

**AGENDA**  
**PLANNING & ZONING COMMISSION REGULAR MEETING**  
**THURSDAY, JUNE 3, 2021 - 3:30 PM**  
**MCALLEN CITY HALL, 1300 HOUSTON AVENUE**  
**CITY COMMISSION CHAMBERS, 3<sup>RD</sup> 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 May 18, 2021

**2) PUBLIC HEARING**

**a) CONDITIONAL USE PERMITS:**

1. Request of Armando R. Aleman, for a Conditional Use Permit, for one year for a smoke shop at Lot 21-A, Northeast Industrial Subdivision, Hidalgo County, Texas; 2101 North Jackson Road, Suite 10. **(CUP2021-0050)**
2. Request of Gloria S. Jaramillo, for a Conditional Use Permit, for one year, for a home occupation (office/storage), at Lot 129, Ensenada at Tres Lagos Phase II Subdivision, Hidalgo County, Texas; 14212 Amistad Circle. **(CUP 2021-0048)**
3. Request of Juan A. Ludwig, on behalf of AEP Texas Inc., for a Conditional Use Permit, for life of the use, for a Railroad Facility or Utilities Holding a Franchise (Electric Substation) at an irregular shaped 3.04-acre tract of land out of Lot 5, Block 2, C.E. Hammond Subdivision, Hidalgo County, Texas 3800 Pecan Boulevard. **(CUP2021-0051)**

**b) REZONING:**

1. Rezone from A-O (agricultural and open space) District to R-1 (single-family residential) District: 14.615 acres out of Lot 317, John H. Shary Subdivision, Hidalgo County, Texas; 4128 North Taylor Road. **(REZ2021-0026)**
2. Initial zoning to R-1 (single-family residential) District: 2.2 acres out of Lot 386, John H. Shary Subdivision, Hidalgo County, Texas; 7017 North Taylor Road. **(REZ2021-0029)**

3. Rezone from R-2 (duplex-fourplex residential) District to R-3A (multifamily residential apartment) District: Lots 4 and 5, Gartman's Subdivision, Hidalgo County, Texas; 2101 and 2105 North 12th Street. **(REZ2021-0032)**
4. Rezone from C-2 (neighborhood commercial) District to C-3 (general business) District: Lot 104, Valley Gardens Subdivision, Hidalgo County, Texas; 3616 North 23rd Street. **(REZ2021-0025)**
5. Initial zoning to C-3 (general business) District: 3.41 acre tract of land out of the west 10.0 acres of north 20.0 acres of Lot 405, John H. Shary Subdivision, Hidalgo County, Texas; 5961 Mile 5 Road. **(REZ2021-0027)**
6. Initial zoning to R-3A (multifamily residential apartments) District: 4.85 acre tract of land out of the west 10.0 acres of the north 20.0 acres of Lot 405, John H. Shary Subdivision, Hidalgo County, Texas; 5899 Mile 5 Road. **(REZ2021-0028)**

### 3) SITE PLAN:

- a) Revised site plan approval for Lot 1, TOYS-R-U Subdivision, Hidalgo County, Texas; 1101 EXPRESSWAY 83**(SPR2021-0013)**.

### 4) SUBDIVISIONS:

- a) Villa Torre at North Bentsen Estates Subdivision, 7500 North Bentsen Road - Antonio M. Aguirre Jr. **(SUB2021-0048)** (PRELIMINARY) RDE
- b) El Dorado at Thousand Oaks I, II, and III, 12712 North Ware Road. - Red Rock Real Estate Development **(SUB2021-0049)** (FINAL) QHA
- c) Villanueva Estates at Trinity Oaks Lots 26A & 28A-30A & 34A-41A & 43A-47A & 49A-54A, 3100 Arroyo Avenue- Villanueva Properties & Investments (SUB2019-0038) (REVISED FINAL)M&H
- d) De La Torre Subdivision, 8th Street Approx. 300Ft. North of Houston Avenue., Rafael De la Torre– **(SUB2020-0066)** (REVISED PRELIMINARY)MAS
- e) Garcia Estates; 2901 Gumwood Avenue - Sonia Garcia-**(SUB2020-0048)**(REVISED PRELIMINARY) M&H

### 5) INFORMATION ONLY:

- a) City Commission Action for May 24th Meeting

### 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



STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF McAllen

The McAllen Planning and Zoning Commission convened in a Regular Meeting & Public Hearing on Tuesday, May 18, 2021 at 3:32 p.m. in the McAllen City Hall City Commission Room at 1300 Houston Avenue, McAllen, Texas.

<b>Present:</b>	<b>Pepe Cabeza de Vaca</b> <b>Daniel Santos</b> <b>Michael Hovar</b> <b>Michael Fallek</b> <b>Marco Suarez</b>	<b>Chairperson</b> <b>Vice-Chairperson</b> <b>Member</b> <b>Member</b> <b>Member</b>
<b>Absent:</b>	<b>Jose Saldana</b> <b>Gabriel Kamel</b>	<b>Member</b> <b>Member</b>
<b>Staff Present:</b>	<b>Austin Stevenson</b> <b>Michelle Rivera</b> <b>Edgar Garcia</b> <b>Luis Mora</b> <b>Juan Martinez</b> <b>Omar Sotelo</b> <b>Rodrigo Sanchez</b> <b>Jose Humberto De La Garza</b> <b>Berenice Gonzalez</b> <b>Kaveh Forghanparast</b> <b>Liliana Garza</b> <b>Iris Padilla</b> <b>Porfirio Hernandez</b> <b>Jullian Hernandez</b> <b>Magda Ramirez</b>	<b>Assistant City Attorney</b> <b>Assistant City Manager</b> <b>Planning Director</b> <b>Deputy Planning Director</b> <b>Development Coordinator</b> <b>Senior Planner</b> <b>Senior Planner</b> <b>Planner III</b> <b>Planner III</b> <b>Planner II</b> <b>Planner II</b> <b>Planner I</b> <b>Planning Technician II</b> <b>Planning Technician I</b> <b>Administrative Secretary</b>

**CALL TO ORDER- Mr. Pepe Caveza de Vaca, Chairperson**

**Meeting held via Teleconference and Video Conference.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION- Mr. Marco Suarez, Member**

**1) MINUTES:**

**a) Minutes for Regular Meeting held on May 4, 2021.**

The minutes for the regular meeting held on May 4, 2021 were approved as submitted. The motion to approve was made by Mr. Michael Hovar and Mr. Daniel Santos seconded the motion, which carried unanimously with five members present and voting.

Chairperson Cabeza de Vaca announced the meeting would start with Site Plan Section 3a(on the agenda).

**2) SITE PLAN:**

**a) Revised site plan approval for lot 2A, Nolana Wal-mart Subdivision  
Lots 2A & 2B, 4017 N. 23rd Street. (SPR-2021-0015)**

Ms. Garza stated that the property is located on the southwest corner of N. 23<sup>rd</sup> Street and Orchid Avenue. The property is 139.50 ft. by 219.77 sq. ft. and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the west, east, north and south and C-4 (commercial-industrial) District to the north. Surrounding land use include McAllen Public Library, restaurants, and commercial stores. The property is part of Nolana Wal-Mart Subdivision Lots 2A & 2B, which was recorded on September 8, 1992. A note on the plat indicates that a site plan must be approved by the Planning and Zoning Commission prior to issuance of a building permit.

The applicant is proposing to add 410.33 sq. ft. of storage area to the west of the existing building and construct a new drive thru lane on the west side of the existing drive thru.

The applicant is proposing to construct an additional 410.33 sq. ft. of storage area to the west of the existing building and move the dumpster location to the north. A second drive thru lane will be added to the west of the existing drive thru lane and must comply with Traffic Department conditions. Based on 2,706 sq. ft. of restaurant use, 29 parking spaces are required and are provided on site. Two of the provided parking spaces must be accessible, one which must be van accessible with an 8 ft. wide aisle. As per original site plan approved on September 1, 1992: the required landscaping for the lot was 2,675 sq. ft. Must maintain existing Landscaping any Dead grass, trees or plants must be replaced as well as any non-working irrigation system. If any trees are removed, a tree removal application will be required. As per Subdivision Plat, a 4 ft. sidewalk is required along N. 23<sup>rd</sup> Street and Orchid Avenue. Interior drives, buffers and parking will remain the same. No structures are permitted over easements. All setbacks will comply with the plat note requirements and the zoning ordinance. The Building Permit Site Plan must comply with requirements set forth by the Engineering Department and as noted on the development Team Review sheet. A ramp must be included on the east side of the driveway along Orchid Ave and all work on ROW must meet City of McAllen Standards.

