

AGENDA

PLANNING & ZONING COMMISSION REGULAR MEETING
TUESDAY, JANUARY 5, 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

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)**
- 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. (Tabled) **(CUP2020-0120)**

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)**
- 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)**

3) SITE PLAN:

- a) Site Plan Approval for Lot 1, Rolando Gomez Properties Subdivision; 3224 Buddy Owens Boulevard. **(SPR2019-0009)**
- b) Site Plan Approval for Lot 2, Rolando Gomez Properties Subdivision; 3228 Buddy Owens Boulevard. **(SPR2017-0010)**

4) CONSENT:

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

5) SUBDIVISIONS:

- a) Bella Vista Ranch Subdivision; 7017 North Taylor Road- Jorge A. Bautista (Revised Preliminary) **(SUB2020-0088)** SEA
- b) The Ravenna Subdivision; 10300 North Shary Road- Anaiah Builders LLC (Preliminary) **(SUB2020-0096)** M&H
- c) Starbucks Subdivision; 2908 Nolana Avenue- Vaquero Nolana Partners, LP (Preliminary) **(SUB2020-0097)** JHE

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.

Chairperson, Pepe Cabeza de Vaca

ATTEST: _____
Claudia Mariscal, Secretary

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 ultratherapy 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 Ultratherapy 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 Ultratherapy is the device that was used in ultratherapy, 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

Memo

TO: Planning and Zoning Commission

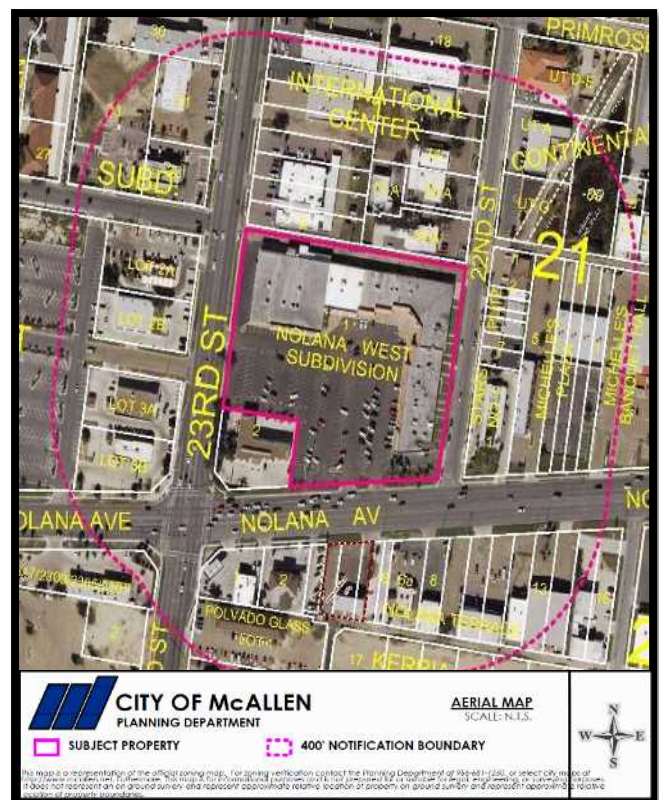
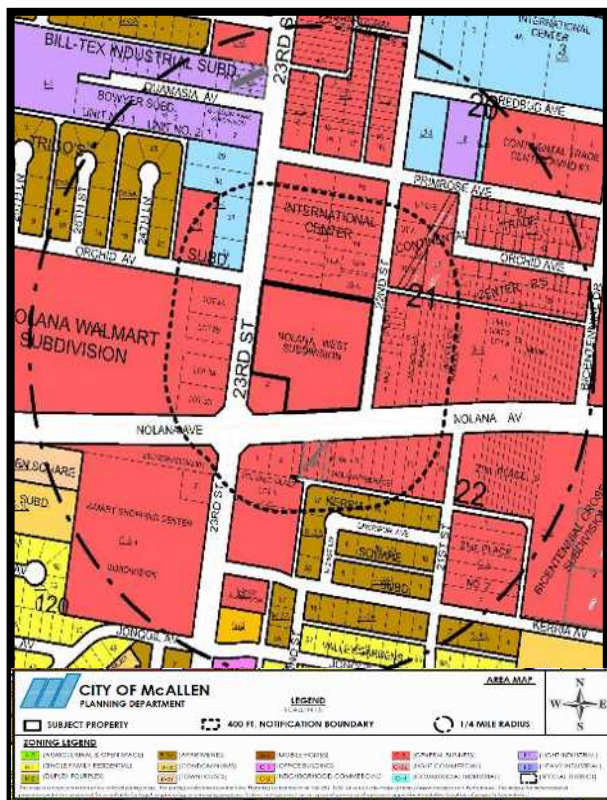
FROM: Planning Staff

DATE: December 30, 2020

SUBJECT: 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)

DESCRIPTION:

The property is located on the northeast corner of North 23rd Street and Nolana Avenue. It is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. There is 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 is allowed in a C-3 district with a Conditional Use Permit and in compliance with requirements.



HISTORY:

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.

ANALYSIS:

The subject property is the location for a multi-tenant commercial shopping center by the name of Nolana West. The applicant is 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 is in compliance with applicable code requirements. The police activity report for service calls from December 2019 to present is 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 is 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.

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, TEXAS

311 NORTH 15TH STREET, McALLEN, TX 78501

Permit No.

CUP 2020-0122

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 / 01 / 2020HILDA G. SEWELLPHONE NO: (956) 212-2390

Applicant (first) (initial) (last)

601 KENNEDY McAllen, TX. 78501

Mailing Address (city) (state) (zip)

Said Shuid

PHONE NO:

Property Owner (first) (initial) (last)

2200 NOLANA AVE. STE. 2232-34 McAllen, TX.

Mailing Address (city) (state) (zip)

SAME. / 2200 NOLANA AVE. STE. 2232-34

Property Location (street address)

LOT. 1 NOLANA W. SUBDIVISION

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

NIGHT. CLUB

Current use of property

4 AMPS' SPORT CLUBSAME

Proposed use of property

TERM OF PERMIT: ☒ 1 YEAR

DAYS AND HOURS OF OPERATION:

WEDS. - SUNDAY8:00 - 2:00 AM**FLOOR PLAN & SITE PLAN** (attach a drawing of the property showing the following)

<input type="checkbox"/> Scale, north arrow, legal description of property	<input type="checkbox"/> Landscaping and fencing of yard
<input type="checkbox"/> Location and height of all structures	<input type="checkbox"/> Off-street parking and loading
<input type="checkbox"/> Setback from property lines and between structures	<input type="checkbox"/> Driveway location & design
<input type="checkbox"/> Proposed changes and uses	<input type="checkbox"/> Location, type, height and lighting of all signs

Hilda G. Sewell 12-01-2020

(Applicant signature)

(date)

Said Shuid 12-01-2020

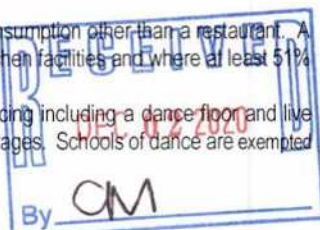
(Property owner signature)

(date)

GENERAL INFORMATION**NOTIFICATION AND PUBLIC HEARING:** Property owners within 400' 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.**DEFINITIONS**

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.

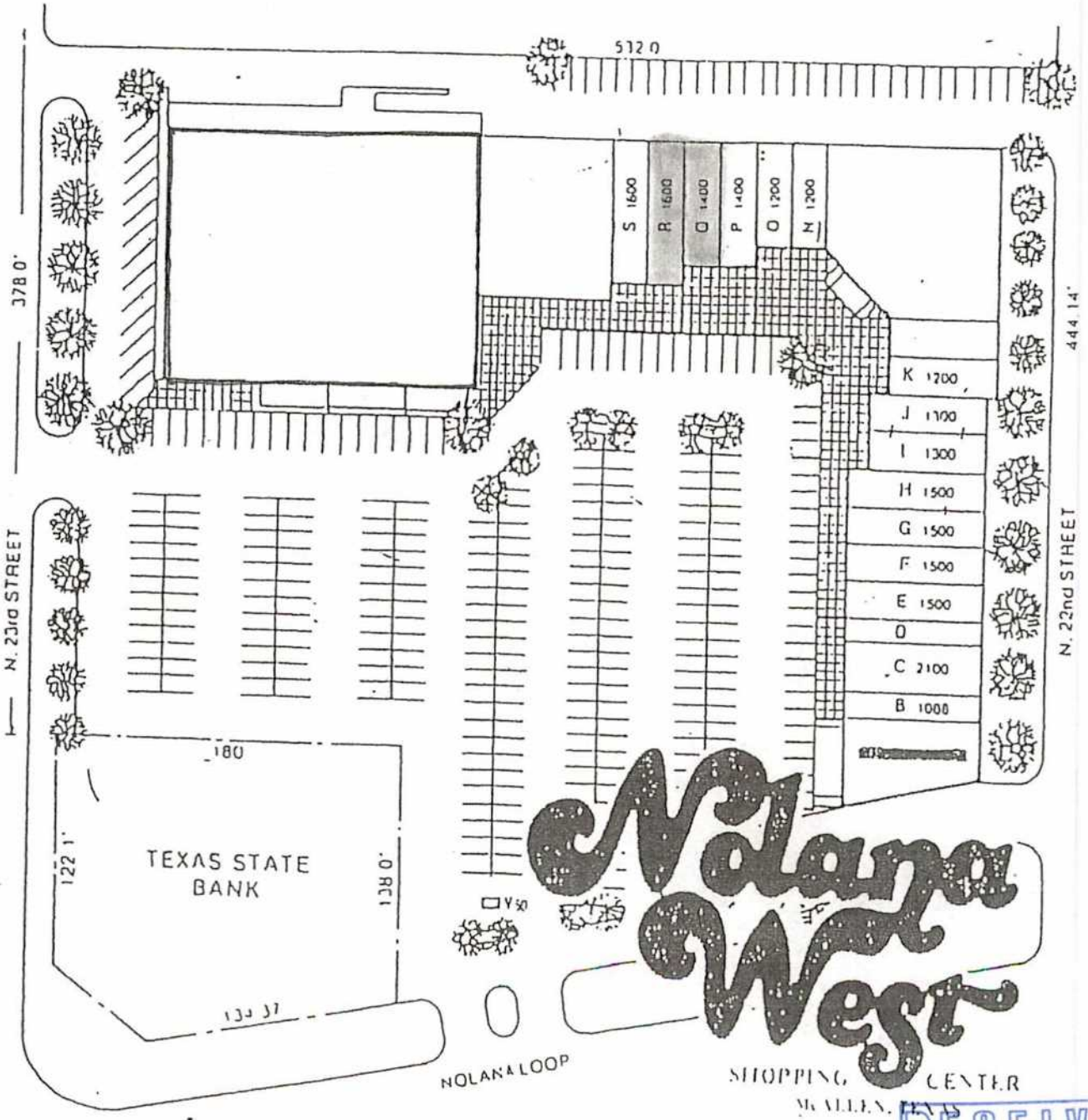
Dancehall, Discotheque, Disco, Nightclub - An establishment whose primary activity is the provision of facilities for dancing including a dance floor and live entertainment or amplified music. Such establishments may or may not provide on-premise consumption of alcoholic beverages. Schools of dance are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



L.G.



23 50



NOLANA LOOP

174 PARKING LOT



Refrigerador

Micro

Micro

8 FT.

BUTELLAS

21"

3 FT.

6 FT.

1-18 1/2-

BARRA

TYPE 1

HEADS

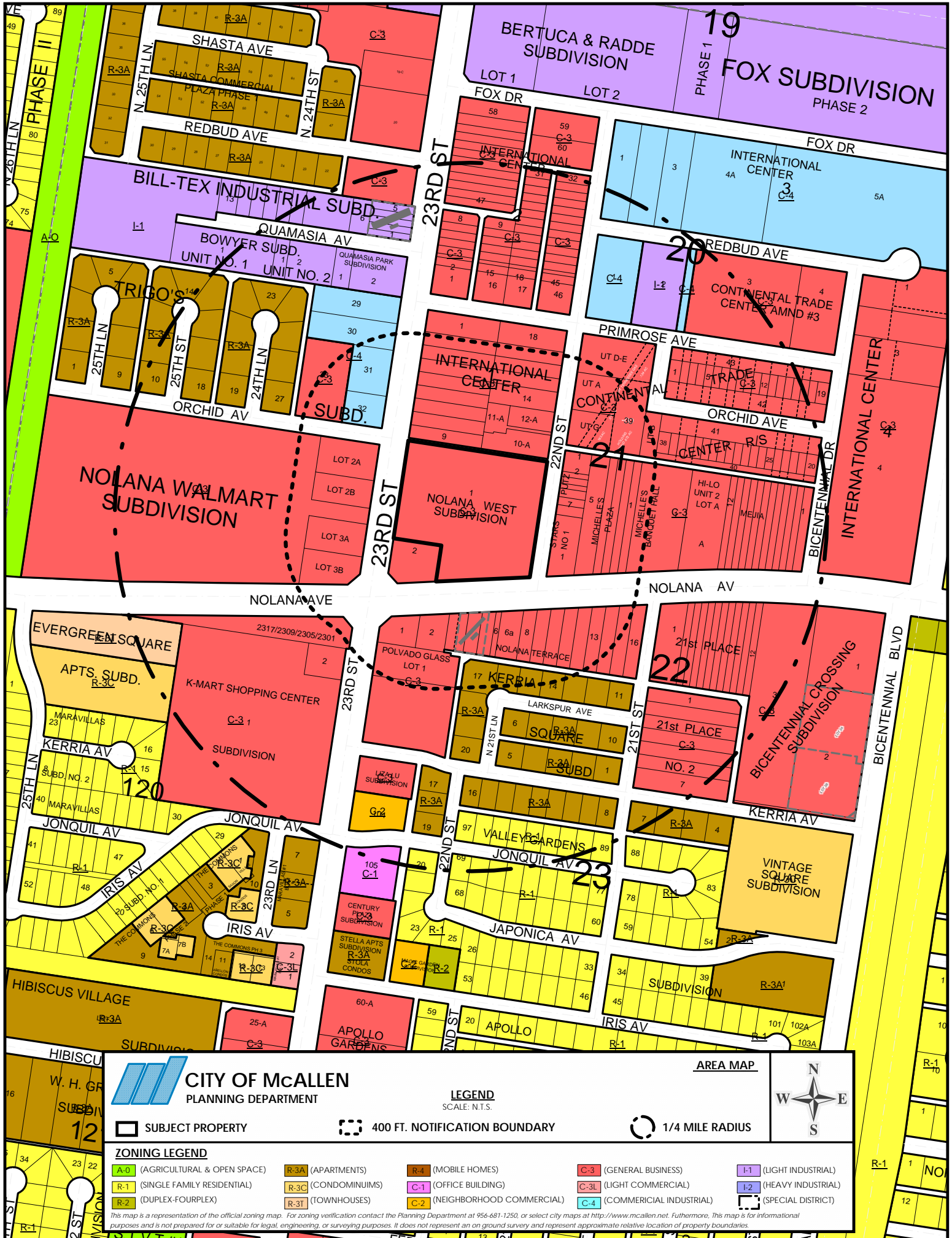
RAUN'S

2A BARRA

PISTA



BARRA
GRUPO.



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.



WONE REPAIR



LIVE MUSIC

Tequila Band

[illegible]

224

Summary





TATTOO

NOTICE
BAR
FOR
THIS PROPERTY
CUP2020-0122

PRODUCE & VEGETABLES

DELI

TATTOO



Incident Analysis Report

Summary

Print Date/Time: 12/23/2020 14:02
Login ID: mcpd7004
Incident Type: All
Call Source: All

From Date: 12/21/2019 00:01
To Date: 12/23/2020 14:00

McAllen Police Department
ORI Number: TX1080800
Officer ID: All
Location: 2200 NOLANA AVE 2232,

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



Incident Analysis Report

Summary

Print Date/Time: 12/23/2020 14:04
Login ID: mcpd7004
Incident Type: All
Call Source: All

From Date: 12/21/2019 00:01
To Date: 12/23/2020 14:00

McAllen Police Department
ORI Number: TX1080800
Officer ID: All
Location: 2200 NOLANA AVE 2234,

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



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

LEGAL NOTICE

You are hereby notified that two (2) public hearings will be held to consider the following:

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)

- The first public hearing will be held before the Planning and Zoning Commission of the City of McAllen on January 5, 2021, at 3:30 p.m., at McAllen City Hall Commission Chambers, 1300 Houston Avenue, McAllen, Texas. Due to COVID-19 restrictions, occupancy will be limited however, teleconference options will be available. If you wish to make a comment from home, please use the following:

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

Meeting ID: 672 423 1883

- The second public hearing will be held before the Board of Commissioners of the City of McAllen on January 25, 2021, at 5:00 p.m., at McAllen City Hall Commission Chambers, 1300 Houston Avenue, McAllen, Texas. Teleconference options will be available. If you wish to make a comment from home, please contact the City Secretary's Office at (956) 681-1020 by no later than 4:00 p.m. on Monday, January 25. You may view the meeting live here: <https://www.mcallen.net/departments/media/mcn-1300-live>

All interested citizens are invited to appear and be heard. If any accommodations for a disability are required or if there are any questions regarding this notice, please notify the Planning Department at (956) 681-1250 prior to the date of the meetings.

WITNESS MY HAND this 23rd day of December 2020.

PLANNING DEPARTMENT

Mario Escamilla, Jr.
 Planner I

CITY SECRETARY'S OFFICE

Pera Lara, TRMC/CMC, CPM
 City Secretary

Please note that I am opposed to the granting of this permit. We already have way too many bars in our area, and the threat other problems they create will just get worse if yet another bar opens up in our area.

Aviso Legal Tony Sanchez 4:00 p.m. 22nd Street

Por medio de este aviso queda usted notificado que habrá dos (2) audiencias públicas para considerar lo siguiente:

Petición de Hilda G. Sewell, para un Permiso de Uso Condicional, por un año, para un bar (club nocturno) en el Lote 1 de la subdivisión "Nolana West" Condado de Hidalgo Texas; 2200 Avenida Nolana Suites 2232 y 2234. (CUP2020-0122)

- La primera audiencia pública será ante la Comisión de Planeación y Zonificación de la Ciudad de McAllen el día 5 de enero del 2021 a las 3:30 p.m., en la cámara de Comisión del Ayuntamiento de McAllen, 1300 Avenida Houston, McAllen, Texas. Debido a las restricciones por el COVID-19, la capacidad de la junta será limitada, sin embargo, teleconferencia será disponible. Si desea hacer un comentario desde su hogar, favor de usar lo siguiente:

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

ID de la reunión: 672 423 1883

- La segunda audiencia pública será ante la Mesa Directiva de Comisionados de la Ciudad de McAllen el día 25 de enero del 2021 a las 5:00 p.m., en la cámara de Comisión del Ayuntamiento de McAllen, 1300 Avenida Houston, McAllen, Texas. Las opciones de teleconferencia estarán disponibles. Si desea hacer un comentario desde su hogar, comuníquese con la Oficina de la Secretaría de la Ciudad al (956) 681-1020 antes de las 4:00 p.m. el lunes 25 de enero. Puede ver la reunión en vivo aquí: <https://www.mcallen.net/departments/media/mcn-1300-live>

Todos los interesados pueden presentarse para expresarse. Si alguna comodidad es necesaria por discapacidad o si hay preguntas sobre este aviso, favor de notificar al Departamento de Planeación antes del día de la junta al (956) 681-1250.

Doy fe firmando por mi puño y letra este día 23 de diciembre del 2020.

681-1279 FAX

Memo

TO: Planning and Zoning Commission

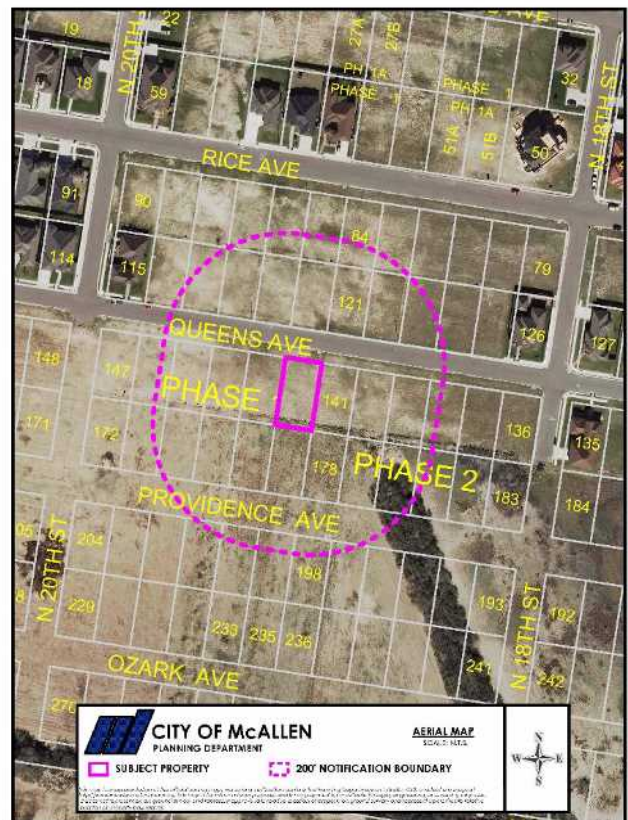
FROM: Planning Staff

DATE: December 30, 2020

SUBJECT: 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 & BODY CONTOURING OFFICE) AT LOT 142, LA FLORESTA SUBDIVISION PHASE I, HIDALGO COUNTY, TEXAS; 1901 QUEENS AVENUE. (CUP2020-0120)

BRIEF DESCRIPTION:

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



HISTORY:

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 is no prior history of a conditional use permit being approved for this location.

REQUEST/ANALYSIS:

The applicant is 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 ultratherapy and thermage. According to publications and research, the thermage procedure is a non-invasive treatment designed to tighten skin and firm facial and body contours. This is 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 is 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 is the device that is used in ultratherapy, 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.

RECOMMENDATION:

Staff recommends 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.

PLANNING AND ZONING COMMISSION MEETING OF DECEMBER 16, 2020:

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.

Please see attachment 1 for information regarding business locations that provide Ultherapy services in McAllen.



CITY OF McALLEN, TEXAS
311 NORTH 15TH STREET, McALLEN, TX 78501
P. O. BOX 220, McALLEN, TEXAS 78505-0220 • (956) 681-1250 • FAX (956) 681-1279

Permit No. **CUP2020-0120**

HOME OCCUPATION

CONDITIONAL USE PERMIT APPLICATION

(Please print or type)

Application Date **11/12/2020**

MPU ACCOUNT NUMBER:

Applicant (first) (initial) (last) **(Kathleen G. Azufra) BRIGHTER HORIZONS MS, LLC**

PHONE NO:

Mailing Address (city) (state) (zip)
1901 Queens Ave McAllen, TX 78504

Property Owner (first) (initial) (last)
Hector + Kathleen G. Azufra

PHONE NO: **(956) 414-0005**

Mailing Address (city) (state) (zip)
1901 Queens Ave. McAllen TX 78504

Same as above

Property Location (street address)
Phase I La Floresta Subdivision, Lot 142

Property Legal Description (if metes and bounds, attach survey of the property) (subdivision) (block) (lot)
Home office - aesthetics Non-invasive face + body

Current use of property
BRIGHTER HORIZONS, MULTI-SERVICES LLC (PRO AESTHETIC GROUP)

Proposed use of property
contouring (aesthetics)

TERM OF PERMIT: **X 1 YEAR**

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 **Azufra, R, BSC**

(date) **11/12/20**

Property owner signature **Azufra, R, BSC**

(date) **11/12/2020**

Hours of Operation **by appointment usually Fridays + maybe Sat. (10A-7PM but by appointment only, weekdays 5P-7PM)**
Number of Employees **2 (me + spouse)**
GENERAL INFORMATION

NOTIFICATION AND PUBLIC HEARING: Property owners within 200' 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.

