of the property) Valram heights lot 2A
(subdivision) (block) (lot)

Current use of property Gift Shop / Cigar Shop

Proposed use of property Same

TERM OF PERMIT: 1 YEAR

N/A MORE THAN 1 YEAR (requires City Commission approval)

DAYS AND HOURS OF OPERATION: Mon-Sat 12:00 P.m. - 2:00 A.m.

Elephant Cigar Lounge

FLOOR PLAN & SITE PLAN (attach a drawing of the property showing the following)

- ☐ Scale, north arrow, legal description of property
- ☐ Location and height of all structures
- ☐ Setback from property lines and between structures
- ☐ Proposed changes and uses

- ☐ Landscaping and fencing of yard
- ☐ Off-street parking and loading
- ☐ Driveway location & design
- ☐ Location, type, height and lighting of all signs

(Applicant signature) Jorge A. Gonzalez
(date)

(Property owner signature) Jessica Juraidini 11/17/2020
(date)

GENERAL INFORMATION

NOTIFICATION AND PUBLIC HEARING: Property owners within 600' of the subject property shall be notified within at least 10 working days of the Planning and Zoning Commission public hearing. Upon considering the recommendation of the Director of Planning, the Planning and Zoning Commission shall approve or disapprove the application.

APPEALS PROCEDURE: Any decision of the Planning and Zoning Commission may be appealed to the City Commission by presenting a petition to the City Commission within 10 days after the decision of the Planning and Zoning Commission and specifying the grounds for the appeal. A vote of 3/4 of the City Commission is required to overrule a vote of the Planning and Zoning Commission denying a conditional use permit.

CANCELLATION: A conditional use permit is automatically cancelled if not used within 6 months.

REVOCATION: A conditional use permit may be revoked by the Planning and Zoning Commission at a public hearing upon failure of the applicant to remedy a violation of the conditions of the permit within a specified time period (10 to 30 days) as specified in a written notice to the applicant by the Code Enforcement Officer or Building Inspector.

RENEWAL PERIOD: A conditional use permit shall expire within 1 year unless otherwise specified by the Planning and Zoning Commission. Application for renewal of a permit shall be made prior to 20 days before permit expiration. A permit for more than 1 year shall be approved by the City Commission.

Case Number: CUP2020-0124
P&Z meeting: 1-19-21
Receipt No.: 250439

☐ Routed

☐ Scanned

RECEIVED
DEC 03 2020
BY: [Signature]
[Signature]

Bar, Cocktail Lounge, Tavern, Cantina, Saloon - An establishment where alcoholic beverages are sold for on-premise consumption other than a restaurant. A restaurant is defined as a building where the primary business is the on-premise sale of prepared food, with adequate kitchen facilities and where at least 51% of the gross income is derived from the sale of food.

Dancehall, Discotheque, Disco, Nightclub - An establishment whose primary activity is the provision of facilities for dancing including a dance floor and live entertainment or amplified music. Such establishments may or may not provide on-premise consumption of alcoholic beverages. Schools of dance are exempted from this definition.

..... FOR OFFICIAL USE ONLY

APPLICATION FILING FEE: ☐ \$525.00 One year and appeal
cash/check # _____ Amount paid _____

ZONING DISTRICT REQUIREMENTS

REQUIRED ZONING DISTRICT: C-3, C-4
REZONING REQUIRED: ☐ NO
SETBACKS: FRONT _____ SIDE _____ REAR _____
MINIMUM LOT SIZE: _____

CURRENT ZONING DISTRICT: _____
☐ YES, attach rezoning application
MAXIMUM HEIGHT: _____

CONDITIONAL USE REQUIREMENTS

The proposed use meets all the minimum standards established in applicable city ordinances; and will not be detrimental to the health, welfare and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring properties.

GENERAL REQUIREMENTS:

1. No form of pollution shall emanate beyond the immediate property line of the permitted use.
2. 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.

SPECIFIC REQUIREMENTS:

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.

Requirement: _____

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.

Requirement: _____

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.

Requirement: _____

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

Requirement: _____

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. Requirement: _____

Requirement: _____

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 businesses 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. _____

DEPARTMENTAL REQUIREMENTS

REQUIRED CONDITIONS	DEPARTMENT	MONTH/DAY
Complies with regulations	Health Inspection	/
Meet standard requirements	Fire Inspection	/
Subject to Section: 138-118 ()	Planning	/
Permit #	Building/Electrical/Plumbing	/
	Other	/

CITY BOARD REQUIREMENTS

PLANNING & ZONING COMMISSION DATE ____/____/____ APPROVED ____ DISAPPROVED ____ 1 YEAR ____ OTHER ____

REQUIRED CONDITIONS: _____

CITY COMMISSION DATE ____/____/____ APPROVED ____ DISAPPROVED ____ 1 YEAR ____ OTHER ____

REQUIRED CONDITIONS: _____

ACKNOWLEDGEMENT AND AGREEMENT TO CONDITIONS

Note: Approval of this permit does not constitute approval to construct, alter or repair. Appropriate building permits must be obtained. The foregoing is a true and correct description of the existing conditions and contemplated action and I will have full authority over the operation and/or construction of same, and hereby agree to comply with all ordinances of the City and applicable Deed Restrictions and assume all responsibility for such compliance. I further agree to discontinue any violations of the conditions of the permit upon notice given to me or anyone in charge of the above property by the Code Enforcement Officer. If the permit is revoked I agree to cease operation of the use upon notification of revocation. I understand that any violation of this ordinance is subject to a Five Hundred Dollar (\$500.00) fine for each day of violation. Please note that approval of this permit may result in a higher sanitation rate on your utility bill.

(Applicant signature) _____

(date) _____

In consideration of the above application, a permit is hereby granted for the above action conditioned upon the terms and specifications set forth above, and the faithful observance

of all provisions of the City Building Code, Zoning Ordinance, and all other ordinances applicable to the same.

City Manager (or Agent)

(date)

Bars, Dancehalls, Nightclubs, etc. – Pg. 2 – REVISED 10/16

Women's

Men's

Storage

Office

Gift Shop

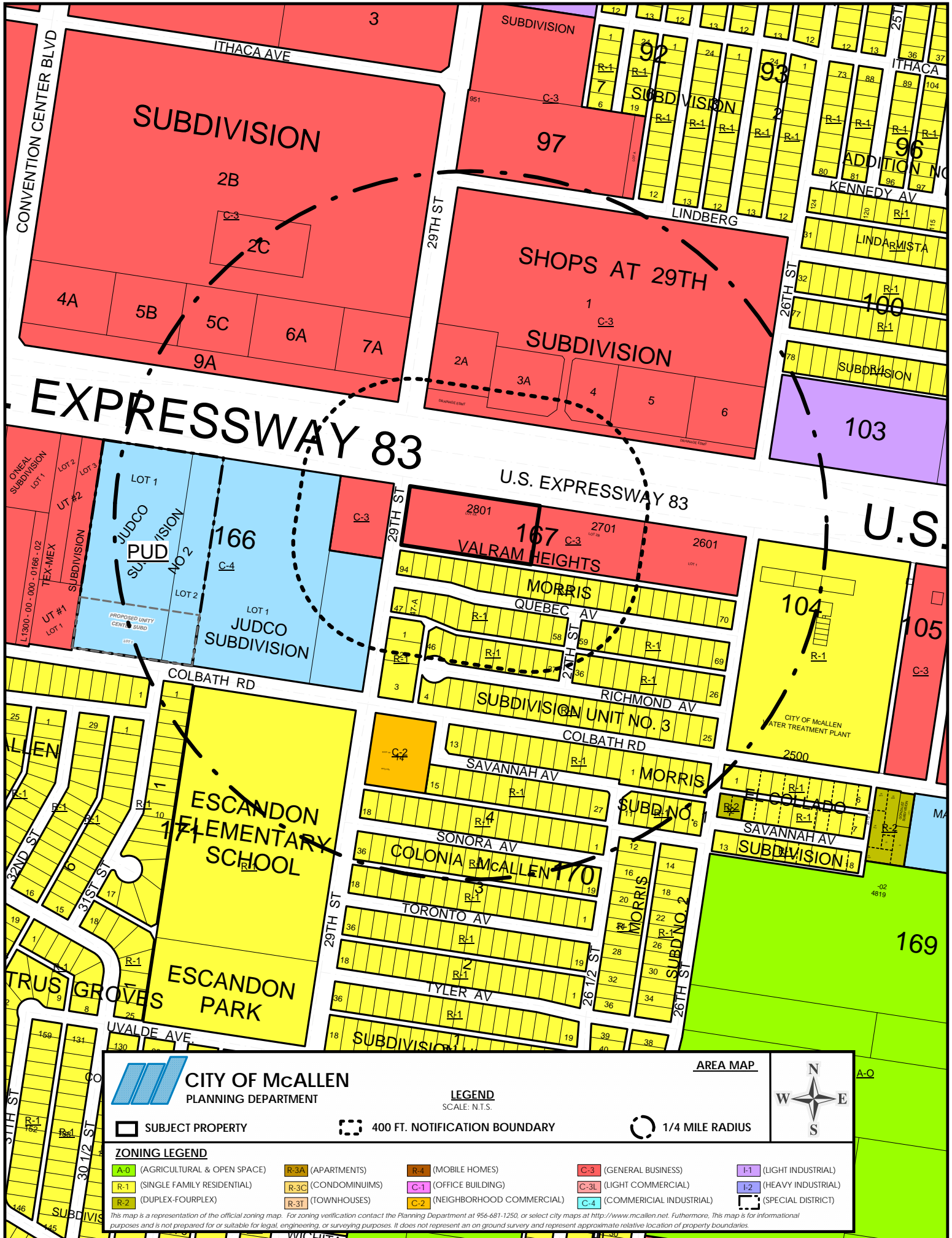
Walk-in
Humidor

BAR
AREA

RECEIVED
DEC 08 2020

BY:

[Signature]



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

SUBJECT PROPERTY

400 FT. NOTIFICATION BOUNDARY

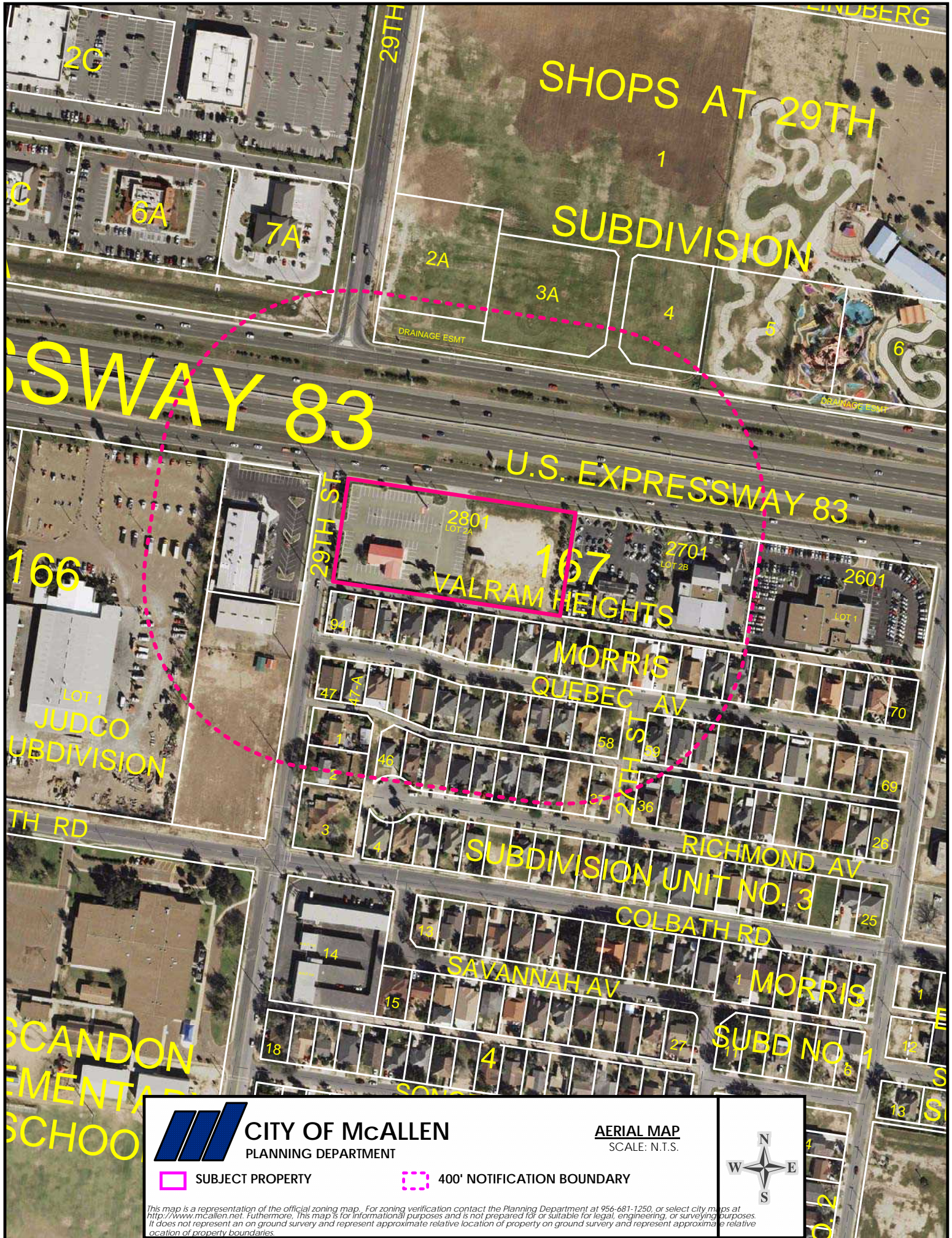
1/4 MILE RADIUS



ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3I (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.



SUBJECT PROPERTY



400' NOTIFICATION BOUNDARY



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property on ground survey and represent approximate relative location of property boundaries.





TRUCKING INSURANCE

CIGARS & LUXURY GOODS

ELEPHANT

956-791-6511

ENGRAVE





FOR LEASE
Ulisses Iglesias
(956) 313-4503

SPACE AVAILABLE
956.592.3676

CIGARS & LUXURY GOODS

ELEPHANT

ENGRAVE

**NOTICE
BAR
FOR
THIS PROPERTY
CUP2020-0124**

CITY OF MCALLEN PLANNING DEPT.
956-881-1230
WWW.MCALLE.NET



Incident Analysis Report

Summary

Print Date/Time: 01/12/2021 09:47
Login ID: mcpd7004
Incident Type: All
Call Source: All

From Date: 01/08/2020 00:01
To Date: 01/12/2021 09:00

McAllen Police Department
ORI Number: TX1080800
Officer ID: All
Location: 2801 EXPWY 83 280, MCALLEN

Incident Date/Time	Incident Number	Incident Type	Location
03/15/2020 15:37	2020-00018816	Alarm Burglary	2801 EXPWY 83 280

Total Matches: 1



Incident Analysis Report

Summary

Print Date/Time: 01/12/2021 09:49
Login ID: mcpd7004
Incident Type: All
Call Source: All

From Date: 01/08/2020 00:01
To Date: 01/12/2021 09:00

McAllen Police Department
ORI Number: TX1080800
Officer ID: All
Location: 2801 EXPWY 83 290, MCALLEN

Incident Date/Time	Incident Number	Incident Type	Location
Total Matches: 0			

Memo

TO: Planning and Zoning Commission

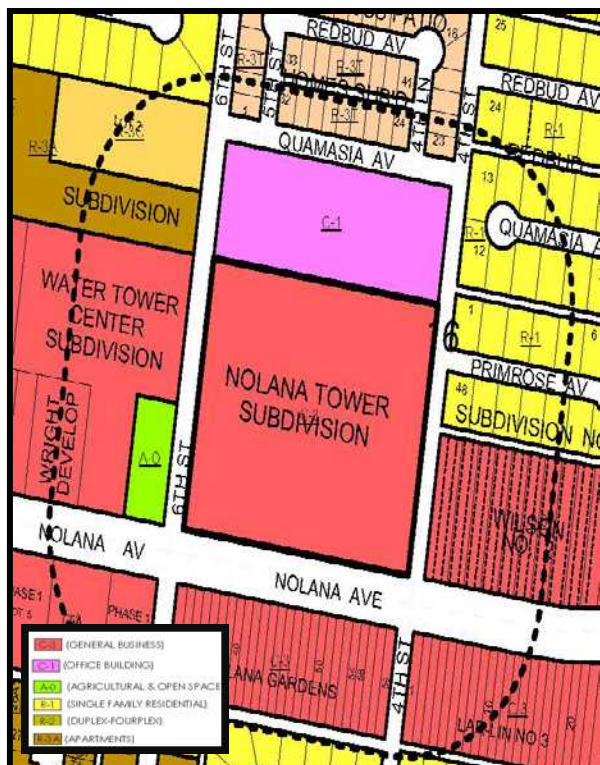
FROM: Planning Staff

DATE: January 12, 2021

SUBJECT: REQUEST OF JESSICA AGUILAR FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOT A-1, NOLANA TOWER SUBDIVISION, HIDALGO COUNTY, TEXAS; 400 NOLANA AVENUE, SUITE Q. (CUP2020-0135)

BRIEF DESCRIPTION:

The property is located at the northeast corner of Nolana Avenue and North 6th Street, 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, 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 zone with a Conditional Use Permit and in compliance with requirements.