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

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

**3) CONSENT: (4a on the Agenda)**

**a) Santoy Subdivision; 3321 West US Highway 83 – Juan Santoy  
(SUB2020-0041)(Final) SEC**

U.S. Highway 83 (Loop 374): Proposing additional 7.5 ft. (subject to increase to 10 ft. for 95 ft. ROW) for 67.5 ft. from centerline for a total of 92.5 ft. ROW. Paving: By the state Curb & gutter: By the state Paving Curb & gutter 800 ft. Block Length 600 ft. Maximum Cul-de-Sac. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Plat shows 15 ft. alley on the rear side of the property. Need to revise prior to final as needed to comply with requirements for City services. Engineer submitted a variance request on February 10, 2021 to not require additional dedication, paving, nor escrow for the paving of the existing 15 ft. alley which received a favorable recommendation by the P&Z Board at the meeting of February 16, 2021 and was approved by City Commission at the meeting of April 26, 2021. \* Front: 50 ft. or greater for approved site plan or easement. Rear: In accordance with the 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. All setbacks are subject to increase for easements or approved site plan. 5 ft. wide minimum sidewalk required on U.S. Highway 83. 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 other Development Departments prior to building permit is Common Areas, Private Streets, services drives, etc. must be maintained by the lot owners and not the City of McAllen. Note required on plat regarding maintenance of service drives to be done by owner and not City of McAllen. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Lots fronting public streets. Minimum lot width and lot area Existing: C-3 Proposed: C-3. Trip Generation to determine if TIA is required, prior to final plat. Per Traffic Department, Trip Generation has been approved. Must comply with City's Access Management Policy Provide site plan for review. Property will need to be rezoned before final approval. Show centerline along West Business Highway 83 and show total ROW after accounting for dedication. Service drive required for commercial properties, revise plat as needed prior to final. Show legal description for triangular property located adjacent to southwest corner of subdivision, clarify/revise as needed. Engineer submitted a variance request letter to not provide additional dedication nor paving for the existing 15 ft. alley which received a favorable recommendation by P&Z Board, at the February 16, 2021 meeting, and was approved by City Commission at the meeting of April 26, 2021.:

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

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

**4) SUBDIVISIONS: (5a on Agenda)**

**a) Saltillo Plaza Phase III Subdivision (SUB2021-0046) (PRELIMINARY) (M&H)**

Mr. De la Garza stated that the property is located on Pecan Boulevard: 20 ft. dedication required

for 620 ft. from centerline for 120 ft. total ROW.

Paving: By the state Curb & gutter: By the state. Revise plat to comply with ROW dedication requirement prior to final. Please clarify if 40 ft. ROW easement along Pecan Boulevard will be dedicated by this plat or if it was dedicated by separate instrument prior to final. COM Thoroughfare Plan Paving Curb & gutter. ROW: 20 ft. Paving: 16 ft. Alley required for commercial properties.

If a private service drive is proposed it must be shown to be extended east and west when the adjacent properties develop. Subdivision Ordinance: Section 134-106. Front: In accordance with Zoning Ordinance or greater for easements or approved site plan. Zoning Ordinance: Section 138-356. Rear: In accordance with Zoning Ordinance or greater for easements or approved site plan. Zoning Ordinance: Section 138-356. Sides: In accordance with Zoning Ordinance or greater for easements or approved site plan. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan Sidewalks. 5 ft. wide minimum sidewalk required on Pecan Boulevard. 5 ft. sidewalk requirement as per Engineering Department. Add plat note as shown above prior to final. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. Plat note must be added prior to final. Landscaping Ordinance: Section 110-46. 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 #7 since plat note is not required. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Common Areas, any private streets/drives must be maintained by the lot owners and not the City of McAllen. Minimum lot width and lot area. Zoning Ordinance: 138-1. Lots fronting public streets. Zoning Ordinance: Section. 138-356. Existing: C-3 Proposed: Commercial. Engineer to clarify proposed use prior to final to determine if a rezoning or a conditional use permit is required. If a rezoning or CUP is required; it must be finalized prior to final. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval. Engineer to clarify proposed use prior to final to determine if a rezoning or a conditional use permit is required. If a rezoning or CUP is required; it must be finalized prior to final. Zoning Ordinance: Article V. \* As per Traffic Department, Trip Generation will be reviewed to determine if a TIA is required prior to final.

\* As per Traffic Department, Trip Generation will be reviewed to determine if a TIA is required prior to final. Comments: Must comply with City's Access Management Policy. As per Public Works Department, provide a west/east service access easement connecting adjacent properties and for provision of commercial waste collection service prior to final. Please clarify if 40 ft. ROW easement along Pecan Boulevard will be dedicated by this plat or if it was dedicated by separate instrument prior to final.

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

After a brief discussion on clarification of zoning by Chairman Cabeza de Vaca, Mr. Michael Fallek moved to approve with the conditions noted. Vice-Chairman Mr. Daniel Santos seconded the motion, which was approved with five members present and voting.

**b) Cedar Apartments Subdivision (SUB2021-0047) (PRELIMINARY) (M2H)**

Mr. De la Garza stated that the property was located at Cedar Avenue: 10 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 recording. Clarify if 5 ft. Gas Line easement and 18 ft. Temporary Working Easement Volume are still active. Easement might have to be abandoned prior

to final for ROW dedication to be cleared. Add "East" to all "Cedar Avenue" references. Subdivision Ordinance: Section 134-105. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Subdivision Ordinance: Section 134-106. \* Front: In accordance with Zoning Ordinance or greater for easements or approved site plan or in line with existing structures; whichever is greater. Please revise plat note as shown above. Setbacks are subject to change prior to final. Zoning Ordinance: Section 138-356

Rea: In accordance with Zoning Ordinance or greater for easements or approved site plan. Please revise plat note as shown above. Setbacks are subject to change prior to final. Zoning Ordinance: Section 138-356. Sides: In accordance with Zoning Ordinance or greater for easements or approved site plan. Please revise plat note as shown above. Setbacks are subject to change prior to final. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required; greater setback applies. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on East Cedar Avenue. Please clarify if a 5 ft. sidewalk is proposed prior to final as shown on plat note #9. Revise street name to East Cedar Avenue wherever is applicable. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. Please revise plat note #10 as shown above prior to final. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Common Areas, any private streets/drives, detention and common areas 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 private subdivision is proposed. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Subdivision Ordinance: Section 110-72. Minimum lot width and lot area. Zoning Ordinance: 138-1. Lots fronting public streets. Property only has 40.58 ft. of frontage along East Cedar Avenue which does not meet minimum frontage required of 50 ft. on a public street. Please revise plat to comply with requirements prior to final. If a variance to the Zoning Board of Adjustments and Appeals is required, it must be finalized prior to final plat review by a separate application and process. Zoning Ordinance: Section. 138-356. Existing: R-3A Proposed: R-3A. Zoning Ordinance: Article V. Land dedication in lieu of fee. As per Parks Department, number of units is required to determine if park fees or land dedication will be needed prior to recording. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per Parks Department, number of units is required to determine if park fees or land dedication will be needed prior to recording. Pending review by the Parkland Dedication Advisory Board and CC. As per Parks Department, number of units is required to determine if park fees or land dedication will be needed prior to recording. As per Traffic Department, Trip Generation to determine if TIA is required, prior to final plat. As per Traffic Department, Trip Generation to determine if TIA is required, prior to final plat. Comments: Must comply with City's Access Management Policy. Engineer must clarify if more land will be acquired to comply with minimum lot frontage requirements prior to final. Any variances from the Zoning board of Adjustments and Appeals must be finalized prior to final plat review. Any abandonments required must be finalized prior to final plat review. As per Fire Department and Public Works Department, please submit a

site plan for staff to review requirements such as turnaround, maneuverability, service access drives, etc.

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

After a brief discussion, Mr. Michael Fallek moved to approve with the conditions noted and with clarification of lot frontage. Mr. Michael Hovar seconded the motion, which was approved with five members present and voting.

**c) Salkinder Plaza Subdivision; 8909 North 10th Street – Sonia Salkinder  
(SUB2021-0052)(Preliminary)TE**

Ms. Gonzalez stated that the property is located on N. 10th Street (SH 336): 120 ft. ROW Paving: by the state Curb & gutter: by the state. Need to show ROW on both sides of centerline to determine dedication for 60 ft. from centerline for a total of 120 ft. ROW. Thoroughfare Plan Paving Curb & gutter, Paving Curb & gutter. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. If a service drive is proposed, it must be extended when adjacent properties develop. Subdivision Ordinance: Section 134-106. Front: 60 ft. or greater for easements or approved site plan. Revise plat as noted above. Zoning Ordinance: Section 138-356. Rear: In accordance with the zoning ordinance or greater for easements or approved site plan. Revise plat as noted above. Zoning Ordinance: Section 138-356. Sides: in accordance with the zoning ordinance or greater for easements or approved site plan. Revise plat as noted above. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 5 ft. wide minimum sidewalk required on North 10th Street (SH 336). Revise names shown on the plat note as shown above. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time.