DEFINITIONS

Home Occupation - An activity carried on by a member of the immediate family residing on the premises that meets the provision of Section 12B-118



Home Occupation - Pg. 1 - REVISED 10/16

FOR OFFICIAL USE ONLY

APPLICATION FILING FEE:

☐ \$300.00 One Year

☐ \$150.00 APPEAL

cash/check # _____

Amount paid _____

ZONING DISTRICT REQUIREMENTS

REQUIRED ZONING DISTRICT: A-O TO I-2

CURRENT ZONING DISTRICT:

REZONING REQUIRED: ☐ NO

☐ YES, attach rezoning application

SETBACKS: FRONT _____ SIDE _____ REAR _____

MAXIMUM HEIGHT: _____

MINIMUM LOT SIZE: _____

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 home occupation shall be clearly secondary to the residential use.
2. Signs shall not be permitted except a nameplate bearing the person's name or occupation; and attached against the wall of the main building; and exceeding 2 square feet located within R-2 to R-4 districts and 12 square feet located within an A-O, C-1 and C-2 districts.
3. No exterior display or alterations indicating that the building is being used for any purpose other than residential shall be permitted.
4. No more than 1 additional unrelated employee other than immediate family members residing on the premises shall be permitted.
5. No outside storage of materials or products shall be permitted.
6. Traffic generated by the proposed use shall not exceed 10% of the average load per hour per street.
7. No retail sales shall be permitted. (Items may be delivered)
8. No additions to the residence or accessory building specifically to accommodate the use shall be permitted.
9. The proposed use shall take place in the primary residential structure rather than a detached garage or accessory building.
10. The proposed use shall take place at the location specified on the permit.

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. Customer must notify the City that Conditional Use Permit is not in use for removal of charges.

(Applicant signature)

(date)

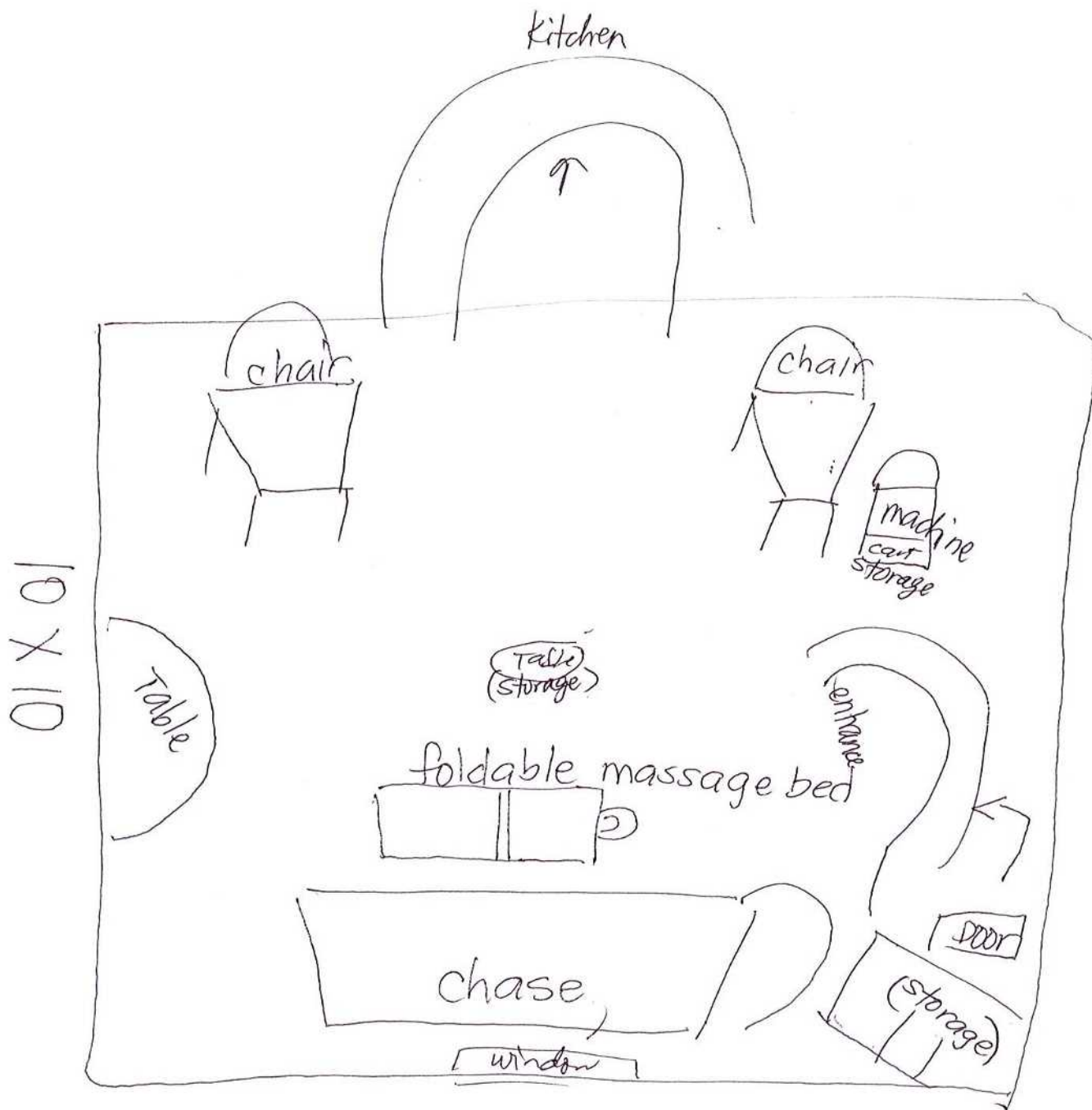
In consideration of the above application, a permit is hereby granted for the above action conditioned upon the terms and specifications set forth above, and the faithful observance of all provisions of the City Building Code, Zoning Ordinance, and all other ordinances applicable to the same.

City Manager (or Agent)

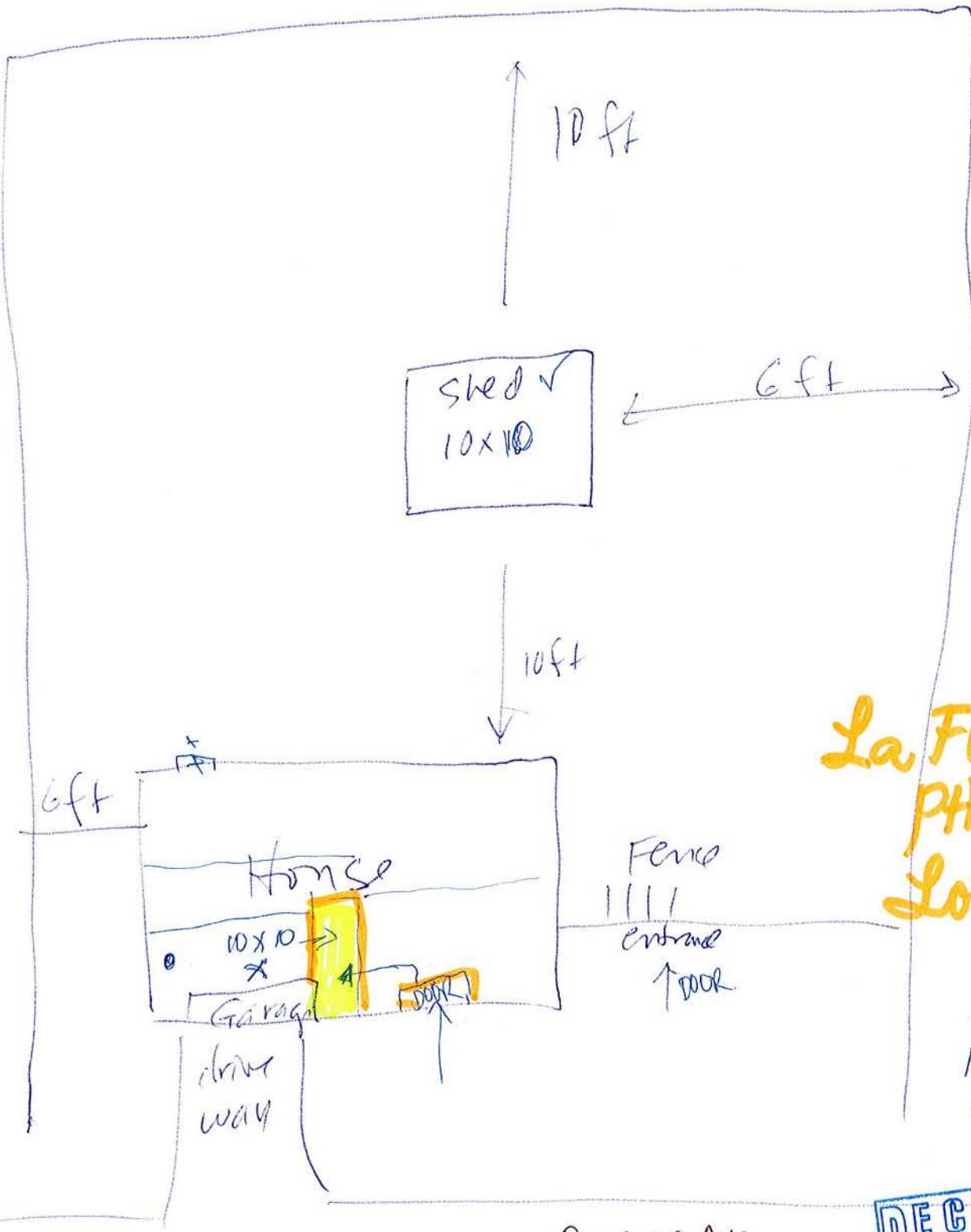
(date)

FLOOR PLAN

address: 1901 Queens Ave
McAllen, TX 78504

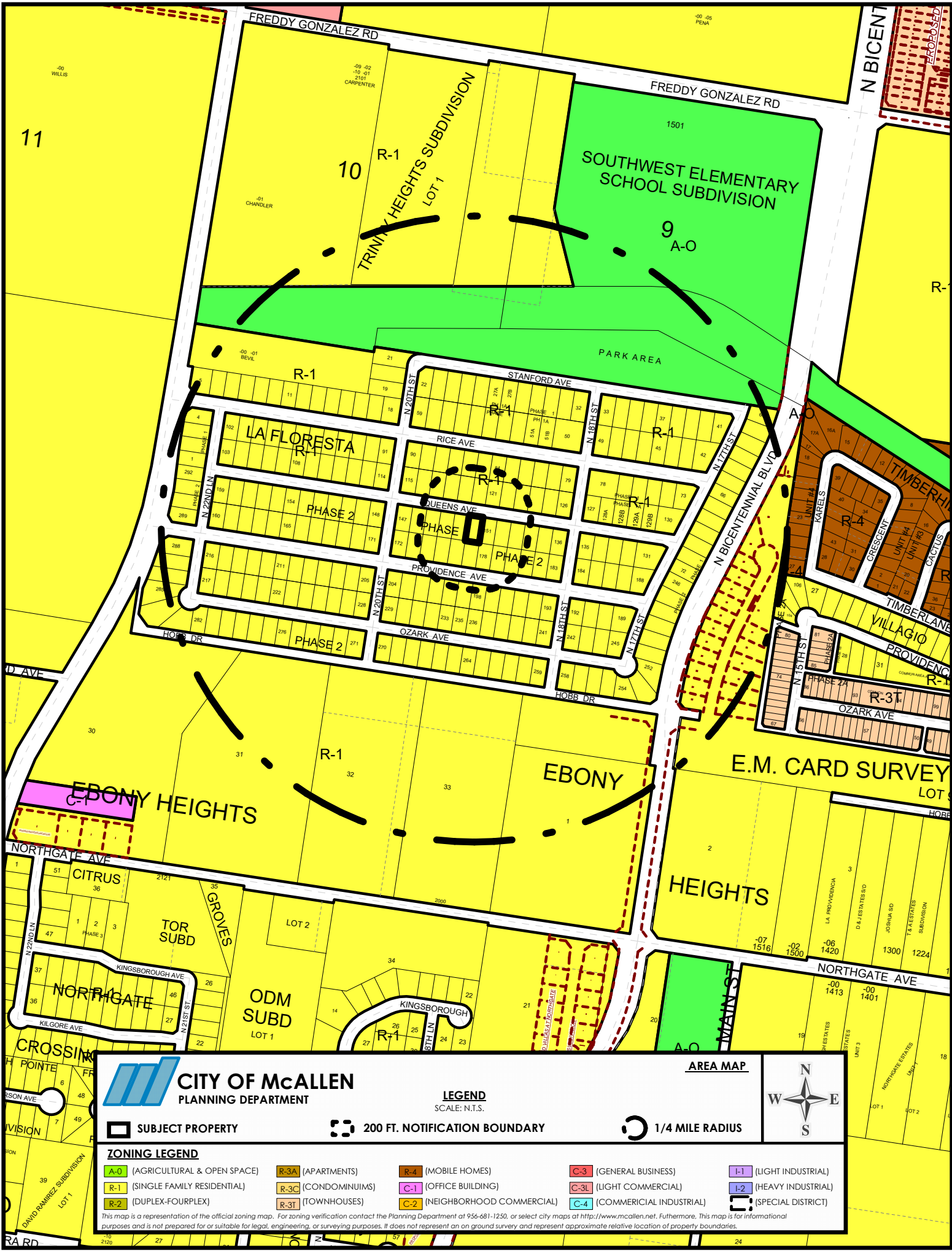


SITE PLAN: Brighter Horizons MS, LLC
1901 Queens Ave, McAllen, TX 78504



La Floresta
PH 1
Lot 142

RECEIVED
NOV 13 2020
By CM



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP



SUBJECT PROPERTY

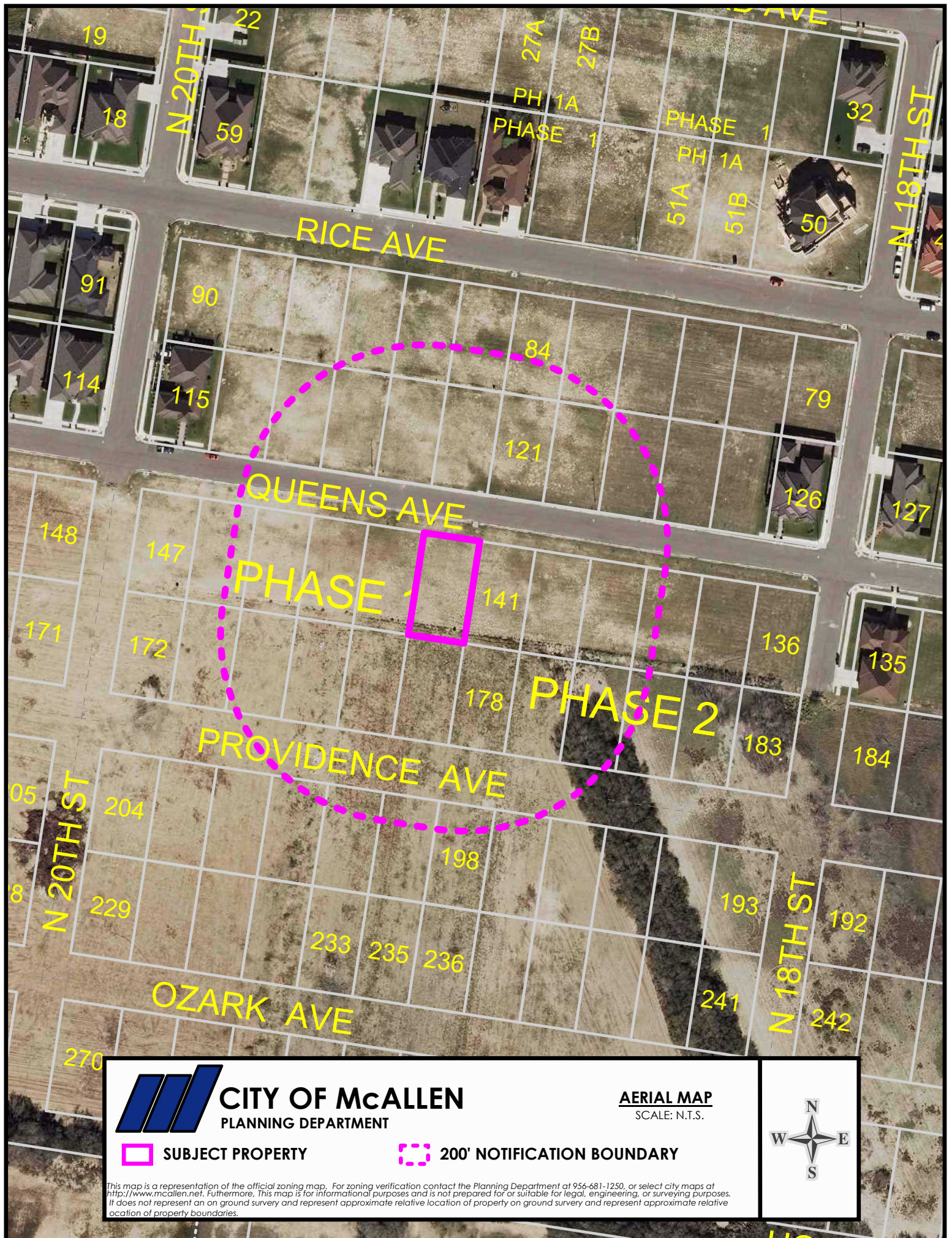
200 FT. NOTIFICATION BOUNDARY

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-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	S (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



200' 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.





Certificate of Completion

AVANTE
ADVANCED THERAPY NETWORK

Presented to
Katie Gannon-Krutz, M.A., RSCW

for completing 8 hours of AVANTE Continuing Education in the field of
trauma-informed care and self-care practices, which are essential to providing
effective and safe care to clients.

Completed on: 12/15/2023

Therapist
Katie Gannon-Krutz

Donna Brown
AVANTE Director





NOTICE
HOME
OCCUPATION
FOR
THIS PROPERTY
CUP2020-0120

Attachment 1

Below is a listing of establishments that currently practice Ultherapy in Mcallen.

- Slim Secret Med Spa
Location: 2501 N 23rd St A, McAllen, TX 78501
Zoning: C-3 (general business) District
Website: <https://www.slimsecretmedspa.com/>
- Venus Medspa
Location: 5533 N McColl Rd, McAllen, TX 78504
Zoning: C-3 (general business) District
Location: 1200 E Savannah Ave #14b, McAllen, TX 78503
Zoning: C-3 (general business) District
Website: <https://www.venusmcallen.com/>

Below is a website that provides information on Ultherapy.

Website: <https://ultherapy.com/>

To whom it may concern,

I'm Kathleen Azufra, RN, BSC-- I'm a Registered Nurse with a Marketing & Business Economics Degree. We would like to offer Ulthera or HIFU face & arm contouring treatments-non-invasive meaning NO injections & no needles, no creams but ultrasound gel to start an aesthetic business at home. Safety is our FIRST concern as we are BOTH licensed healthcare professionals. Hector & I are both Registered Nurses and have Full-time jobs. He is a Nursery nurse at Doctors Hospital at Renaissance and we decided to put up a small business due to the demand for aesthetic needs esp this pandemic season. I initially bought this Ulthera (portable) for myself and Hector. We started seeing great results and my nurse friends who are familiar with this treatment since way back 12-15 years got interested and tried the treatment.

Most of my invited ulthera friends that I call ultherababes are in the nursing field-Nurse Practitioners and one nurse was my colleague and a spouse of a doctor. She is Olive S. in the video that I chose to post in YOUTUBE--Kaye's Pro Aesthetic Group...sitting in my living room leather chair with blue pad, mask on and sprayed hands with sanitizer, shoes left by my door & gets a set of sanitized slippers --checked her temperature before entering my living room and I wore my PPE: Face shield & mask plus gloves & my white lab coat on my scrubs...She also get to try the ULTRASOUND (NOT HEAT) JOULES or energy on the WRIST first--as this is the sensitive area that we were trained in the hospitals to assess for sensation before applying to babies or sensitive areas like the face. My friend in a regular spa business also offers Ulthera without any doctor or nurse involved in her management. The Avante Laser Institute class that I attended face & body contouring certification class was a good avenue to keep my practice even safer BUT NOT NEEDED to operate this machine or treatment at all. Texas Law was also my source as to the legality of the practice. Again, this is safe and only given to close friends on a day that I'm free and available also.

I would like to reiterate that I refuse to rent out simply because I don't want this hassle of taking my equipment out of my home since I want it readily available for my own treatment. I don't intend to make this a full-time profession or source of income as of the moment due to the pandemic also. It will be a good source of side income for me because people tend to feel safer if they know that I do it at my own home and I don't cater to anybody...my home is clean, hygienic, and safe and can be open when I'm off-Sat or Sunday that most spas are not open. I also refuse to do homehealth service visits as of the moment. But it can also be a possibility. So, the side effect as most severe that is noted is just swelling--which is actually considered the desired outcome to boost collagen production in deep tissues --as it is called NON-INVASIVE FACELIFT that lasts 1 year depending on the skincare routine being practiced and adhered to by the client.

FAQ:

Does it hurt?

A: NO..painless...only tingling sensation is felt and no heat is felt--ultrasound joules is delivered

Chemicals involved?

A: NONE--we only use ultrasound gel (I order from the pharmacy where our clinic gets theirs--Medline)

Any downtime after treatment?
NONE.

Any allergies to consider?
None, just to ultrasound gel--which is extremely rare.

Can they adjust joules?
Definitely, depending on the client's tolerance level & area to be treated.
parameters are set per area.

Can they OVER treat a client?
NO. The ulthera machine counts the delivered energy and turns green when all are delivered or completed. EX cheeks need 80 counts but joules range from .7-1.4 joules only; forehead treatment for wrinkles and eyebrow lift only needs .3-.4 joules--these are parameters or guides only that the client can also dictate as tolerated on her own face at the time of treatment.

Are immediate results seen?
YES. normally one side of the face looks lifted already and tightness felt & seen by the client and initiates collagen production.

PLEASE FEEL FREE TO WATCH OR DOWNLOAD MY YOUTUBE CHANNEL MENTIONED ABOVE FOR A BETTER PICTURE OF THIS AFOREMENTIONED TREATMENT.

A Nurse's Prayer: "God, grant me the compassion to give patient, loving care, to help the sick & injured, & bring comfort to despair. At the end of every busy day, as I lay my head to rest, please give me peace within my heart to know I've done my best. Amen."--Anonymous
God Bless us & have a good one! ;0)-->>>Kaye,BSC,RN

Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

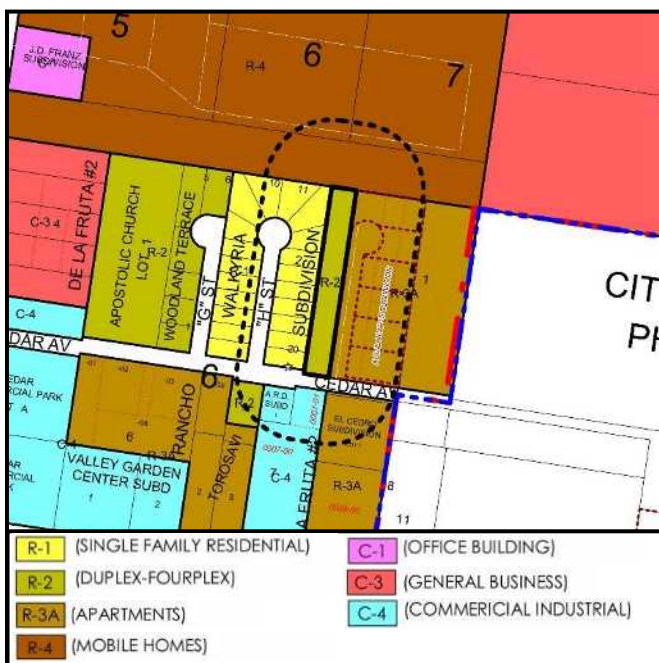
DATE: December 30, 2020

SUBJECT: 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)

LOCATION: The property is located on the north side of Cedar Avenue, approximately 1,000 ft. east of North McColl Road. The tract has 74.57 ft. of frontage along Cedar Ave with a depth of 584.76 ft., for a lot size of 1.00 acres.

PROPOSAL: The applicant is 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 is included in the packet.

ADJACENT ZONING: The adjacent zoning is 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.



LAND USE: The property is currently vacant. Surrounding land uses include 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.

COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan does not designate a future land use for the subject property. However, it designates Urban Multifamily for the properties adjacent to the east and north of the subject property which is comparable to R-2 (duplex-fourplex residential) and R-3 (multifamily residential) Districts. It also designates Auto Urban Single Family to the adjacent properties to the west and south of the subject property which is comparable to R-1 (single-family residential) District.

DEVELOPMENT TRENDS: The development trend for this area along East Cedar Avenue is single and multifamily residences.

HISTORY: The subject property was zoned R-2 (duplex-fourplex residential) District during comprehensive zoning in 1979. There have been no other rezoning requests since then.

ANALYSIS: There is no future land use designation for the subject property; however, the requested zoning conforms to the Urban Multifamily land use designation for the adjacent properties to the east and north. It also follows the rezoning trend to R-3A District of the surrounding area.

The submitted survey depicts an existing gas line on the rear side of the property, located approximately 20.7 ft. from the rear property line.

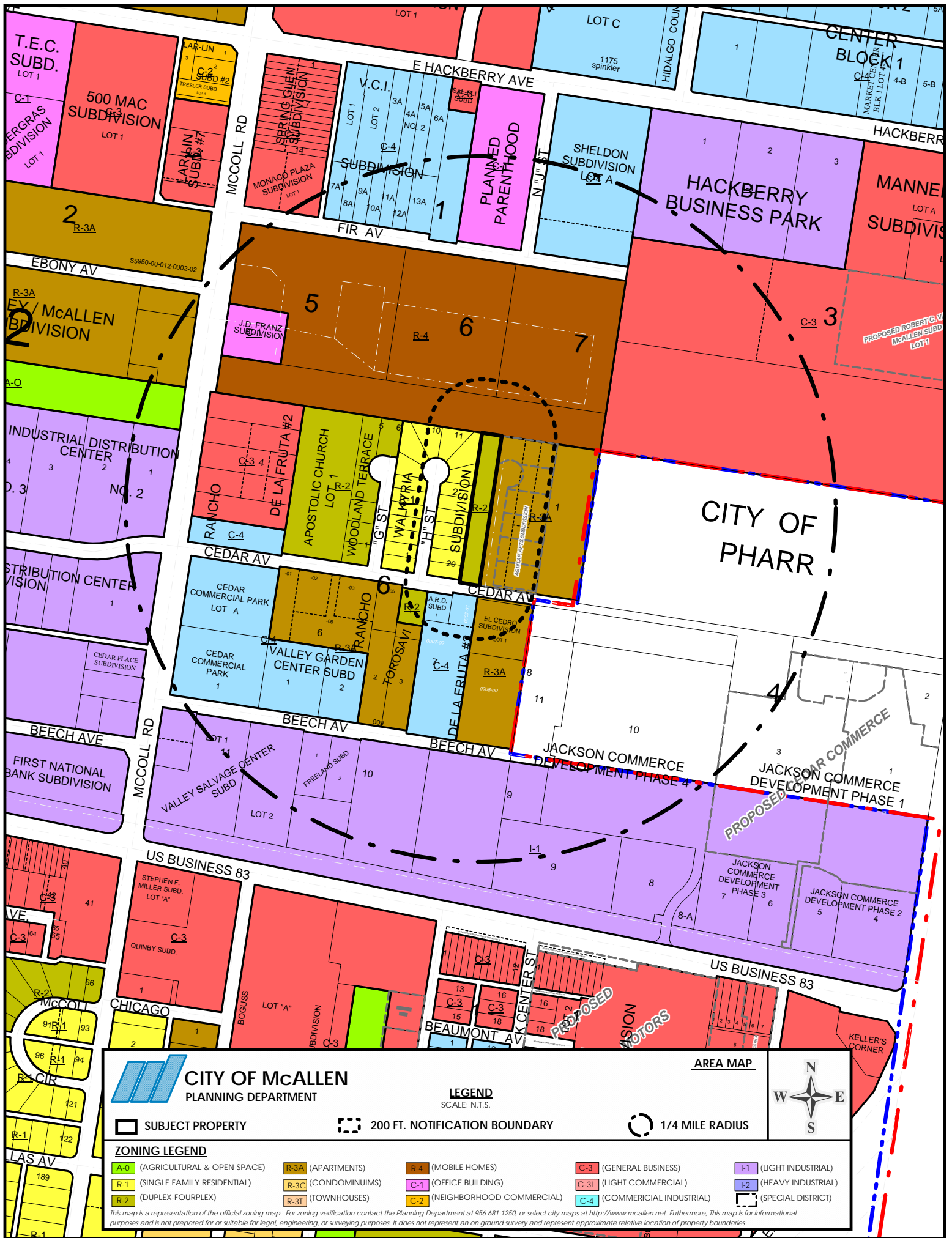
The maximum density in R-3A (multifamily residential apartments) District is 29 three-bedroom units (1,500 sq. ft.) per acre to 43 one-bedroom apartment units (1000 sq. ft.) per acre. Therefore, the maximum number of units for the subject property is approximately 29 three-bedroom units to 43 one-bedroom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

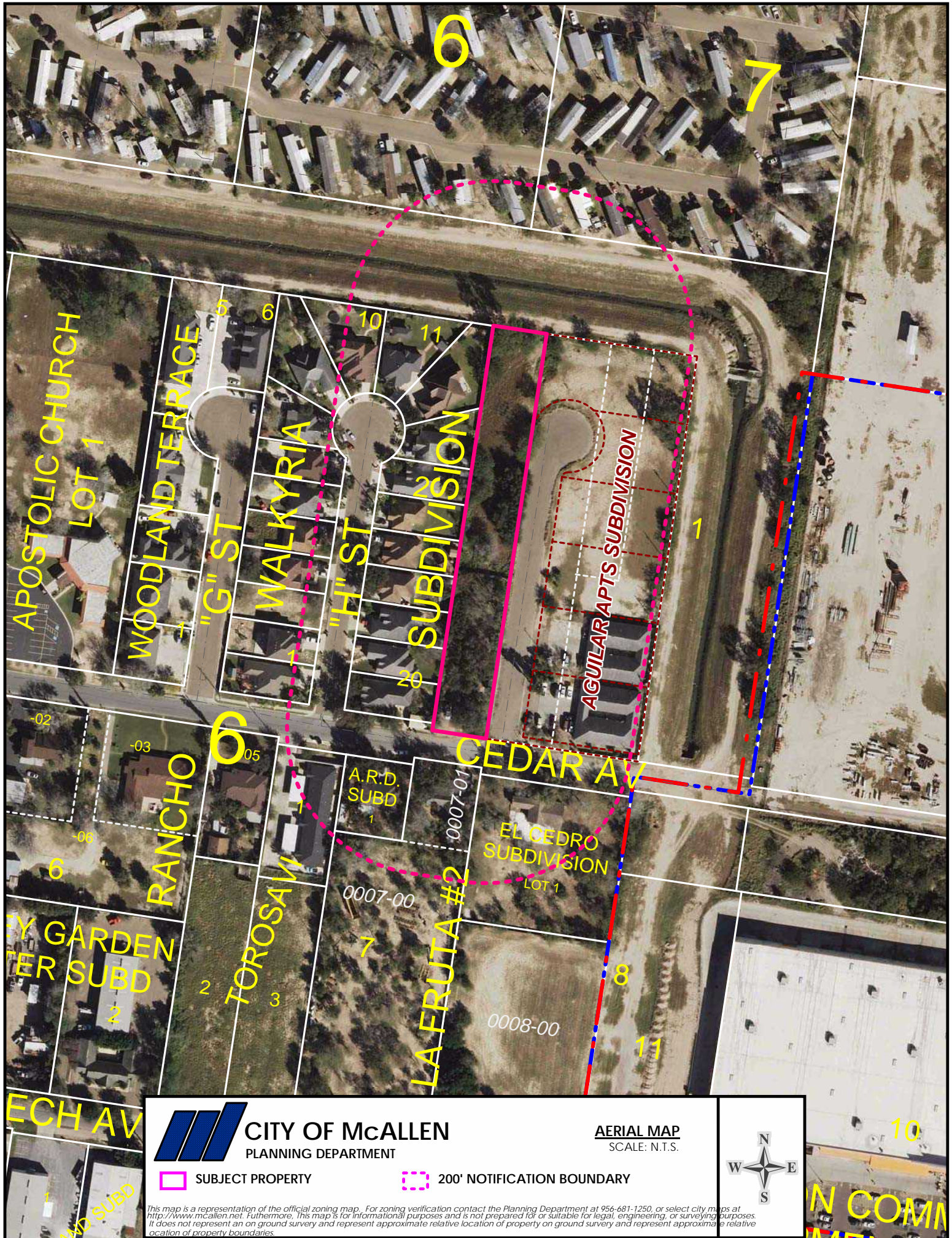
Section 110-49 (a) Vegetation Ordinance requires a masonry screen eight ft. in height where a commercial, industrial, or multifamily use has a side or rear property line in common with a single-family use or zone.

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-3A (multifamily residential apartment) District.





CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

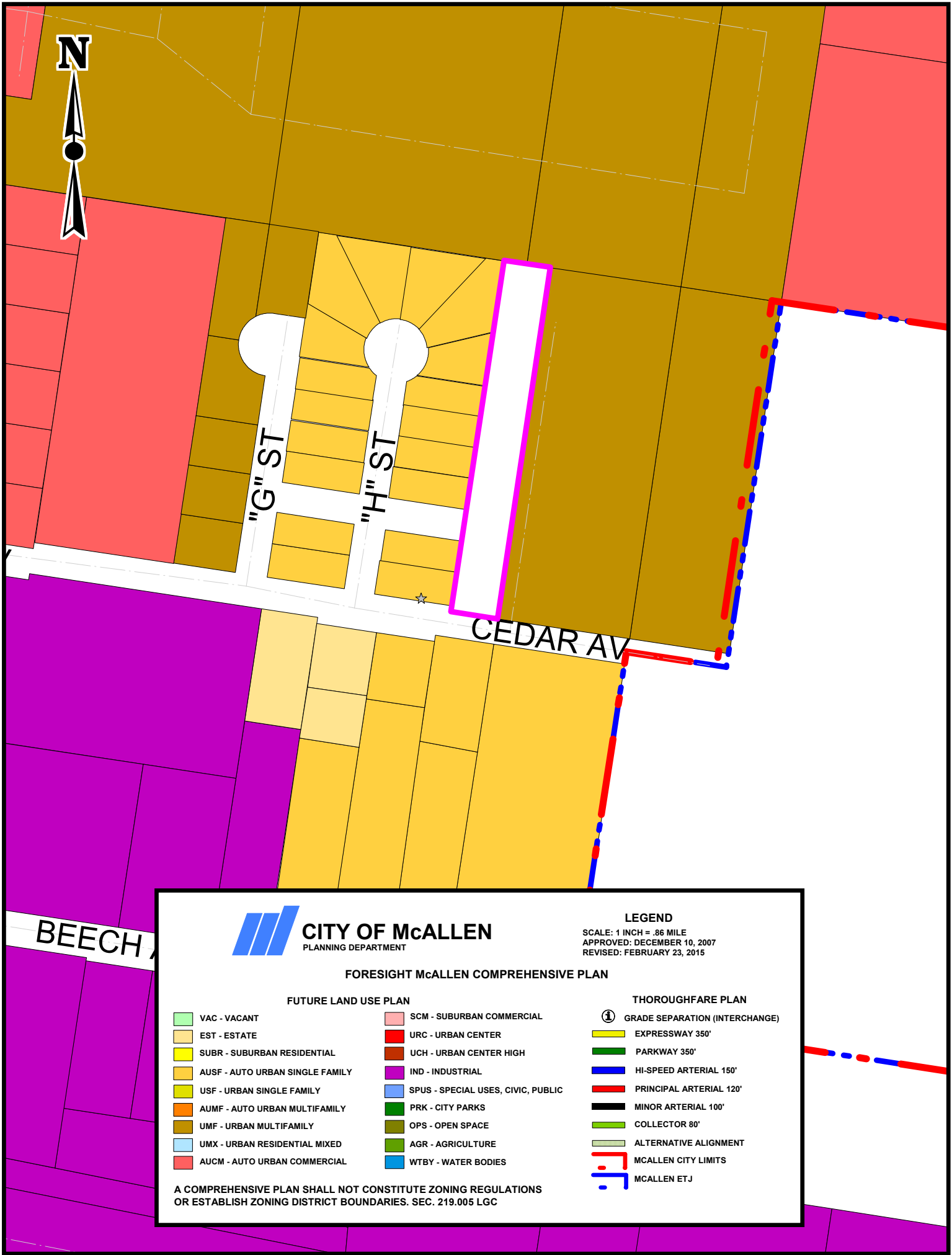
 **SUBJECT PROPERTY**

 **200' NOTIFICATION BOUNDARY**



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10
IN COMM



CITY OF McALLEN

PLANNING DEPARTMENT

LEGEND

SCALE: 1 INCH = .86 MILE
 APPROVED: DECEMBER 10, 2007
 REVISED: FEBRUARY 23, 2015

FORESIGHT McALLEN COMPREHENSIVE PLAN

FUTURE LAND USE PLAN

VAC - VACANT	SCM - SUBURBAN COMMERCIAL
EST - ESTATE	URC - URBAN CENTER
SUBR - SUBURBAN RESIDENTIAL	UCH - URBAN CENTER HIGH
AUSF - AUTO URBAN SINGLE FAMILY	IND - INDUSTRIAL
USF - URBAN SINGLE FAMILY	SPUS - SPECIAL USES, CIVIC, PUBLIC
AUMF - AUTO URBAN MULTIFAMILY	PRK - CITY PARKS
UMF - URBAN MULTIFAMILY	OPS - OPEN SPACE
UMX - URBAN RESIDENTIAL MIXED	AGR - AGRICULTURE
AUCM - AUTO URBAN COMMERCIAL	WTBY - WATER BODIES

THOROUGHFARE PLAN

	GRADE SEPARATION (INTERCHANGE)
	EXPRESSWAY 350'
	PARKWAY 350'
	HI-SPEED ARTERIAL 150'
	PRINCIPAL ARTERIAL 120'
	MINOR ARTERIAL 100'
	COLLECTOR 80'
	ALTERNATIVE ALIGNMENT
	MCALLEN CITY LIMITS
	MCALLEN ETJ

A COMPREHENSIVE PLAN SHALL NOT CONSTITUTE ZONING REGULATIONS
 OR ESTABLISH ZONING DISTRICT BOUNDARIES. SEC. 219.005 LGC

CEDAR AVENUE [VARIABLE R.O.W.]

N81°24'05"W
74.57'

30.0'
VOL. 29, PG. 121A
M.R.H.C.T.

LOT 20

LOT 19

LOT 18

LOT 17

LOT 16

LOT 15

LOT 14

LOT 13

LOT 12

10.0' UTIL.
ESMT.

25.0' GAS
ESMT.

15.0' UTIL.
ESMT.

N08°35'55"E

584.76'

564.76'

EXISTING R.O.W.

20.0'
[SEE NOTE 4]

1.00 ACRES
[43,605.55 SQ.FT.]
OWNER: FREDDIE ATTWOOD
GWD: DOC. NO. 1009986
O.R.H.C.T.

LOT 2

564.76'

S08°35'55"W

584.76'

PRIVATE ROAD

LOT 1

W2.73AC - LOT 1
OWNER: GABRIEL & SUSANA H. AGUILAR
WD: DOC. No. 374266
O.R.H.C.T.

RANCHO DE LA FRUTA SUBDIVISION No. 2
VOL. 1, PG. 34,
M.R.H.C.T.



0 25' 50'

SCALE: 1"=50'
BASIS OF BEARINGS:
TEXAS STATE PLANE
COORDINATE SYSTEM
SOUTH ZONE 4205

PLAT SHOWING:
A 1.00 ACRE [43,605.55 SQ.FT.] TRACT
BEING THE EAST 1 ACRE OF LOT 2, OF RANCHO DE LA FRUTA
SUBDIVISION NO. 2, HIDALGO COUNTY, TEXAS, ACCORDING TO
MAP THEREOF RECORDED IN VOLUME 1, PAGE 34, MAP RECORDS
OF HIDALGO COUNTY, TEXAS.

LEGEND

- | | | |
|-----------------|---------------------------------------|----------------------------------|
| --- --- --- --- | CEAR FENCE | NW - NORTHWEST |
| -x-x-x- | CHAINLINK FENCE | NE - NORTHEAST |
| ---- | RIGHT OF WAY LINE | CNR - CORNER |
| ---- | EASEMENT LINE | VOL - VOLUME |
| ---- | SETBACK | PG - PAGE |
| ---- | LOT LINE | DOC - DOCUMENT |
| --- | PROPERTY LINE | WD - WARRANTY DEED |
| --- | EDGE OF ROADWAY PAVEMENT | GWD - GENERAL WARRANTY DEED |
| --- | CONCRETE CURB AND GUTTER | ESMT - EASEMENT |
| ● | FND. 1/2" IRON ROD | UTIL - UTILITY |
| ■ | FND. 1" IRON PIPE | () - RECORD CALL |
| ⊙ | SANITARY SEWER MANHOLE | ○ - SET 1/2" IRON ROD W/PINK CAP |
| Ⓢ | TRAFFIC SIGN | |
| Ⓢ | IRRIGATION STAND PIPE | |
| M.R.H.C.T. | MAP RECORDS HIDALGO COUNTY TEXAS | |
| O.R.H.C.T. | OFFICIAL RECORDS HIDALGO COUNTY TEXAS | |

NOTES:

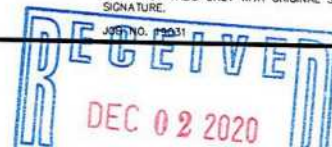
- SUBJECT PROPERTY IS LOCATED IN ZONE "B" (MEDIUM SHADING) DESCRIBED AS "AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD"; AS PER FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 480343 0005 C, DATED NOVEMBER 2, 1982.
- SURVEY WAS PREPARED WITH THE BENEFIT OF TITLE COMMITMENT OF NO. 100859 AS ISSUED BY SIERRA TITLE INSURANCE GUARANTY COMPANY.
- THE FOLLOWING EXCEPTIONS ARE LISTED IN THE SCHEDULE "B" OF SAID COMMITMENT:
- FINA GAS LINES ALONG THE NORTH SIDE OF SUBJECT PROPERTY AS EVIDENCED BY PLAT FILED FOR RECORD IN VOLUME 29, PAGE 121A, MAP RECORDS HIDALGO COUNTY, TEXAS. [SEE NOTE 10-B]
- EASEMENTS AND CONDITIONS AS SHOWN ON PLAT RECORDED IN VOLUME 1, PAGE 34, MAP RECORDS OF HIDALGO COUNTY, TEXAS. [SEE NOTE 10-C]
- EASEMENTS, RIGHTS, RULES, AND REGULATIONS IN FAVOR OF HIDALGO COUNTY IRRIGATION DISTRICT NO. 2. [SEE NOTE 10-D]
- EASEMENTS, OR CLAIMS OF EASEMENTS, WHICH ARE NOT OF PUBLIC RECORD. [SEE NOTE 10-E]
- SURVEY VALID ONLY WITH ORIGINAL SEAL AND SIGNATURE.

OWNER: HIDALGO CO WATER DISTRICT 1
(DOCUMENT INFO.)
O.R.H.C.T.

NE CNR LOT 2
NW CNR LOT 1

S81°24'05"E
74.57'

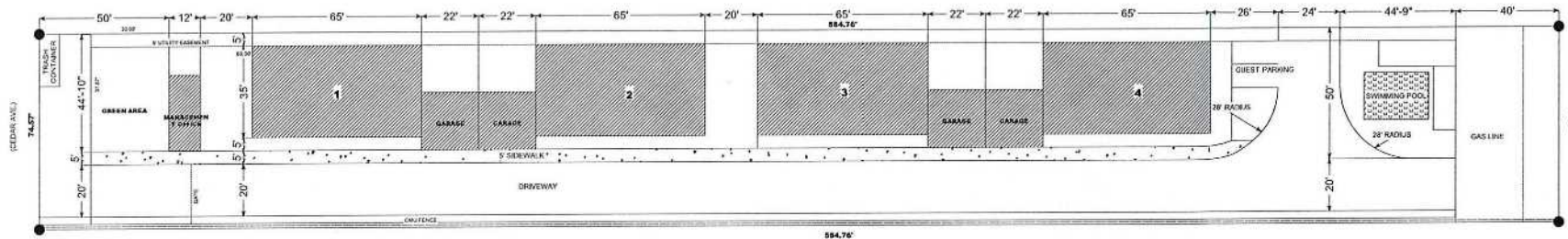
JUN 10, 2021



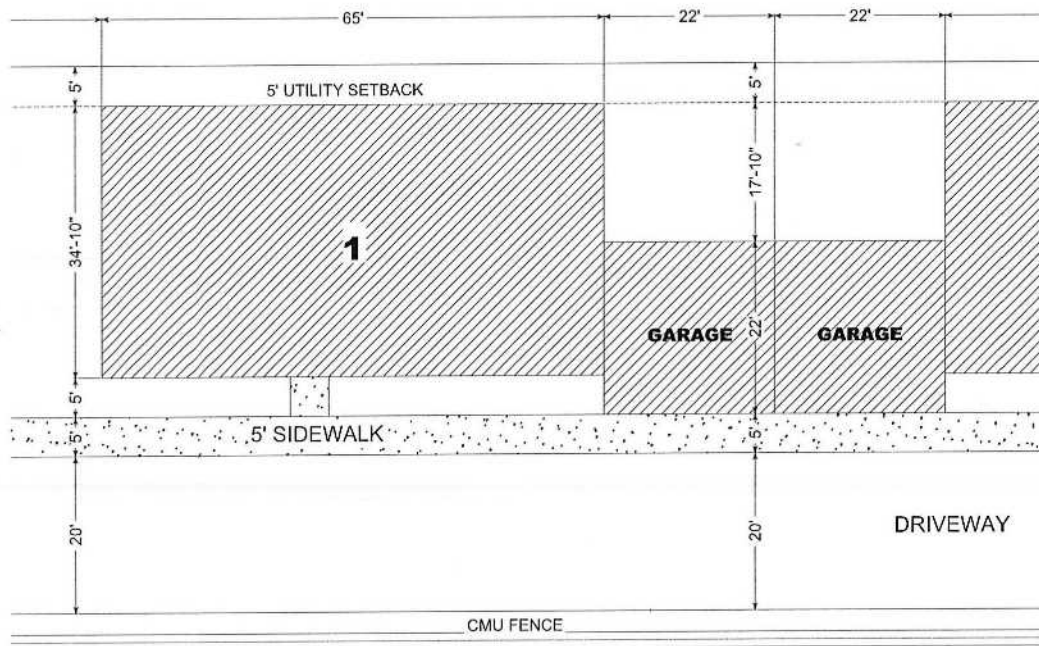
Carrizales
Land
Surveying, LLC

Texas Registered Surveying Firm
TRPLS FIRM No: 10194417
4807 Gondola Avenue,
Edinburg, TX 78542
Office: 956-567-2167
www.cls.land





4 UNIT PROPOSAL
SCALE: 1"=20'



TYP. UNIT





NOTICE
REZONING
FOR
THIS PROPERTY
REZ2020-0047

Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

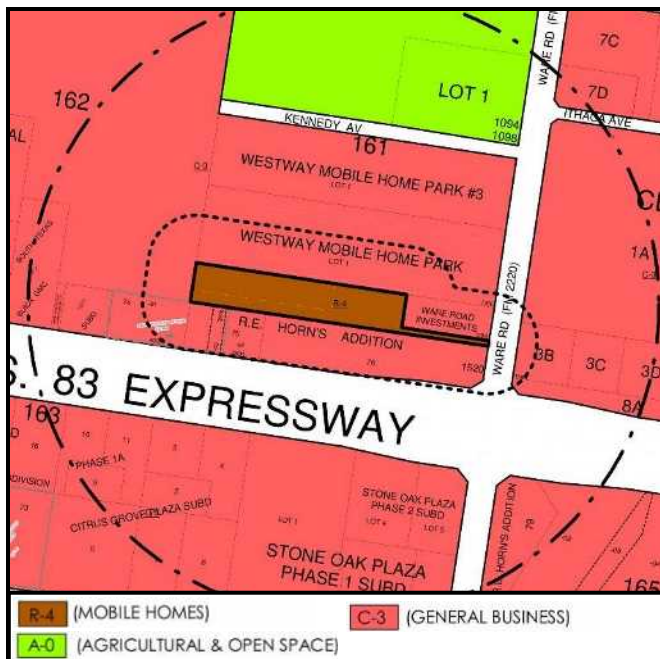
DATE: December 30, 2020

SUBJECT: 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)

LOCATION: The property is located on the west side of South Ware Road, approximately 200 ft. north of U.S. 83 Expressway. The irregularly-shaped tract has 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.