REQUEST/ANALYSIS:

The applicant is proposing to operate a bar (The Bearded Lady) from the existing 1,940 sq. ft. The proposed hours of operation will be from 12:00 p.m. to 2:00 a.m. Monday through Sunday.

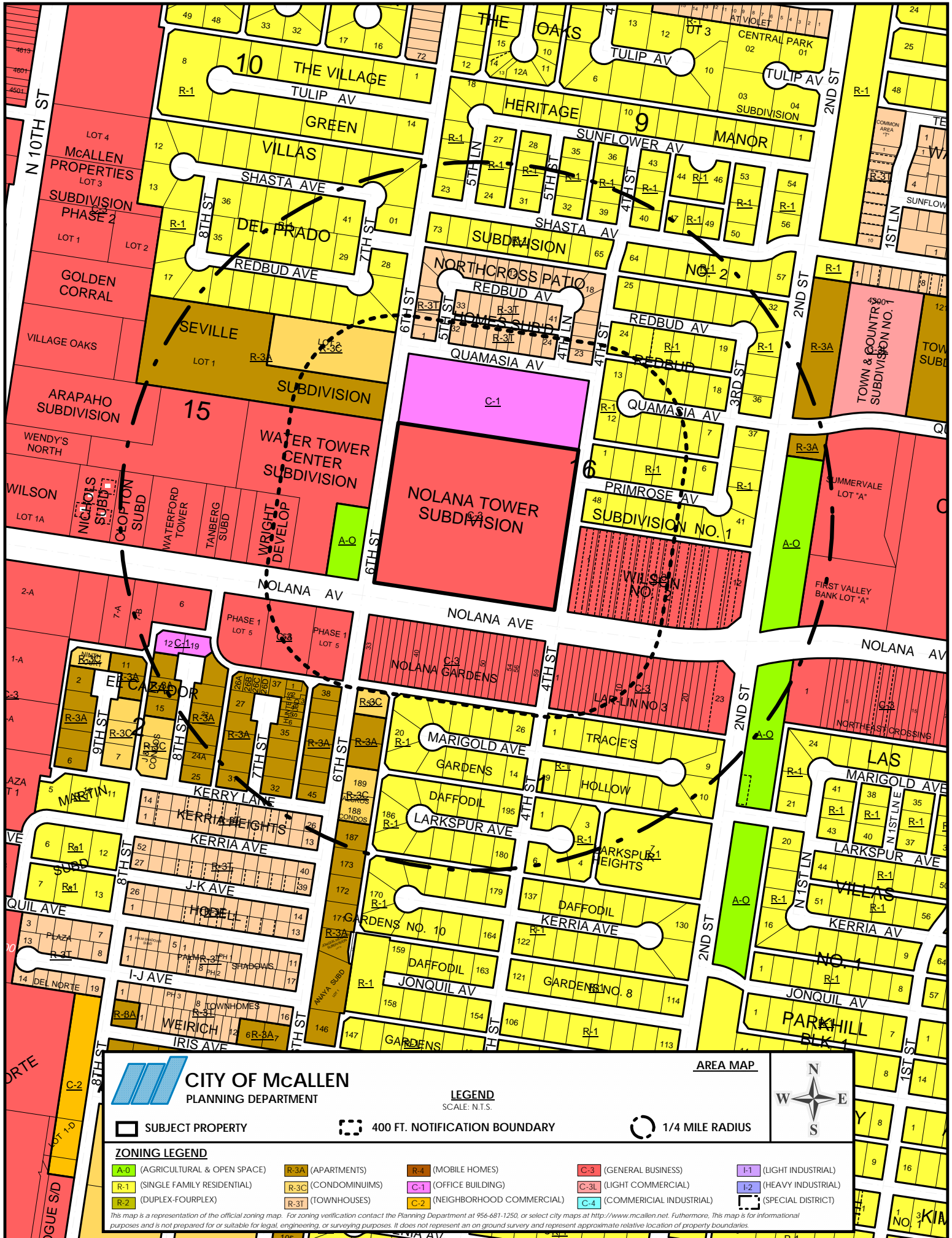
The Fire Department inspection is pending. The Health Department has inspected the establishment, and the property is in compliance. The police activity report is attached, which indicates service calls from January 2020 to present. The Planning Department has not received any calls in opposition to the request. 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 any of the above mentioned businesses must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of residential zones and uses, and a water tower;
- b) 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 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 from other Conditional Use Permits in this commercial plaza;
- c) 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. Currently there is a multi-tenant commercial building on the property. The shopping center is a mixture of office, retail, vacant suites, restaurants, a children's event center, and bars. The proposed bar is required 20 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 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;
- e) 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 as much as possible of the site from a public street;

- f) The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- g) The abovementioned businesses shall restrict the number of persons within the building to those allowed by the planning and zoning commission at the time of permit issuance, after having taken into account the recommendations of the fire marshal, building official and director of planning. The occupancy load for this establishment will be established by the Building department as part of the building permit review.

RECOMMENDATION:

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



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

SUBJECT PROPERTY

400 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



ZONING LEGEND

(AGRICULTURAL & OPEN SPACE)	(APARTMENTS)	(MOBILE HOMES)	(GENERAL BUSINESS)	(LIGHT INDUSTRIAL)
(SINGLE FAMILY RESIDENTIAL)	(CONDOMINIUMS)	(OFFICE BUILDING)	(LIGHT COMMERCIAL)	(HEAVY INDUSTRIAL)
(DUPLEX-FOURPLEX)	(TOWNHOUSES)	(NEIGHBORHOOD COMMERCIAL)	(COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



CITY OF McALLEN
PLANNING DEPARTMENT

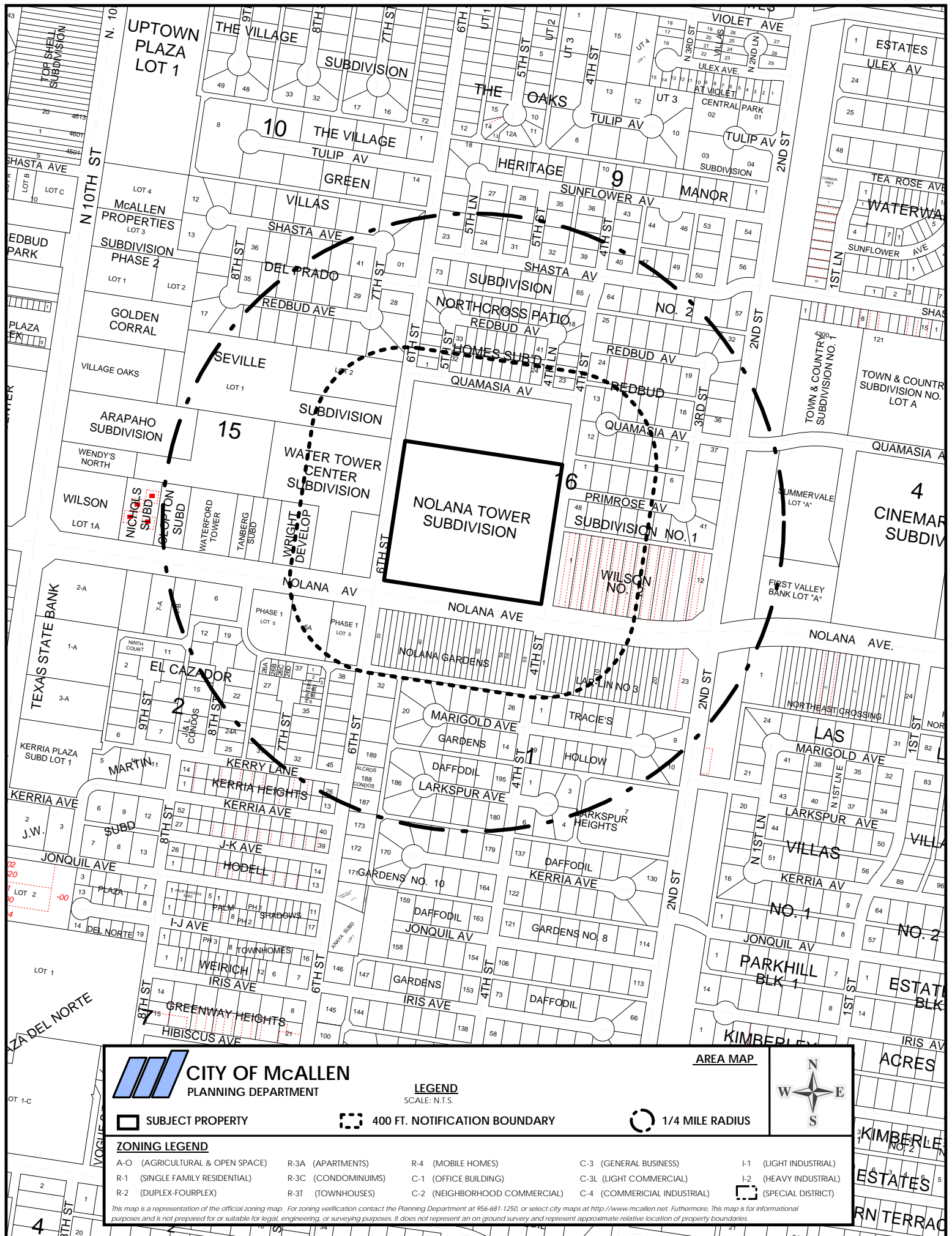
AERIAL MAP
SCALE: N.T.S.

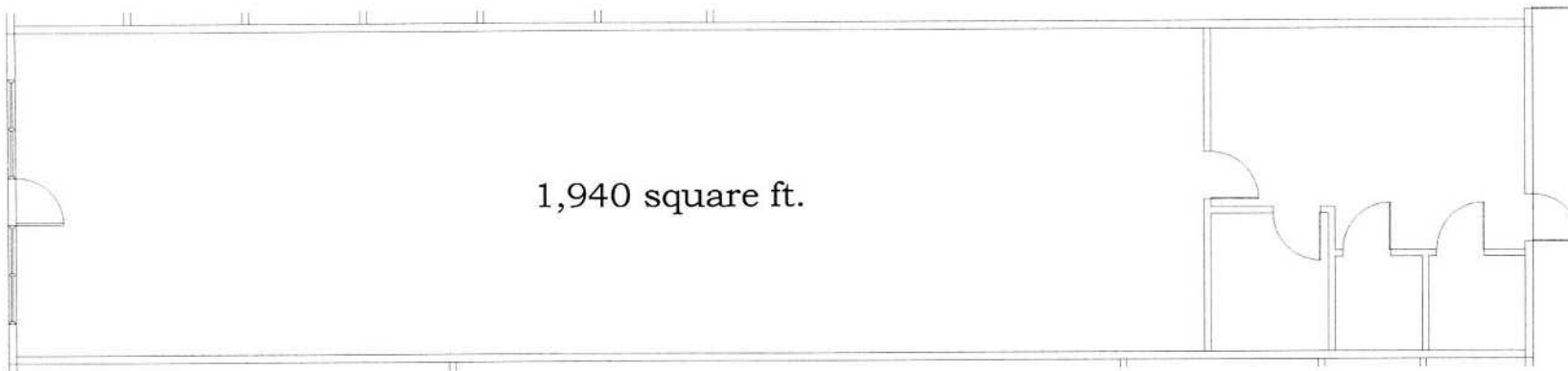
 **SUBJECT PROPERTY**

 **400' NOTIFICATION BOUNDARY**



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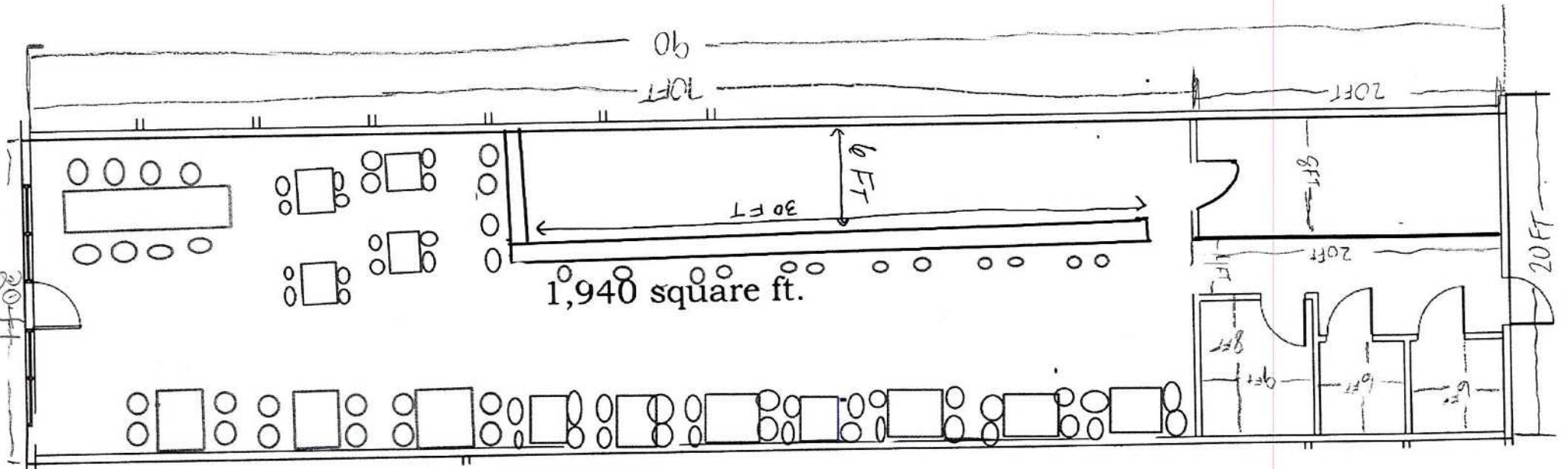




1,940 square ft.

SUITE No. Q
SALSA
TOTAL: 1,940 SF.





North

South

BACK

FRONT

RECEIVED
DEC 18 2020
BY: *ag*

[illegible]

RECEIVED
DEC 18 2020
BY: *ag*





Incident Analysis Report

Summary

Print Date/Time: 01/08/2021 14:59
Login ID: mcpd7004
Incident Type: All
Call Source: All

From Date: 01/01/2020 00:01
To Date: 01/08/2021 14:00

McAllen Police Department
ORI Number: TX1080800
Officer ID: All
Location: 400 NOLANA AVE Q, MCALLEN

Incident Date/Time	Incident Number	Incident Type	Location
<hr/>			
Total Matches:	0		

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

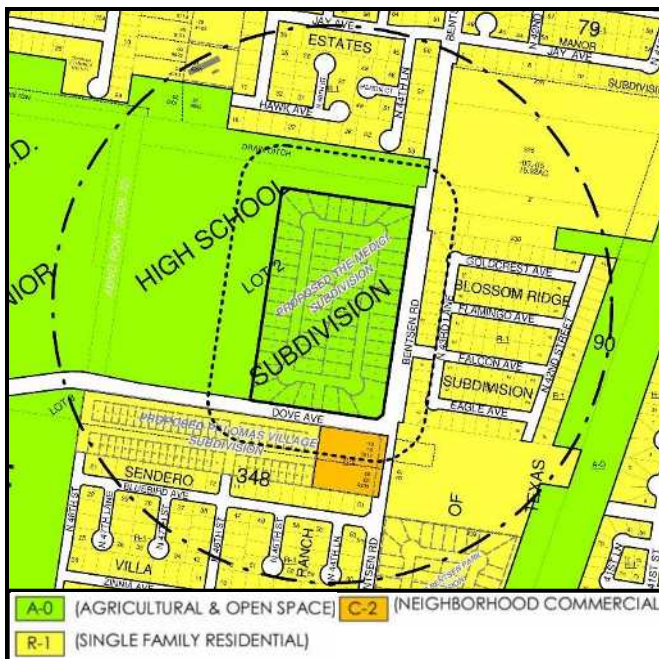
DATE: January 14, 2021

SUBJECT: REZONE FROM A-O (AGRICULTURAL AND OPEN SPACE) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 14.664 ACRES OUT OF LOT 2, SHARYLAND I.S.D. JUNIOR HIGH SCHOOL SUBDIVISION, HIDALGO COUNTY, TEXAS; 4500 DOVE AVENUE. (REZ2020-0049)

LOCATION: The property is located on the northwest corner of North Bentsen Road and Dove Avenue. The tract has 605.25 ft. of frontage along Dove Avenue with a depth of 1,014 ft. at the deepest point for a lot size of 14.664 acres.