6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. Site plan must be approved by the Planning and other development departments prior to building permit issuance. Common areas, private service drives, etc. 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. Zoning Ordinance: Section 138-356. Zoning Ordinance: 138-1. Existing: C-3 Proposed: C-3L. Application shows current and proposed zoning as C-3L, however; current zoning is C-3. Revise application as needed or submit rezoning application prior to final approval

Zoning Ordinance: Article V. Trip Generation to determine if TIA is required per Traffic Department, prior to final plat. Comments: Must comply with City's Access Management Policy. Revise zoning section on application filed since current zoning is C-3, instead of C-3L currently shown. Clarify if a gate is proposed since additional requirements may apply prior to final approval (Note #15)

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

After a short discussion regarding zoning clarification by Mr. Iden Trevino of Trevino Engineering, members of the board and Ms. Gonzalez, Mr. Daniel Santos moved to approve with the

conditions noted. Mr. Michael Hovar seconded the motion, which was approved with five members present and voting.

5) INFORMATION ONLY:

a) City Commission Actions:

Mr. Edgar Garcia stated that the City Commission approved the rezoning of McColl and Violet to a R3A, for a tax credit Senior Apartment Complex.

A five year conditional use permit was also approved for the location at Date Palm and 21st Street to be used by a church.

A seven minute recess was requested at 3:53pm by Chairman Pepe De la Vaca to resume at 4:00pm with the public hearings.

Reajurned meeting at 4:02pm

6) PUBLIC HEARING (2a1 on Agenda)

a) CONDITIONAL USE PERMITS:

- 1) Request of Guillermo Vazquez for a conditional use permit, for one year, for a bar at Lot A-1, Nolana Tower Subdivision, Hidalgo County, Texas; 400 Nolana Avenue, Suite A-3. **(CUP2021-0044).**

Ms. Iris Padilla stated that the property is located at the Northeast corner of Nolana Avenue and North 6<sup>th</sup> Street, and is zoned C-3 (general business) District. The adjacent zoning is C-1 (office building) District to the north, C-3 District to the east, south and west, R-1 (single family residential) District to the east and A-O (agricultural and open space) District to the west. Surrounding land uses include Crazy Buffet, Callejon de Los Milagros, Eddy's Tavern, Chanin Engineering, Prestige Learning Center, single and multifamily residences, vacant land, and a water tower. A bar/night club is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.

The initial conditional use permit for this establishment was approved by the City commission on March 8, 2010 with a variance to the distance requirement. The last permit was approved by the City Commission on March 23, 2020 for one year with a variance to the distance requirement.

The applicant is proposing to continue to operate a bar (Los Rieles) from a 6,080 sq. ft. lease space within the shopping center. The hours of operation will be from 9:00 p.m. to 2:00 a.m. Tuesday, Friday and Saturday.

The Health Department inspection of the establishment is pending. The Fire Department has conducted an initial inspection; however, a follow-up inspection is pending. Attached is the police report from May 7, 2020 until present. 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. of residential zones and uses, and a water tower;

- 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 property has direct access to Nolana Avenue, North 4<sup>th</sup> Street, and North 6<sup>th</sup> Street. The existing gates on North 4<sup>th</sup> Street need to be closed as required from other Conditional Use Permits in this commercial plaza;
- 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. Currently there is a multi-tenant commercial building on the property. The shopping center is a mixture of office, retail, vacant suites, restaurants, a learning center, and bars. The proposed bar requires 61 parking spaces and the multi-tenant commercial building requires a total of 650 parking spaces in order for all tenant businesses to be operation at the same time; 729 parking spaces are provided on the common parking area in the front and rear of the building;
- 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 business should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility as much as possible of the site from a public street;
- 6) The abovementioned business must make provision to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- 7) The abovementioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Director of Planning. The occupancy load for this establishment will be established by the Building department as part of the building permit review.

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 request. There was no one to speak in opposition .

After a short discussion regarding parking lot requirements, Board Member Daniel Santos moved to recommend disapproval but with a favorable recommendation. Board Member Michael Hovar seconded the motion along with five members present and voting.

**2) Request of David A. Lisauckis for a conditional use permit, for one year, for a bar at Lot A-1, Nolana Tower Subdivision, Hidalgo County, Texas; 400 Nolana Avenue, Suite H-1. (CUP2021-0047).**



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

The initial conditional use permit for this establishment was approved by the City Commission on August 11, 2008 with a variance to the distance requirement, and was renewed once after initial approval for one year. From 2009 to 2018, the property was used for a Montessori School and retail use. A conditional use permit was approved for this property by the City Commission on March 26, 2018 for a bar/barber shop with a variance to the distance requirement. The applicant applied for a conditional use permit for a bar last year and was approved with a variance to the distance by City Commission on May 18, 2020.

The applicant is proposing to continue to operate a bar (The Rockwall) from the existing 4,814 sq. ft. lease space within the shopping center. The hours of operation will be from 11:00 a.m. to 2:00 a.m. daily.

The Fire Department and Health Department have inspected the establishment, and the property is in compliance. Attached is the police report from May 7, 2020 until present. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- a) The property line of the lot of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of residential zones and uses, and a water tower;
- b) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The property has direct access to Nolana Avenue, North 4th Street, and North 6th Street. The existing gates on North 4th Street need to be closed as required from other Conditional Use Permits issued in this commercial plaza;
- c) The abovementioned business must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. Currently there is a multi-tenant commercial building on the property. The shopping center is a mixture of office, retail, vacant suites, restaurants, a learning center, and bars. The proposed bar requires 49 parking spaces and the multi-tenant commercial building requires a total of 650 parking spaces in order for all tenant businesses to be operation at the same time; 729 parking spaces are provided on the common parking area in the front and rear of the building;

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

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

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the request, there was no one to speak in opposition of the requested.

After a short discussion regarding parking lot requirements, Mr. Daniel Santos moved to recommend disapproval with a favorable recommendation. Board member Marco Suarez seconded the motion, which was disapproved but with a favorable recommendation. There were 5 members present and voted.

**3) Request of Karla M. Rivera, for a conditional use permit, for one year, for a night club at Lots 28-31, Continental Trade Center Subdivision, Hidalgo County, Texas; 2021 Orchid Avenue. (CUP2021-0045).**

Ms. Liliana Garza stated that the property is located on the south side of Orchid Avenue, approximately 250 ft. west of Bicentennial Drive and is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions and surrounding land uses include commercial businesses, restaurants, bars, and the International Museum of Arts and Science. A bar is allowed in a C-3 zone with a conditional use permit and in compliance with requirements.

The initial conditional use permit for this establishment (Metropolis) was approved by the Planning and Zoning Commission in November of 1984. The permit was renewed annually to different tenants by the Planning and Zoning Commission until October 20, 2009. A renewal was not done for the years 2010 and 2011. Code Enforcement issued a notice of violation at that time and the applicant subsequently submitted an application. The City Commission approved the conditional use permit request with a variance to the distance requirement with an added condition for nightly trash pickup and extra security on April 9, 2012. The permit was renewed for one year until 2014 by the City Commission with a variance to the distance requirement. After being vacant for two years, the building was occupied by a gym in 2017. On June 11, 2018, a conditional use permit

was approved by the City Commission for this property for a bar with a variance to the distance requirement. And on August 12, 2019, the last conditional use permit was approved by City Commission for a bar with a variance to the distance requirement.

The new applicant is proposing to operate a nightclub from the existing 7,482 sq. ft. The proposed hours of operation will be from 9:00 p.m. to 2:00 a.m. Wednesday through Sunday.

The Fire Department inspection is pending. The Health Department has inspected the establishment, and the property is in compliance. The police activity report is attached, which indicates service calls from May 2020 to present. The Planning Department has not received any calls in opposition to the request. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 8) The property line of the lot of any of the above mentioned businesses must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of publicly owned property, the International Museum of Arts & Science (IMAS);
- 9) The abovementioned businesses must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The property is near Nolana Ave and has direct access to Orchid avenue, and does not generate traffic into residential area;
- 10) 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 7,482 sq. ft. of the existing building, 75 parking spaces are required. There are 64 parking spaces on site and there is shared parking on the common areas shared by the adjacent property owner's as per plat note for the remaining 11 parking spaces required. As per section 138-400(a) of the Off-Street Parking and Loading requirements, all off-street parking must be clearly striped and free of potholes.
- 11) 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;
- 12) The abovementioned businesses should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility as much as possible of the site from a public street;
- 13) The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- 14) The abovementioned businesses shall restrict the number of persons within the building to those allowed by the planning and zoning commission at the time of permit issuance, after having taken into account the recommendations of the fire marshal, building official and director of planning. The occupancy load for this establishment will be established by the Building

department as part of the building permit review.

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

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the request, there was no opposition.