PROPOSAL: The applicant is requesting to rezone the property to C-3 (general business) District for commercial use. The requested zoning is part of a larger commercial development which will include a gas station. A feasibility plan has not been submitted.

ADJACENT ZONING: The adjacent zoning is C-3 (general business) District in all directions.



LAND USE: The property is currently used as a mobile home park. Surrounding land uses include 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.

COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan designates the future land use for this property as Auto Urban Commercial which is comparable to C-1 (office building) to C-3 (general business) Districts.

DEVELOPMENT TRENDS: The development trend for this area along South Ware Road is commercial.

HISTORY: 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.

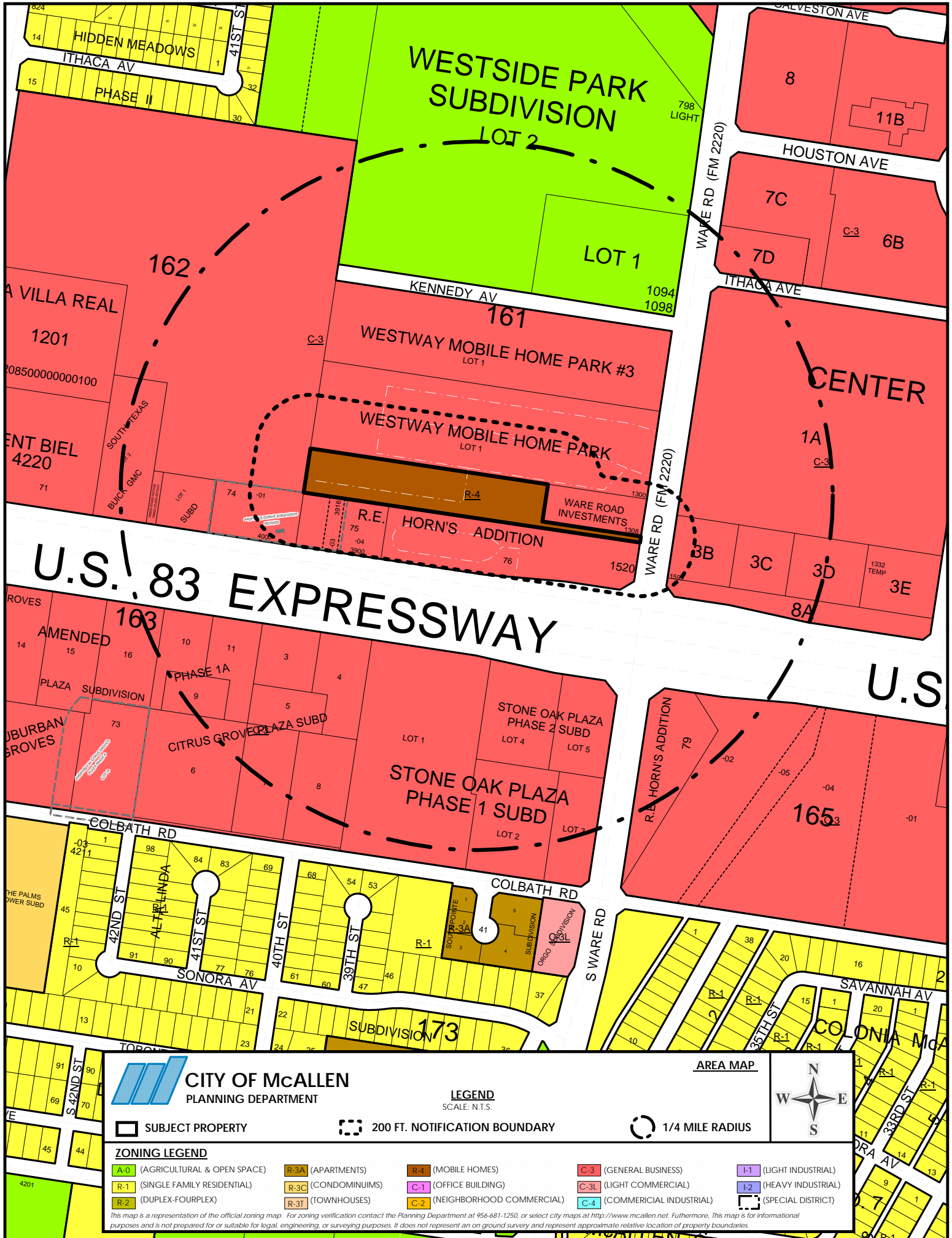
A request to rezone the adjacent property to the east of the subject property, recorded as Ware Road Investments Subdivision, from R-4 (mobile home and modular home) District to C-3 (general business) District was approved by the City Commission on September 23, 2002.

ANALYSIS: The requested zoning conforms to the Auto Urban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan.

A recorded subdivision plat and approved site plan are required prior to building permit issuance. Gasoline service stations or retail outlets where gasoline products are sold require a Conditional Use Permit as well. Uses that are allowed in C-3 (general business) District include offices, retail stores, hospitals, hotels, restaurants, and passenger terminals.

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

RECOMMENDATION: Staff recommends approval of the rezoning request to C-3 (general business) District.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

SUBJECT PROPERTY

200 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-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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CITY OF McALLEN
PLANNING DEPARTMENT

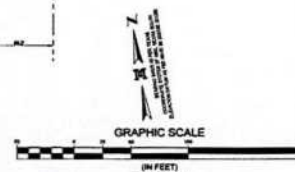
AERIAL MAP
SCALE: N.T.S.

 **SUBJECT PROPERTY**

 **200' NOTIFICATION BOUNDARY**



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[illegible]

RECEIVED
DEC 02 2020
By _____

[illegible]

A tract of land containing 3.811 acres situated in the City of Midway, County of Hidalgo, Texas, being a part or portion out of Lot 101, La Loma Impresion & Construction Co., according to the plat thereof recorded in Volume 24, Page 68, Hidalgo County Deed Records, said 3.811 acres were conveyed to S&P Partners, a Texas Limited Partnership by virtue of a Special Warranty Deed recorded under Document Number 1002867, Hidalgo County Official Records, said 3.811 acres are being now particularly described as follows:

RECEIVED on a No. 4 value set for the Southwest corner of map Lot 101.

[illegible]

ALTA/Nsps Land Title Survey			
JOB NO.	20107.02	NEW CERTIFICATION	08/09/2020 J.V.V.
DRAWING DATE	08/09/2020	CORRECTING BOUNDARY	08/21/2020 J.V.V.
DRAWN BY	J.V.V.	NEW BOUNDARY	08/20/2020 J.V.V.
File Name:	20107.02	REVISION	08/21/2020 J.V.V.
T-1184, PG. 12		J.V.V.	
PAGE 2 OF 2		J.V.V.	

NOTICE
REZONING
FOR
THIS PROPERTY
REZ2020-0048

CITY OF RICHMOND PLANNING DEPT.
RICHMOND, CALIF. 94801
WWW.RICHMOND.CA.GOV

Planning Department

Memo

TO: Planning and Zoning Commission

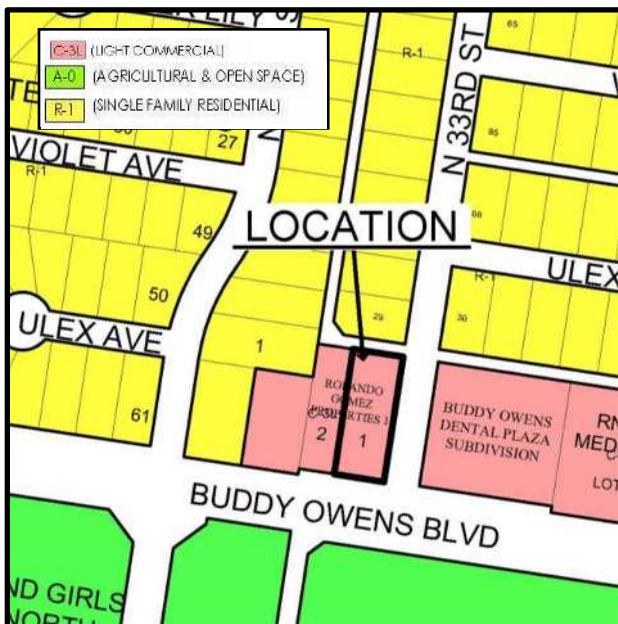
FROM: Planning Staff

DATE: December 30, 2020

SUBJECT: SITE PLAN APPROVAL FOR LOT 1, ROLANDO GOMEZ PROPERTIES SUBDIVISION; 3224 BUDDY OWENS BOULEVARD. (SPR2019-0009)

LOCATION: The property is located on the northwest corner of Buddy Owens Boulevard and North 33rd Street is zoned C-3L (light commercial) District. The adjacent zoning is 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 is 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.

PROPOSAL: The applicant is proposing to construct a drive thru (The Palma Azul) with a 3,249 square foot retail building. The plat states that a site plan must be approved by the Planning & Zoning Commission prior to building permit issuance.

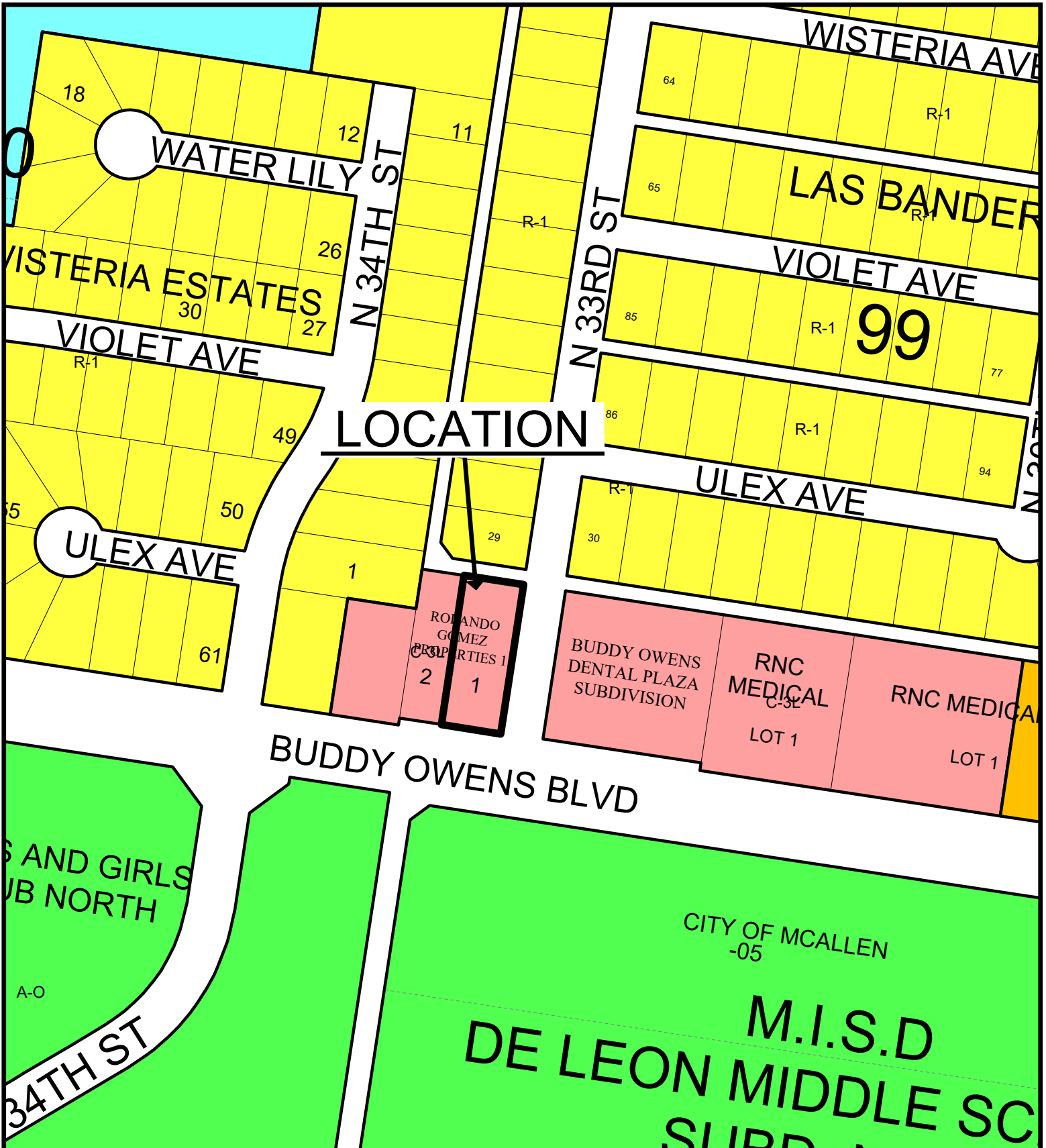


ANALYSIS: The proposed drive thru building will be 3,249 square feet, which requires 12 parking spaces, 13 parking spaces are provided. One of the provided parking spaces must be accessible, one of which must be van accessible with an 8 ft. wide aisle. One access point to the site is being proposed; which is 30 ft. wide curb cut along N. 33rd Street. Required landscaping is 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 is 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 is 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 will 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 is 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.

RECOMMENDATION:

Staff recommends 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.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)
R-1 (SINGLE FAMILY RESIDENTIAL)
R-2 (DUPLEX-FOURPLEX)

R-3A (APARTMENTS)
R-3C (CONDOMINIUMS)
R-3T (TOWNHOUSES)

R-4 (MOBILE HOMES)
C-1 (OFFICE BUILDING)
C-2 (NEIGHBORHOOD COMMERCIAL)

C-3 (GENERAL BUSINESS)
C-3L (LIGHT COMMERCIAL)
C-4 (COMMERCIAL INDUSTRIAL)

I-1 (LIGHT INDUSTRIAL)
I-2 (HEAVY INDUSTRIAL)
S (SPECIAL DISTRICT)

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WISTERIA AV

0

WATER LILY ST

N 34TH ST

N 33RD ST

LAS BANDERAS

VIOLET AVE

99

LOCATION

ULEX AVE

ULEX AVE

ROMANDO GOMEZ PROPERTIES
2 1

BUDDY OWENS DENTAL PLAZA SUBDIVISION
-01/3220

RNC MEDICAL
LOT 1

RNC MEDICAL
LOT 1

BUDDY OWENS BLVD

BOYS AND GIRLS CLUB NORTH
4501

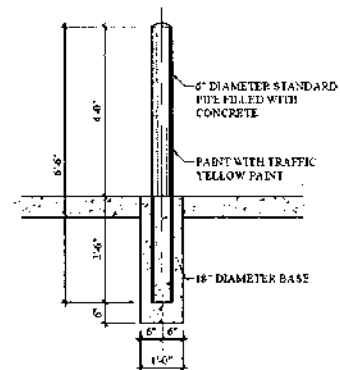
34TH ST

CITY OF MCALLEN
-05

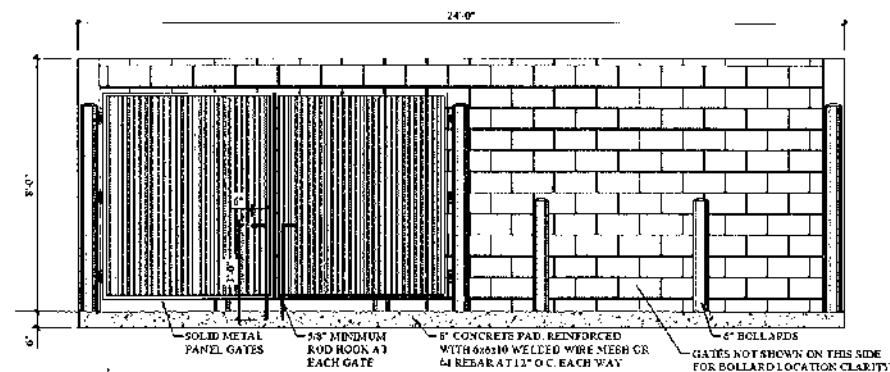
M.I.S.D.
DE LEON MIDDLE SCHOOL
SUBD. NO 9

DE LEON SOCCER COMPLEX
3301

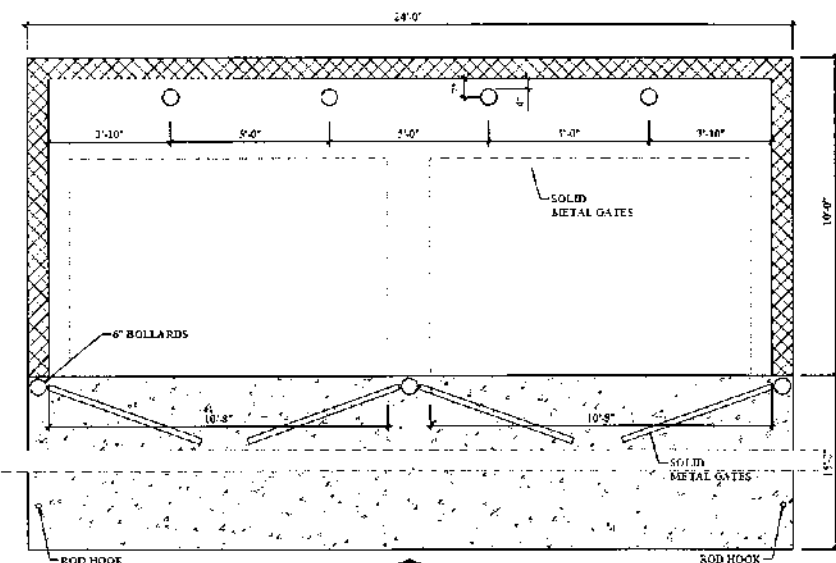
LOT 1
106



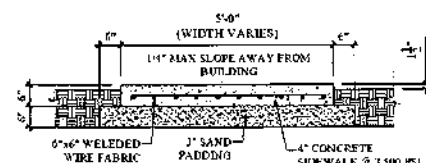
3 BOLLARD DETAIL
Scale: 1/2" = 1'-0"



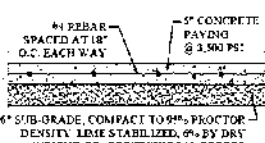
2 ENCLOSURE FRONT VIEW
Scale: 3/8" = 1'-0"



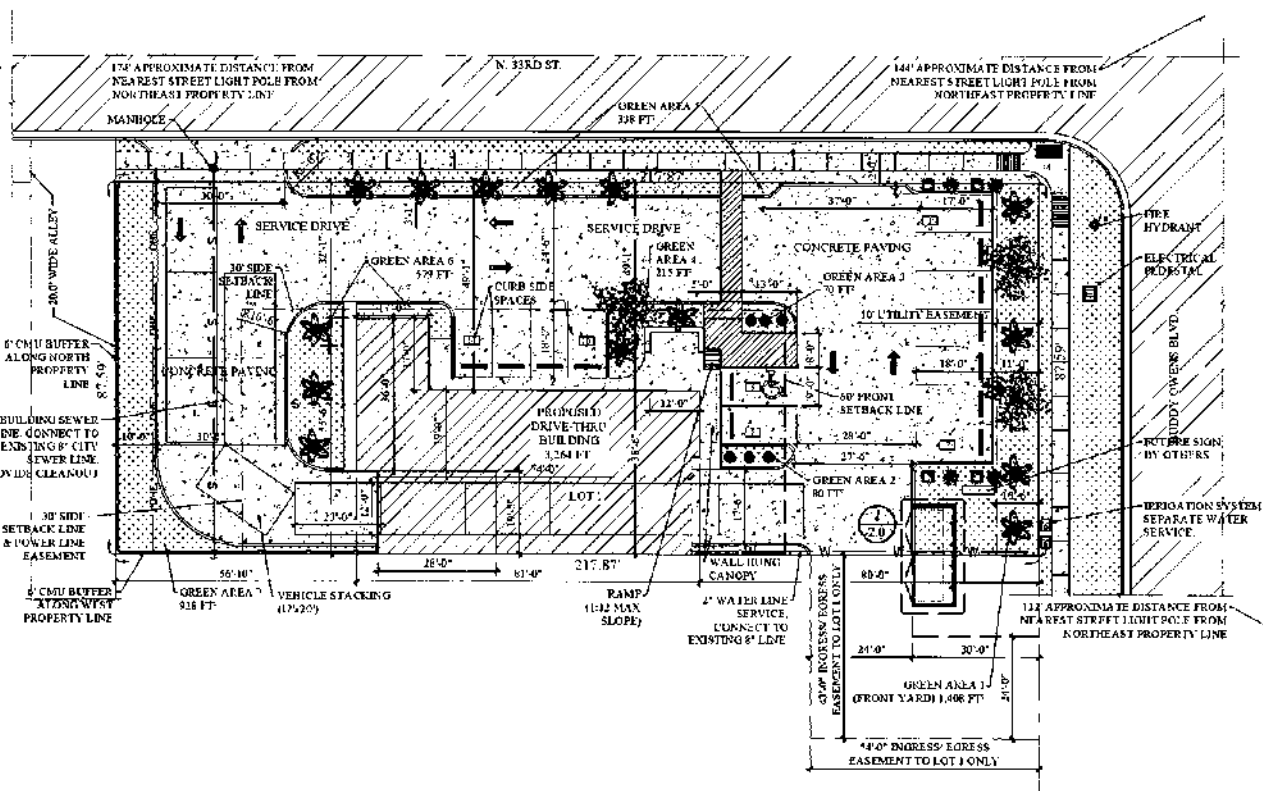
1 ENCLOSURE PLAN VIEW
Scale: 3/8" = 1'-0"



SIDEWALK SECTION
Scale: 1/2" = 1'-0"



PAVING DETAIL (CONCRETE)
Scale: 1/2" = 1'-0"



SITE LAYOUT
Scale: 1/2" = 1'-0"

QUANTITY	SYMBOL	LANDSCAPE	
		DESCRIPTION	
9		TEXAS SAGE (3 GALLONS)	
4		DORA HEDGE, HOLLY DWARF HEDGE, OR SIMILAR (3-GALLON)	
		UPRIGHT ROSEMARY (3 GALLON)	
4		BICOLOR BUSH (GALLON)	
6		GOLDEN DUST CROTON	
4		SHADE TREE 4" MINIMUM CALIPER (OAK, ASH, OR ELM), 10' MINIMUM HEIGHT	
12		PIGMY PALM (3 GALLON)	
3,794 FT ²		BERMUDA GRASS, HYDRO SEEDING, 100% BERMUDA SEED WITH MULCH AND FERTILIZER, MIXTURE COMPOSITION SEED CONCENTRATION AT 2-3 LBS/1000 FT ² , FERTILIZER AT 25-30 LBS/500 FT ² , MULCH AT 100-115 LBS/500 FT ²	

TEXAS ACCESSIBILITY STANDARDS TABLE 106.3 PARKING SPACES	
TOTAL NUMBER OF PARKING SPACES PROVIDED IN PARKING FACILITY	MINIMUM NUMBER OF REQUIRED ACCESSIBLE PARKING SPACES
1 TO 25	1
26 TO 50	2
51 TO 75	3
76 TO 100	4
101 TO 150	5
151 TO 200	6
201 TO 300	8
301 TO 400	10
401 TO 500	12
501 TO 1000	PERCENT OF TOTAL
1001 AND OVER	2% PLUS 1 FOR EACH 100 OR FRACTION THEREOF OVER 1000

NEW OFFICE BUILDING AREA: 3,254 FT²
BUILDING SETBACKS (FOR PROPOSED ADDITION):
FRONT (SOUTH): 8'-0" PROPOSED
WEST SIDE: 0'-0" PROPOSED
EAST SIDE: 3'-0" PROPOSED
REAR (NORTH): 5'-10" PROPOSED