PROPOSAL: The applicant is requesting to rezone the property to R-1 (single-family residential) District in order to construct single-family residences. A subdivision plat for the subject property under the name of The Medici Subdivision depicting 58 lots was approved in preliminary form on November 3, 2020, by the Planning and Zoning Commission.

ADJACENT ZONING: The adjacent zoning is A-O (agricultural and open space) District to the north and west, R-1 (single-family residential) District to the east and south, and C-2 (neighborhood commercial) District to the south.



LAND USE: The property is currently vacant. Surrounding land uses include single-family residences, Donna Wernecke Elementary School, Sharyland North Junior High School, and vacant land.

COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan designates the future land use for this property as Special Use, which is assigned to civic and public uses including schools and public libraries.

DEVELOPMENT TRENDS: The development trend for this area along North Bentsen Road is single-family residential.

HISTORY: The tract was annexed into the city and initially zoned A-O (agricultural and open space) District in 1999. Sharyland I.S.D. Junior High School Subdivision was recorded on August 9, 2005. A Conditional Use Permit, for life of the use, for an institutional use (elementary school), for Lot 2, Sharyland I.S.D. Junior High School Subdivision, was approved by the City Commission on May 8, 2006.

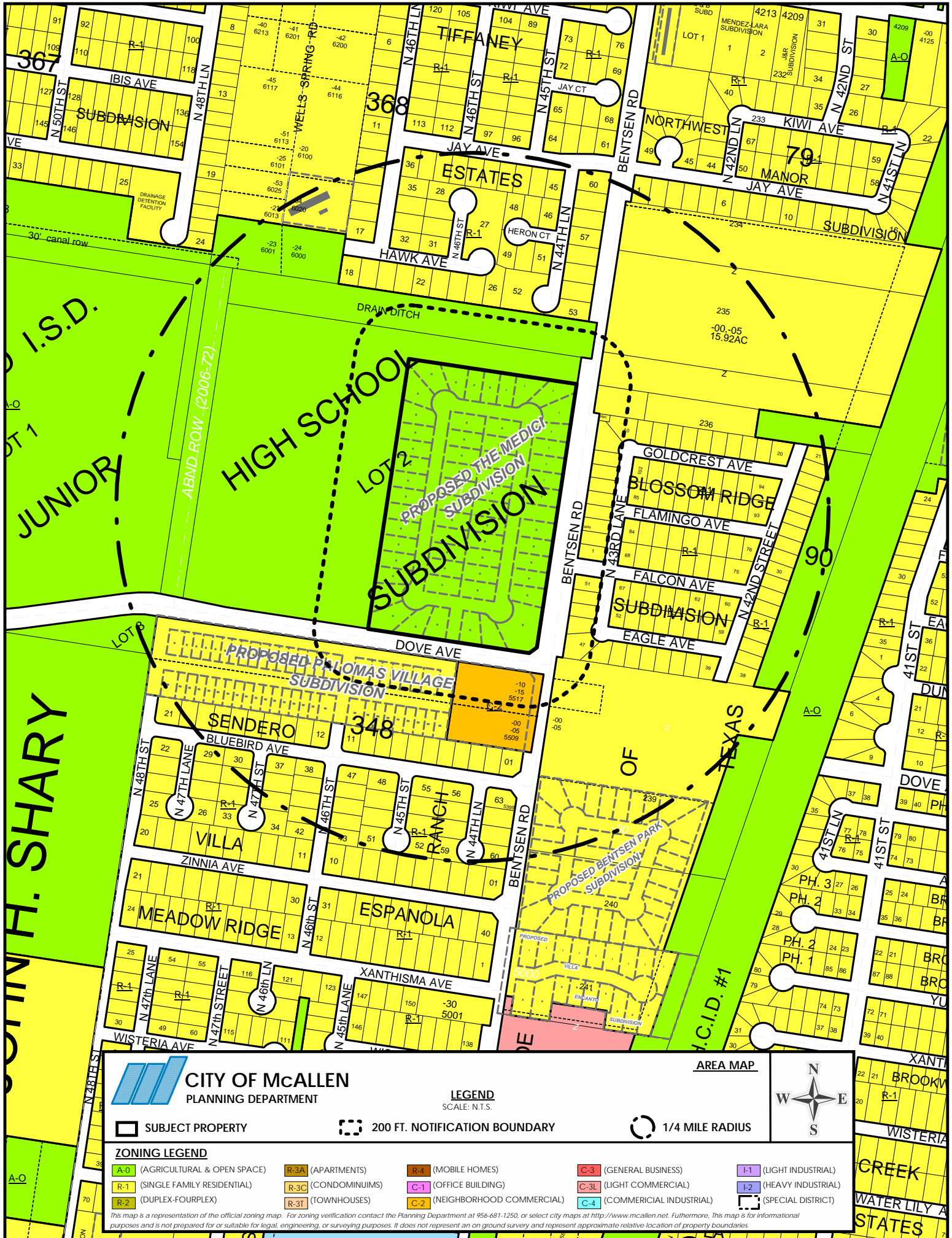
ANALYSIS: The requested zoning does not conform to the Special Use land use designation as indicated on the Foresight McAllen Comprehensive Plan; however, it follows the rezoning trend to R-1 District of the surrounding area. The proposed development will be in proximity to a compatible use, Donna Wernecke Elementary School and Sharyland North Junior High School, since institutional uses are located within residential neighborhoods.

The maximum density in R-1 (single-family residential) District is 8 dwelling units per acre. Therefore, the maximum number of units for the subject property is approximately 117 single-family houses.

A recorded subdivision plat and approved site plan are 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 calls or emails in opposition to the rezoning request.

RECOMMENDATION: Staff recommends approval of the rezoning request to R-1 (single-family residential) District.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

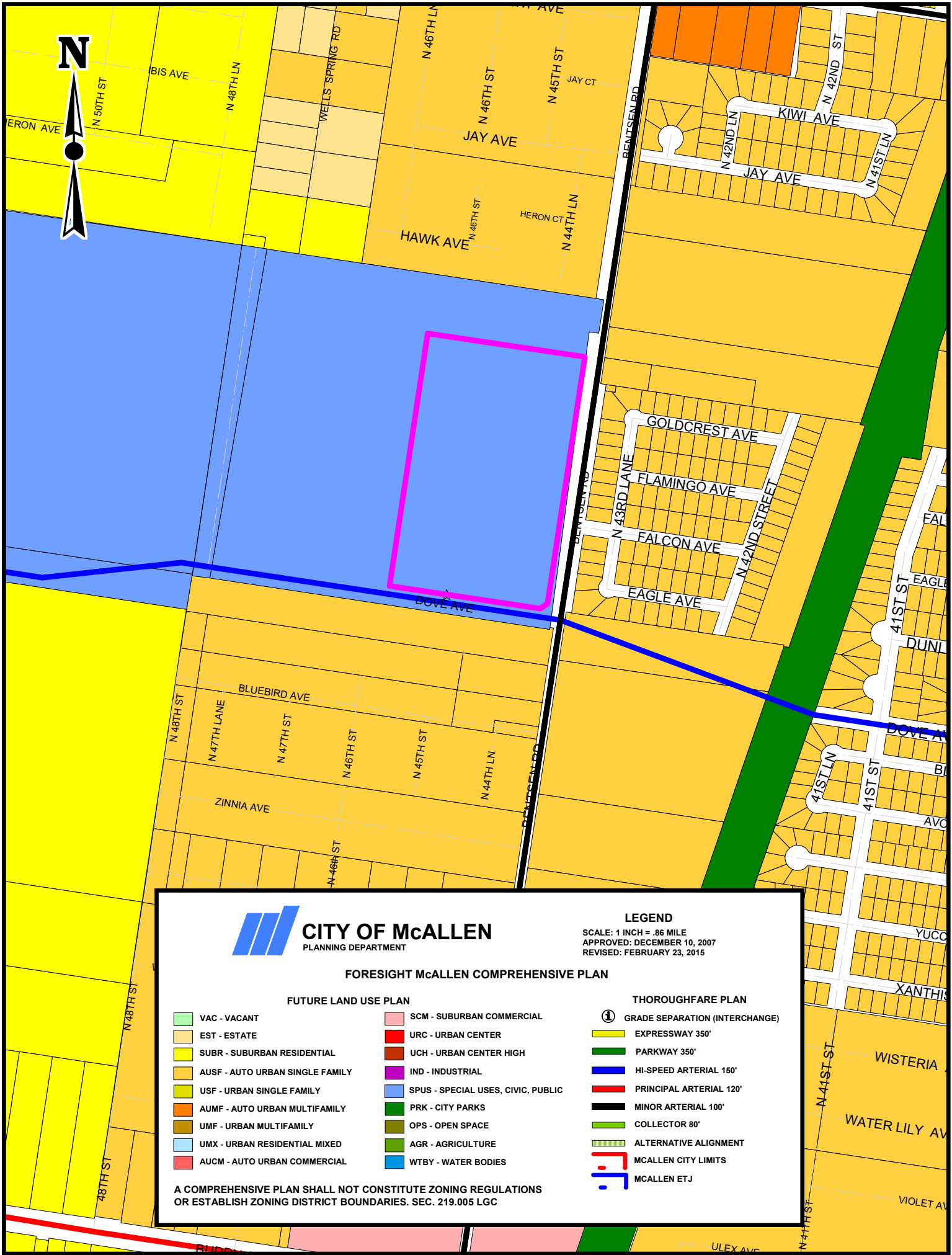
1/4 MILE RADIUS

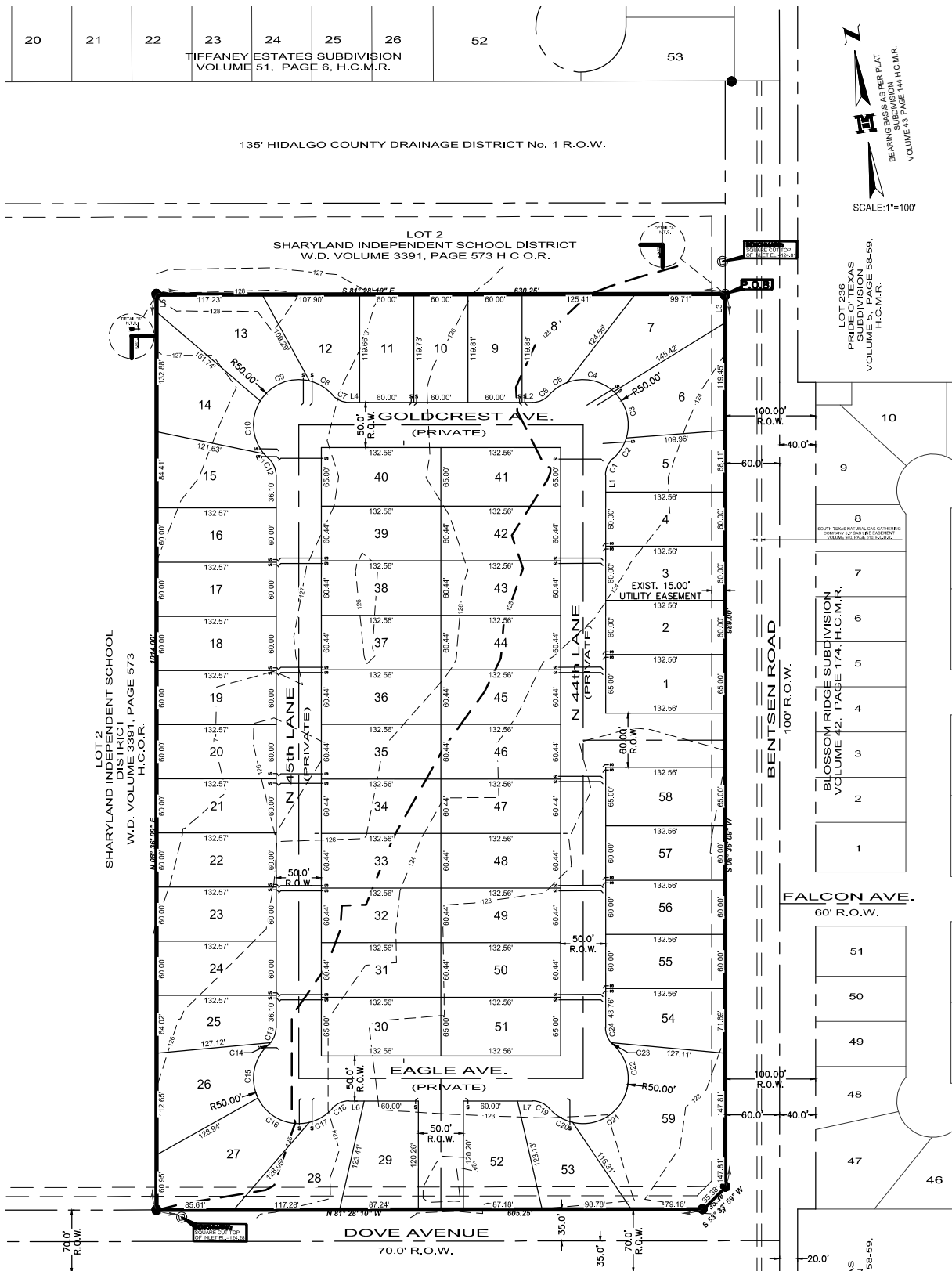


ZONING LEGEND

A-O (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3I (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	S (SPECIAL DISTRICT)

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MEDICI SUBDIVISION

BEING A SUBDIVISION OF 14.664 ACRES SITUATED IN THE
COUNTY OF HIDALGO, TEXAS, BEING A PART OR PORTION OUT
OF LOT 2, SHARYLAND I.S.D. JUNIOR HIGH SCHOOL SUBD.,
ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 48,
PAGES 122 AND 123, HIDALGO COUNTY MAP RECORDS



NOTICE
REZONING
FOR
THIS PROPERTY
REZ2020-0049

SUB2020-0057

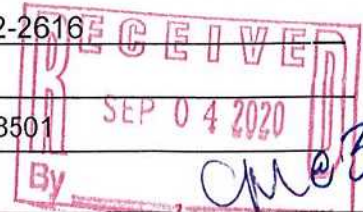


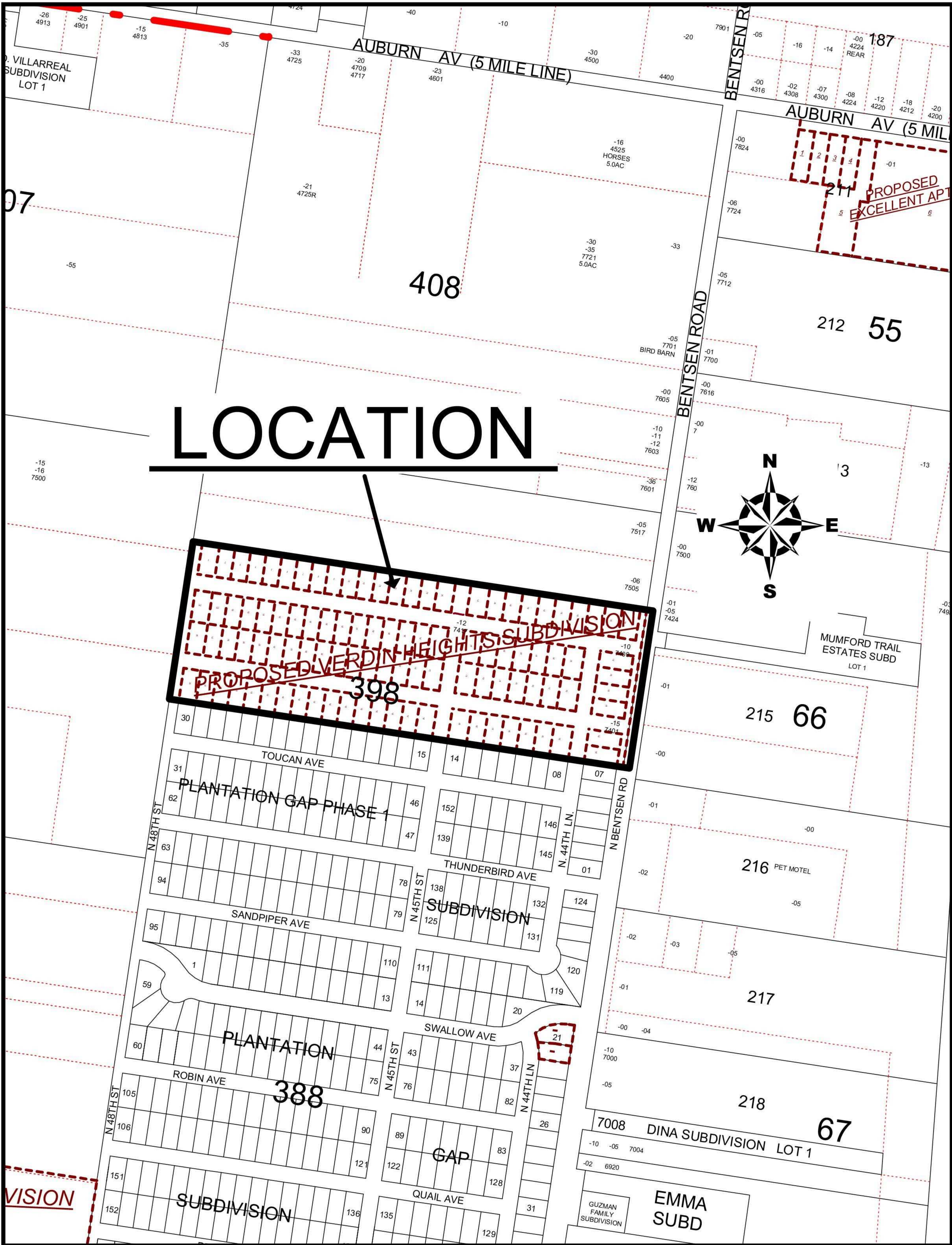
City of McAllen
Planning Department
APPLICATION FOR