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

4) Request of Cityswitch, for a conditional use permit, for life of the use, for a personal wireless service facility, at a 3,362 sq. Ft. Lease area and a 25 ft. wide access and utility easement out of a 4.11-acre net irregular shaped tract North of and adjacent to railway from 23rd st. Westward out of CE. Hammond Subdivision, Hidalgo County, Texas; 189 N 23rd street.  
**(CUP2021-0046).**

Ms. Liliana Garza stated that the subject property is located on the northwest corner of Business 83 and 23<sup>rd</sup> Street. The 3,362 sq. ft. lease area is an interior tract that is part of a parcel that has a zoning classification of I-1 (light industrial) District. Surrounding zoning is I-1 District to the west, east, north and south, and C-3 (general business) District to the northwest corner. Land uses in the area include commercial and warehouse, a bank, and a restaurant. A personal wireless service facility is allowed in an I-1 (light industrial) District with a Conditional Use Permit and in compliance with requirements. The 3,362 sq. ft. lease area in question is described by metes and bounds, and is located on the northwest portion of the tract that is owned by Missouri Pacific Railroad Company.

The applicant is proposing to place a 120 ft. monopole located on the center of the lease area. The proposal will need to meet all minimum setbacks and building permit requirements. Federal Aviation Administration (FAA) approval must be obtained prior to beginning construction. In addition, the request must comply with requirements set forth in Section 138-118(11) of the zoning ordinance as follows:

- a. Maximum height of pole or tower structure of 80 feet within commercial zones or within 200 feet of an existing residential structure;
  - o The applicant is not locating within a commercial zone;
- b. Maximum height of pole or tower structure of 120 feet within industrial zones for measuring distance purposes, the leasehold interest area boundary or compound area boundary, whichever is greater shall be utilized;
  - o The applicant is proposing to construct a 120 ft. in height monopole
- c. Only one pole or tower structure-allowed per lot or tract within a commercial or industrial zone;
  - o There is no other pole structure on property;
- d. The applicant shall attempt to locate the proposed facility on an existing structure, or base

station, as per subsections k—m of this section. If collocation of the proposed wireless facility is not possible (as per subsections k—m of this section) then the applicant for a personal wireless service facility must submit at least two alternative designs for antenna and supporting structure, pole or tower design (including the equipment shelter, as per subsection h, below) that is treated with an architectural material (e.g., "stealth" design) so as to conform to the predominant architectural environment in the area of the facility. Such "stealth" personal wireless service facility shall blend into its proposed surroundings such as a tree, flag pole or other feature, to be approved. When a tree-type stealth design is used, one live and growing tree of the same variety or species one-half the height of the proposed tower shall be planted at the time of installation;

- Collocation for proposal is not possible;
- e. Minimum spacing between poles and tower structures within commercial or industrial zones of 1,000 feet measured in a direct line of another tower;
  - There are no co-locatable towers within 1,000 feet;
- f. Minimum setback of one-half the street right-of-way from front property line, ten feet from side yard and ten feet from rear, unless greater requirements as noted on subdivision plat;
  - The cell tower is meeting minimum setbacks;
- g. A masonry wall shall be required as a buffer if pole or tower structure is located within the front or side yard, or adjacent to a residential use or zone;
- h. The transmission equipment structure installed at the base of the proposed tower shall be not greater than 180 square feet and constructed to conform to the predominant architectural environment;
- i. A landscaped buffer area to soften the visual impact shall commence along the perimeter of the lease area or the property line. At least one row of shrubs shall be installed as well as trees as appropriate shall be included. Materials shall be of a variety which can be expected to grow to form a continuous hedge at least six feet in height within two years of planting;
  - A 6 ft. wooden fence will be built along the south side property line;
- j. The pole or tower structure will be constructed or installed with the capabilities of locating thereon additional personal wireless service facilities when tower or pole is greater than 80 feet in height. The applicant agrees to cooperate with other personal wireless service facility providers in collocating additional facilities on permitted support structures;
- k. A permittee shall exercise good faith in collocating with other providers and sharing the permitted structure, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities as opposed to a competitive conflict or financial burden). Such good faith shall include sharing technical information to evaluate the feasibility of co-location. In the event a dispute arises as to whether a permittee has exercised good faith in accommodation other users, the city may require a third party technical study at the expense of either or both the applicant and permittee;
- l. All conditional use applicants shall demonstrate good-faith, reasonable efforts in developing a collocation alternative for their proposed personal wireless service facility site, which efforts shall be documented to the city and shall include, but not be limited to, providing technical

details sufficient to determine co-locations efforts. If the applicant asserts that co-location is not possible, the applicant must provide, in addition to the foregoing, an affidavit in a form provided by the city stating that all efforts to collocate the personal wireless facility at an existing facility have been exhausted and that there is no possibility of co-location on the existing towers;

- m. Failure to comply with the collocation requirements of this section may result in the denial of a permit request or revocation of an existing permit;
- n. If any applicant provides false or misleading information on their application, or in the application process to obtain a permit for a personal wireless facility, then their application may be denied or revoked at the expense of the applicant or the permittee;
- o. If property is leased, term of conditional use permit shall be co-terminus with that term of lease of property;
- p. Construction of tower and equipment facilities shall meet applicable building codes and wind loads;
- q. Notwithstanding the above conditions, to the extent an applicant is fully qualified as an eligible facilities request under Section 6409, in the event of a conflict between the above conditions in this subsection and those criteria and conditions in section 138-1.A., above, and the 2014 Infrastructure Order, then section 138-1.A., and the 2014 Infrastructure Order control, subject to the city reservation of rights, as set forth in the preface to section 138-1.A.

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

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

5) Request of Edith Rubalcava for a Conditional Use Permit, for life of the use, for a single family dwelling at Lots 1 and 2, Block 6, Fairfield Place Subdivision, Hidalgo County, Texas; 801 Jackson Avenue. **(CUP2021-0042)**

Mr. Kaveh Forghanparast stated that the subject property was located on the southwest corner of Jackson Avenue and South 8<sup>th</sup> Street. It had 100 ft. of frontage along Jackson Avenue with a depth of 135 ft. for a lot size of 13,500 sq. ft. Fairfield Subdivision was recorded on December 2, 1926, and the existing house, was built in 1966 according to the Appraisal District records. The applicant was requesting a conditional use permit for a single-family dwelling for the subject property in order to build a new house.

The property was zoned C-1 (office building) District. The adjacent zoning was C-1 (office building) District to the west and south, R-2 (duplex-fourplex residential) District to the east, and C-3 (general business) District to the north. Surrounding land uses included single-family residences,

apartments, Tiffany Plaza, Vantage Bank, and Central Marketplace Plaza. A single-family dwelling was allowed in C-1 District with a conditional use permit and in compliance with requirements.

The applicant was proposing to demolish the existing house and construct a new single-family residence with the total area of 2,772 sq. ft. with 2,202 sq. ft. of living space. The submitted floor plan depicted that the proposed house included four bedrooms, three bathrooms, a study room, a kitchen and a pantry, a living room, a dining room, a laundry room, a foyer, a covered porch, a covered patio, and a two-car garage. A building permit application for the proposed house had not been submitted. A CUP application for a single-family dwelling for the subject property was submitted on April 12, 2021. The Fire Department had conducted the necessary inspection, which showed that the property complied with applicable code requirements.

The proposed residence must comply with the following 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 might be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use; and
- 3) In a C-1 District, a single family dwelling shall be located on a minimum lot size of 5,000 sq. ft. and in compliance with setbacks of the respective zoning district. The subject property was 13,500 sq. ft.

Staff recommended approval of the request, for life of the use, subject to compliance with Sections 138-118 and 138-238 of the Zoning Ordinance, Fire Department, and building permit requirements.

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

b) REZONING:

- 1) Rezone from R-3A (multifamily residential apartment) District to C-1 (office building) District: Lot 22, Gartman's Subdivision, Hidalgo County, Texas; 1105 Vine Avenue. (REZ2021-0024).**

Mr. Forghanparast stated that the property was located on the south side of Vine Avenue, 235.4 ft. east of North 12<sup>th</sup> Street. The tract had 75.4 ft. of frontage along Vine Avenue with a depth of 130 ft. for a lot size of 9,802 sq. ft.

The applicant requested to rezone the property to C-1 (office building) District in order to remodel and convert the existing house for office use. A feasibility plan had not been submitted.

The adjacent zoning was R-3A (multifamily residential apartment) District to the north and west, and C-3 (general business) District to the east and south.

There was a house on the subject property which was proposed to be remodeled to be used as an office. Surrounding land uses included a single-family residences, apartments, offices, retail stores, Potter's Antique Mall, Petite Mall Plaza, NJ Jewelers, and A+1 Auto Care Center.

The Foresight McAllen Comprehensive Plan designated 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 Vine Avenue was commercial, and multifamily residential.

The subject property was zoned R-3A (multifamily residential apartment) District during comprehensive zoning in 1979. There had been no other rezoning requests since then.