PARKING SPACES
REQUIRED PARKING: 13 PARKING SPACES
PROPOSED PARKING: 13 PARKING SPACES

GREEN AREA:
CITY REQUIREMENTS: 10% OF LOT AREA.
19,084 FT² = 10% = 1,908 FT² TOTAL REQUIRED
1,908 FT² = 2,514 FT²
GREEN AREA 1 (FRONT YARD) = 1,538 FT² PROPOSED
GREEN AREA PROVIDED: AREA 2 = 1,478 FT²
AREA 3 = 80 FT²
AREA 4 = 70 FT²
AREA 5 = 235 FT²
AREA 6 = 338 FT²
AREA 7 = 479 FT²
TOTAL PROVIDED = 1,754 FT²

TREES: 0.794 FT² = 1,000 FT² = 1,000 FT² IN
1ST 2,000 FT² = 10 TREES
1,754 FT² = 200 = 4 TREES
TOTAL TREES REQUIRED = 14 (2.14" CALIPER) OR 14" CALIPER

PLANTING BEDS: ALL PLANTING BEDS SHALL BE MULCHED OR COVERED WITH GROUND COVER

- GENERAL SITE PLAN NOTES:
- SITE LAYOUT INCLUDING BUILDING IS FOR REFERENCE ONLY, AND IS NOT CONSIDERED A SURVEY, AND SHOULD NOT BE USED AS A SURVEY. SITE PLAN SHOULD NOT BE USED FOR ANY DEVELOPMENT, SITE CONSTRUCTION, AND/OR BUILDING CONSTRUCTION. IF OWNER AND/OR CONTRACTOR DECIDES TO USE THIS SITE PLAN FOR SITE CONSTRUCTION, IS AT OWN RISK, SURVEY RECOMMENDED.
 - SITE PLAN PROPERTY LINE IS DRAWN AS PER SUBDIVISION PLAN PROVIDED BY OWNER ALONG WITH PHOTO OF ADJACENT PROPERTY (LOT 2). PROPERTY RESTRICTION REGARDING SETBACKS AND PARKING/DRIVE ALIGNMENT ARE DRAWN AS AN APPROXIMATE ONLY, SINCE NO SURVEY HAS BEEN PROVIDED FOR THIS PRELIMINARY LAYOUT.
 - OWNER CONTRACTOR TO VERIFY WITH CITY ON ANY REQUIRED E.O.W. PERMITS, SUBDIVISION REQUIREMENTS, ZONING, TIDOT PERMITS, CURB CUTS PERMITTED, CURB CUT APPROACH MINIMUM AND MAXIMUM SIZE PERMITTED.
 - SEWER DRAINAGE SYSTEM REQUIRED PER SUBDIVISION HOMEOWNERS ASSOCIATION, IRRIGATION PLANS, PERMITS, AND INSTALLATION BY LICENSED IRRIGATOR.
 - FIELD VERIFY ALL MEASUREMENTS OF SITE LAYOUT, INCLUDING BUILDING LOCATION PRIOR TO DEVELOPMENT AND/OR CONSTRUCTION. DESIGNER IS NOT RESPONSIBLE FOR ANY CONSTRUCTION AND/OR DEVELOPMENT. CONTRACTOR IS RESPONSIBLE FOR ALL MEASUREMENT VERIFICATION PRIOR TO DEVELOPMENT AND/OR CONSTRUCTION.
 - OWNER CONTRACTOR IS RESPONSIBLE TO OBTAIN APPROVAL FROM CITY AND/OR OTHER ENTITIES AS REQUIRED, FOR SITE LAYOUT.
 - OTHER CIVIL DRAWINGS IF REQUESTED BY MUNICIPALITY, ARE TO BE OBTAINED BY CONTRACTOR AND/OR OWNER.
 - CONTRACTOR IS RESPONSIBLE FOR VERIFYING LOCATION OF ALL EASEMENTS AND ADJACENT WORK ON ADJACENT TO PROPERTY PRIOR TO CONSTRUCTION.
 - CONTRACTOR RESPONSIBLE FOR REQUESTING UTILITY IDENTIFICATION AND/OR LOCATIONS FROM CITY.
 - REMOVE ALL EXISTING TREES AND SIDEWALKS CONTRACTOR/CITY/OWNER AND/OR OWNER RESPONSIBLE FOR ANY PERMITS PRIOR TO REMOVAL.

- CONCRETE
- GREEN AREA
- ASPHALT PAVING
- CRUSHED LIMESTONE

NOTES:
1. CONTRACTOR/CITY/OWNER IS RESPONSIBLE CONTRACTOR FOR THE PROJECT. DESIGNER IS NOT RESPONSIBLE FOR ANY CONTRACTING AND/OR CONSTRUCTION.

1011
ROLANDO GOMEZ
PROPERTIES I
SUBDIVISION
MCALLEN, TX
3214 BUDDY OWENS BLVD

BUILDING AREA: 3,254 FT²
TOTAL AREA: 1,224 FT²

CUSTOMER:
ELIO GARZA

MCALLEN, TX

CONTRACTOR:

DATE:
6-25-20

REVISIONS:
REV.: 10-12-20
REV.: 11-16-20

THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF K-GEOM CONSULTING & DESIGN, AND MAY NOT BE REPRODUCED IN ANY WAY WITHOUT PRIOR WRITTEN PERMISSION FROM K-GEOM. ALL INFORMATION PROVIDED ON THE DRAWINGS ARE FOR USE ON THE SPECIFIED PROJECT ONLY AND SHALL NOT BE USED OTHERWISE.

DRAWN BY: J.M.
REVIEWED BY: J.M.

SITE PLAN

SCALE: PER DETAIL

PAGE NO:
2.0

PROJECT NO:
27-019

PLAT OF ROLANDO GOMEZ PROPERTIES 1

A 0.95 ACRE TRACT OF LAND OUT OF THE SOUTH 277.87 FT. OF THE WEST 148.59 FT. OF LOT 99, LA LOMITA IRRIGATION & CONSTRUCTION CO. SUBDIVISION RECORDED IN VOLUME 24, PAGE 67, OF THE DEED RECORDS OF HIDALGO COUNTY, TEXAS.

METES AND BOUNDS DESCRIPTION

A 0.95 ACRE TRACT OF LAND OUT OF THE SOUTH 277.87 FT. OF THE WEST 148.59 FT. OF LOT 99, LA LOMITA IRRIGATION & CONSTRUCTION CO. SUBDIVISION RECORDED IN VOLUME 24, PAGE 67, OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS. MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 99, ALSO BEING THE SOUTHWEST CORNER OF THIS TRACT.

THENCE, NORTH 60.0 FT. ALONG THE WEST LINE OF LOT 99, PASS A 1/2" IRON ROD SET FOR THE NORTH RIGHT-OF-WAY LINE OF MILE 3 N. ROAD, AND A TOTAL DISTANCE OF 277.87 FT. TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE, EAST PARALLEL TO THE SOUTH LINE OF LOT 99, 148.59 FT. TO A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF THIS TRACT.

THENCE, SOUTH PARALLEL TO THE WEST LINE OF LOT 99, 217.87 PASS A 1/2" IRON ROD SET FOR THE NORTH RIGHT-OF-WAY LINE OF MILE 3 N. ROAD AND A TOTAL DISTANCE OF 277.87 FT. TO A POINT ON THE SOUTH LINE OF LOT 99, ALSO BEING THE SOUTHEAST CORNER OF THIS TRACT.

THENCE, WEST ALONG THE SOUTHLINE OF LOT 99, 148.59 FT. TO THE PLACE OF BEGINNING AND CONTAINING A 0.95 ACRE TRACT OF LAND, MORE OR LESS.

Noe Garza P.E.
NOE GARZA REGISTERED PUBLIC SURVEYOR #2589



STATE OF TEXAS:
COUNTY OF HIDALGO:

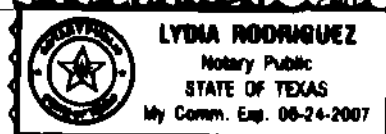
I (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HEREIN, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, DECKS, EASEMENTS, WATER COURSES, AND PUBLIC PLACES THEREIN SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

BY: ROLANDO GOMEZ (PRESIDENT AND MANAGER) OWNER: RAUL ROLANDO GOMEZ JR.
ROLANDO GOMEZ PROPERTIES, L.P. ROLANDO GOMEZ PROPERTIES, L.P.
(A TEXAS LIMITED PARTNERSHIP) (A TEXAS LIMITED PARTNERSHIP)

STATE OF TEXAS:
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DATE PERSONALLY APPEARED THE ABOVE PERSON(S) KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 29th DAY OF MARCH, 2005.
Lydia Rodriguez
NOTARY PUBLIC IN AND FOR
HIDALGO COUNTY, TEXAS



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 SEC. 49.211(C). 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 THIS DETERMINATION.

BY: *[Signature]* 6/23/05
HIDALGO COUNTY DRAINAGE DISTRICT No. 1

I, NOE GARZA, P.E., A (REGISTERED PROFESSIONAL ENGINEER/REGISTERED PUBLIC SURVEYOR), DO HEREBY CERTIFY THE FOREGOING PLAT TO BE A TRUE AND CORRECT REPRESENTATION OF THE SUBDIVISION OF THE LANDS HEREON DESCRIBED AS SURVEYED ON THE GROUND AND SUBDIVIDED UNDER MY DIRECTION.



NOE GARZA, P.E., REGISTERED PROFESSIONAL ENGINEER #30486
REGISTERED PUBLIC SURVEYOR #2589
THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY NOE GARZA PE 30486. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

APPROVAL BY IRRIGATION DISTRICT:

THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 ON THIS 2nd DAY OF MARCH, 2005. THIS PLAT IS HEREBY APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 SUBJECT TO THE CONDITION THAT IF IRRIGATION FROM SAID DISTRICT IS DESIRED TO THE INDIVIDUAL LOT(S) IN SAID SUBDIVISION, PROVISIONS SHALL BE MADE FOR APPROPRIATE EASEMENTS FOR THE INSTALLATIONS OF NECESSARY IRRIGATION FACILITIES TO SUCH LOT(S) FROM THE CLOSEST WATER DISTRICT DELIVERY POINT AND IT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER TO INSTALL SUCH NECESSARY FACILITIES. THERE WILL BE NO BUILDINGS ALLOWED ON TOP OF A DISTRICT IRRIGATION LINE.

SECRETARY: *[Signature]* PRESIDENT: *[Signature]*

I, THE UNDERSIGNED, MAYOR OF THE CITY OF McALLEN, TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS WITH ALL THE CITY REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY.

[Signature]
SECRETARY

APPROVAL BY PLANNING AND ZONING COMMISSION:

I, *[Signature]*, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION, HEREBY CERTIFY THAT THE SUBDIVISION PLAT CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION REGULATION OF THE CITY OF McALLEN APPROVED THIS THE 21st DAY OF MARCH, 2005.

[Signature]
CHAIRMAN, PLANNING AND ZONING COMMISSION

STATE OF TEXAS:
COUNTY OF HIDALGO:

I (WE), THE UNDERSIGNED, HOLDER(S) (OR DULY AUTHORIZED OFFICERS OF THE HOLDER(S)) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE ROLANDO GOMEZ PROPERTIES 1 SUBDIVISION OF THE CITY OF McALLEN, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

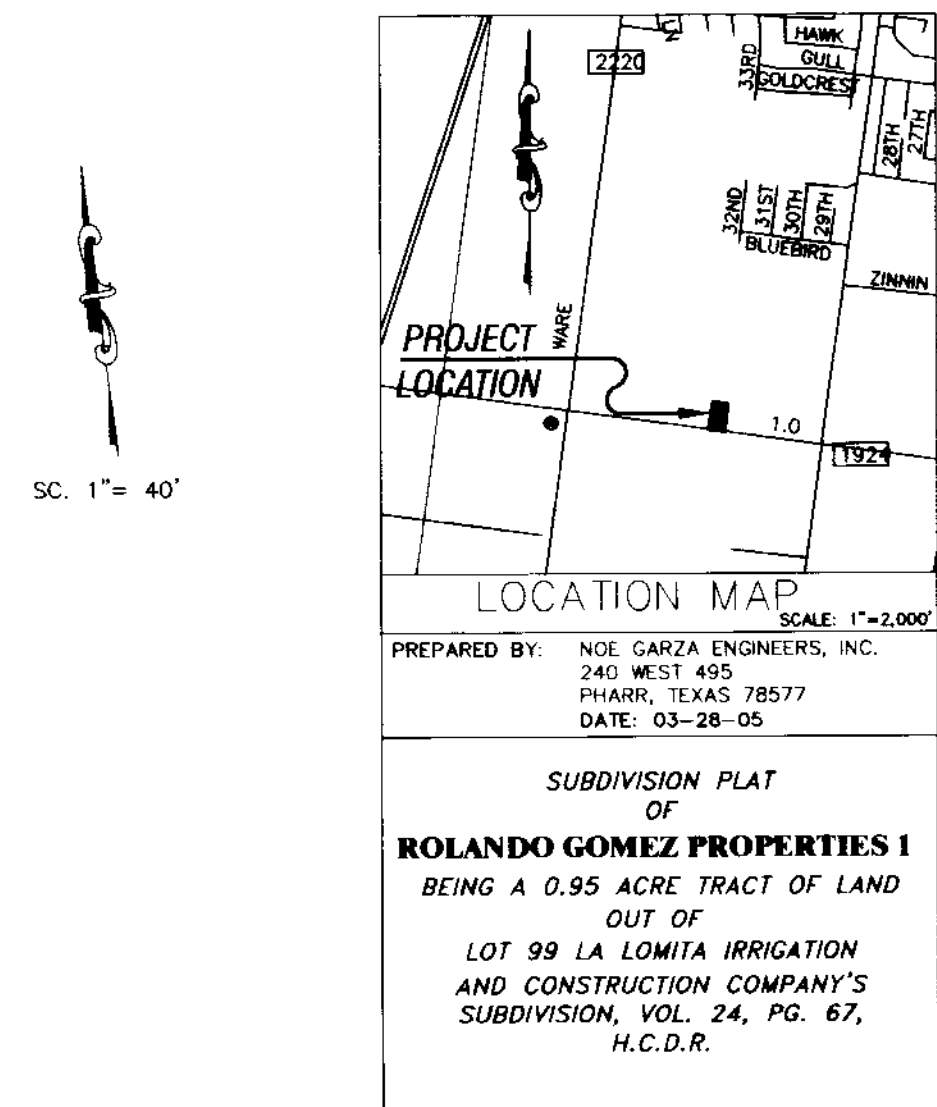
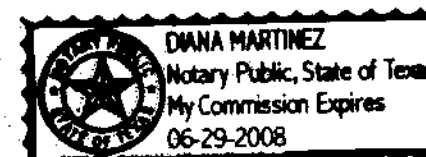
SECURITY INTEREST HOLDER
[Signature]
SIGNATURE: ROGELIO MORENO
THE LAREDO NATIONAL BANK
SENIOR VICE-PRESIDENT

STATE OF TEXAS:
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY (ROGELIO MORENO), ON THIS DATE PERSONALLY APPEARED THE PERSON(S) KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 29th DAY OF March, 2005.

[Signature]
NOTARY PUBLIC IN AND FOR
HIDALGO COUNTY, TEXAS



PLAT NOTES AND RESTRICTIONS:

- THIS PROPERTY IS LOCATED IN FLOOD ZONE "C" AS REFLECTED ON THE FIRM (FLOOD INSURANCE RATE MAP) DATED NOVEMBER 2, 1982, COMMUNITY PANEL NO. 480343 0005 C.
- MINIMUM SETBACK LINES SHALL BE AS FOLLOWS:
BUDDY OWENS BLVD. 60' OR GREATER FOR APPROVED SITE PLAN.
N. 33RD. STREET 30' OR GREATER FOR APPROVED SITE PLAN.
OTHER SETBACKS AS PER ZONING ORDINANCE OR GREATER FOR APPROVED SITE PLAN OR EASEMENT
- MINIMUM FINISH FLOOR ELEVATION IS 18" ABOVE TOP OF CURB MEASURED AT FRONT
- THIS PROPERTY WILL BE REQUIRED TO DETAIN 0.112 ACRE FEET.
- NO PERMANENT STRUCTURES ALLOWED OVER ANY EASEMENTS.
- NO VISIBLE WATER WELL WITHIN 150 FEET OF THE ESTATES.
- 4' SIDEWALK REQUIRED ALONG N. 33RD ST. AND BUDDY OWEN BLVD.
- A 15' X 15' CLIP EASEMENT IS HEREBY DEDICATED ON ALL STREET INTERSECTIONS.
- NO ACCESS PERMITTED FROM THIS SUBDIVISION TO THE ALLEY.
- 6' BUFFER REQUIRED FROM ADJACENT RESIDENTIAL ZONE/USE.
- SITE PLAN MUST BE APPROVED BY THE PLANNING AND ZONING COMMISSION PRIOR TO ISSUANCE OF BUILDING PERMITS.
- BENCH MARK: MC 58-ELEVATION 119.91, MC 58 IS LOCATED AT THE SOUTHEAST CORNER OF WARE RD. AND MILE 3 LINE INTERSECTION. 66' SOUTH OF THE CENTER LINE OF MILE 3 LINE ON THE NORTHEAST CORNER OF THE SAME INTERSECTION.
- AN ENGINEERED DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, IS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT.

Recorded In Volume 48, Page 65
of the map records of Hidalgo
County, Texas
J.D. Salinas III
County Clerk

FILED FOR RECORD IN:
HIDALGO COUNTY
BY J.D. SALINAS, III
COUNTY CLERK
ON: 6/27/05 AT 9:10 AM/PM
AS A RECORDING NUMBER 1488520
BY: *[Signature]* DEPUTY

NOE GARZA ENGINEERS, INC.

204 W. 495 PHARR, TEXAS 78577 (956) 783-1207



Planning Department

Memo

TO: Planning and Zoning Commission

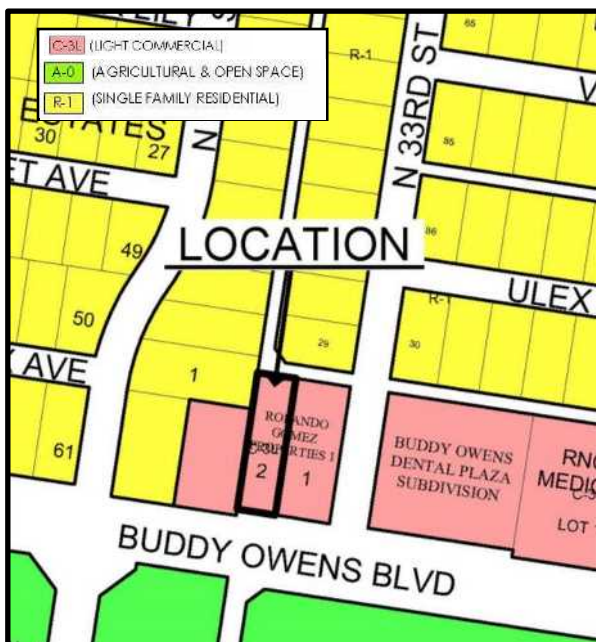
FROM: Planning Staff

DATE: December 23, 2020

SUBJECT: SITE PLAN APPROVAL FOR LOT 2, ROLANDO GOMEZ PROPERTIES SUBDIVISION; 3228 BUDDY OWENS BOULEVARD. (SPR2017-0010)

LOCATION: The property is located on the northwest corner of Buddy Owens Boulevard and North 33rd Street is zoned C-3L (light commercial) District. The adjacent zoning is 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 is 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.

PROPOSAL: The applicant is 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.

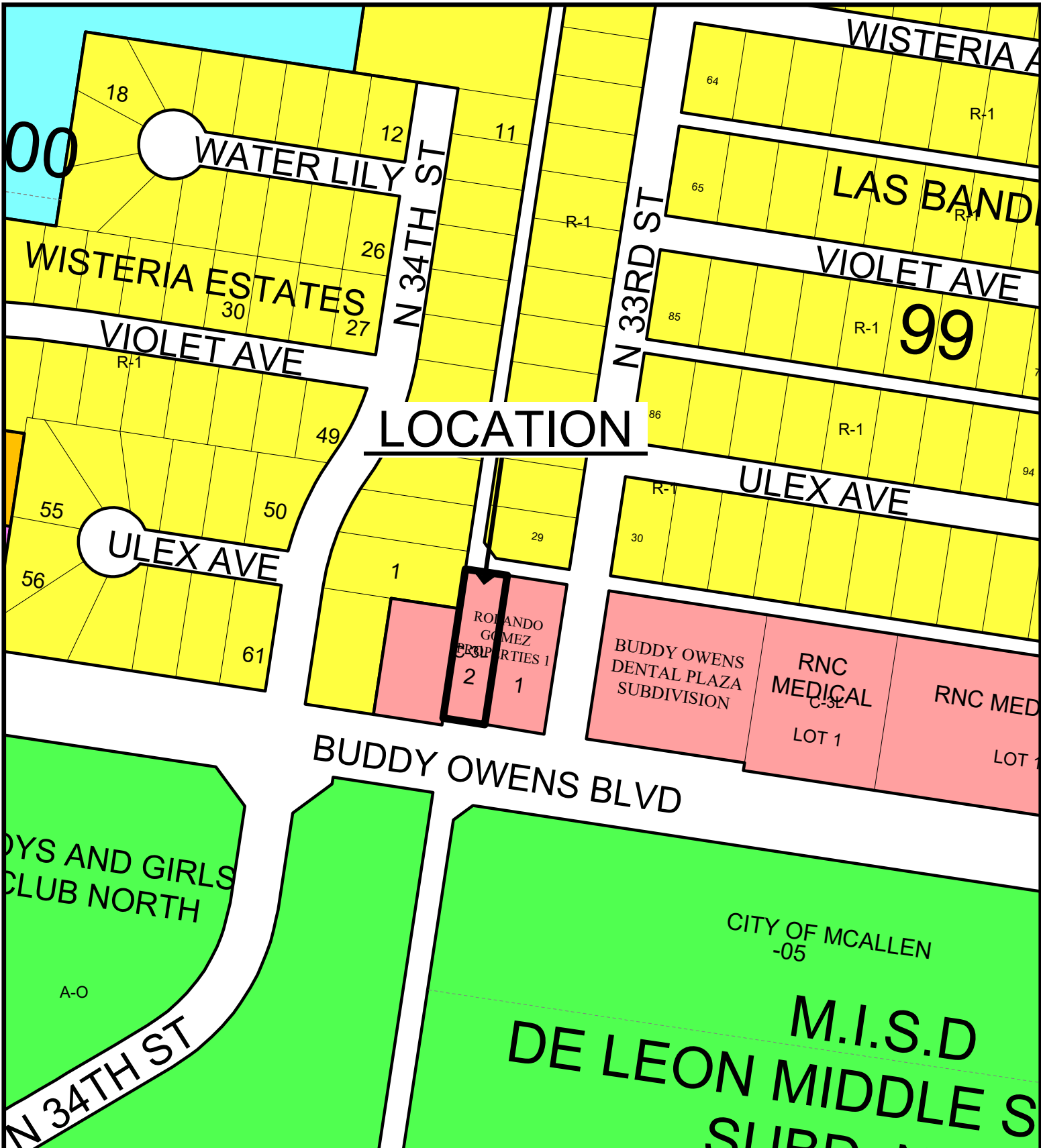


ANALYSIS: The proposed carwash building will be 1,224 square feet, which requires 6 parking spaces; 6 parking spaces are being proposed. One of the provided parking spaces must be accessible, one of which must be van accessible with an 8 ft. wide aisle. One access point to the site is being proposed; which is 25 ft. wide curb cut along Buddy Owens. Required landscaping is 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 is 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 is 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 will 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 to be submitted at time of building permit, Driveway is 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.

RECOMMENDATION:

Staff recommends 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.



CITY OF MCALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)
R-1 (SINGLE FAMILY RESIDENTIAL)
R-2 (DUPLEX-FOURPLEX)

R-3A (APARTMENTS)
R-3C (CONDOMINIUMS)
R-3T (TOWNHOUSES)

R-4 (MOBILE HOMES)
C-1 (OFFICE BUILDING)
C-2 (NEIGHBORHOOD COMMERCIAL)

C-3 (GENERAL BUSINESS)
C-3L (LIGHT COMMERCIAL)
C-4 (COMMERCIAL INDUSTRIAL)

I-1 (LIGHT INDUSTRIAL)
I-2 (HEAVY 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.