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

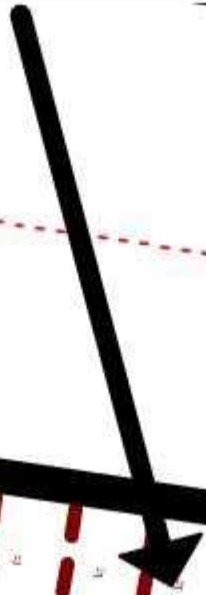
SUBDIVISION PLAT REVIEW

Project Description	<p>Subdivision Name <u>Verdin Heights</u></p> <p>Location <u>1 3/4 Mile N. Bentsen Road</u></p> <p>City Address or Block Number <u>7409 N. Bentsen Road</u></p> <p>Number of lots <u>101</u> Gross acres <u>17</u> Net acres <u>17</u></p> <p>Existing Zoning <u>AO</u> Proposed <u>R1</u> Rezoning Applied For <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date <u>Aug. 2020</u></p> <p>Existing Land Use <u>vacant</u> Proposed Land Use <u>residential</u> Irrigation District # <u>United</u></p> <p>Residential Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Commercial Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> ETJ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Agricultural Tax Exempt Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Estimated Rollback tax due <u>n/a</u></p> <p>Parcel No. <u>282196</u> Tax Dept. Review _____</p> <p>Legal Description <u>17.0 acres out of Lot 398, J.H. Shary Subdivision</u></p>
Owner	<p>Name <u>Sergio Guzman</u> Phone <u>956-683-1000</u></p> <p>Address <u>4602 N. Stewart Road</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u></p> <p>E-mail <u>guzmans098@yahoo.com</u></p>
Developer	<p>Name <u>Guzman Construction</u> Phone <u>956-625-9095</u></p> <p>Address <u>4229 W. Expressway 83</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78503</u></p> <p>Contact Person <u>Sergio Guzman</u></p> <p>E-mail <u>guzmans098@yahoo.com</u></p>
Engineer	<p>Name <u>Spoor Engineering Consultants, Inc.</u> Phone <u>956-683-1000</u></p> <p>Address <u>202 So. 4th Street</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u></p> <p>Contact Person <u>Steve Spoor, P.E.</u></p> <p>E-mail <u>SEC@SpoorEng.com</u></p>
Surveyor	<p>Name <u>Plinio C. Medina</u> Phone <u>956-682-2616</u></p> <p>Address <u>2912 N. 6th Street</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u></p>





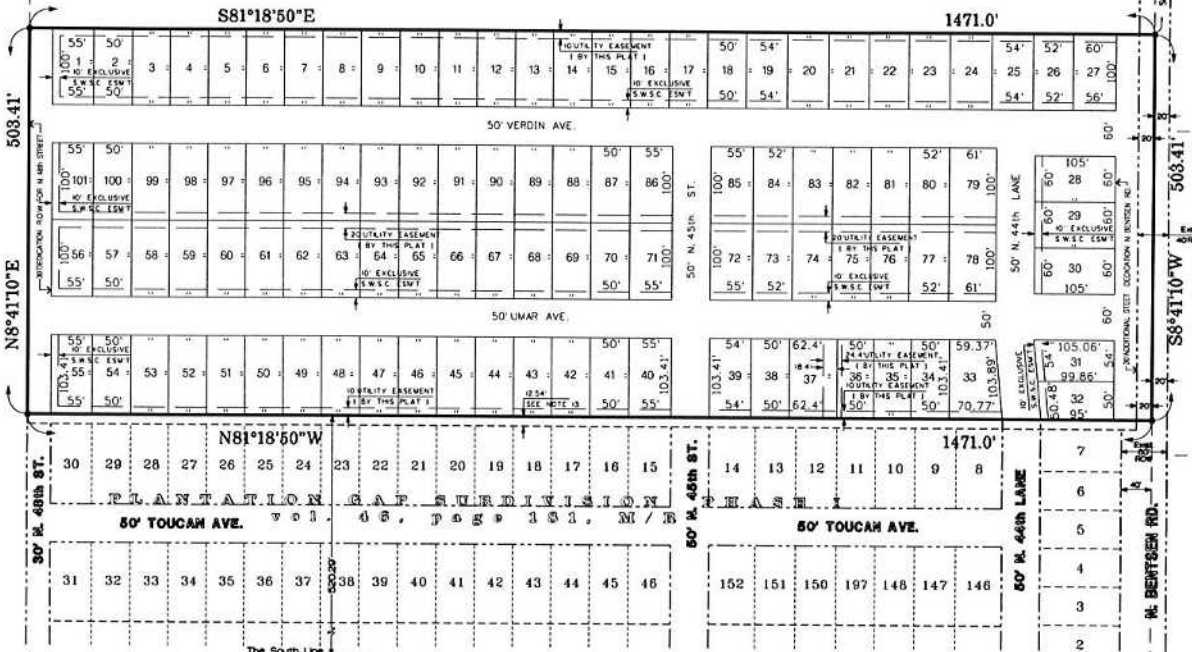
LOCATION



Lot 297, JOHN H. SHARY SUBDIVISION
vol. 1, page 17, M/R

Lot 408
JOHN H. SHARY SUBDIVISION

North 10.0 Ac. of Lot 298
JOHN H. SHARY SUBDIVISION
(Instrument No. 198332)



MAP OF VERDIN HEIGHTS SUBDIVISION

McAllen, Texas

Being a Subdivision of a 17.0 Acre Tract of Land Out of
Lot 398, John H. Shary Subdivision, Hidalgo County, Texas,
according to plat record in Vol. 1, Pg.17, Map Records,
Hidalgo County, Texas.





Reviewed On: 1/14/2021

SUBDIVISION NAME: VERDIN HEIGHTS**REQUIREMENTS****STREETS AND RIGHT-OF-WAYS**

North Bentsen Road: 30 ft. of dedication required for 50 ft. from centerline for 100 ft. ROW
 Paving 65 ft. Curb & gutter: Both Sides
 **Monies must be escrowed if improvements are not built prior to recording.
 ***Must 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 with a variance request to allow a block length greater than the maximum allowed 800 ft. only. Engineer had also 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 shows the 30 ft. ROW dedication required on North Bentsen Road.

Applied

North 48th Street: 30 ft. dedication for 30 from centerline for 60 ft. ROW
 Paving: 40 ft. Curb & gutter: Both Sides
 **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.

Required

Interior streets: 50 ft. ROW
 Paving: 32 ft. Curb & gutter: Both Sides
 ***Streets names are subject to change prior to final.
 *****Provide temporary turn around and/or barricade on the west end of proposed Umar Avenue and Verdin Avenue as may be applicable.
 *****Provide temporary turn around and/or barricade on the north end of proposed North 45th Street as may be applicable.

Required

Paving _____ Curb & gutter _____

Applied

* 810 block length is being proposed by the Engineer; maximum block length allowed is 800 ft.
 ****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.
 * 600 ft. Maximum Cul-de-Sac

Non-compliance

NA

ALLEYS

ROW: 20 ft. Paving: 16 ft.
 *Alley/service drive easement required for commercial properties

Applied

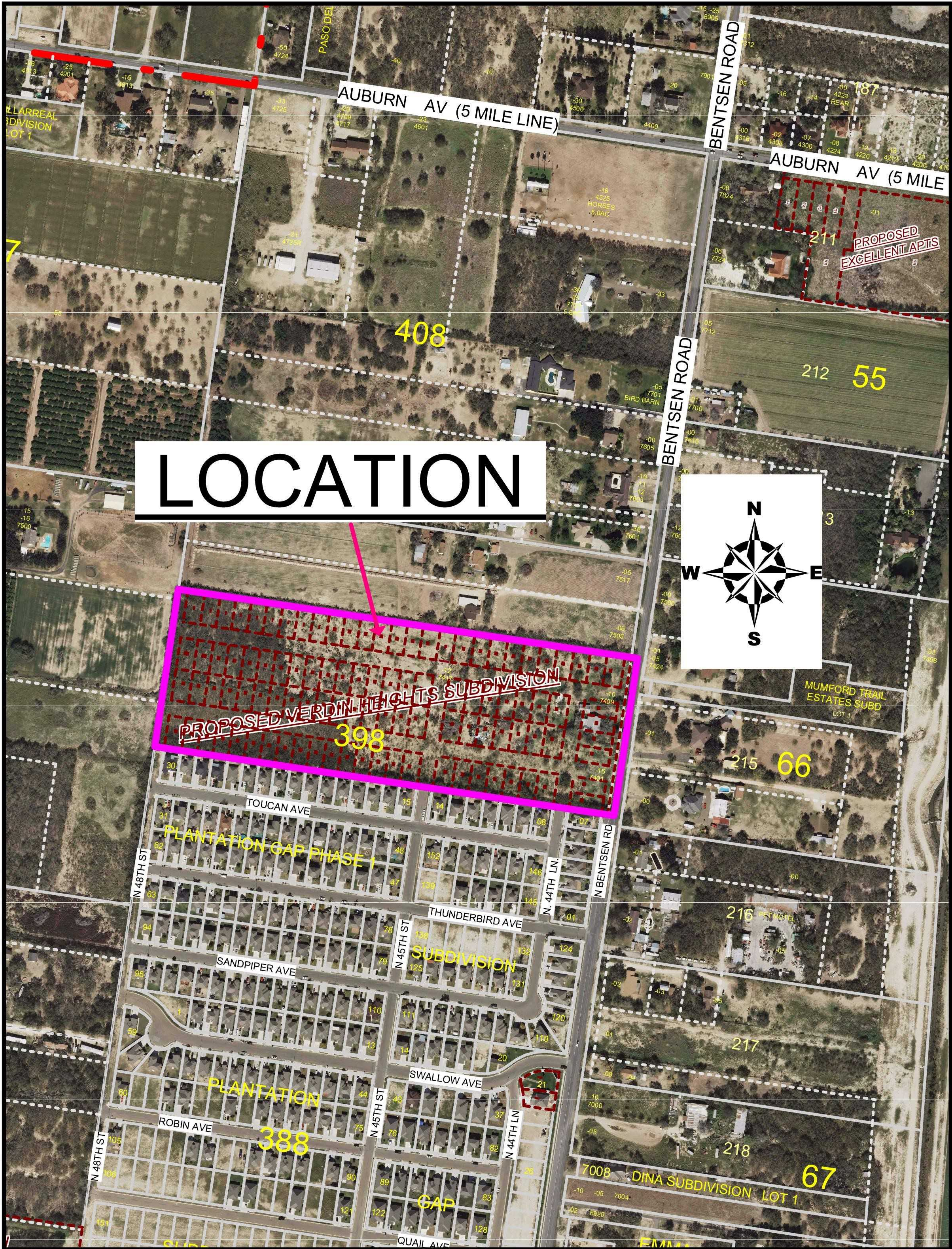
SETBACKS

* Front: 25 ft. or greater for easements.

Applied

<p>* Rear: 10 ft. or greater for easements except 25 ft. for double fronting lots. ****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.</p> <p>* Interior Sides: 6 ft. or greater for easements.</p> <p>* Corner: 10 ft. or greater for easements.</p> <p>* Garage: 18 ft. except where greater setback is required, greater setback applies.</p> <p>*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN</p>	Applied
	Applied
	Applied
	Applied
SIDEWALKS	
<p>* 4 ft. wide minimum sidewalk required on North Bentsen Road, North 48th Street, and both sides of all interior streets.</p> <p>* Perimeter sidewalks must be built or money escrowed if not built at this time.</p>	Applied
	Applied
BUFFERS	
<p>* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses, and along North Bentsen Road and North 48th Street. **Please add plat note as shown above prior to final.</p> <p>* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses.</p> <p>*Perimeter buffers must be built at time of Subdivision Improvements.</p>	Non-compliance
	Applied
	Applied
NOTES	
<p>* No curb cut, access, or lot frontage permitted along North Bentsen Road and North 48th Street.</p> <p>* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.</p> <p>* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.</p> <p>* Common Areas, any private Streets must be maintained by the lot owners and not the City of McAllen</p> <p>* 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.</p> <p>**Section 110-72 applies for public subdivisions.</p> <p>* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.</p> <p>**HOA Document is required to be recorded simultaneously with subdivision plat.</p>	Compliance
	NA
	NA
	Applied
	Required
	Required
LOT REQUIREMENTS	
<p>* Minimum lot width and lot area.</p> <p>* Lots fronting public streets.</p>	Applied
	Applied

ZONING/CUP	
* 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.	Completed
* 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.	NA
PARKS	
* Land dedication in lieu of fee. As per Parks Department, subdivision will be subject to review by the Park Land Dedication Advisory Board	TBD
* Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per Parks Department, subdivision will be subject to review by the Park Land Dedication Advisory Board	TBD
* Pending review by the Parkland Dedication Advisory Board and CC. As per Parks Department, subdivision will be subject to review by the Park Land Dedication Advisory Board	Non-compliance
TRAFFIC	
* As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat.	Non-compliance
* As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat.	TBD
COMMENTS	
Comments: Must comply with City's Access Management Policy. **Please verify with Traffic Department if a Master Plan is required prior to final.	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN REVISED PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, AND UTILITIES AND DRAINAGE APPROVALS AND CLARIFICATION ON VARIANCE REQUESTED.	Applied





Spoor Engineering Consultants, Inc.

Consulting Engineers - Civil Land Planning
202 S. 4th Street McAllen, Texas
956-683-1000
SEC@spooreng.com

January 14, 2021

Edgar Garcia, AICP, CNV
Director of Planning
311 N. 15th Street
McAllen, Texas 78501

Re: Proposed Verdin Heights

Dear Edgar,

As you know, we have submitted the proposed lot layout for Verdin Heights that has eliminated the previously proposed N. 45th Street extending to the North property line of Verdin Heights.

We believe your staff to be incorrectly citing the maximum block length of 800 feet in the Subdivision Ordinance to require the extension of N. 45th Street to the north line of Verdin Heights.

We object to this interpretation of the Subdivision Ordinance and request an audience with the planning and Zoning Commission to discuss this requirement.

Please advise if you need other information.