The requested zoning did not conform to the Auto Urban Single Family land use designation; however, C-1 (office building) District was the least intense zone among the commercial districts, so it could provide a transition from properties zoned C-3 (general business) District on the east to the properties zoned R-3A (multifamily residential apartment) District to the west. In addition, C-1 District was compatible with the adjacent residential uses.

If the rezoning was approved, more parking spaces would be required for the subject property prior to building permit issuance. Section 138-395 of the Zoning Ordinance required four parking spaces for up to 200 square feet of floor area, plus one parking space for each additional 200 square feet of floor area.

Section 110-49 of the Vegetation Ordinance required a buffer to be provided where a nonresidential use had a side or rear property line in common with any residential use or zone.

Staff has not received a letter or call in opposition to the rezoning request.

Staff recommended approval of the rezoning request to C-1 (office building) District.

Chairperson Cabeza de Vaca asked if there was anyone present in opposition of the request, there was one concerned resident.

1) Ted Cation, which resides at 1112 Upas Ave, Unit B, did not oppose of the request. His concern was the problem they are having with trash pick up issues. He was directed to the Public Works department. He also had concerns about the traffic (speeding) and children safety, was directed to the Traffic Department and was advised to speak to them regarding speed bumps.

After a brief discussion, Mr. Daniel Santos moved to approve with the conditions noted. Mr. Michael Fallek seconded the motion, which was approved with five members present and voting.

**ADJOURNMENT:**



There being no further business to come before the Planning & Zoning Commission, Mr. Michael Hovar adjourned the meeting at 4:29p.m and Mr. Michael Fallek seconded the motion, which carried unanimously with five members present and voting.

ATTEST: \_\_\_\_\_  
Magda Ramirez, Secretary

\_\_\_\_\_  
Chairperson, Pepe Cabeza de Vaca

# Planning Department

## Memo

**TO:** Planning and Zoning Commission

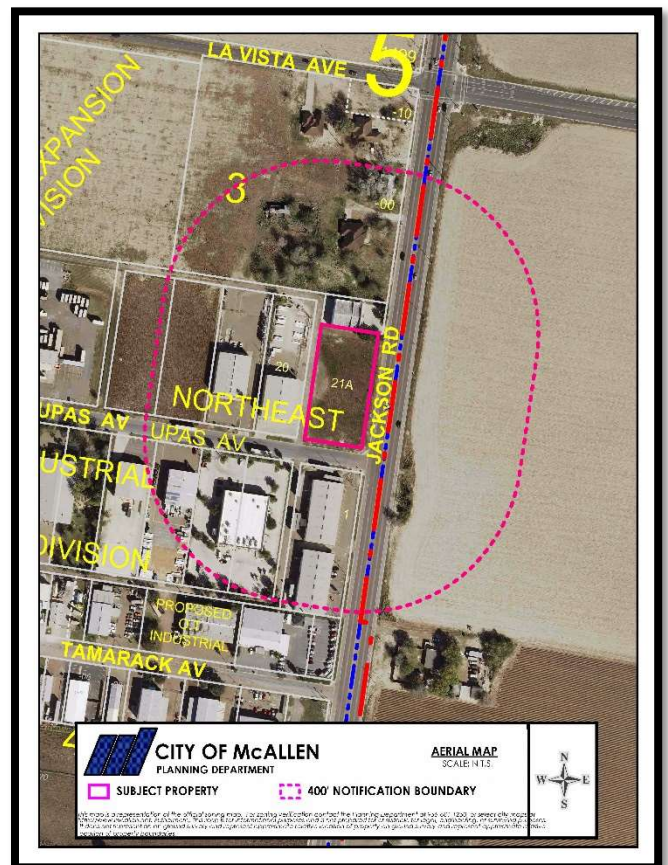
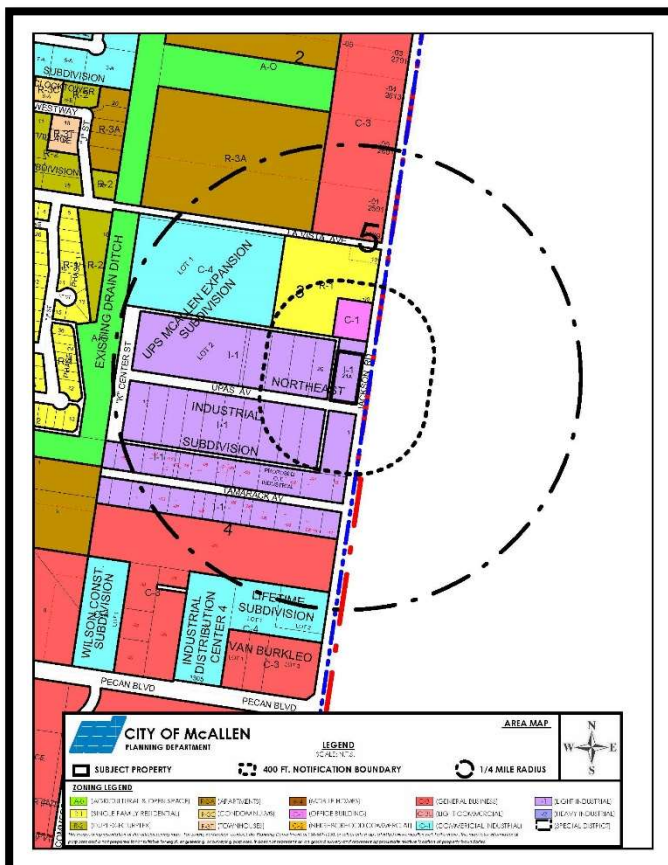
**FROM:** Planning Staff

**DATE:** May 25, 2021

**SUBJECT:** REQUEST OF ARMANDO R. ALEMAN, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR FOR A SMOKE SHOP AT LOT 21-A, NORTHEAST INDUSTRIAL SUBDIVISION, HIDALGO COUNTY, TEXAS; 2101 NORTH JACKSON ROAD, SUITE 10. (CUP2021-0050)

### BRIEF DESCRIPTION:

The property is located on the northwest corner of the intersection of North Jackson Road and East Upas Avenue. The subject property is zoned I-1 (light industrial) District. There is C-1 (office building) district zoning to the north, and I-1 district to south, and west. The area to the east across North Jackson Road pertains to city of Pharr. A smoke shop is allowed in a I-1 District with a Conditional Use Permit and in compliance with requirements.



**REQUEST/ANALYSIS:**

The applicant is proposing to operate a retail smoke shop (Monkey House Smoke Shop) out of an approximate 1,050 sq. ft. lease space, which is part of a multi-tenant commercial building by the name of Galeria Plaza. The proposed days and hours of operation are Monday through Saturday from 10:00 a.m. to 10:00 p.m. and closed on Sundays. Galeria Plaza shopping center is a mixture of office, retail, and vacant suites. The proposed smoke shop requires 6 parking spaces, there are a total of 46 parking spaces provided as part of a common parking area as shown on the submitted site plan.

The Fire and Health Departments have inspected the proposed location and the property is in compliance with applicable code requirements. The Planning Department has received no complaints regarding the proposed use as a smoke shop. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The establishment must comply with requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of a residential zone to the northwest;
- 2) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The subject property has frontage along North Jackson Road and does not generate traffic into residential areas;
- 3) The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. The proposed smoke shop requires 6 parking spaces, there are 46 total parking spaces provided on the submitted site plan.;
- 4) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;
- 5) The abovementioned business should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility as much as possible of the site from a public street;
- 6) The abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;

- 7) The abovementioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Director of Planning. The occupancy load for this establishment will be established by the Building and Inspections Department as part of the building permit review process.

**RECOMMENDATION:**

Staff recommends disapproval of the request based on non-compliance with requirement #1 (distance) of Section 138-118(a)(4) of the Zoning Ordinance. If approved, the Conditional Use Permit must comply with conditions noted.



P:2- 6/3/21  
CC- 6/28/21



CITY OF McALLEN, TEXAS

311 NORTH 15<sup>TH</sup> STREET, McALLEN, TX 78501

Permit No. CUP2021-0050

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, LIQUOR  
STORES, VAPORIZER STORES**

..... CONDITIONAL USE PERMIT APPLICATION .....

(Please print or type)

Application Date 4 / 22 / 21

Applicant Armando R. Aleman armando.r.aleman@hotmail.com (956) 463-5202  
(first) (initial) (last) EMAIL PHONE NO.

Mailing Address 1825 East 1<sup>st</sup> St. Weslaco, TX 78596  
(city) (state) (zip)

Property Owner PAMOTA LP - Eduardo Zegaib ezeigaib@me.com (956) 682-4801  
(first) (initial) (last) EMAIL PHONE NO.