WISTERIA A

WATER LILY ST

00

WISTERIA ESTATES

VIOLET AVE

N 34TH ST

N 33RD ST

LAS BANDERAS

VIOLET AVE

99

LOCATION

ULEX AVE

ULEX AVE

ROLANDO GOMEZ PROPERTIES 1

BUDDY OWENS DENTAL PLAZA SUBDIVISION

RNC MEDICAL

RNC MEDICAL

BUDDY OWENS BLVD

BOYS AND GIRLS CLUB NORTH

CITY OF MCALLEN

M.I.S.D. DE LEON MIDDLE SCHOOL SUBD. NO 9

DE LEON SOCCER COMPLEX

106





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)

SUB2020-0071

Project Description

Subdivision Name Frontera Peak Subdivision
Location Frontera Ave. between Bicentennial & North Main
City Address or Block Number 1600 Block Frontera Ave.
Number of lots 1 Gross acres 2.24 Net acres 2.03
Existing Zoning R-1 Proposed R-1 Rezoning Applied For ☐ Yes ☒ No Date _____
Existing Land Use Vacant Proposed Land Use Residential Irrigation District # 2
Residential Replat Yes ☒ No ☐ Commercial Replat Yes ☐ No ☒ ETJ Yes ☐ No ☒
Agricultural Tax Exempt Yes ☐ No ☒ Estimated Rollback tax due _____
Parcel No. PID:162814 Tax Dept. Review _____
Legal Description EBONY HEIGHTS CITRUS GROVES UT NO. 1 E229.22' -
N424.70' LOT 27 2.23AC

Owner

Name Xavier E. Morales & Karli Marie Maldonado Phone (956) 867-2424
Address 5520 N 10th Street
City McAllen State TX. Zip 78504
E-mail xemorales@gmail.com

Developer

Name Same as Owner Phone _____
Address _____
City _____ State _____ Zip _____
Contact Person _____
E-mail _____

Engineer

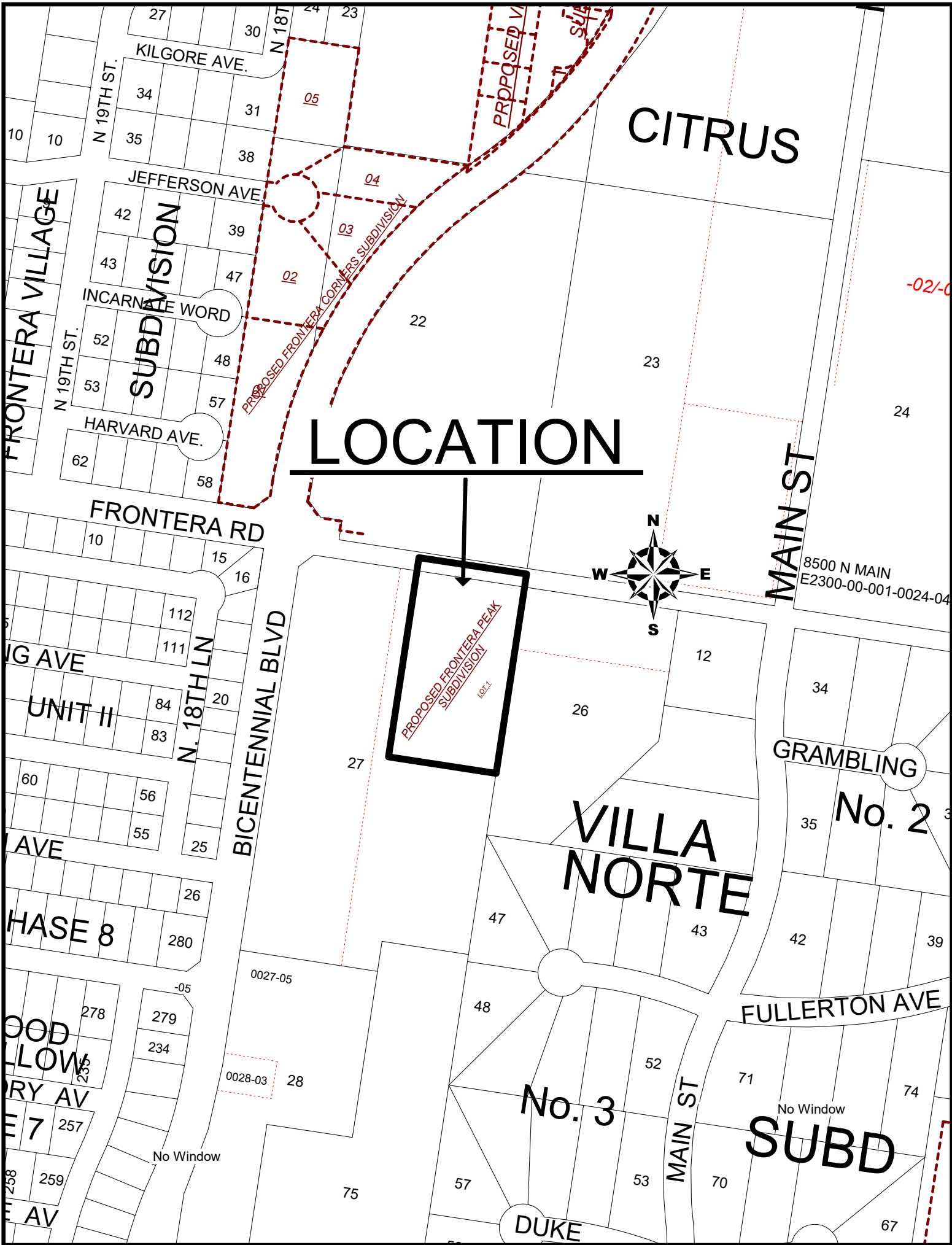
Name Guzman & Munoz Engineering & Surveying, Inc Phone (956) 565-4637
Address 2020 East Expressway 83
City Mercedes State TX Zip 78570
Contact Person Jose L. Munoz, P.E.
E-mail jmunoz@gmes.biz

Surveyor

Name Carlos C. Aguilar Phone (956) 565-4637
Address 2020 East Expressway 83
City Mercedes State TX Zip 78570

RECEIVED
OCT 09 2020

BY: _____



LOCATION

CITRUS

FRONTIER VILLAGE
SUBDIVISION

PROPOSED FRONTERA CORNERS SUBDIVISION

PROPOSED FRONTERA PEAK
SUBDIVISION

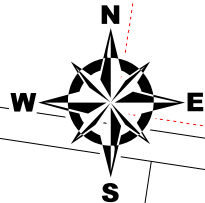
VILLA NORTE

SUBD

GRAMBLING
No. 2

No. 3

DUKE



MAIN ST

BICENTENNIAL BLVD

FRONTERA RD

JEFFERSON AVE

KILGORE AVE.

INCARNATE WORD

HARVARD AVE.

FRONTIER VILLAGE

IG AVE

UNIT II

AVE

HASE 8

OOD
LOW

RY AV

7

AV

8500 N MAIN
E2300-00-001-0024-04

FULLERTON AVE

No Window

No Window



City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 12/30/2020

SUBDIVISION NAME: FRONTERA PEAK SUBDIVISION

REQUIREMENTS

STREETS AND RIGHT-OF-WAYS

Frontera Road: 20 ft. dedication required for 40 ft. from centerline for 80 ft. total ROW.
Paving: min. 52 ft. Curb & gutter: Both sides

Applied

Paving _____ Curb & gutter _____

Applied

* 800 ft. Block Length

Compliance

* 600 ft. Maximum Cul-de-Sac

Compliance

ALLEYS

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

NA

SETBACKS

* Front: 45 ft. or greater for easements, or in line with the average setback of existing structures, whichever is greater.

Compliance

* Rear: 10 ft. or greater for easements.

Compliance

* Sides: 6 ft. or greater for easements

Compliance

* Corner

NA

* Garage: 18 ft. except where greater setback is required, greater setback applies.

Applied

**Revise plat note as noted above.

*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN

Applied

**Other setbacks as applicable prior to final if additional streets are required.

SIDEWALKS

* 4 ft. wide minimum sidewalk required on Frontera Road.

Required

**Plat note must be revised prior to recording.

* Perimeter sidewalks must be built or money escrowed if not built at this time.

Required

BUFFERS

* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses.

Compliance

* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses.

Compliance

*Perimeter buffers must be built at time of Subdivision Improvements.

Required

NOTES

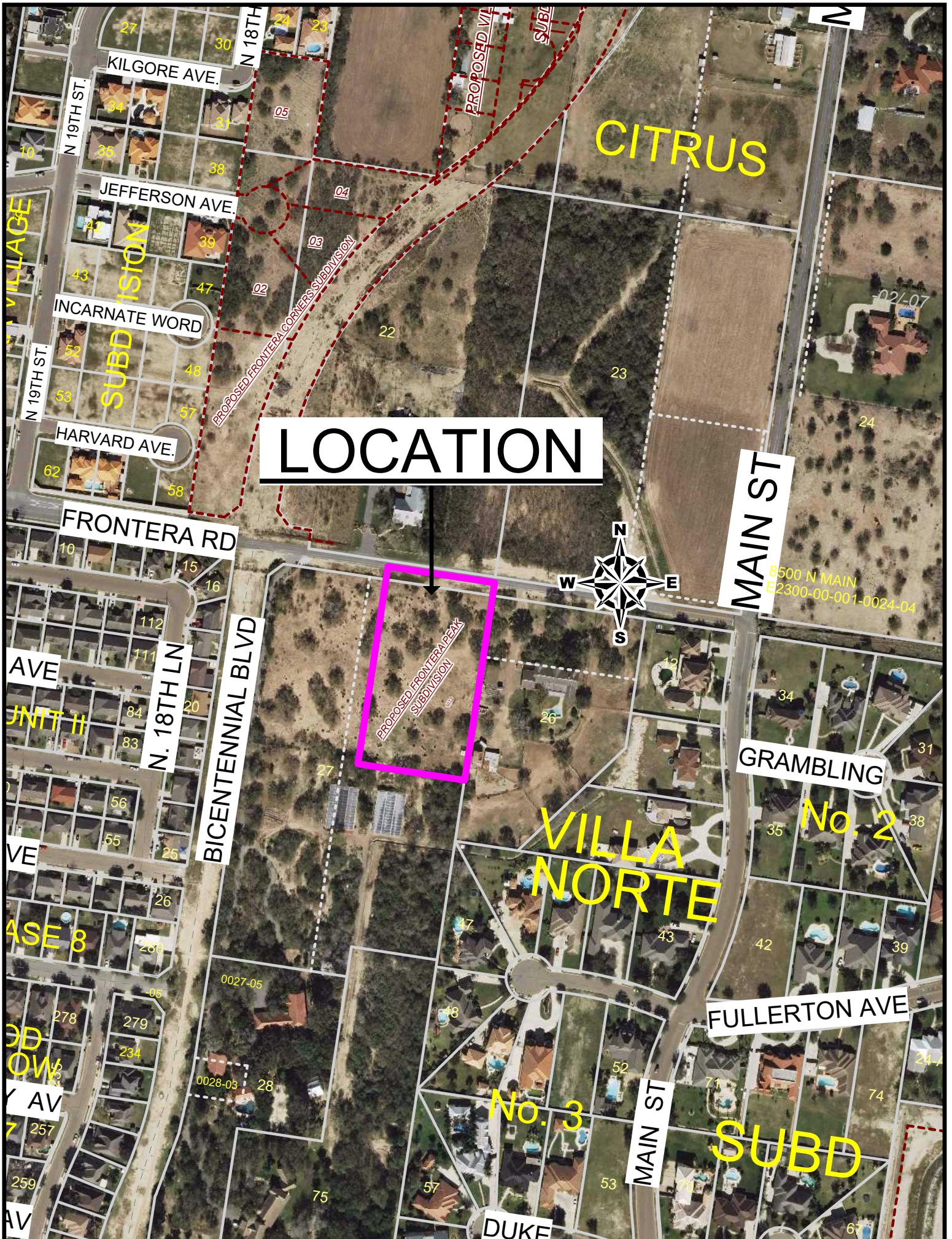
* No curb cut, access, or lot frontage permitted along

NA

* Site plan must be approved by the Planning and other Development Departments prior to building permit issuance.

NA

* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* Common areas, private service drives, etc. must be maintained by the lot owners and not the City of McAllen	NA
* 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.	NA
**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.	NA
LOT REQUIREMENTS	
* Minimum lot width and lot area	Compliance
* Lots fronting public streets	Compliance
ZONING/CUP	
* Existing: R-1 Proposed: R-1	Applied
* Rezoning Needed Before Final Approval	NA
PARKS	
* Land dedication in lieu of fee	NA
* Park Fee of \$700 per dwelling unit/lot (1 lot) to be paid prior to recording.	Required
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
TRAFFIC	
* Trip Generation to determine if TIA is required, prior to final plat. Per Traffic Department, Trip Generation has been waived for one single residential home.	NA
* Traffic Impact Analysis (TIA) required prior to final plat.	NA
COMMENTS	
Comments: **Must comply with City's Access Management Policy **Revise plat prior to recording to not show setback lines.	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN FINAL FORM SUBJECT TO CONDITIONS NOTED.	Applied



SUB2020-0069



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	Subdivision Name <u>Bella Vista Ranch Subd.</u> Location <u>~ 4 1/4 MI. NORTH TAYLOR ROAD, REAR, WEST SIDE</u> City Address or Block Number <u>NOT DETERMINED</u> Number of lots <u>1</u> Gross acres <u>2.066</u> Net acres <u>2.066</u> Existing Zoning <u>N/A</u> Proposed <u>N/A</u> Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____ Existing Land Use <u>OPEN</u> Proposed Land Use <u>RESIDENTIAL</u> Irrigation District # <u>UNITED</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 checked="" type="checkbox"/> No <input type="checkbox"/> Agricultural Tax Exempt Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Estimated Rollback tax due <u>1500⁰⁰</u> Parcel No. _____ Tax Dept. Review _____ Legal Description <u>2.066 AC. O/O LOT 368, JOHN H. SHARY SUBD. H.C.T.</u>
Owner	Name <u>JORGE A. BAUTISTA</u> Phone <u>867-1873</u> Address <u>7825 N. 5TH ST.</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u> E-mail <u>reyados27@aol.com</u>
Developer	Name <u>SAME AS OWNER</u> Phone _____ Address _____ City _____ State _____ Zip _____ Contact Person _____ E-mail _____
Engineer	Name <u>DAVID O. SALINAS</u> Phone <u>682-9081</u> Address <u>2221 DAFFODIL AVE.</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u> Contact Person <u>DAVID</u> E-mail <u>dsalinas@salinasengineering.com</u>
Surveyor	Name <u>SAME AS REGR.</u> Phone _____ Address _____ City _____ State _____ Zip _____

RECEIVED
OCT 02 2020
BY: [Signature]

[Signature]

Proposed Plat Submittal

Minimum Developer's Requirements Submitted with Application

- _____ \$225 Preliminary Review Fee and \$75 Final Approval Fee
- _____ Title Report
- _____ 8 1/2" by 11" Original Sealed Survey showing existing structures/easements or 3 blueline copies
- _____ 2 Location Maps
- _____ 2 8 1/2" 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 1/2" by 11" copies/legible copy of the plat, affected by changes.

Owner's Signature

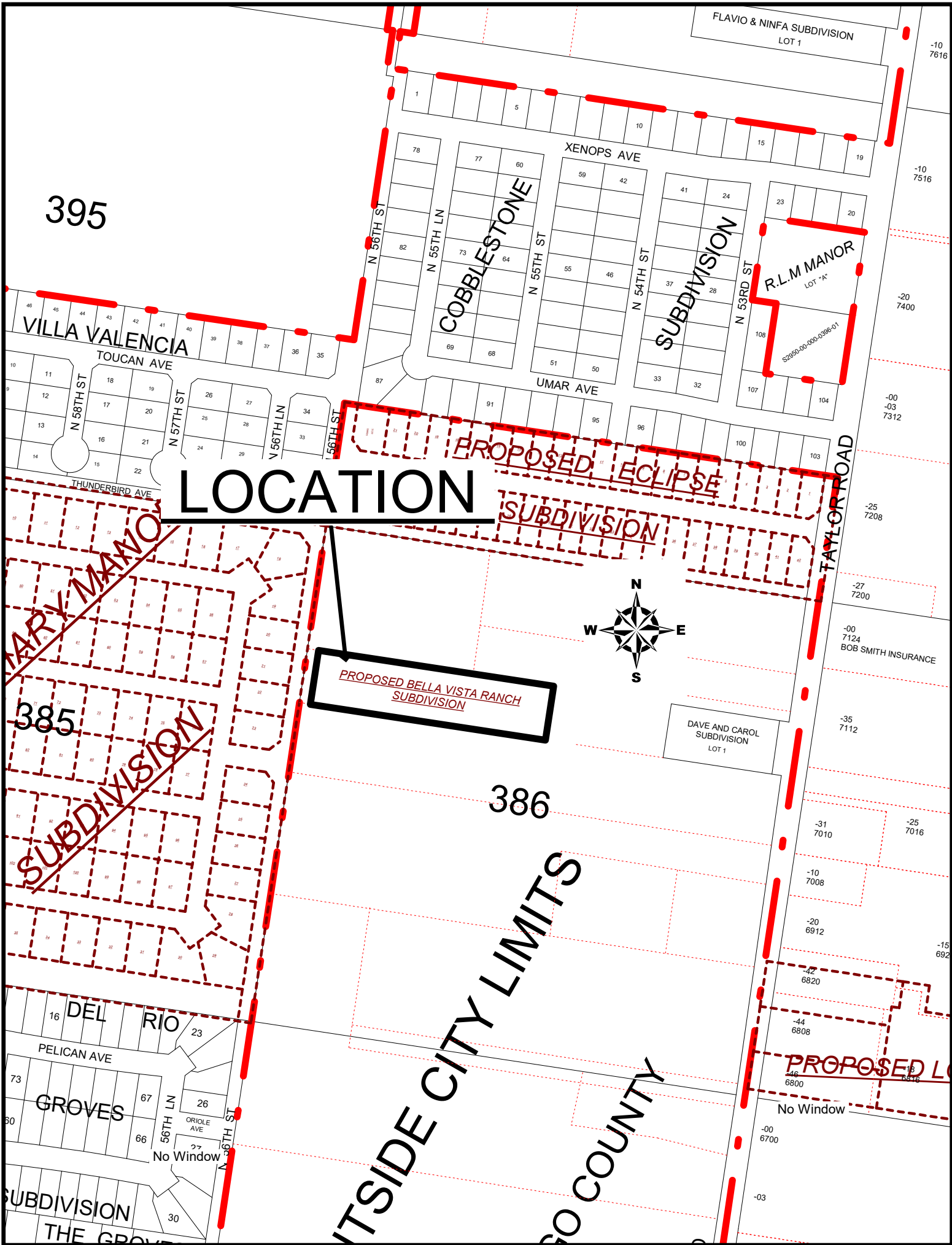
I certify that I am the actual owner of the property described above and (include corporate name if applicable); or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

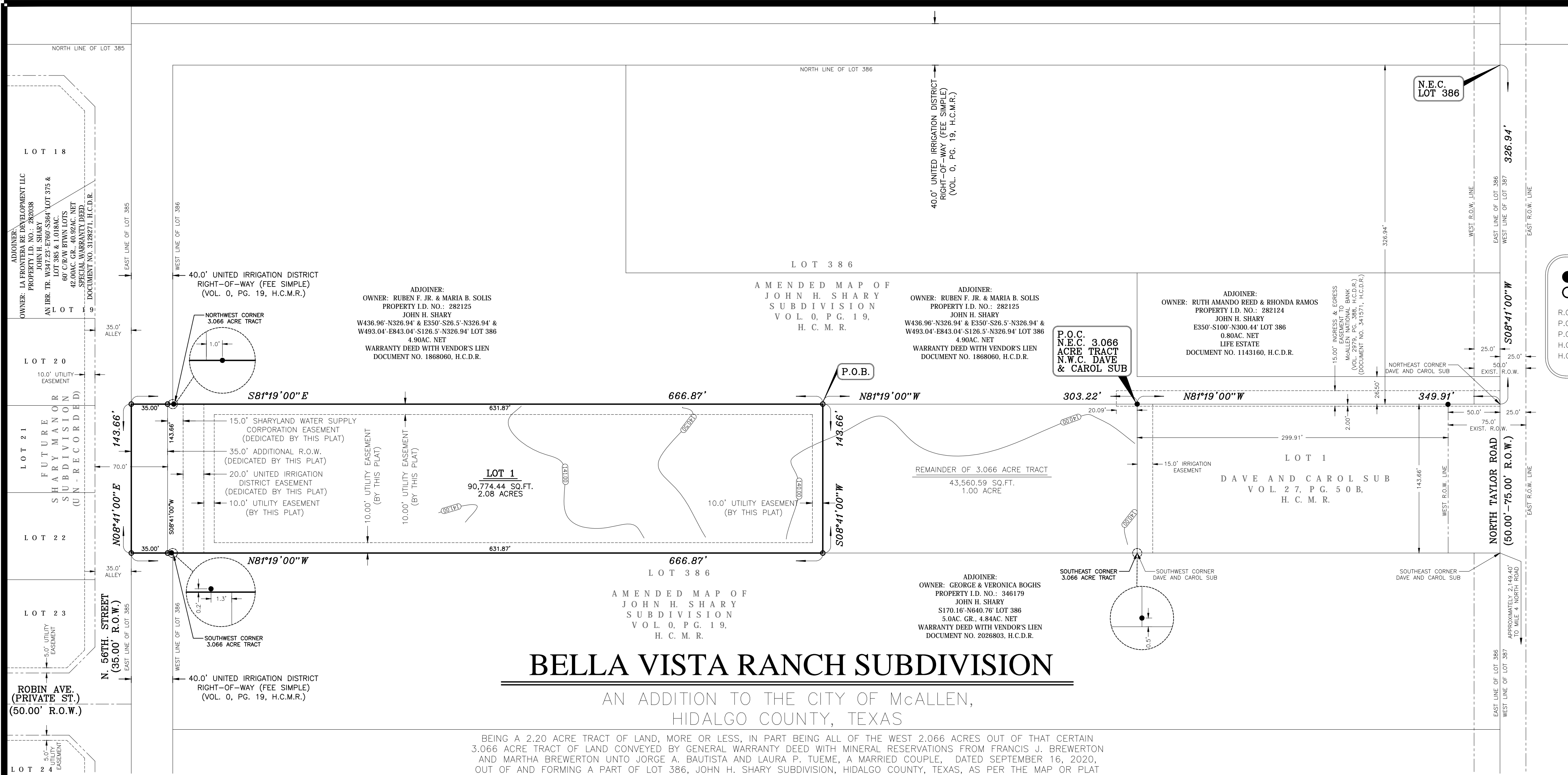
Signature  Date 10/2/20

Print Name Jorge A. Bautista

Owner ☒

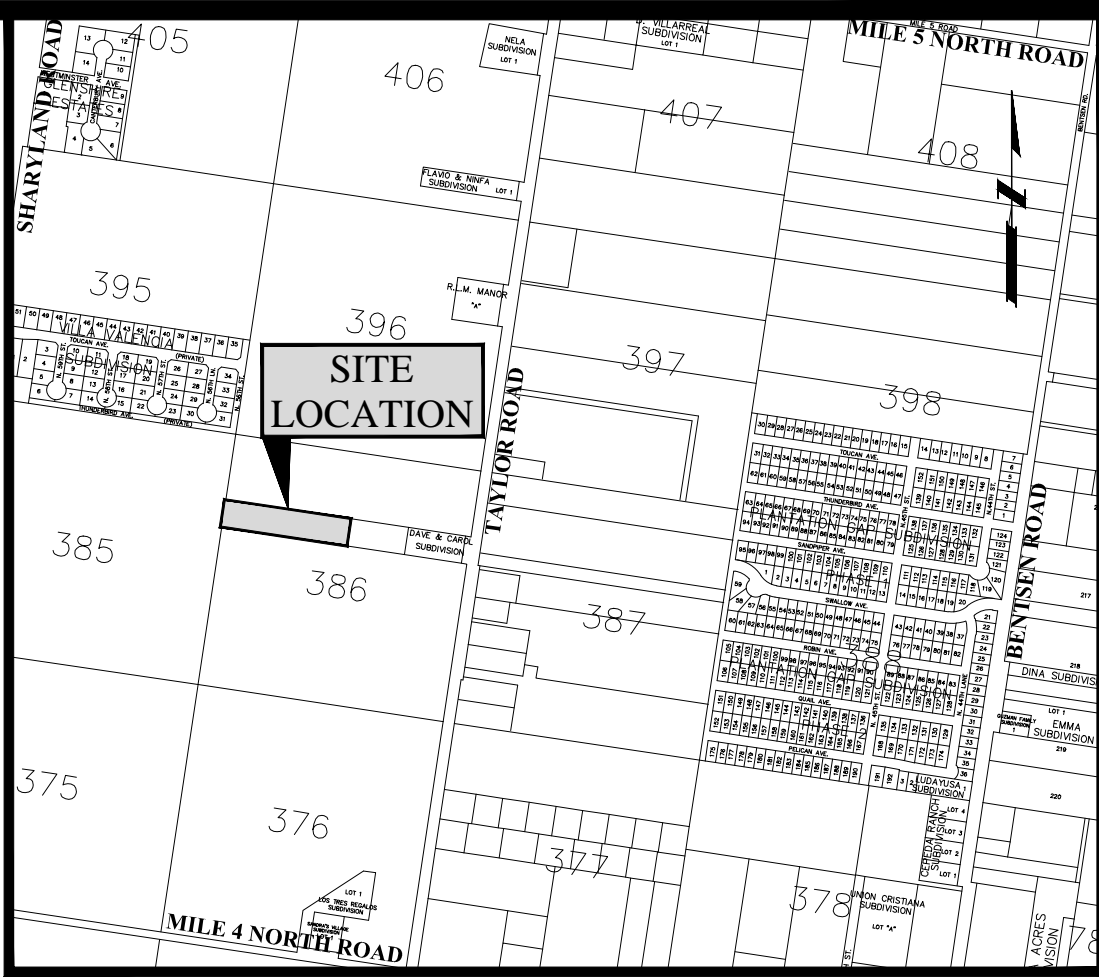
Authorized Agent ☐





LEGEND

- FOUND 1/2" IRON ROD
- SET 1/2" IRON ROD WITH YELLOW CAP MARKED "SEA 5782"
- R.O.W. RIGHT OF WAY
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- H.C.D.R. HIDALGO COUNTY DEED RECORDS
- H.C.M.R. HIDALGO COUNTY MAP RECORDS