Sincerely,

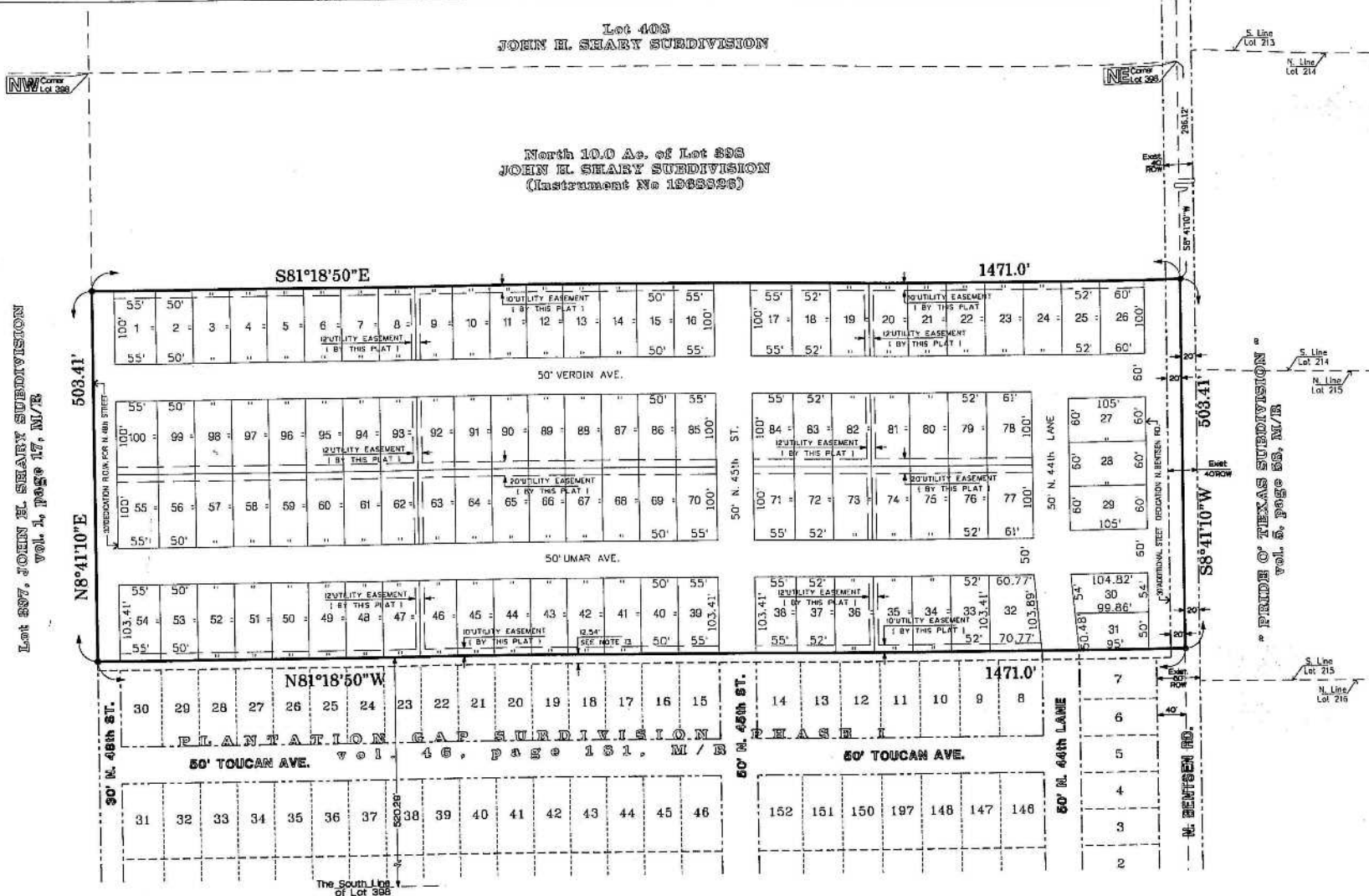


Steve Spoor, P.E.

202 South 4th Street, McAllen, Texas 78501 * (956)683-1000

E-mail: SEC@SpoorEng.com

Lot 397, JOHN H. SHARY SUBDIVISION
Vol. 1, page 17, N/E



NOTES:

- MINIMUM BUILDING SETBACK SHALL BE AS FOLLOWS:
A- FRONT: 25 FT. OR GREATER FOR EASEMENT
B- REAR: 10 FT. OR GREATER FOR EASEMENT
C- CORNER: 10 FT. OR GREATER FOR EASEMENT
D- INTERIOR SIDES: 6 FT. OR GREATER FOR EASEMENT
E- GARAGE: 18 FT. EXCEPT WHERE GREATER SETBACK IS REQUIRED, GREATER SETBACK APPLIES.
- MINIMUM FINISH FLOOR ELEVATION SHALL BE 18 INCHES ABOVE TOP OF CURB MEASURED AT CENTER OF LOT.
- THIS PROPERTY FALLS IN ZONE "C" OF THE FLOOD INSURANCE RATE MAP, PANEL NO. 480 343 0005 C, REVISED NOVEMBER 2, 1982.
- A 6' BUFFER OR ADEQUATE IS REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL OR INDUSTRIAL ZONES/USES. AN 8' MASONRY WALL IS REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
- 4.0' SIDEWALK REQUIRED ALONG N. BENTSEN RD., N. 48TH ST. AND BOTH SIDES OF ALL INTERIOR STREET.
- NO ACCESS, CURB CUTS, OR LOT FRONTAGE PERMITTED ALONG N. BENTSEN RD. AND ALONG N. 48TH ST.
- 25' x 25' SITE OBSTRUCTION EASEMENT REQUIRED AT ALL STREET INTERSECTIONS.
- OWNER IS REQUIRED TO PROVIDE AN ENGINEERED STORM WATER DETENTION PLAN APPROVED BY THE CITY OF McALLEN ENGINEERING DEPT. PRIOR TO ISSUANCE OF BUILDING PERMIT.
- STORM WATER DETENTION OF 2.55 AC-FT SHALL BE REQUIRED FOR THIS SUBDIVISION.
- BENCHMARK: STATION NAME: MC 52 SET BY ARANDA & ASSOC. LOCATED AT NORTHEAST CORNER OF TAYLOR RD. AND MILE 4 RD. ELEV.: 132.94 FT (NAVD83)
- THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAINING AND ACCOMMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT IF IT IS DETERMINED, AT THE PERMIT STAGE, THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT, DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.

METES & BOUNDS

A 17.0 ACRE TRACT OF LAND OUT OF LOT 398, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 1, PAGE 17, MAP RECORDS, HIDALGO COUNTY, TEXAS, SAID 17.0 ACRES BEING THE SOUTH 10.00 ACRES OF THE NORTH 20.00 ACRES OF LOT 398 AND BEING THE NORTH 7.00 ACRES OF THE SOUTH 24.57 ACRES OF LOT 398.

BEGINNING at the northeast corner of the South 10.0 acres of the North 20.0 acres of Lot 398 for the northeast corner of the following described tract of land, said point located South 08 Deg. 41 Min. 10 Sec. West, 296.13 feet from the northeast corner of Lot 398, and being located in N. Bentsen Road;

THENCE, with the East line of Lot 398, in N. Bentsen Road, South 08 Deg. 41 Min. 10 Sec. West, 503.41 feet to the southeast corner of the North 7.0 acres of the South 24.57 acres of Lot 398, for the southeast corner hereof;

THENCE, with the South line of the North 7.0 acre of the South 24.57 acres of Lot 398, North 81 Deg. 18 Min. 50 Sec. West, at 20.0 feet pass the West line of N. Bentsen Road, and at 1471.0 feet the southwest corner the North 7.0 acres of the South 24.57 acres of Lot 398, for the southwest corner hereof;

THENCE, with the West line of Lot 398, North 08 Deg. 41 Min. 10 Sec. East, 503.41 feet to the northwest corner of the South 10.0 acres of the North 20.0 acres of Lot 398, for the northwest corner hereof;

THENCE, with the North line of the South 10.0 acres of the North 20.0 acres of Lot 398, South 81 Deg. 18 Min. 50 Sec. East, at 1451.0 feet pass the West line of N. Bentsen Road, and at 1471.0 feet the POINT OF BEGINNING.

Containing 17.0 acres of land, more or less, of which the East 20.0 feet, containing 0.23 acre, lies in N. Bentsen Road.

13) THE 12.54' x 1471.0' TRACT SOUTH OF AND ADJACENT TO THIS 17.0 ACRE TRACT IS DESCRIBED BY THE APPRAISAL DISTRICT AS THE NORTH 12.54 FT. OF THE SOUTH 520.29 FT. OF LOT 398, JOHN H. SHARY SUBDIVISION. PROPERTY ID: 28293.



MAP OF VERDIN HEIGHTS SUBDIVISION

Being a Subdivision of a 17.0 Acre Tract of Land Out of Lot 398, John H. Shary Subdivision, Hidalgo County, Texas, according to plat record in Vol. 1, Pg.17, Map Records, Hidalgo County, Texas.

STATE OF TEXAS:
COUNTY OF HIDALGO:

I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED AS "VERDIN HEIGHTS SUBDIVISION" SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAME(S) IS (ARE) SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS, AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED THEREON, SHOWN OR NOT SHOWN, IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED EITHER ON THE PLAT HEREOF, OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

STATE OF TEXAS:
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED SERGIO GUZMAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE (SHE) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE DAY OF , 2020.

NOTARY PUBLIC

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CHAIRMAN, PLANNING COMMISSION

DATE

STATE OF TEXAS:
COUNTY OF HIDALGO:

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR # 5242 IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, OR OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF McALLEN, TEXAS.

STATE OF TEXAS:
COUNTY OF HIDALGO:

I, STEPHEN SPOOR, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

PABLO (PAU) PENA II
REGISTERED PROFESSIONAL LAND SURVEYOR
1001 WHITING AVE.
MCALLEN, TEXAS 78501
TDLPS FRM # 1008720

DATE

REGISTERED PROFESSIONAL ENGINEER
P. E. REGISTRATION NO. 56752

I, THE UNDERSIGNED MAYOR OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

MAYOR, CITY OF McALLEN

DATE

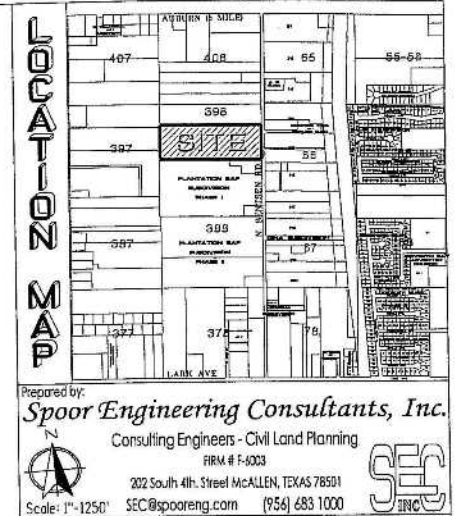
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE 49.26(a) THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

BY: RAIL E. SESN, P.E., CFM.
GENERAL MANAGER

DATE

By: Sergio Guzman
473 Eppay Ave.
McAllen, Texas 78501



Sub 2020-0060



City of McAllen
Planning Department

APPLICATION FOR
SUBDIVISION PLAT REVIEW

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project Description	<p>Subdivision Name <u>CAMPO DE SUENOS PHASE II SUBDIVISION</u></p> <p>Location <u>1/4 MI. NORTH OF AUBURN AVE. - EAST OF WARE ROAD</u></p> <p>City Address or Block Number <u>NONE AT THIS TIME</u></p> <p>Number of lots <u>47</u> Gross acres <u>9.486</u> Net acres <u>9.486</u></p> <p>Existing Zoning _____ Proposed <u>R1</u> Rezoning Applied For <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____</p> <p>Existing Land Use <u>VACANT</u> Proposed Land Use <u>RESIDENTIAL</u> Irrigation District # <u>1</u></p> <p>Residential Replat Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Commercial Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> ETJ Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Agricultural Tax Exempt Yes <input type="checkbox"/> No <input type="checkbox"/> Estimated Rollback tax due <u>0</u></p> <p>Parcel No. <u>210552/210550</u> Tax Dept. Review _____</p> <p>Legal Description _____</p> <p><u>APROX. 9.486 AC. O/O LOTS 45 & 52, LA LOMITA IRRIGATION & CONSTR. COMPANY</u></p>
Owner	<p>Name <u>RIVERSIDE DEVELOPMENT SERVICES, LLC</u> Phone <u>C/O (956) 381-0981</u></p> <p>Address <u>2606 ZINNIA AVENUE</u></p> <p>City <u>MCALLEN</u> State <u>TX</u> Zip <u>78504</u></p> <p>E-mail <u>TAGUIRRECONSULTING@ME.COM</u></p>
Developer	<p>Name <u>RIVERSIDE DEVELOPMENT SERVICES, LLC</u> Phone <u>C/O (956) 381-0981</u></p> <p>Address <u>2606 ZINNIA AVENUE</u></p> <p>City <u>MCALLEN</u> State <u>TX</u> Zip <u>78504</u></p> <p>Contact Person <u>ANTONIO M. AGUIRRE, JR. - MANAGER</u></p> <p>E-mail <u>TAGUIRRECONSULTING@ME.COM</u></p>
Engineer	<p>Name <u>MELDEN & HUNT, INC.</u> Phone <u>(956) 381-0981</u></p> <p>Address <u>115 W. MCINTYRE ST.</u></p> <p>City <u>EDINBURG</u> State <u>TX</u> Zip <u>78541</u></p> <p>Contact Person <u>MARIO A. REYNA, P.E.</u></p> <p>E-mail <u>MARIO@MELDENANDHUNT.COM</u></p>
Surveyor	<p>Name <u>MELDEN & HUNT, INC.</u> Phone <u>(956) 381-0981</u></p> <p>Address <u>115 W. MCINTYRE ST.</u></p> <p>City <u>EDINBURG</u> State <u>TX</u> Zip <u>78541</u></p>

Sub

RECEIVED
SEP 16 2020
BY: aw 4:30pm

Proposed Plat Submittal

Minimum Developer's Requirements Submitted with Application

- ☒ \$225 Preliminary Review Fee and \$75 Final Approval Fee
- ☒ Title Report
- ☒ 8 ½" by 11" Original Sealed Survey showing existing structures/ easements or 3 blueline copies
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- ☒ 2 Warranty Deeds (Identifying owner on application)
- ☒ Autocad 2005 DWG file and PDF of plat
- ☒ Letter of Authorization from the owner, if applicable
- ☒ Proof of authority of person signing application on behalf of partnership/corporation, if applicable

PLAT TO SHOW:

- ✓ Metes and bounds
- ✓ Lots numbered with dimensions and area of irregular lots noted
- ✓ Surrounding platted lots and/or lot lines for unplatted tracts
- ✓ Name and address of owner, lienholder, developer, engineer and surveyor shown along with signature lines
- ✓ North arrow, scale and vicinity map
- ✓ Name & dimension of adjoining street ROWs (total width & width from centerline)

Note: Though the original submittal for application to process a subdivision plat does not require the drainage report or utility plans, it is advisable that they be included with the original submittal to expedite the review process. Complying with the minimum requirements for the original plat submittal does not constitute meeting the deadline for drainage and utility review by the appropriate boards. Additional information will be required during the review to properly complete the subdivision process. Any revisions would require resubmission of blueline copies prints and 8 ½" by 11" copies/legible copy of the plat, affected by changes.