Mailing Address 824 East Hackberry Suite 110 McAllen, TX 78501  
(city) (state) (zip)

Property Location 2101 N. Jackson Rd. 5<sup>th</sup> McAllen, TX 78501  
(street address)

Property Legal Description (if metes and bounds, attach survey of the property) North East Industrial Lot 21-A  
(subdivision) (block) (lot)

Current use of property Vacant - Retail Proposed use of property Retail Smoke Shop

TERM OF PERMIT: ☒ 1 YEAR N/A MORE THAN 1 YEAR (requires City Commission approval)  
DAYS AND HOURS OF OPERATION: M-F 10AM-10PM Sat 10-10 Sun Closed

**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 |

ASG 4-27-2021  
(Applicant signature) (date)

EDUARDO ZEGAIB 04-27-2021  
(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.

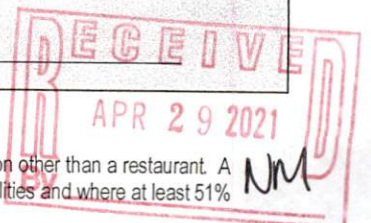
**REVOCATION:** A conditional use permit may be revoked by the Planning and Zoning Commission at a public hearing upon failure of the applicant to remedy a violation of the conditions of the permit within a specified time period (10 to 30 days) as specified in a written notice to the applicant by the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

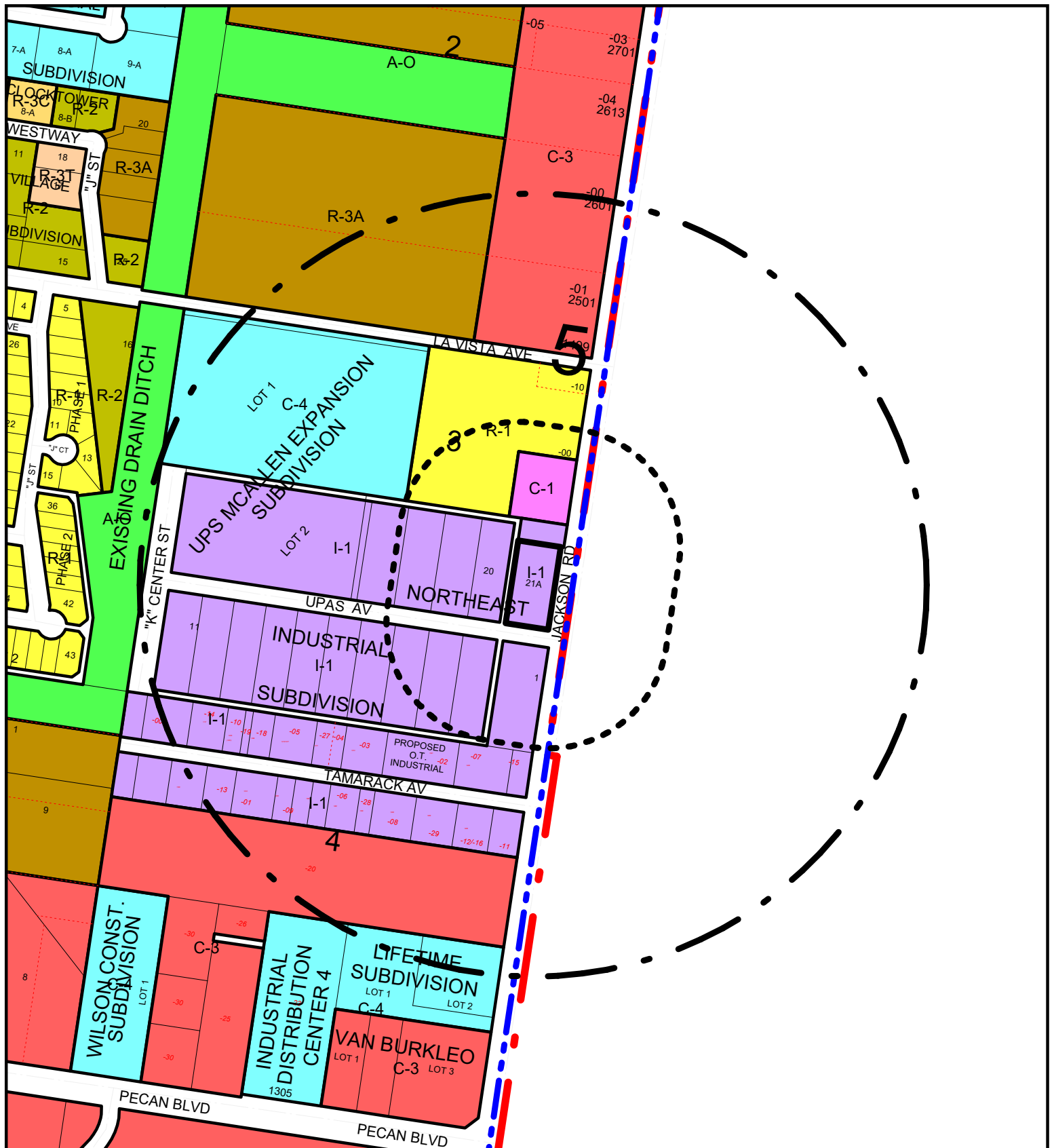
Case Number: _____	<input type="checkbox"/> Routed
P&Z meeting: _____	<input type="checkbox"/> Scanned
Receipt No.: _____	

**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.



4c



# **CITY OF McALLEN** PLANNING DEPARTMENT

## **LEGEND** SCALE: N.T.S.

SUBJECT PROPERTY

400 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



### **ZONING LEGEND**

**A-0** (AGRICULTURAL & OPEN SPACE)  
**R-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)

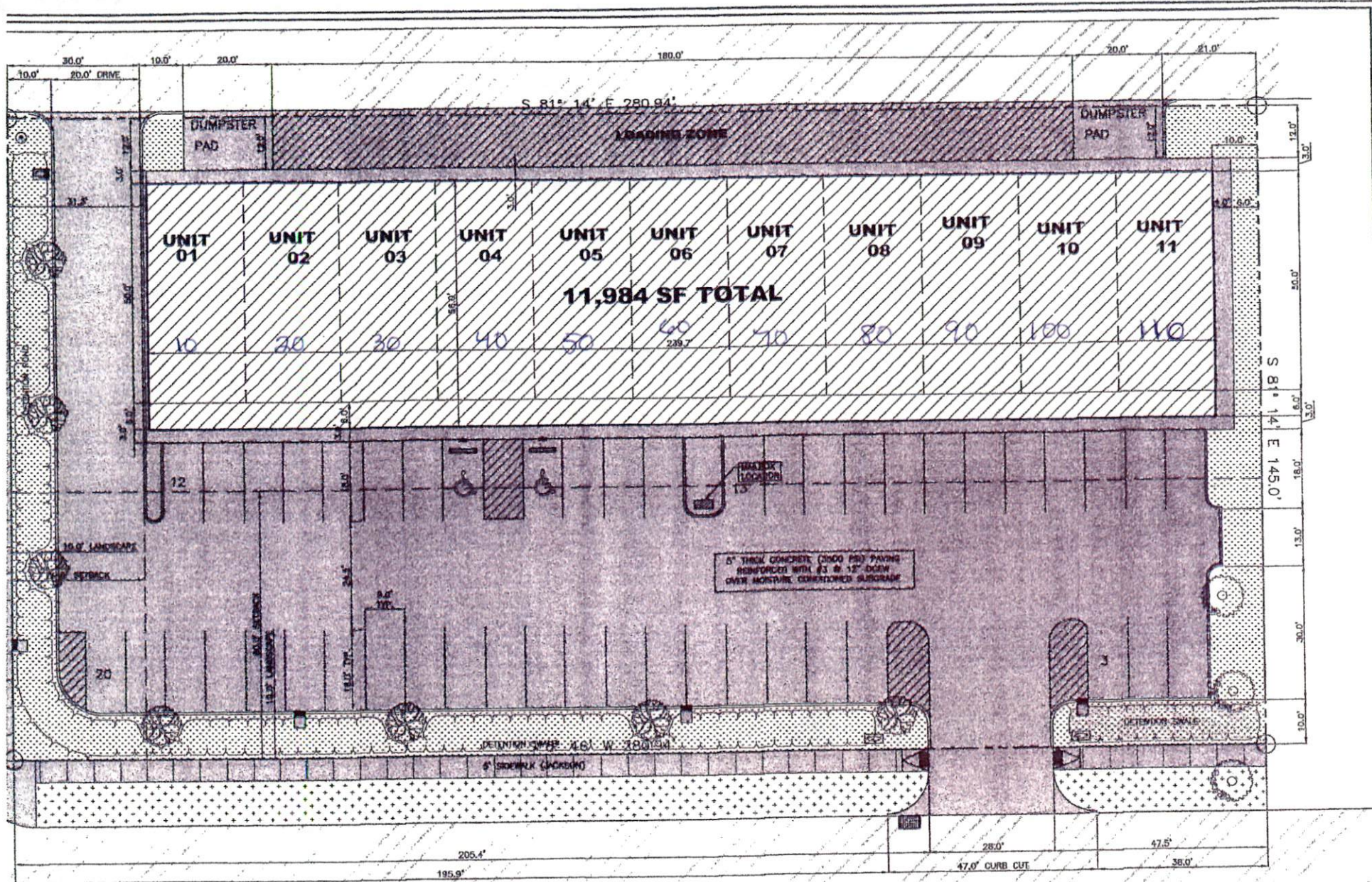
**I-1** (LIGHT INDUSTRIAL)  
**I-2** (HEAVY INDUSTRIAL)  
**S** (SPECIAL DISTRICT)

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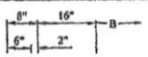








**A** SITE PLAN  
SCALE: 1" = 16'-0"



EXPANSION JOINT FILLER  
NEW OR EXISTING  
1/2" HOT POURED RUBBER SEALANT JOINT  
— GRABBER/CAP



**jmerc DESIGN**  
DRAFTING AND  
DESIGN SERVICE  
EDINBURG, TEXAS  
jmercDESIGN@bellsouth.net  
956-792-0523

THESE DRAWINGS SHALL REMAIN THE PROPERTY OF jmercDESIGN. THEY ARE NOT TO BE RE-USED, REPRODUCED, COPIED, ALTERED IN ANY WAY, WITHOUT PRIOR WRITTEN APPROVAL FROM AN APPROPRIATE CONTRACTOR TO jmercDESIGN.