METES AND BOUNDS DESCRIPTION

BEING A 2.20 ACRE TRACT OF LAND, MORE OR LESS, IN PART BEING ALL OF THE WEST 2.066 ACRES OUT OF THAT CERTAIN 3.066 ACRE TRACT OF LAND CONVEYED BY GENERAL WARRANTY DEED WITH MINERAL RESERVATIONS FROM FRANCIS J. BREWERTON AND MARTHA BREWERTON UNTO JORGE A. BAUTISTA AND LAURA P. TUEME, A MARRIED COUPLE, DATED SEPTEMBER 16, 2020, OUT OF AND FORMING A PART OF LOT 386, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 01, PAGE 17, MAP RECORDS OF HIDALGO COUNTY, TEXAS, AND, ALL OF THAT CERTAIN 40.0 FOOT UNITED IRRIGATION DISTRICT CANAL RIGHT-OF-WAY LOCATED ADJACENT TO AND WEST OF SAID 3.066 ACRE TRACT; SAID 2.20 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT 1/4 INCH DIAMETER IRON ROD FOUND ON THE NORTHWEST CORNER OF LOT 1, DAVE AND CAROL SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 27, PAGE 508 MAP RECORDS OF HIDALGO COUNTY, TEXAS, AND, LOCATED SOUTH 08 DEGREES 41 MINUTES WEST, A DISTANCE OF 326.94 FEET AND THENCE, NORTH 81 DEGREES 19 MINUTES WEST, A DISTANCE OF 349.91 FEET FROM THE NORTHEAST CORNER OF SAID LOT 386; SAID NORTHWEST CORNER OF LOT 1 ALSO BEING THE NORTHEAST CORNER OF SAID 3.066 ACRE TRACT; THENCE,

- NORTH 81 DEGREES 19 MINUTES WEST, COINCIDENT WITH THE NORTH LINE OF SAID 3.066 ACRE TRACT, A DISTANCE OF 303.22 FEET TO A 1/4 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET FOR THE NORTHEAST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;
- (1) THENCE, SOUTH 08 DEGREES 41 MINUTES WEST, ALONG A LINE PARALLEL TO THE EAST LINE OF SAID 3.066 ACRE TRACT, A DISTANCE OF 143.66 FEET TO A 1/4 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON INTERSECTION WITH THE SOUTH LINE OF SAID 3.066 ACRE TRACT FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;
- (2) THENCE, NORTH 81 DEGREES 19 MINUTES WEST, COINCIDENT WITH THE SOUTH LINE OF SAID 3.066 ACRE TRACT, A DISTANCE OF 626.87 FEET PASS A 1/4 INCH DIAMETER IRON ROD FOUND ON THE SOUTHWEST CORNER OF SAID 3.066 ACRE TRACT AND FURTHER BEING LOCATED ON THE EAST LINE OF SAID 40.0 FOOT IRRIGATION DISTRICT CANAL RIGHT-OF-WAY, AT A DISTANCE OF 666.87 FEET IN ALL TO A 1/4 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON INTERSECTION WITH THE WEST LINE OF SAID 40.0 FOOT IRRIGATION DISTRICT CANAL RIGHT-OF-WAY FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
- (3) THENCE, NORTH 08 DEGREES 41 MINUTES EAST, COINCIDENT WITH THE WEST LINE OF SAID 40.0 FOOT IRRIGATION DISTRICT CANAL RIGHT-OF-WAY, A DISTANCE OF 143.66 FEET TO A 1/4 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
- (4) THENCE, SOUTH 81 DEGREES 19 MINUTES EAST, A DISTANCE OF 40.0 FEET PASS THE EAST LINE OF SAID 40.0 FOOT IRRIGATION DISTRICT CANAL RIGHT-OF-WAY AND FURTHER PASSING A 1/4 INCH DIAMETER IRON ROD FOUND ON THE NORTHWEST CORNER OF SAID 3.066 ACRE TRACT, CONTINUING COINCIDENT WITH THE NORTH LINE OF SAID 3.066 ACRE TRACT, AT A DISTANCE OF 666.87 FEET IN ALL TO THE POINT OF BEGINNING, CONTAINING 2.20 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARING: RECORDED PLAT OF JOHN H. SHARY SUBD., H.C.T. N1/SUBDIVISION PLATS(BELLAVISTA SUBD.2.20.120720)

SHARYLAND APPROVAL:

I, SHERILYN DAHLBERG, HEREBY CONDITIONALLY CERTIFY THAT POTABLE WATER SERVICE IS AVAILABLE FOR THE _____ IN HIDALGO COUNTY, TEXAS, SUBJECT TO THE SUBDIVISION'S POTABLE WATER SYSTEM MEETING THE APPROVAL OF THE DEVELOPER'S DESIGN ENGINEER, ALL APPLICABLE RULES AND REGULATIONS OF SHARYLAND WATER SUPPLY CORPORATION, AND LOCAL, STATE, AND FEDERAL AGENCIES.

DEVELOPER AND ITS DESIGN ENGINEER SHALL BEAR FULL RESPONSIBILITY TO ENSURE THAT THE ABOVE REFERENCED POTABLE WATER SYSTEM IS CONSTRUCTED WITHIN THE DESIGNATED SHARYLAND WATER SUPPLY CORPORATION EXCLUSIVE EASEMENT.

BELLA VISTA RANCH SUBDIVISION

PREPARED BY: SALINAS ENGINEERING & ASSOC.
DATE OF PREPARATION: DECEMBER 08, 2020
JOB NUMBER: SP-20-25245

OWNER: JORGE A. BAUTISTA 7825 N. 5TH. STREET McALLEN, TEXAS 78504

OWNER: LAURA P. TUEME 7825 N. 5TH. STREET McALLEN, TEXAS 78504



SALINAS ENGINEERING & ASSOC.
(P-6675) (TBPLS-10065700)

CONSULTING ENGINEERS & SURVEYORS
2221 DAFFODIL McALLEN, TEXAS 78501
(956) 682-9081 (956) 686-1489 (FAX)

TBPLS 12100 PARK 35 CIRCLE BLDG. A, SUITE 156, MC-230, AUSTIN, TEXAS 78073 (512) 239-5263

GENERAL PLAT NOTES:

- MINIMUM SETBACK LINES = FRONT: 20.0 FT. OR GREATER FOR EASEMENTS.
SIDE: IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR EASEMENTS.
REAR: 10.0 FT. OR GREATER FOR EASEMENTS.
GARAGE: 18.0 FT. EXCEPT WHERE GREATER SETBACK IS REQUIRED; GREATER SETBACK APPLIES.
- LANDS CONTAINED WITHIN THIS SUBDIVISION LIE IN ZONE "B" ACCORDING TO THE FIRM (FLOOD INSURANCE RATE MAP) DATED 11/16/82, COMMUNITY PANEL NO. 480134 (0400 C) ZONE "C" DEFINED AS AREAS OF MINIMAL FLOODING. (NO SHADING)
- MINIMUM FINISHED FLOOR ELEVATION ON ALL NEW CONSTRUCTION SHALL BE A MINIMUM OF 18.0 INCHES ABOVE THE TOP OF THE ROAD AS MEASURED FROM THE CENTER OF THE LOT ALONG TAYLOR ROAD.
- MINIMUM 4 FT. WIDE SIDEWALK IS REQUIRED ON N. 56TH. STREET.
- THIS SUBDIVISION PLAT SHALL BE REQUIRED TO DETAIN A TOTAL OF 2,782.00 CUBIC FEET, OR, 0.06 ACRE-FEET OF DRAINAGE RUNOFF VOLUME.
- THE CONSTRUCTION OF ANY STRUCTURES ON OR WITHIN ANY UTILITY EASEMENTS SHALL BE PROHIBITED.
- A 6" OPAQUE BUFFER IS REQUIRED FROM ANY ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL OR INDUSTRIAL ZONE/USE. AN 8" MASONRY WALL IS REQUIRED BETWEEN SINGLE-FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTI-FAMILY RESIDENTIAL ZONE/USE.
- AN ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, MAY BE REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS.
- BENCHMARK: McALLEN SURVEY CONTROL POINT NO. 52, LOCATED ALONG THE EAST BOUND OF TAYLOR ROAD, 106.8 FEET NORTH OF THE CENTERLINE OF MILE 4 NORTH ROAD AND 17 FEET EAST FROM THE EDGE OF PAVEMENT OF TAYLOR ROAD. EAST OF THE MONUMENT, THERE IS A 2 STORE HOUSE. ELEV.= 132.94.
- 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.

FILED FOR RECORD IN
HIDALGO COUNTY
ARTURO GUAJARDO, JR.
HIDALGO COUNTY CLERK

ON: _____ AT _____ AM/PM

INSTRUMENT NUMBER _____

OF MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: _____ DEPUTY

STATE OF TEXAS
COUNTY OF HIDALGO

WE, THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS BELLA VISTA RANCH SUBDIVISION, TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAMES 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 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.

OWNER: JORGE A. BAUTISTA
7825 N. 5TH. STREET
McALLEN, TEXAS 78504

OWNER: LAURA P. TUEME
7825 N. 5TH. STREET
McALLEN, TEXAS 78504

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED JORGE A. BAUTISTA AND LAURA P. TUEME, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY

OF _____, 2020.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES. _____

STATE OF TEXAS
CITY OF McALLEN

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

MAYOR

DATE

STATE OF TEXAS
CITY OF McALLEN

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 OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CHAIRMAN,
PLANNING AND ZONING COMMISSION

DATE

STATE OF TEXAS
COUNTY OF HIDALGO

I, DAVID OMAR SALINAS, P.E., A REGISTERED PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF TEXAS, REGISTRATION NUMBER TX. 71973, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN GIVEN PROPER AND ADEQUATE ENGINEERING CONSIDERATION.

DAVID OMAR SALINAS, P.E.
REG. PROFESSIONAL ENGINEER #71973

DATE

STATE OF TEXAS
COUNTY OF HIDALGO

I, DAVID O. SALINAS, THE UNDERSIGNED A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

DAVID O. SALINAS, R.P.L.S.
REG. PROFESSIONAL LAND SURVEYOR #5782

DATE

DISCLAIMER: THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW BY THE CITY OF McALLEN ONLY & BY NO OTHERS UNDER THE AUTHORITY OF DAVID OMAR SALINAS, P.E., TX. REG. NO. 71973 ON DEC. 08, 2020. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

STATE OF TEXAS
UNITED IRRIGATION DISTRICT

THIS PLAT IS HEREBY APPROVED BY THE UNITED IRRIGATION DISTRICT

ON THIS THE _____ DAY OF _____, 20 _____

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION TREES, FENCES AND BUILDINGS) SHALL BE PLACED UPON UNITED IRRIGATION DISTRICT RIGHT OF WAYS OR EASEMENTS. APPROVAL OF THIS PLAT DOES NOT RELEASE ANY RIGHTS THAT THE DISTRICT MAY HAVE WHETHER SHOWN OR NOT.

ATTEST: _____
PRESIDENT SECRETARY

APPROVED BY DRAINAGE DISTRICT:

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 TEXAS WATER CODE 49.211(C). 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 HIS ENGINEER TO MAKE THEIR DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

RAUL E. SESIN, P.E., C.F.M.
GENERAL MANAGER

DATE

PRINCIPAL CONTACTS

NAME	ADDRESS	CITY & ZIP	PHONE	FAX
OWNER: JORGE A. BAUTISTA	7825 N. 5TH. STREET	McALLEN, TEXAS 78504	(956) 867-1873	NONE
OWNER: LAURA P. TUEME	7825 N. 5TH. STREET	McALLEN, TEXAS 78504	(956) 867-1873	NONE
ENGINEER: DAVID O. SALINAS	2221 DAFFODIL AVE.	McALLEN, TEXAS 78501	(956) 682-9081	(956) 686-1489
SURVEYOR: DAVID O. SALINAS	2221 DAFFODIL AVE.	McALLEN, TEXAS 78501	(956) 682-9081	(956) 686-1489



Reviewed On: 12/29/2020

SUBDIVISION NAME: BELLA VISTA RANCH SUBDIVISION**REQUIREMENTS****STREETS AND RIGHT-OF-WAYS**

N. 56th Street: 35 ft. ROW dedication for 70 ft. ROW
 Paving: 44 ft. Curb & gutter: both sides
 ***Please clarify "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 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.
 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

NA

SETBACKS

* 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.
 * Corner.
 * Garage: 18 ft. except where greater setback is required; greater setback applies.
 *ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN

TBD

TBD

TBD

NA

Applied

Applied

SIDEWALKS

* 4 ft. wide minimum sidewalk required on North 56th Street.
 * Perimeter sidewalks must be built or money escrowed if not built at this time.

Applied

Applied

BUFFERS

* 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.

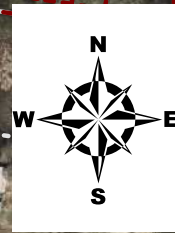
Applied

Applied

*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
NOTES	
* No curb cut, access, or lot frontage permitted along.	Applied
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	TBD
**Property is currently in ETJ. If property is annexed prior to recording, site plan review might be required	
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* Common Areas, any private driveways/streets must be maintained by the lot owners and not the City of McAllen	Applied
* 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.	Applied
****Section 110-72 applies if a public subdivision is proposed.	
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	NA
LOT REQUIREMENTS	
* Minimum lot width and lot area.	Compliance
* Lots fronting public streets.	Required
*****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.	
ZONING/CUP	
* Existing: ETJ Proposed: ETJ (Residential)	Applied
**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.	TBD
**Property is currently in ETJ. If annexation is requested, processes including initial zoning, will have to be finalized prior to final.	
PARKS	
* Land dedication in lieu of fee.	NA
* 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.	Applied
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
TRAFFIC	
* As per Traffic Department, Trip Generation will be waived for 1 single-family residence. No TIA required.	Complete
* As per Traffic Department, Trip Generation will be waived for 1 single-family residence. No TIA required.	NA

COMMENTS	
<p>Comments: Comments: 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. ****Planning and Zoning Board approved the subdivision in Preliminary form at their December 3, 2020. ****As per Fire and Traffic Department, please submit gate detail if applicable prior to final.</p>	Applied
RECOMMENDATION	
<p>Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN REVISED PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, UTILITIES AND DRAINAGE APPROVALS.</p>	Applied

LOCATION



PROPOSED BELLA VISTA RANCH
SUBDIVISION

PROPOSED ECLIPSE
SUBDIVISION

395

VILLA VALENCIA

COBBLESTONE

SUBDIVISION

R.L.M. MANOR

PROPOSED VISTA MANOR
SUBDIVISION

385

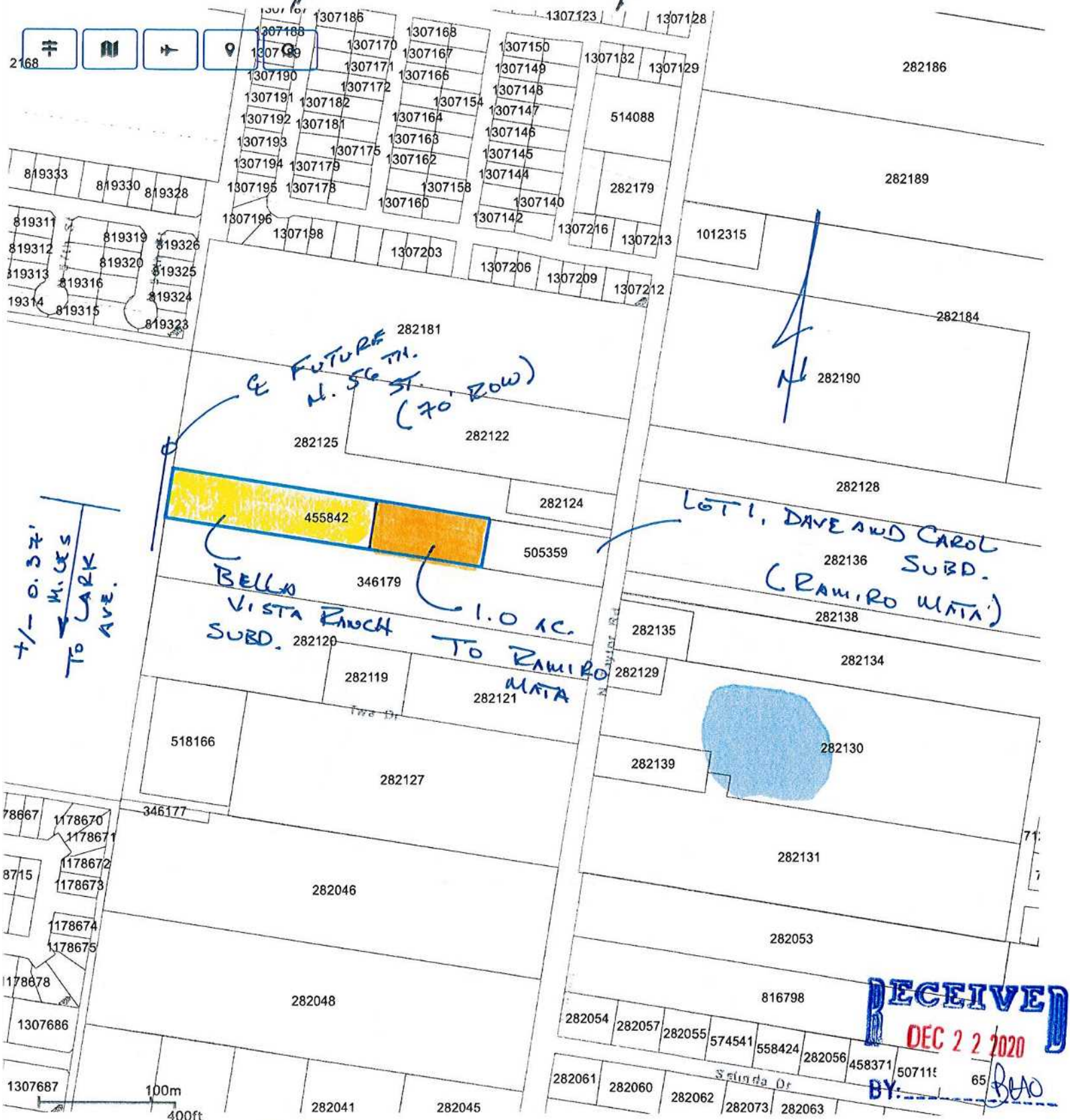
386

DEL RIO
GROVES
SUBDIVISION
THE GROVES

OUTSIDE CITY LIMITS
LOGO COUNTY

PROPOSED LOGO

AREA MAP



DENOTES PROP.
BELLA VISTA RANCH
SUBD.