Owner's Signature

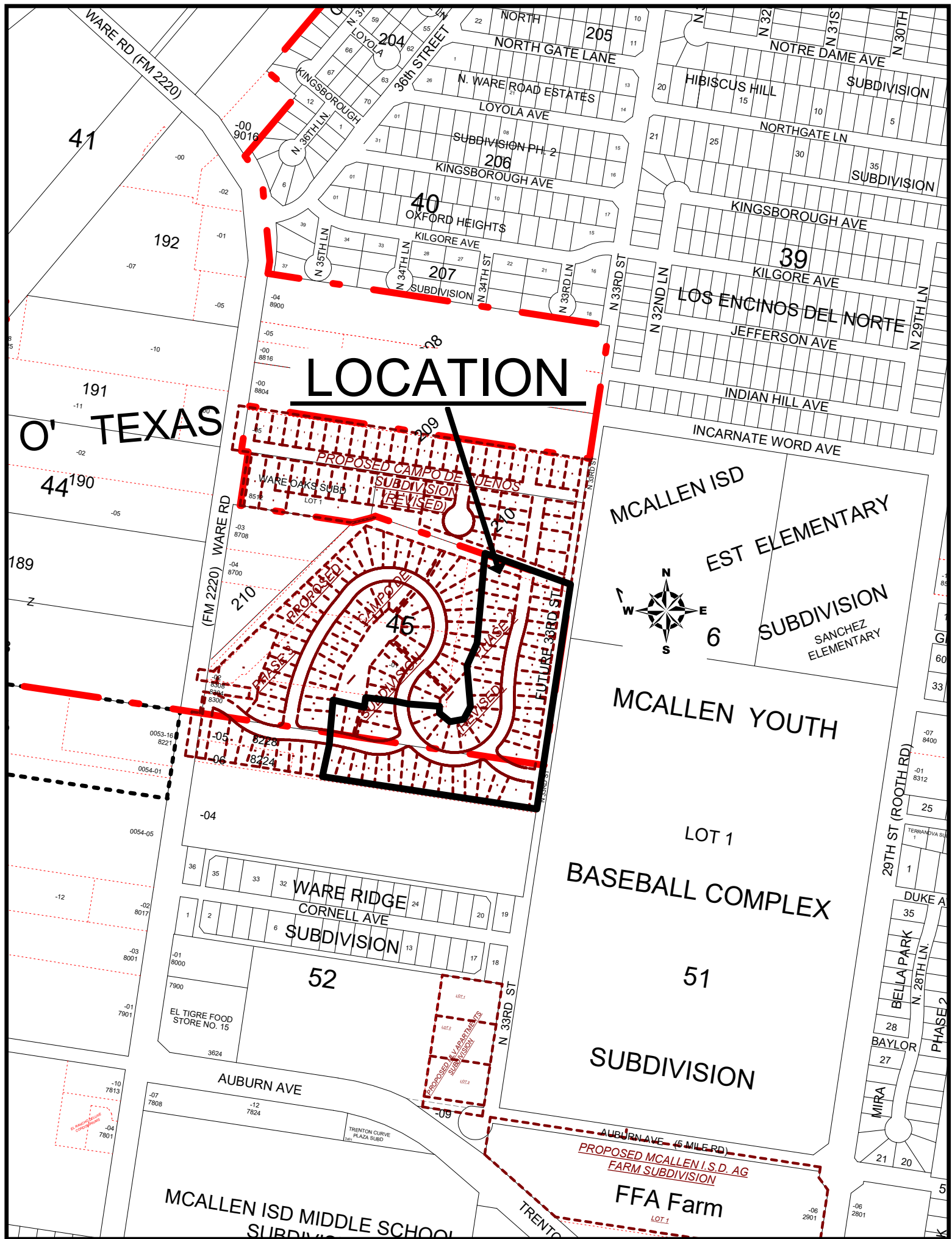
I certify that I am the actual owner of the property described above and (include corporate name if applicable); or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature  Date _____

Print Name MARIO A. REYNA, P.E.

Owner ☐

Authorized Agent ☒





Reviewed On: 1/15/2021

SUBDIVISION NAME: CAMPO DE SUENOS PHASE II	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
North 33rd Street: 30 ft. of dedication for 60 ft. of ROW Paving: 40 ft. Curb & gutter: Both sides **Must escrow monies if improvements are not constructed prior to recording.	Applied
Duke Avenue (collector): 60 ft. Engineer is proposing 50 ft. Paving: 40 ft. Curb & gutter: Both sides **Must escrow monies if improvements are not constructed prior to recording. ****Street name might be revised prior to final. ***Engineer is proposing a 10 ft. Sidewalk and Utility Easements along the front of all lots (70-98) with frontage onto Duke Avenue (collector road) in lieu of the required 60 ft. of ROW.	Applied
North 33rd Lane: 50 ft. ROW Paving: 32 ft. Curb & gutter: Both sides **Must escrow monies if improvements are not constructed prior to recording. ***Must show document number for agreement/permit for HCID #1 to connect North 33rd Lane to Phase 1 to the north of Phase 2. Any documents/permits must be finalized or recorded prior to final.	Non-compliance
Other interior streets: 50 ft. ROW Paving: 32 ft. Curb & gutter: Both sides **Must escrow monies if improvements are not constructed prior to recording.	Applied
Paving _____ Curb & gutter _____	Applied
* 800 ft. Block Length. The combined length of the easternmost block of Phase 1 and Phase 2 is approximately 960 ft. Please revise plat to comply with requirements or request a variance prior to final. ***Engineer submitted a variance letter on December 3, 2020 to allow a block length of 960 ft. instead of the maximum allowed 800 ft. along the easternmost block of Phase 1 and 2.	Non-compliance
* 600 ft. Maximum Cul-de-Sac.	NA
ALLEYS	
ROW: 20 ft. Paving: Both sides *Alley/service drive easement required for commercial properties	NA
SETBACKS	
* Front: 25 ft. or greater for easements. ***Engineer submitted a variance letter on December 3, 2020 to allow a front setback of 20 ft. or greater for easements instead of the required 25 ft. or greater for easements. ****Lots 70-98 (Duke Avenue) are proposed to have a ROW of 50 ft. instead of the required 60 ft. of ROW.	Non-compliance
* Rear: 10 ft. or greater for easements except 25 ft. for double fronting lots. ***Engineer submitted a variance letter on December 3, 2020 to allow a rear setback of 10 ft. or greater for easements for double fronting lots instead of the required 25 ft. or greater for easements for Lots 56-70.	Non-compliance
* Interior sides: 6 ft. or greater for easements. ***Engineer submitted a variance letter on December 3, 2020 to allow a interior side setback of 5 ft. or greater for easements instead of the required 6 ft. or greater for easements.	Non-compliance

* Corner: 10 ft. or greater for easements.	Applied
* Garage: 18 ft. except where greater setbacks is required, greater setback applies.	Applied
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on North 33rd Street and both sides of all interior streets.	Applied
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along North 33rd Street. Others as may be applicable prior to final.	Applied
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses.	Applied
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
NOTES	
* No curb cut, access, or lot frontage permitted along North 33rd Street.	Applied
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	NA
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	Applied
* Common Areas, any private streets/drives, detention pond, must be maintained by the lot owners and not the City of McAllen.	Required
* Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets.	Required
**Section 110-72 applies if Public Subdivision.	
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	Required
LOT REQUIREMENTS	
* Lots fronting public streets.	Applied
* Minimum lot width and lot area.	Non-compliance
**Not all lots meet the minimum frontage requirement of 50 ft. for interior lots and 54 ft. for corner lots. Frontage dimensions range from 39.64 ft. to 72.07 ft.	
***Please show frontage for detention/common areas wherever is applicable.	
*****Variance request will be presented before the Zoning Board of Adjustments and Appeals at the February 3, 2020 meeting. Engineer must specify which lots is the variance being requested for.	
ZONING/CUP	
* Existing: ETJ Proposed: ETJ	TBD
**If annexation is requested, annexation and initial zoning/rezoning process must be finalized prior to final.	

* Rezoning Needed Before Final Approval. **If annexation is requested, annexation and initial zoning/rezoning process must be finalized prior to final.	TBD
PARKS	
* Land dedication in lieu of fee. **Property currently in ETJ. If property is annexed prior to recording, park fees or Park Land Dedication Advisory Board review might be required.	TBD
* Park Fee of \$700 per dwelling unit/lot to be paid prior to recording. ****Property currently in ETJ. If property is annexed prior to recording, park fees or Park Land Dedication Advisory Board review might be required.	TBD
* Pending review by the Parkland Dedication Advisory Board and CC. ****Property currently in ETJ. If property is annexed prior to recording, park fees or Park Land Dedication Advisory Board review might be required.	TBD
TRAFFIC	
* As per Traffic Department, Trip Generation approved; TIA required prior to final.	Non-compliance
* As per Traffic Department, Trip Generation approved; TIA required prior to final.	Non-compliance
COMMENTS	
Comments: Must comply with City's Access Management Policy. ***As per Traffic and Fire Dept., please submit gate detail if applicable prior to final. ***Must show document number for crossing agreement/permit for HCID #1 to connect North 33rd Lane to Phase 1 to the north of Phase 2. Any documents/permits must be finalized or recorded prior to final. **** If annexation is requested, it must be finalized prior to final. *****Street names must be revised prior to final. *****Please submit master plan prior to final for overall review.	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN REVISED PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, DRAINAGE AND UTILITIES APPROVALS, AND CLARIFICATION ON THE REQUESTED VARIANCES.	Applied





City of McAllen
Planning Department
**APPLICATION FOR
SUBDIVISION PLAT REVIEW**

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Sub 2020-0061

Project Description

Subdivision Name CAMPO DE SUENOS PHASE III SUBDIVISION
Location 1/4 MI. NORTH OF AUBURN AVE. - EAST OF WARE ROAD
City Address or Block Number NONE AT THIS TIME
Number of lots 64 Gross acres 13.496 Net acres 13.491
Existing Zoning Proposed R1 Rezoning Applied For ☐ Yes ☐ No Date
Existing Land Use VACANT Proposed Land Use RESIDENTIAL Irrigation District # 1
Residential Replat Yes ☒ No ☐ Commercial Replat Yes ☐ No ☒ ETJ Yes ☐ No ☐
Agricultural Tax Exempt Yes ☐ No ☐ Estimated Rollback tax due 0
Parcel No. 210502, 210504, 210500, 210553 Tax Dept. Review
Legal Description
APPROX. 13.496 AC O/O LOTS 45 & 52, LA LOMITA IRRIGATION & CONSTR. COMPANY

Owner 1

Name RIVERSIDE DEVELOPMENT SERVICES, LLC Phone C/O (956) 381-0981
Address 2606 ZINNIA AVENUE
City MCALLEN State TX Zip 78504
E-mail TAGUIRRECONSULTING@ME.COM

Developer

Name RIVERSIDE DEVELOPMENT SERVICES, LLC Phone C/O (956) 381-0981
Address 2606 ZINNIA AVENUE
City MCALLEN State TX Zip 78504
Contact Person ANTONIO M. AGUIRRE, JR. - MANAGER
E-mail TAGUIRRECONSULTING@ME.COM

Engineer

Name MELDEN & HUNT, INC. Phone (956) 381-0981
Address 115 W. MCINTYRE ST.
City EDINBURG State TX Zip 78541
Contact Person MARIO A. REYNA, P.E.
E-mail MARIO@MELDENANDHUNT.COM

Surveyor

Name MELDEN & HUNT, INC. Phone (956) 381-0981
Address 115 W. MCINTYRE ST.
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Balk

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Print Name MARIO A. REYNA, P.E.

Owner ☐

Authorized Agent ☒



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APPLICATION FOR

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Residential Replat Yes ☒ No ☐ Commercial Replat Yes ☐ No ☒ ETJ Yes ☐ No ☐
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APPROX. 13.496 AC O/O LOTS 45 & 52, LA LOMITA IRRIGATION & CONSTR. COMPANY

Owner

Name JOSE R. SALINAS & MARIA J. SALINAS Phone C/O (956) 381-0981
Address 1500 FULLERTON AVENUE
City MCALLEN State TX Zip 78504
E-mail C/O MARIO@MELDENANDHUNT.COM

Developer

Name RIVERSIDE DEVELOPMENT SERVICES, LLC Phone C/O (956) 381-0981
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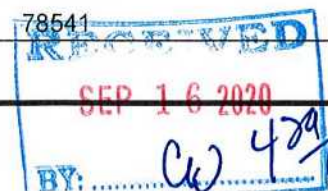
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BMLH



Proposed Plat Submittal

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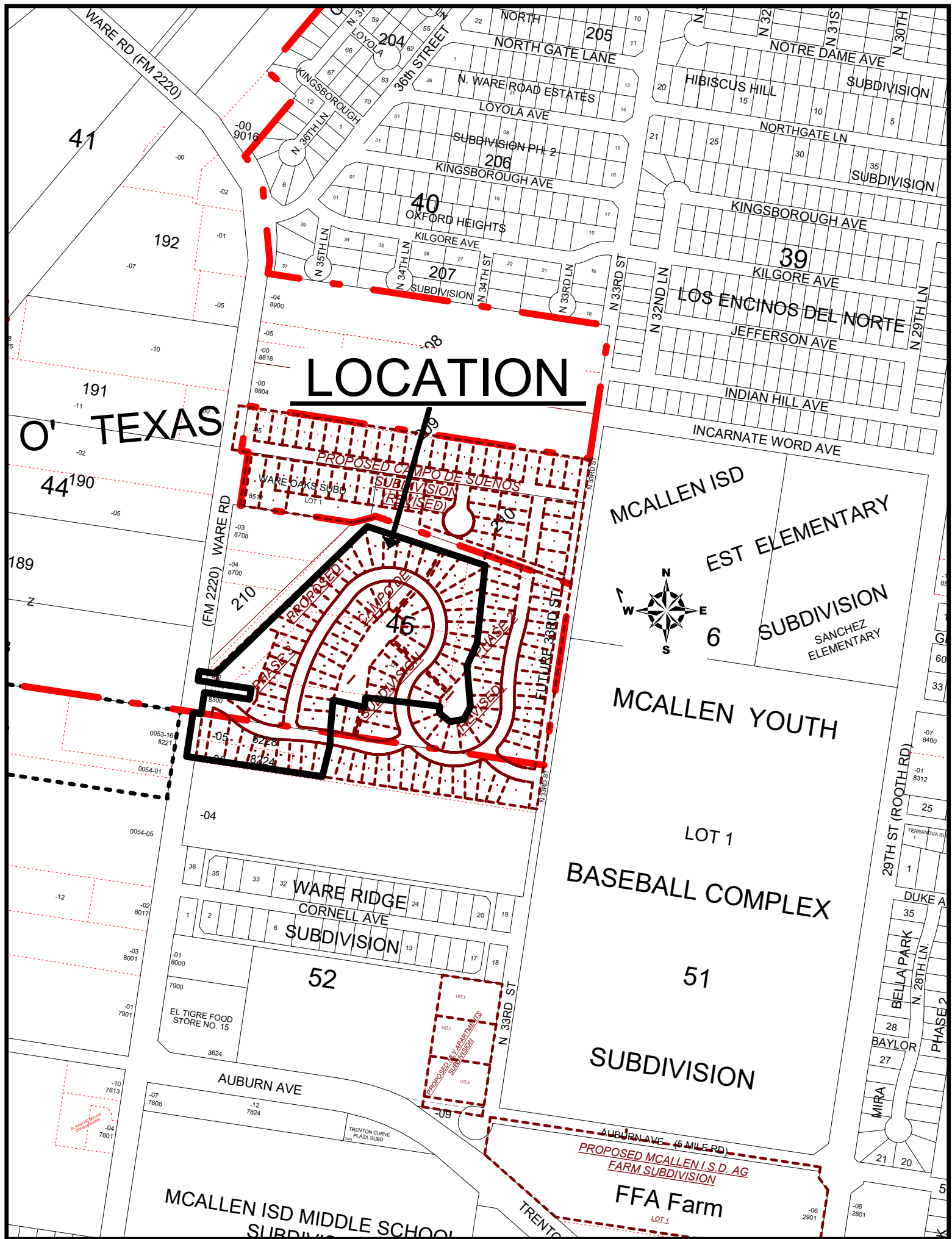
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Print Name MARIO A. REYNA, P.E.