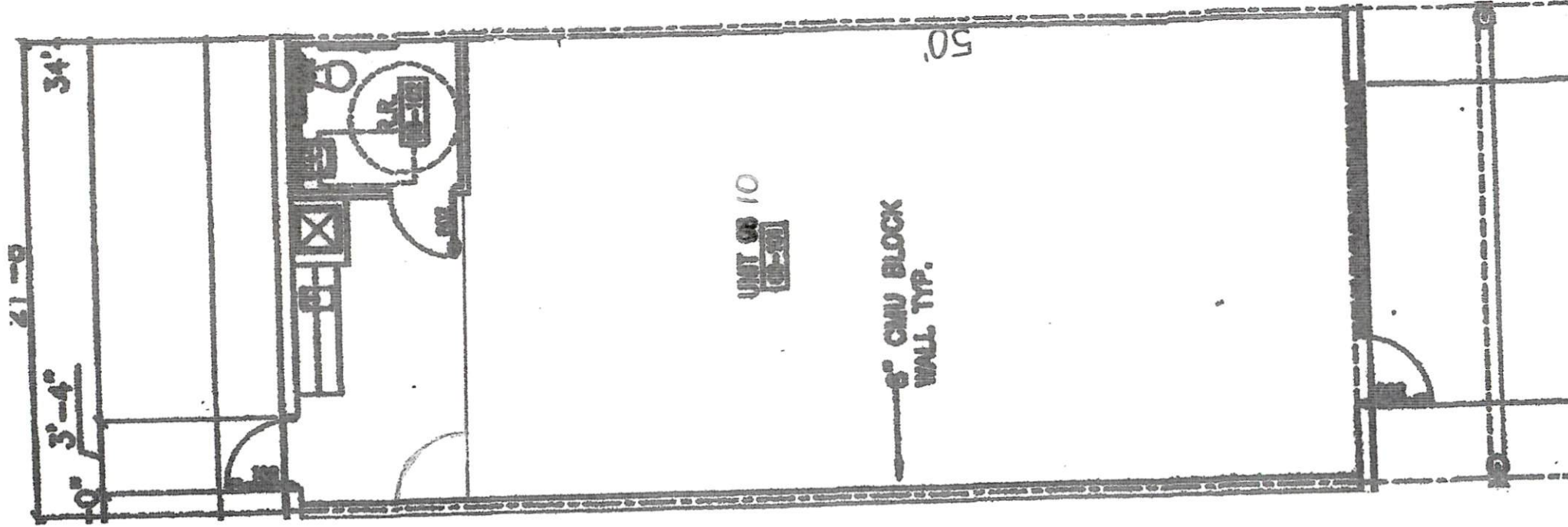


6316 N. 10th S  
BLDG A, SUITE  
McALLEN, TEXAS  
956-687-3355

TEXAS BOARD OF PROFESSIONAL ENGINEERS #16435

ia Plaza  
Jackson









*Paulina's*

SALON & SPA



FARMERS  
INSURANCE



LIQUOR STORE  
**NOW OPEN**

COACHES WORLD



NOTICE  
BAR  
FOR  
THIS PROPERTY  
CUP2021-0050



## Memo

**TO:** Planning and Zoning Commission

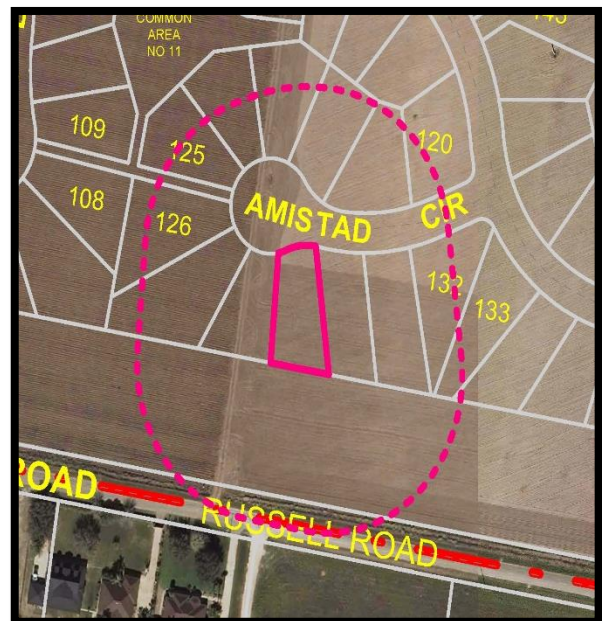
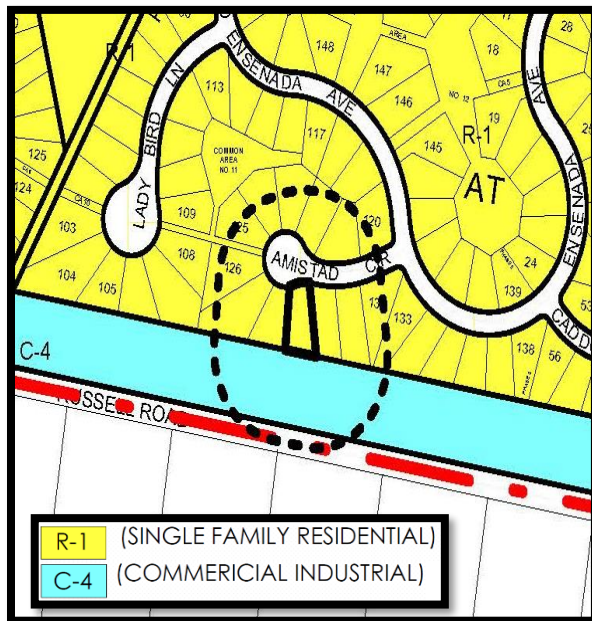
**FROM:** Planning Staff

**DATE:** May 26, 2021

**SUBJECT: REQUEST OF GLORIA S. JARAMILLO, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A HOME OCCUPATION (OFFICE/STORAGE), AT LOT 129, ENSENADA AT TRES LAGOS PHASE II SUBDIVISION, HIDALGO COUNTY, TEXAS; 14212 AMISTAD CIRCLE. (CUP 2021-0048)**

### BRIEF DESCRIPTION:

The property fronts Amistad Circle, approximately 260 ft. West of Ensenada Avenue and is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District to the west, north and east, C-4 (Commercial-Industrial) District to the south and outside city limits to the south. Surrounding land uses include single-family residences and vacant land. A home occupation is permitted in an R-1 District with a conditional Use Permit and in compliance with requirements.



### SUMMARY/ANALYSIS:

The applicant is proposing to operate an online flower shop business from a two-story house. The office is located on the first floor with an approximate area of 168 square feet, and a 169 square foot room on the second floor will serve as storage space for the flowers.

The applicant stated that there is going to be no public on site, there would only be delivery and online sales. Only one additional non-related employee is proposed. Tres Lagos HOA has already been notified about the proposed business at the residence and has been given approval.