1.0 AC. SALE
TO RAMIRO
MATA

SUB2020-0096

*91 Lots
1 Detention

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	Subdivision Name <u>The Ravenna Subdivision</u> Location <u>East side of Shang Road - South of Mile 7</u> City Address or Block Number <u>NONE AT THIS TIME</u> Number of lots <u>92*</u> Gross acres <u>21.288</u> Net acres <u>20.48</u> Existing Zoning _____ Proposed <u>R1</u> Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____ Existing Land Use <u>vacant</u> Proposed Land Use <u>Single-fam</u> Irrigation District # <u>UID</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 type="checkbox"/> Estimated Rollback tax due _____ Parcel No. <u>282670</u> Tax Dept. Review _____ Legal Description <u>Approx. 22.096 acres out of Lots 405 & 475 John H. Shang Subdivision</u>
Owner	Name <u>Anaiah Builders LLC</u> Phone <u>(956) 381-0981</u> Address <u>1401 E. Ridge Road, Ste. F</u> City <u>McAllen</u> State <u>Tx</u> Zip <u>78503</u> E-mail <u>c/o mario@meldenandhunt.com</u>
Developer	Name <u>AVIG Construction</u> Phone <u>(956) 252-0610</u> Address <u>1918 W. Ventura Dr.</u> City <u>Pharr</u> State <u>TX</u> Zip <u>78917</u> Contact Person <u>Enrique Castellanos</u> E-mail <u>avigroup@mail.com</u>
Engineer	Name <u>Melden & Hunt, Inc.</u> Phone <u>(956) 381-0981</u> Address <u>115 W. Mc Intyre St.</u> City <u>Edinburg</u> State <u>Tx</u> Zip <u>78541</u> Contact Person <u>Mario A. Reyna P.E.</u> E-mail <u>mario@meldenandhunt.com</u>
Surveyor	Name <u>Melden & Hunt, Inc.</u> Phone <u>(956) 381-0981</u> Address <u>115 W. Mc Intyre St.</u> City <u>Edinburg</u> State <u>Tx</u> Zip <u>78541</u>

DEC 11 2020

 BY: [Signature]

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

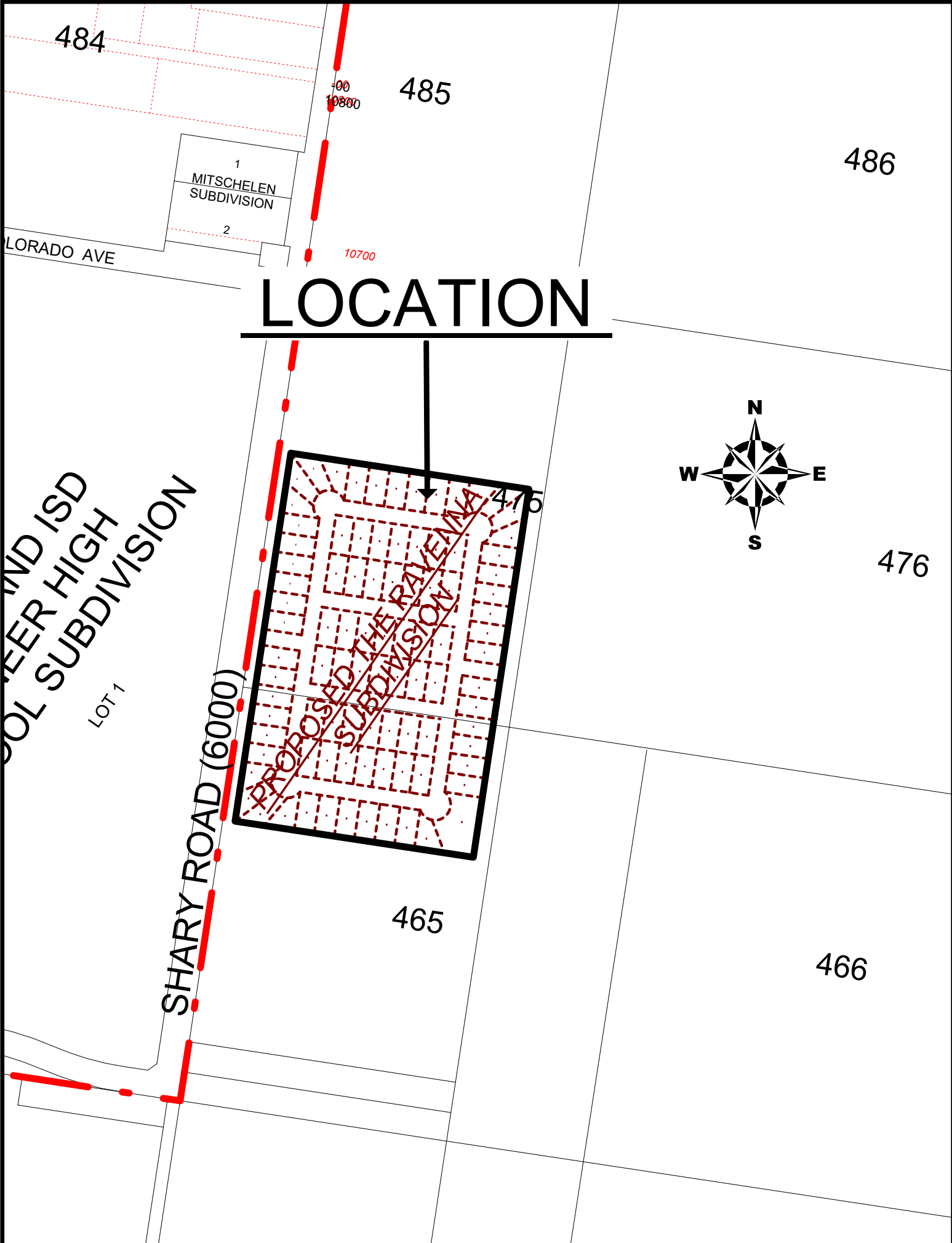
I certify that I am the actual owner of the property described above and (include corporate name if applicable); or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

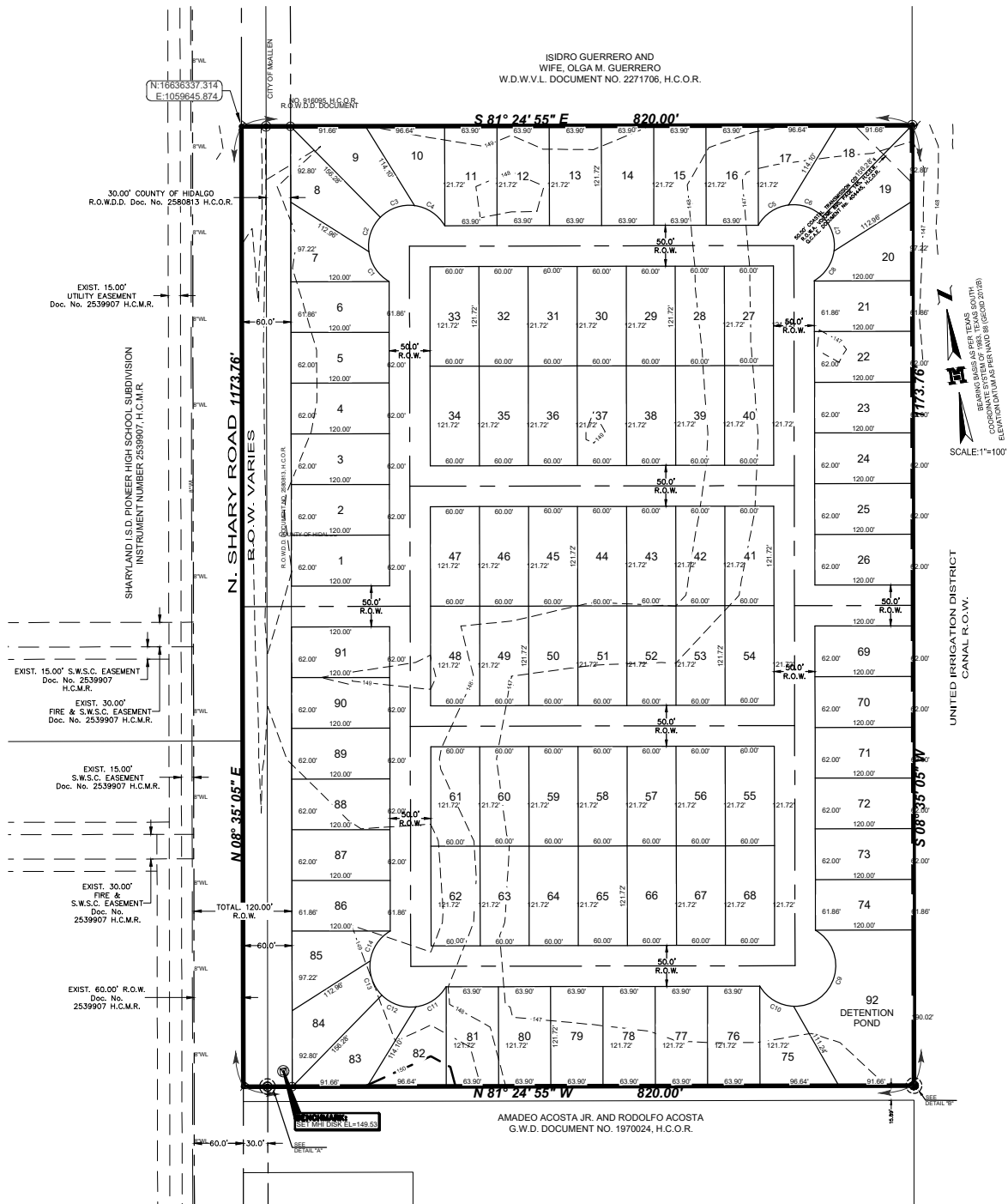
Signature  Date 10/30/2020

Print Name Mario A. Reyna, P.E.

Owner ☐

Authorized Agent ☒





SUBDIVISION MAP OF THE RAVENNA SUBDIVISION (A PRIVATE SUBDIVISION)

BEING A SUBDIVISION OF 21.288 ACRES SITUATED IN THE COUNTY OF HIDALGO, TEXAS, BEING A PART OR PORTION OUT OF LOTS 475 AND 465, JOHN H. SHARY SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 0, PAGE 17, HIDALGO COUNTY MAP RECORDS.



Reviewed On: 12/28/2020

SUBDIVISION NAME: THE RAVENNA SUBDIVISION**REQUIREMENTS****STREETS AND RIGHT-OF-WAYS**

North Shary Road: 60 ft. from centerline for 120 ft. of total ROW

Paving: By the state Curb and gutter: By the state

*Please submit copy of documents for ROW dedication prior to final.

**Please label centerline prior to final to verify if any ROW dedication is required.

6 1/2 Mile Road: 80 ft. ROW

Paving 52-65 ft. Curb & gutter: Both sides

**Monies must be escrowed if improvements are built prior to recording.

***Plat must be revised to comply with Thoroughfare Plan requirements prior to final.

Entrance streets: 60 ft.

Paving: 40 ft. Curb & gutter: Both Sides

**Monies must be escrowed if improvements are not built prior to recording

***Provide temporary turnaround and/or barricade at the west end of west entrance street as may be applicable.

****Please 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: Both sides

**Monies must be escrowed if improvements are not built prior to recording.

Paving _____ Curb & gutter _____

* 800 ft. Block Length.

* 600 ft. Maximum Cul-de-Sac.

Applied

Non-compliance

Non-compliance

Applied

Applied

Applied

Applied

ALLEYS

ROW: 20 ft. Paving: 16 ft.

*Alley/service drive easement required for commercial properties

NA

SETBACKS

* Front: 25 ft. or greater or easements

* Rear: 10 ft. or greater for easements except 25 ft. for double fronting lots.

* Interior Sides: 6 ft. or greater for easements

* Corner: 10 ft. or greater for easements.

* Garage: 18 ft. except where greater setback is required; greater setback applies.

*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN

Applied

Applied

Applied

Applied

Applied

Applied

SIDEWALKS

* 4 ft. wide minimum sidewalk required along both sides of all interior streets, and 5 ft. wide minimum sidewalk required along North Shary Road.

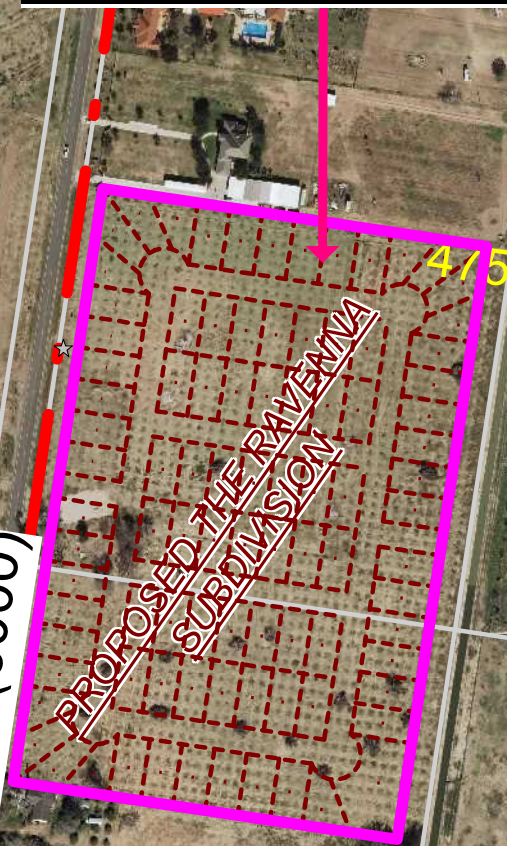
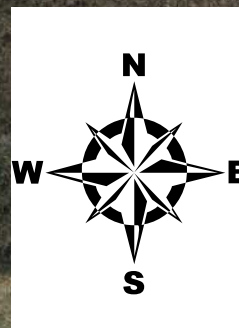
**5 ft. sidewalk along North Shary Road as per Engineering, and other as may be applicable prior to final. Please revise plat note as shown above.

Non-compliance

* 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 Shary Road. **Please add plat note number for this plat note.	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 Shary Road. **Please revise plat note as shown above. **Plat will be revised to include 6 1/2 Mile prior to final. Requirements might have to be revised depending on revised plat.	Non-compliance
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	NA
* Common Areas, any private streets/drives must be maintained by the lot owners and not the City of McAllen	NA
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* 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 is proposed.	Required
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **HOA document will be recorded simultaneously with subdivision plat.	Required
LOT REQUIREMENTS	
* Lots fronting public streets.	Compliance
* Minimum lot width and lot area. Lots 7-10, 17-20, 82-85 do not comply with minimum lot frontage required. Please verify that all lots comply with the minimum 50 ft. of frontage, and 54 ft. for corner lots. **Please revise plat to comply with requirements prior to final.	Non-compliance
ZONING/CUP	
* Existing: ETJ Proposed: Single-family residences **If annexation is requested, initial zoning and annexation process must be finalized prior to final review.	TBD
* Rezoning Needed Before Final Approval **If annexation is requested, initial zoning and annexation process must be finalized prior to final review.	TBD
PARKS	
* Land dedication in lieu of fee. As per Parks Department, if subdivision is annexed, property will be subject to Park Land Dedication Advisory Board review because land dedication for this subdivision is over one acre.	TBD
* Park Fee of \$700 per lot/dwelling unit to be paid prior to recording.	TBD

* Pending review by the Parkland Dedication Advisory Board and CC. As per Parks Department, if subdivision is annexed, property will be subject to Park Land Dedication Advisory Board review because land dedication for this subdivision is over one acre.	TBD
TRAFFIC	
* As per Traffic Department, please submit trip generation, to determine if a traffic impact analysis is required.	Non-compliance
* As per Traffic Department, please submit trip generation, to determine if a traffic impact analysis is required.	Non-compliance
COMMENTS	
Comments: 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 is proposed prior to final. ** Please provide copy 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. **** Revise plat to provide for 6 1/2 Mile as shown on the Thoroughfare Plan prior to final.	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL IN PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, UTILITIES AND DRAINAGE APPROVALS.	Applied

LOCATION



SHARY ROAD (6000)

SD
HIGH
SUBDIVISION
LOT 1

1
MITSCHELEN
SUBDIVISION
2

ADO AVE

484

10800
10700

485

486

475

476

465

466

TAYLOR DR



City of McAllen
Planning Department

APPLICATION FOR
SUBDIVISION PLAT REVIEW

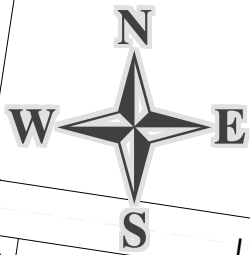
311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project Description	Subdivision Name <u>Starbucks Subdivision</u> Location <u>234' west of N.29th St. along north side of West Nolana Avenue.</u> City Address or Block Number <u>2900 W. Nolana Avenue</u> Number of lots <u>1</u> Gross acres <u>1.00</u> Net acres <u>1.00</u> Existing Zoning <u>C-3</u> Proposed <u>C-3</u> Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____ Existing Land Use <u>AG</u> Proposed Land Use <u>Retail</u> Irrigation District # <u>1</u> 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"/> Agricultural Tax Exemption Yes <input type="checkbox"/> No <input type="checkbox"/> Estimated Rollback tax due _____ Legal Description <u>1.00 acres out of lot 111, La Lomita Irrigation and Construction</u> <u>Company Subdivision, Hidalgo County, Texas.</u>
Owner	Name <u>Vaquero Nolana Partners, LP</u> Phone _____ Address <u>2900 Wingate Street, Ste. 200</u> City <u>Fort Worth</u> State <u>Texas</u> Zip <u>76107</u> E-mail _____
Developer	Name <u>Vaquero Nolana Partners, LP</u> Phone <u>(512) 983-1793</u> Address <u>2900 Wingate Street, Ste. 200</u> City <u>Fort Worth</u> State <u>Texas</u> Zip <u>76107</u> Contact Person <u>Kelly Agnor</u> E-mail <u>kagnor@vaqueroventures.com</u>
Engineer	Name <u>Javier Hinojosa Engineering</u> Phone <u>(956) 668-1588</u> Address <u>416 E Dove Avenue</u> City <u>McAllen</u> State <u>Texas</u> Zip <u>78504</u> Contact Person <u>Javier Hinojosa, P.E.</u> E-mail <u>javhin@rgv.rr.com</u>
Surveyor	Name <u>CVQ Land Surveyors, LLC</u> Phone <u>(956) 618-1551</u> Address <u>517 Beaumont Avenue</u> City <u>McAllen</u> State <u>Texas</u> Zip <u>78501</u> Contact Person: <u>Carlos Vasquez, R.P.L.S.</u> E-mail: <u>cvq@cvqls.com</u>

RECEIVED

DEC 14 2011

BY:



-01 LA

S.D. SUBD NO 14
LOT 1

LION DR.

CITY OF MCALLEN
SOCCER FIELD

PHASE I 107
PHASE II
REDBUD
N 28TH LN
N 27TH LN
QUAMASIA AVE
DEL SOL
DEL SOL

LOMITA 111
(HOIT)

LOCATION

ROOTH ROAD SUBDIVISION 1

110

PROPOSED
STARBUCKS
SUBDIVISION
JACK
IN THE
BOX
#3971

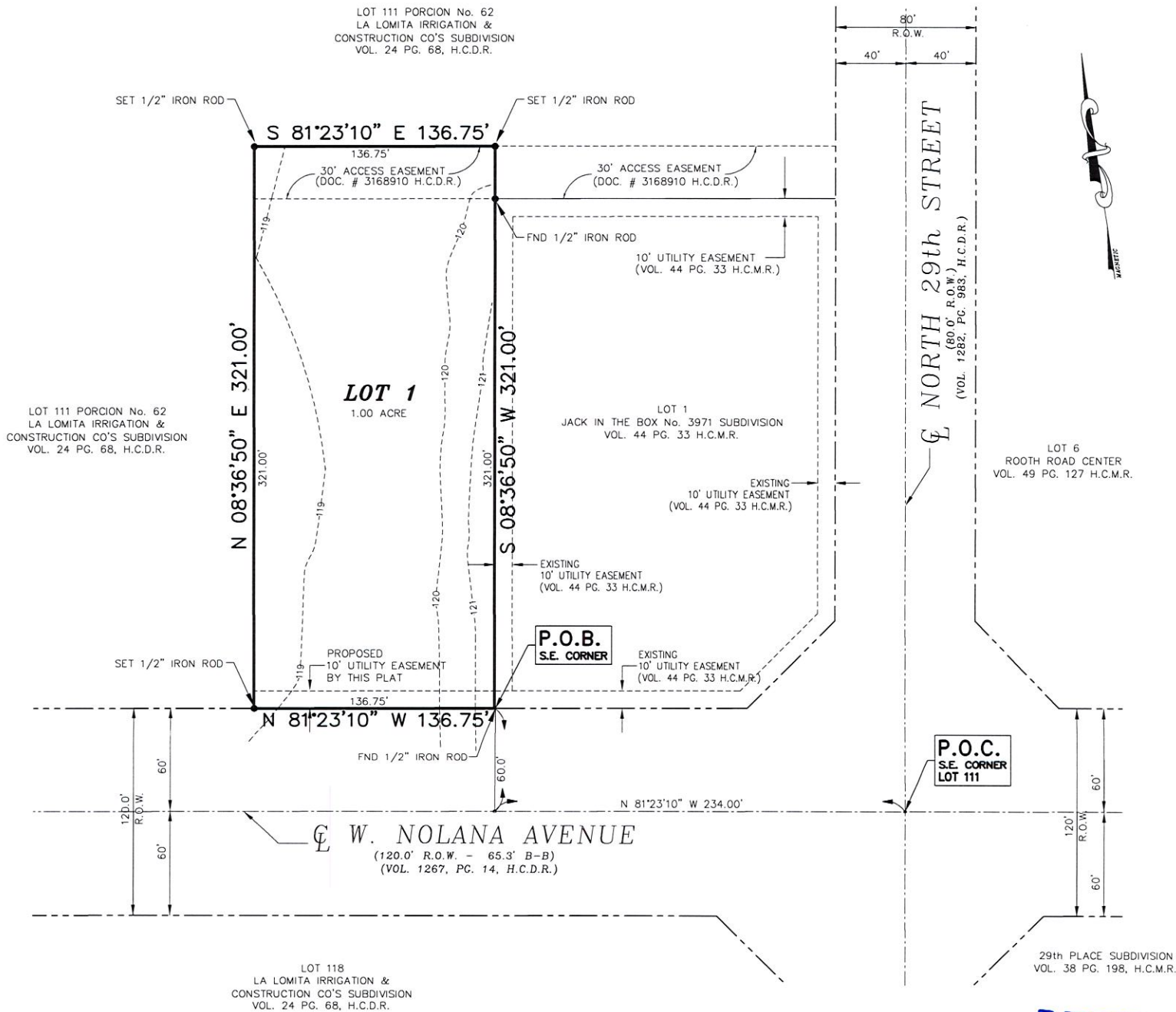
-15

PROPOSED SHOPS AT
NOLANA SUBDIVISION
(LOT 1)

32ND LN
KERRIA AVE
PONDEROSA
PHASE 2
PONDEROSA
31ST ST
30TH ST
IRIS AV.
PHASE 1

NOLANA AVE
29TH PLACE SUB'D
1 ASIAN
2
3A
4
5
6
7
8A
VALLEY
119 SUBD
BRYN-MAR TERRACE
JONQUIL AV
28 1/2 ST
IRIS AV
SUBDIVISION
27 1/2 ST
NOLANA CROSSING
PROPOSED NOLANA
SUBDIVISION
CROSSING NOLANA SUBDIVISION
25
26
27
29
56
55
18
GARDENIA TERRACE
HIBISCUS AVE
UNIT NO. 3
112
119
105
102
89
90
95

MCAULIFFE ELEMENTARY
SCHOOL M.I.S.D
NO. 7



SUBDIVISION PLAT OF STARBUCKS SUBDIVISION

RECEIVED
DEC 14 2020
BY: *[Signature]*



City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 12/23/2020

SUBDIVISION NAME: STARBUCKS SUBDIVISION

REQUIREMENTS

STREETS AND RIGHT-OF-WAYS

Nolana Avenue: 60 ft. from centerline for 120 ft. total ROW.
 Paving: 65 ft. Curb & gutter: Both sides
 **Remove "W." (West) reference from plat.

Non-compliance

Paving _____ Curb & gutter _____

Applied

* 800 ft. Block Length

Compliance

* 600 ft. Maximum Cul-de-Sac _____

Applied

ALLEYS

ROW: 20 ft. Paving: 16 ft.
 *Alley/service drive easement required for commercial properties
 **Provide copy of document No. 3168910
 ***30 ft. access easement/service drive will be required to extend west as properties start developing
 ****Temporary turnaround/loop needed at west end of private access/service drive.

Non-compliance

SETBACKS

* 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.
 * Rear: As per zoning ordinance or greater for approved site plan or easements.
 * Sides: in accordance with the zoning ordinance or greater for approved site plan or easements
 * Corner
 * Garage
 *ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN

Applied

Applied

Applied

NA

NA

Applied

SIDEWALKS

* 4 ft. wide minimum sidewalk required on Nolana Avenue.
 **Remove W. reference from plat.
 * Perimeter sidewalks must be built or money escrowed if not built at this time.

Non-compliance

Required

BUFFERS

* 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.

Applied

Applied

Required

NOTES

* No curb cut, access, or lot frontage permitted along
 **Per Traffic Department, spacing requirement along Nolana Avenue is 360 ft.
 * Site plan must be approved by the Planning and other Development Departments prior to building permit issuance.

Non-compliance

Required

* Common Areas, service easements, any private streets must be maintained by the lot owners and not the City of McAllen	Required
* Common areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	Applied
* 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.	NA
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	NA
LOT REQUIREMENTS	
* Lots fronting public streets	Compliance
* Minimum lot width and lot area	Compliance
ZONING/CUP	
* Existing: C-3 Proposed: C-3	Applied
* Rezoning Needed Before Final Approval	NA
PARKS	
* Land dedication in lieu of fee	NA
* Park Fee of \$700 per dwelling unit/lot to be paid prior to recording	NA
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
TRAFFIC	
* Per Traffic Department, Trip Generation is required to determine if TIA is required, prior to final plat.	Non-compliance
* Traffic Impact Analysis (TIA) required prior to final plat.	TBD
COMMENTS	
Comments: *Subdivision must comply with City's Access Management Policy **Note #11 is not required, remove from plat prior to final. ***Revise lienholder's signature block prior to recording ****Revise plat to reflect 30 ft. access easement which is 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 will be required. *****Per Public Works Department, submit site plan to review service drive location prior to final approval.	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM, SUBJECT TO CONDITIONS NOTED, UTILITIES, AND DRAINAGE APPROVALS.	Applied



LOCATION

PROPOSED
STARBUCKS
UTILITY BOX

PROPOSED SITES BY
NOLANA CROSSING
(CITY)

PROPOSED NOLANA
CROSSING LOT 3A SUBDIVISION

2020 ATTENDANCE RECORD FOR PLANNING AND ZONING COMMISSION MEETINGS

[illegible]

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[illegible]

[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
- ▲ Public Utility Board
- HPC - Historic Pres Council
- Planning & Zoning Board
- Zoning Board of Adjustment

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.