Owner ☐

Authorized Agent ☒





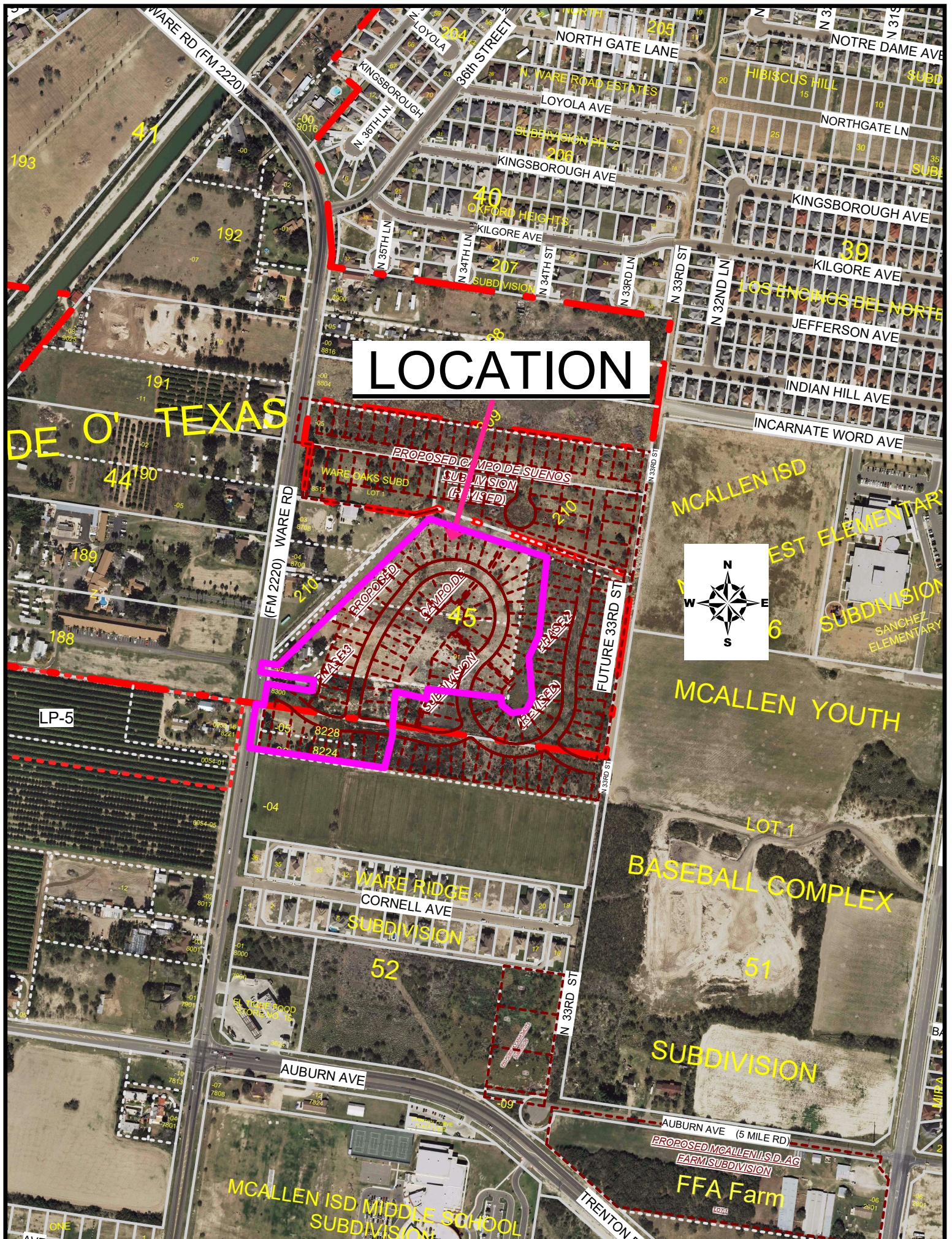
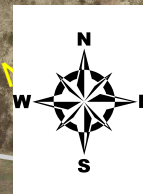
Reviewed On: 1/15/2021

SUBDIVISION NAME: CAMPO DE SUENOS PHASE III	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
North Ware Road: 35 ft. dedication for 75 ft. from centerline for 150 ft. of ROW Paving: By the state Curb & gutter: By the state **Monies must be escrowed if improvements are not built prior to final.	Applied
Duke Avenue (collector): 60 ft. Engineer is proposing 50 ft. Paving: 40 ft. Curb & gutter: Both sides **Must escrow monies if improvements are not constructed prior to recording. ****Street name might be revised prior to final. ***Engineer is proposing a 10 ft. Sidewalk and Utility Easements along the front of all lots (142-152) with frontage onto Duke Avenue (collector road) in lieu of the required 60 ft. of ROW.	Non-compliance
Other interior streets: 50 ft. ROW Paving: 32 ft. Curb & gutter: Both sides **Must escrow monies if improvements are not constructed prior to recording	Applied
Paving _____ Curb & gutter _____	Applied
Paving _____ Curb & gutter _____	Applied
* 800 ft. Block Length.	Applied
* 600 ft. Maximum Cul-de-Sac.	NA
ALLEYS	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial properties	NA
SETBACKS	
* Front: 25 ft. or greater for easements. ***Engineer submitted a variance letter on December 3, 2020 to allow a front setback of 20 ft. or greater for easements instead of the required 25 ft. or greater for easements. ****Lots 142-152 (Duke Avenue) are proposed to have a ROW of 50 ft. instead of the required 60 ft. of ROW.	Non-compliance
* Rear: 10 ft. or greater for easements except 25 ft. for double fronting lots.	Applied
* Interior sides: 6 ft. or greater for easements. ***Engineer submitted a variance letter on December 3, 2020 to allow a interior side setback of 5 ft. or greater for easements instead of the required 6 ft. or greater for easements.	Non-compliance
* Corner: 10 ft. or greater for easements.	Applied
* Garage: 18 ft. except where greater setback is required, greater setback applies.	Applied
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on both sides of all interior streets and 5 ft. wide minimum sidewalk required along North Ware Road as per Engineering Department.	Applied

* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along North Ware Road. Others as may be applicable prior to final.	Applied
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses.	Applied
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
NOTES	
* No curb cut, access, or lot frontage permitted along North Ware Road.	Applied
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	NA
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* Common Areas, any private streets, and detention areas must be maintained by the lot owners and not the City of McAllen	Required
* Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. ***Section 110-72 applies for Public Subdivisions.	Required
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	Required
LOT REQUIREMENTS	
* Minimum lot width and lot area. **Not all lots meet the minimum frontage requirement of 50 ft. for interior lots and 54 ft. for corner lots. Frontage dimensions range from 43.85 ft. to 84.30 ft. ***Please show frontage for detention/common areas wherever is applicable. *****Variance request will be presented before the Zoning Board of Adjustments and Appeals at the February 3, 2020 meeting. Engineer must specify which lots is the variance being requested for.	Non-compliance
* Lots fronting public streets.	Applied
ZONING/CUP	
* Existing: ETJ Proposed: ETJ **If annexation is requested, annexation and initial zoning/rezoning process must be finalized prior to final.	TBD
* Rezoning Needed Before Final Approval. **If annexation is requested, annexation and initial zoning/rezoning process must be finalized prior to final.	TBD
PARKS	
* Land dedication in lieu of fee. **Property currently in ETJ. If property is annexed prior to recording, park fees or Park Land Dedication Advisory Board review might be required.	TBD
* Park Fee of \$700 per dwelling unit/lot to be paid prior to recording. **Property currently in ETJ. If property is annexed prior to recording, park fees or Park Land Dedication Advisory Board review might be required.	TBD

* Pending review by the Parkland Dedication Advisory Board and CC. ****Property currently in ETJ. If property is annexed prior to recording, park fees or Park Land Dedication Advisory Board review might be required.	TBD
TRAFFIC	
As per Traffic Department, Trip Generation approved; TIA required prior to final.	Non-compliance
As per Traffic Department, Trip Generation approved; TIA required prior to final.	Non-compliance
COMMENTS	
Comments: Must comply with City's Access Management Policy. ***As per Traffic and Fire Dept., please submit gate detail if applicable prior to final. ***Must show document number for agreement/permit for HCID #1 to connect North 33rd Lane to Phase 1 to the north of Phase 2. Any documents/permits must be finalized or recorded prior to final. *****If annexation is requested, annexation and initial zoning/rezoning process must be finalized prior to final. *****Clarify use of Lot 138. If Detention Area is proposed, please label accordingly. *****Street names will have to be revised prior to final. *****Revise plat to show all lot dimensions prior to final. *****Please submit master plan prior to final for overall review.	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN REVISED PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, DRAINAGE AND UTILITIES APPROVALS, AND CLARIFICATIONS ON REQUESTED VARIANCES.	Applied

LOCATION



SUB. 2020-0098

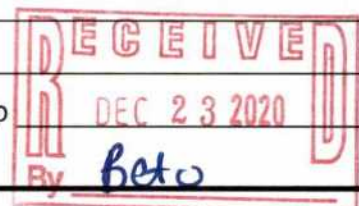


City of McAllen
Planning Department
APPLICATION FOR

SUBDIVISION PLAT REVIEW

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project Description	<p>Subdivision Name <u>LOT 9A, RE-PLAT OF LOTS 9 & 10,</u> Location <u>BLK. 49, O.T. OF MEALLO MEALLO</u> City Address or Block Number <u>611 & 613 S. 11TH ST.</u> Number of lots <u>1</u> Gross acres <u>0.32</u> Net acres <u>0.32</u> Existing Zoning <u>R-2</u> Proposed <u>R-2</u> Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____ Existing Land Use <u>APS</u> Proposed Land Use <u>APS</u> Irrigation District # <u>3</u> Residential Replat Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Commercial Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> ETJ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Agricultural Tax Exempt Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Estimated Rollback tax due <u>1500⁰⁰</u> Parcel No. <u>229014/229012</u> Tax Dept. Review _____ Legal Description <u>0.32 AC. BEING ALL OF LOTS 9 & 10, BLK. 49, O.T. MEALLO</u></p>
Owner	<p>Name <u>RAFAEL P. SULTAN</u> Phone <u>345-3142</u> Address <u>309 W. JACKSON AVE.</u> City <u>MEALLO</u> State <u>TX</u> Zip <u>78501</u> E-mail _____</p>
Developer	<p>Name <u>SAME AS OWNER</u> Phone _____ Address _____ City _____ State _____ Zip _____ Contact Person _____ E-mail _____</p>
Engineer	<p>Name <u>DAVID SALINAS</u> Phone <u>682-9081</u> Address <u>2221 DARTMOUTH AVE.</u> City <u>MEALLO</u> State <u>TX</u> Zip <u>78501</u> Contact Person <u>DAVID</u> E-mail <u>dsalinas@salinasengineering.com</u></p>
Surveyor	<p>Name <u>SAME AS OWNER</u> Phone _____ Address _____ City _____ State _____ Zip _____</p>



Proposed Plat Submittal

Minimum Developer's Requirements Submitted with Application

- _____ \$225 Preliminary Review Fee and \$75 Final Approval Fee
- _____ Title Report
- _____ 8 ½" by 11" Original Sealed Survey showing existing structures/ easements or 3 blueline copies
- _____ 2 Location Maps
- _____ 2 8 ½" by 11" copies/legible copies of plat with name & north arrow
- _____ 6 Folded blueline prints of the proposed plat
- _____ 2 Warranty Deeds (Identifying owner on application)
- _____ Autocad 2005 DWG file and PDF of plat
- _____ Letter of Authorization from the owner, if applicable
- _____ Proof of authority of person signing application on behalf of partnership/corporation, if applicable

PLAT TO SHOW:

- ✓ Metes and bounds
- ✓ Lots numbered with dimensions and area of irregular lots noted
- ✓ Surrounding platted lots and/or lot lines for unplatted tracts
- ✓ Name and address of owner, lienholder, developer, engineer and surveyor shown along with signature lines
- ✓ North arrow, scale and vicinity map
- ✓ Name & dimension of adjoining street ROWs (total width & width from centerline)

Note: Though the original submittal for application to process a subdivision plat does not require the drainage report or utility plans, it is advisable that they be included with the original submittal to expedite the review process. Complying with the minimum requirements for the original plat submittal does not constitute meeting the deadline for drainage and utility review by the appropriate boards. Additional information will be required during the review to properly complete the subdivision process. Any revisions would require resubmission of blueline copies prints and 8 ½" by 11" copies/legible copy of the plat, affected by changes.

Owner's Signature

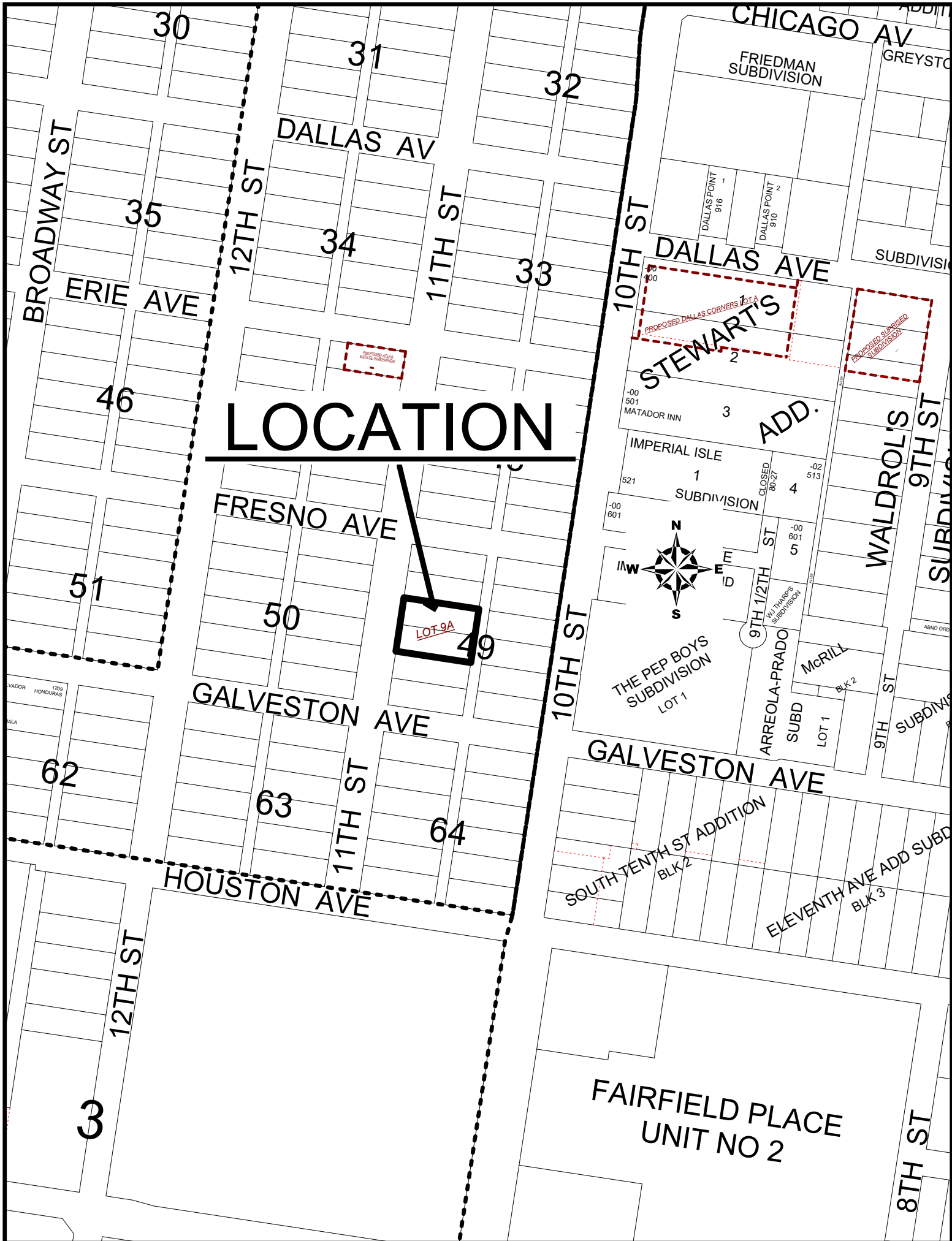
I certify that I am the actual owner of the property described above and (include corporate name if applicable); or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature _____ Date 12.22.2020

Print Name Rafael P. Sutton

Owner ☒

Authorized Agent ☐





Reviewed On: 1/14/2021

SUBDIVISION NAME: LOT 9A	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
South 11th Street: 65 ft. of ROW Paving: Approximately 35 ft. existing Curb & gutter: Both sides **Please clarify total ROW for South 11th Street since plat references "60.00 ft." and "65.00 ft." prior to final. ***Please clarify total paving prior to final. ****If applicable, must escrow monies if improvements are not built prior to recording. Paving _____ Curb & gutter _____ * 800 ft. Block Length. * 600 ft. Maximum Cul-de-Sac.	Non-compliance Applied NA NA
ALLEYS	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial properties	Applied
SETBACKS	
* Front: 20 ft. or greater for easements or approved site plan or inline with the average of existing structures, whichever is greater. **Please revise plat note as shown above prior to final.	Non-compliance
* Rear: 10 ft. or greater for easements or approved site plan. **Please revise plat note as shown above prior to final.	Non-compliance
* Sides: In accordance with the Zoning Ordinance or approved site plan or greater for easements; whichever is greater **Please revise plat note as shown above prior to final.	Non-compliance
* Corner:	NA
* Garage: 18 ft. except where greater setback is required; greater setback applies.	Applied
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on South 11th Street.	Applied
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along the south property line. **Please revise plat note as needed prior to final.	TBD
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses.	TBD
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied

NOTES	
<ul style="list-style-type: none"> * No curb cut, access, or lot frontage permitted along. * Site plan must be approved by the Planning and Development Departments prior to building permit issuance. * Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. * Common Areas, any private streets/drives must be maintained by the lot owners and not the City of McAllen * Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. * Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. 	NA
	Required
	Required
	Required
	NA
	NA
LOT REQUIREMENTS	
<ul style="list-style-type: none"> * Minimum lot width and lot area. * Lots fronting public streets. 	Applied
	Applied
ZONING/CUP	
<ul style="list-style-type: none"> * Existing: R-3A Proposed: R-3A * Rezoning Needed Before Final Approval 	Applied
	NA
PARKS	
<ul style="list-style-type: none"> * Land dedication in lieu of fee. As per Parks Department, engineer must clarify number of units prior to final to determine if land dedication or park fees will be required prior to recording. * Park Fee of \$700 per lot/ dwelling unit to be paid prior to recording. As per Parks Department, engineer must clarify number of units prior to final to determine if land dedication or park fees will be required prior to recording. * Pending review by the Parkland Dedication Advisory Board and CC. 	TBD
	TBD
	TBD
TRAFFIC	
<ul style="list-style-type: none"> * As per Traffic Department, engineer must clarify number of units to determine if a Trip Generation and/or Traffic Impact Analysis will be needed prior to final. * Traffic Impact Analysis (TIA) required prior to final plat. **As per Traffic Department, engineer must clarify number of units to determine if a Trip Generation and/or Traffic Impact Analysis will be needed prior to final. 	TBD
	TBD
COMMENTS	
<p>Comments: Must comply with City's Management Access Policy.</p> <p>**Engineer must clarify number of units prior to final for staff to review.</p> <p>**Subdivision name will have to be revised to "McAllen Addition, Lot 9A, Block 49A" prior to final.</p> <p>***Please replace "Original Townsite McAllen" with "McAllen Addition" wherever is applicable on the plat.</p>	Applied

RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, AND DRAINAGE AND UTILITIES APPROVALS.	Applied



ROUTINE

1. 501 E Yuma Ave Rezone from C-1 to R-1

Property is located on N of Yuma, approx. 280 ft. W of S McColl

Applicant requesting R-1 for single-fam residences; 4-lot plat approved Prelim w/ P&Z (Dec 3, 20)

Adjacent zoning is C-1, C-3 N, C-1 E, C3-L S, and R-1W

Property currently vacant; surrounding uses include single & multifam residences and vacant land

Trends along Yuma is residential with some light commercial

Item was heard at Dec 16th P&Z, no opposition and unanimously recommended



2. 701 S Taylor (MID) Rezone from R-3A to R-3T

Property is located on E of S Taylor Rd, approx. 1,675 ft. S of Business 83

Applicant requesting R-3T for a townhome development; plat app by P&Z (Dec 3, 20)

R-3TY

Adjacent zoning is R-3A N, S, E, and R-1 W (properties W are outside City)

Property currently vacant; surrounding uses include single-fam, 4-plexes, & Martinez Elem.

Trends along S Taylor are single and multifamily residential

Item was heard at Dec 16th P&Z; no opposition and unanimously recommended approval



3. 701 S Taylor Rezone from R-3A to R-1

Property is located on E of S Taylor Rd, approx. 1,850 ft. S of Business 83

Applicant requesting R-1 for single fam development; plat app by P&Z (Dec 3, 20)

Adjacent zoning is R-3A N, S, E, and R-1 W (properties W are outside City)

Property currently vacant; surrounding uses include single-fam, 4-plexes, & Martinez Elem.

Trends along S Taylor are single and multifamily residential

Item was heard at Dec 16th P&Z; no opposition and unanimously recommended approval



4. 3421 La Lomita Rd Rezone from R-1 to R-3A

Property is located 1,363 ft. W of N 29th & approx. 370 ft. S of La Lomita

Applicant requesting R-3A for detached duplexes; plan shows 66 lots so 132 duplexes

Adjacent zoning is R-1 all around; properties W are outside city limits

Property currently vacant; surrounding uses are single-fam, vacant land, HCID No. 1 Canal

Trends along this section of La Lomita are single-family residential

Density: 29 3BR – 43 1BR so here 723 3BR – 1,072 1BR

Item was heard at Dec 16th P&Z, no opposition and unanimously recommended



5. 5001 Selinda Drive Rezone from A-O to R-1

Property is located S Selinda Drive, approx. 520 ft. E of N Taylor

Applicant requesting R-1 to get permit for covered patio

Adjacent zoning is A-O in all directions w/some R-1 in W

Property contains a single family residence & swimming pool constructed in 1986; annexed in 99

Trends along this section of La Lomita are single-family residential

Density: 29 3BR – 43 1BR so here 723 3BR – 1,072 1BR

Item was heard at Dec 16th P&Z, no opposition and unanimously recommended



REZONING

6. 2241 Dallas Ave CUP, one year, auto service (Esaul Padilla)

Property is located SE of Dallas & 23rd; zoned C-3

Adjacent zoning is R-2 E, C-3 N, S, W

Surrounding uses include single-fam, vacant land, auto shop, and car lots

Applicant proposing to continue operating truck accessories shop; initial CUP was 15, last was 18

Initial CUP approved with parking deficit; applicant owns property across street, but not paved

Item heard at Dec 3rd P&Z, no one appeared in opp, board dis w/ fav rec



TABC VARIANCE

7. 1301 N 23rd Rolando Bocanegra (House of Liquor R.R.)

Property is located NW of S 23rd & Maple; zoned C-3

Adjacent zoning is C-3 N, E, S and R-1, R-2, and C-2 W

Surrounding uses include commercial businesses, convenience store, single fam, Daycare & Church

Applicant proposing to open a liquor store for off-premise consumption only M-S 10AM-9PM

Staff recommends approval based on the store not facing either facility (The Giving Tree Childcare & El Divino Redentor)



SUBDIVISION VARIANCE

12818 N Inspiration Rd

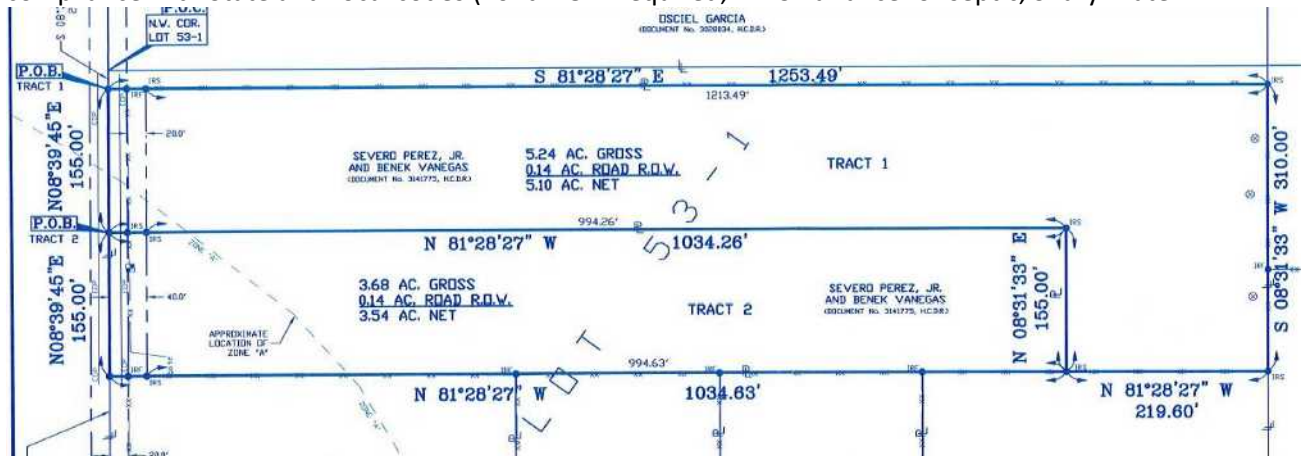
Property located on E of N Inspiration Rd, approx. 950 ft. N of 8 Mile Line (located in ETJ since 95)

Surrounding uses includes single family residences and vacant land

Owners purchased property in Aug 20 and now wish to divide property by metes and bounds into a 5.10 acre tract and a 3.54 acre tract to build two new homes

The basis cited for the request of the sub variance is the cost and time for the subdivision process

There are 4 options before you, staff is recommending OPTION 3, disapproval of the variance and compliance with State and Local codes (40 ft. ROW required; MPU variance for septic, Shary Water



3117 Valcosta SR

Property located on S of Valcosta Service Road, approx.. 1,160 ft. W of N 29th St. (located in ETJ)

Tract consists of .87 of an acre, w/ 150 ft. frontage along an approx.. 8 ft. wide paved drive

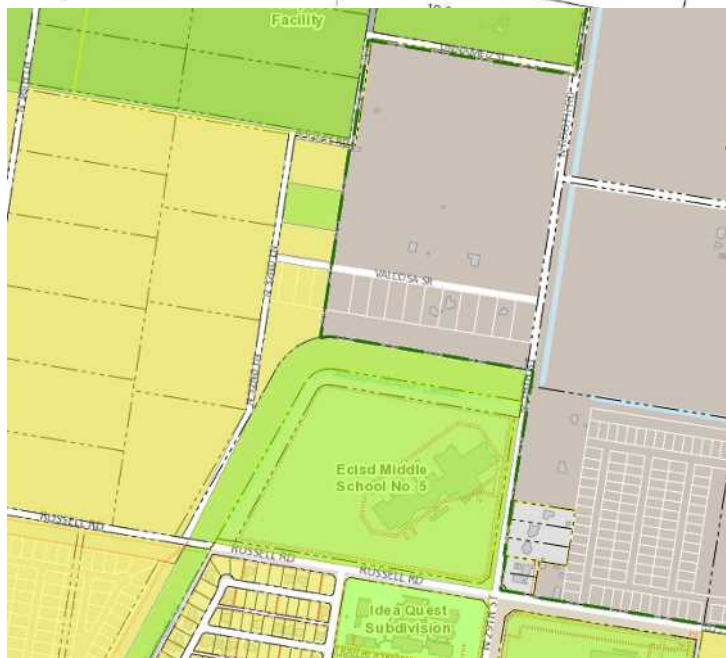
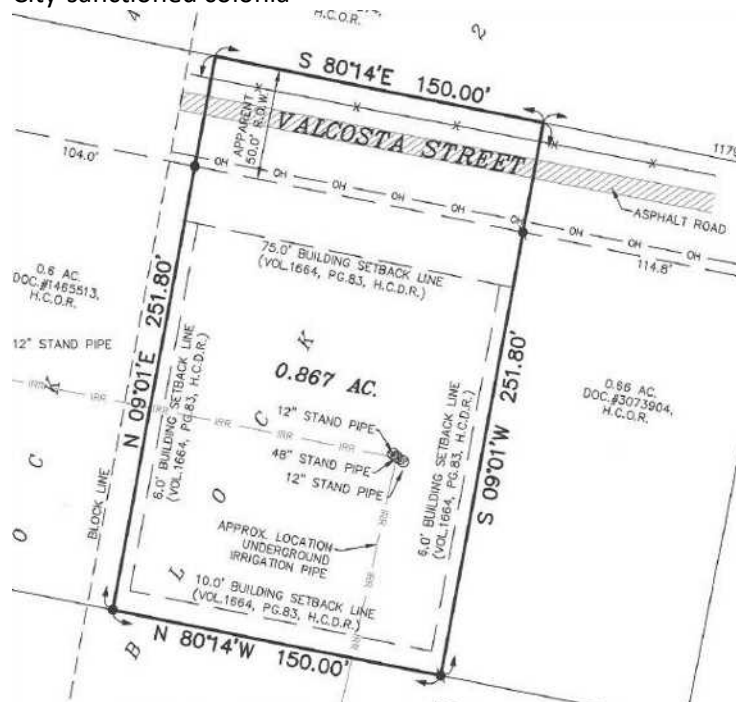
The property is part of an unrecorded 15-lot development of which all lots were sold to separate owners

Five have homes on them (after receiving sub variances) while ten remain vacant

There are no hydrants, drainage, or street improvements in the unrecorded development

Applicant is proposing to install a septic system

There are five options before you, staff recommends Option five, disapproval of the variance and compliance with state and local codes, specifically, because we are concerned about the creation of a City-sanctioned colonia



2021 ATTENDANCE RECORD FOR PLANNING AND ZONING COMMISSION MEETINGS

[illegible]

2021 ATTENDANCE RECORD FOR PLANNING AND ZONING COMMISSION WORKSHOPS

[illegible]



PLANNING DEPARTMENT

311 N 15th Street McAllen, TX 78501
Phone: 956-681-1250 Fax: 956-681-1279



2021 CALENDAR

Meetings:				Deadlines:			
 City Commission	 Planning & Zoning Board			D- Zoning/CUP Application	N - Public Notification		
 Public Utility Board	 Zoning Board of Adjustment						
HPC - Historic Preservation Council				* Holiday - Office is closed			

JANUARY 2021							FEBRUARY 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 HOLIDAY	2		1 A- 2/16 & 2/17	2	3 N- 2/16 & 2/17 D- 3/2 & 3/3	4	5	6
3	4	5	6 D-2/2 & 2/3	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15 A-3/2 & 3/3	16	17 N-3/2 & 3/3 D-3/16 & 3/17	18	19	20
17	18 A-2/2 & 2/3	19	20 HPC N-2/2 & 2/3 D-2/16 & 2/17	21	22	23	21	22	23	24 HPC	25	26	27
24	25	26	27	28	29	30	28						
31													

MARCH 2021							APRIL 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 A-3/16 & 3/17	2	3 N-3/16 & 3/17 D-4/6 & 4/7	4	5	6					1	2 HOLIDAY	3
7	8	9	10	11	12	13	4	5 A-4/20 & 4/21	6	7 N-4/20 & 4/21 D-5/5 & 5/6	8	9	10
14	15	16	17 D-4/20 & 4/21	18	19	20	11	12	13	14	15	16	17
21	22 A-4/6 & 4/7	23	24 HPC N-4/6 & 4/7	25	26	27	18	19 A- 5/5 & 5/6	20	21 HPC N- 5/5 & 5/6 D-5/18 & 5/19	22	23	24
28	29	30	31				25	26	27	28	29	30	

MAY 2021							JUNE 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1			1	2 N-6/16 & 6/17 D-7/1 & 7/7	3	4	5
2	3 A- 5/18 & 5/19	4	5 N-5/18 & 5/19	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16 D-7/15 & 7/21	17	18	19
16	17 A-6/1 & 6/2	18	19 N-6/1 & 6/2 D-6/16 & 6/17	20	21	22	20	21 A-7/1 & 7/7	22	23 HPC N-7/1 & 7/7	24	25	26
23	24	25	26 HPC	27	28	29	27	28	29	30			
30	31 HOLIDAY												

Deadlines and Meeting Dates are subject to change at any time. Please contact the Planning Department at (956) 681-1250 if you have any questions.

2021 CALENDAR

Meetings:

-  City Commission
-  Planning & Zoning Board
-  Public Utility Board
-  Zoning Board of Adjustment
- HPC - Historic Pres Council

Deadlines:

- D- Zoning/CUP Application
- N - Public Notification

* Holiday - Office is closed

JULY 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
					A-7/20 & 7/21	
4	5 HOLIDAY	6	7 N-7/20 & 7/21 D-8/4 & 8/5	8	9	10
11	12	13	14	15	16	17
18	19	20	21 HPC N-8/4 & 8/5 D-8/18 & 8/19	22	23	24
25	26	27	28 N-8/18 & 8/19	29	30	31

AUGUST 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4 N- 8/18 & 8/19 D-9/1 & 9/2	5	6	7
8	9	10	11	12	13	14
15	16	17	18 N-ZBA 9/1 D-9/16 & 9/17	19	20	21
22	23	24	25 HPC N-PZ 9/7	26	27	28
29	30	31				

SEPTEMBER 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 N-ZBA 9/15 D-10/5 & 10/6	2	3	4
5	6 HOLIDAY	7	8 N-PZ 9/21	9	10	11
12	13	14	15 D-10/19 & 10/20	16	17	18
19	20	21	22 HPC N-10/5 & 10/6	23	24	25
26	27	28	29	30		

OCTOBER 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6 N-10/19 & 10/20 D-11/2 & 11/3	7	8	9
10	11	12	13	14	15	16
17	18	19	20 N- 11/2 & 11/3 D-11/16 & 11/17	21	22	23
24	25	26	27 HPC	28	29	30
31						

NOVEMBER 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3 N-11/16 & 11/17 D-12/1 & 12/7	4	5	6
7	8	9	10	11	12	13
14	15	16	17 N-ZBA 12/1 D-PZ-12/21	18	19	20
21	22	23	24 N-PZ 12/7	25 HOLIDAY	26	27
28	29	30				

DECEMBER 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			HPC N-ZBA 12/15 D-1/4 & 1/5	2	3	4
5	6	7	8	9	10	11
12	13	14	15 D-1/18 & 1/19	16	17	18
19	20	21	22 N- 1/4 & 1/5	23 HOLIDAY	24 HOLIDAY	25
26	27	28	29	30	31 HOLIDAY	

Deadlines and Meeting Dates are subject to change at any time. Please contact the Planning Department at (956) 681-1250 if you have any questions.