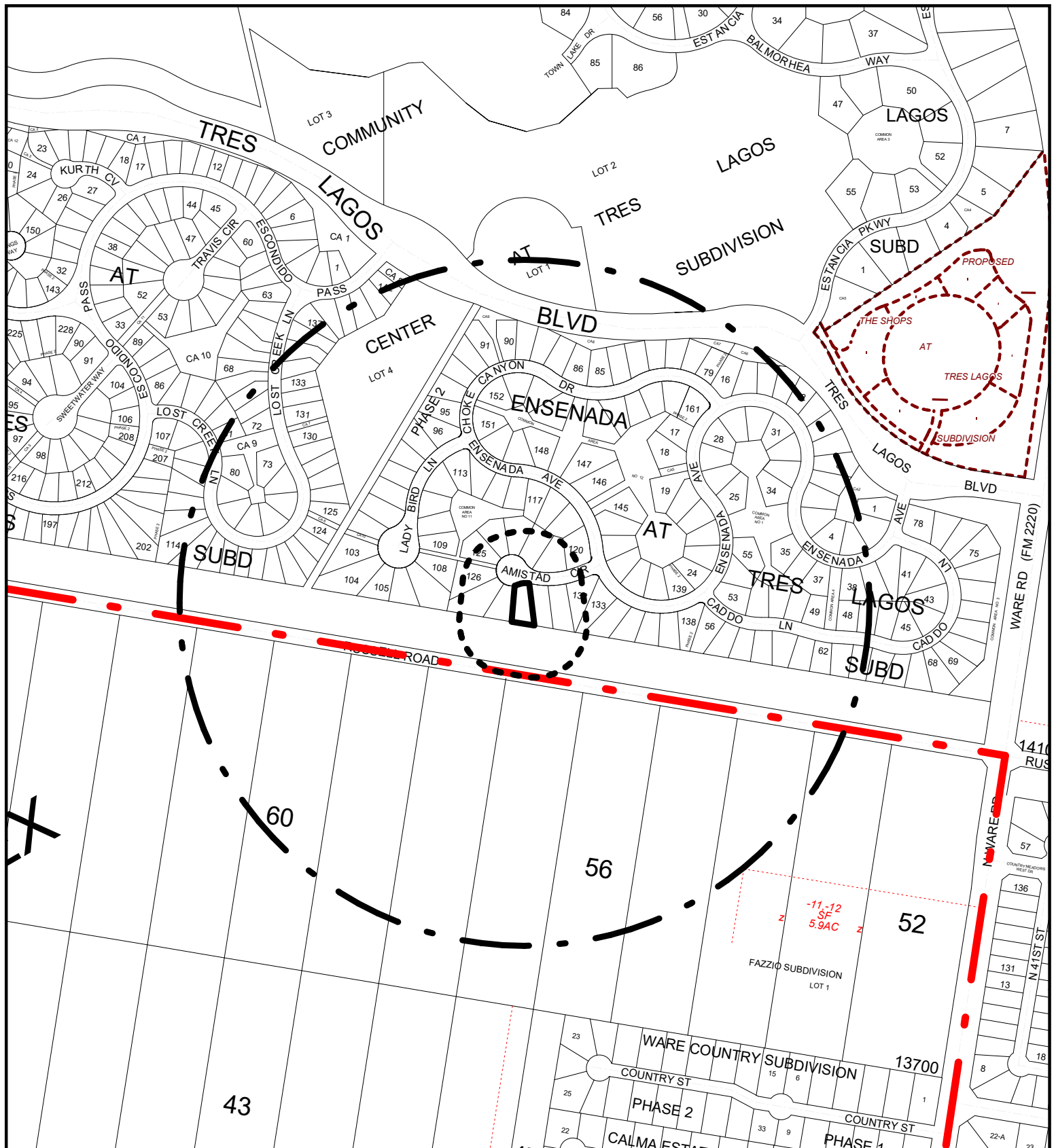
The Fire Department has inspected the residence, and found the property to be in compliance. The home occupation use may not operate until requirements are compliant and the process for a request for a conditional use permit has been completed and approval is granted. Should the conditional use permit be approved, the applicant would be required to sign the certificate acknowledging and agreeing to the conditions of the permit. The home occupation must also comply with requirements set forth in Section 138-118 (a) (1) of the Zoning Ordinance and other specific requirements as follows:

- 1) The home occupation must be clearly secondary to the residential use. The applicant lives at the residence;
- 2) No signs are permitted. No Signage is being proposed
- 3) There shall be no exterior display or alterations indicating that the building is being used for any purpose other than that of a single family residential dwelling;
- 4) There shall be no more than one additional unrelated employee other than immediate members who reside on the premises. The applicant and one non-related employee will work on site;
- 5) There shall be no outside storage of materials or products;
- 6) The permitted use shall not create frequent or heavy traffic, not greater than ten percent (10%) of the average load per hour as determined by the city traffic engineer. The applicant stated that no customers would be coming into the property, the business is purely online and delivery;
- 7) No retail sales (items can be delivered). Sales are only online, property would serve as office and storage; no sales on site is proposed nor allowed, no public is allow on site;
- 8) No additions to the residence or accessory building specifically to accommodate the business;
- 9) The business must take place in the primary residential structure on the property rather than in a detached garage or separate accessory building.
- 10) The activity must take place at the location for which the permit was issued.

Staff has not received any calls in opposition on this request.

**RECOMMENDATION:**

Staff recommends approval of the request subject to compliance with Section 138-118(1) of the Zoning ordinance, and Fire Department requirements.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AREA MAP**

**LEGEND**  
SCALE: N.T.S.



**SUBJECT PROPERTY**

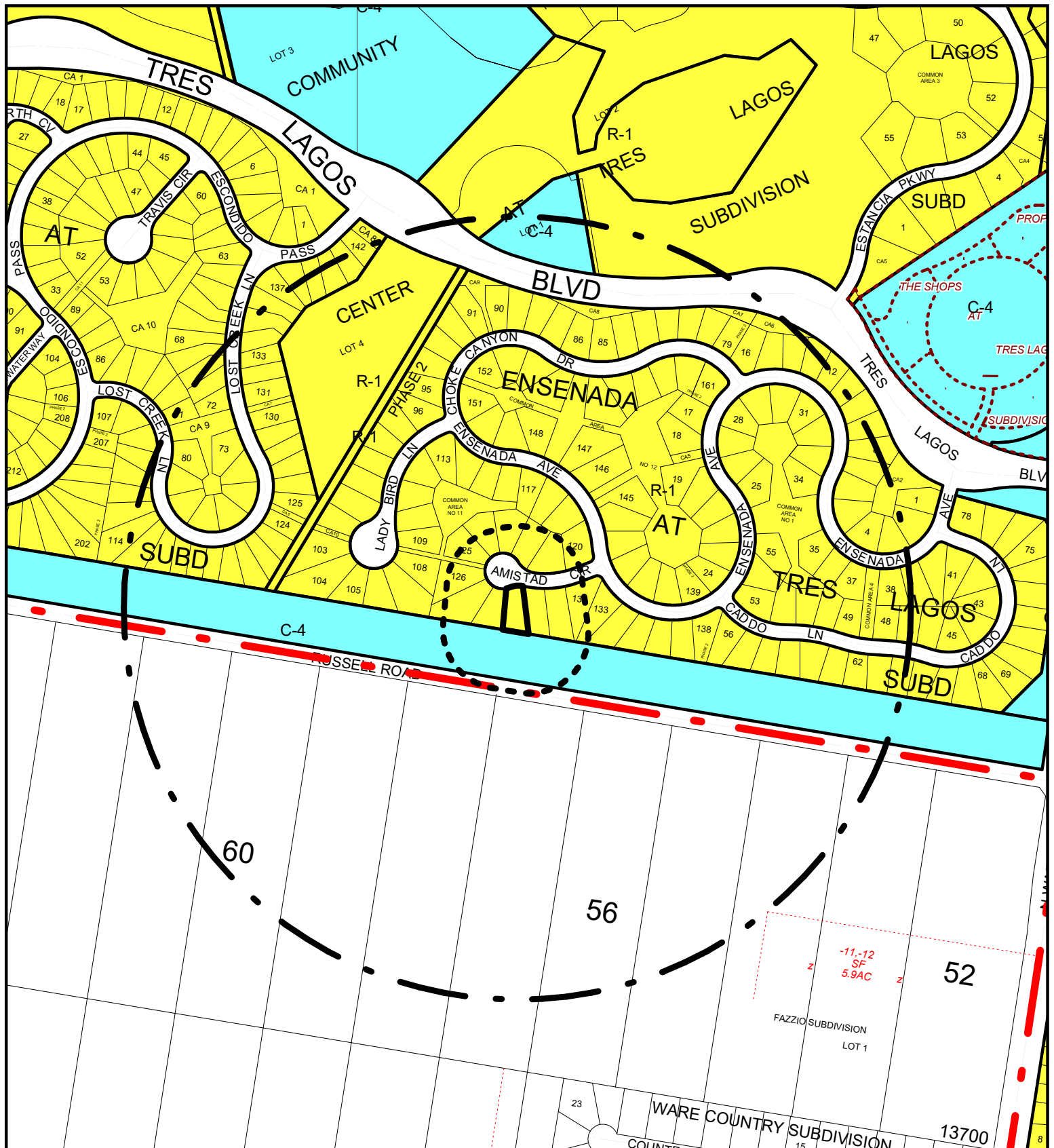
**200 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**

**ZONING LEGEND**

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

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# **CITY OF McALLEN** PLANNING DEPARTMENT

## **LEGEND** SCALE: N.T.S.

**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**

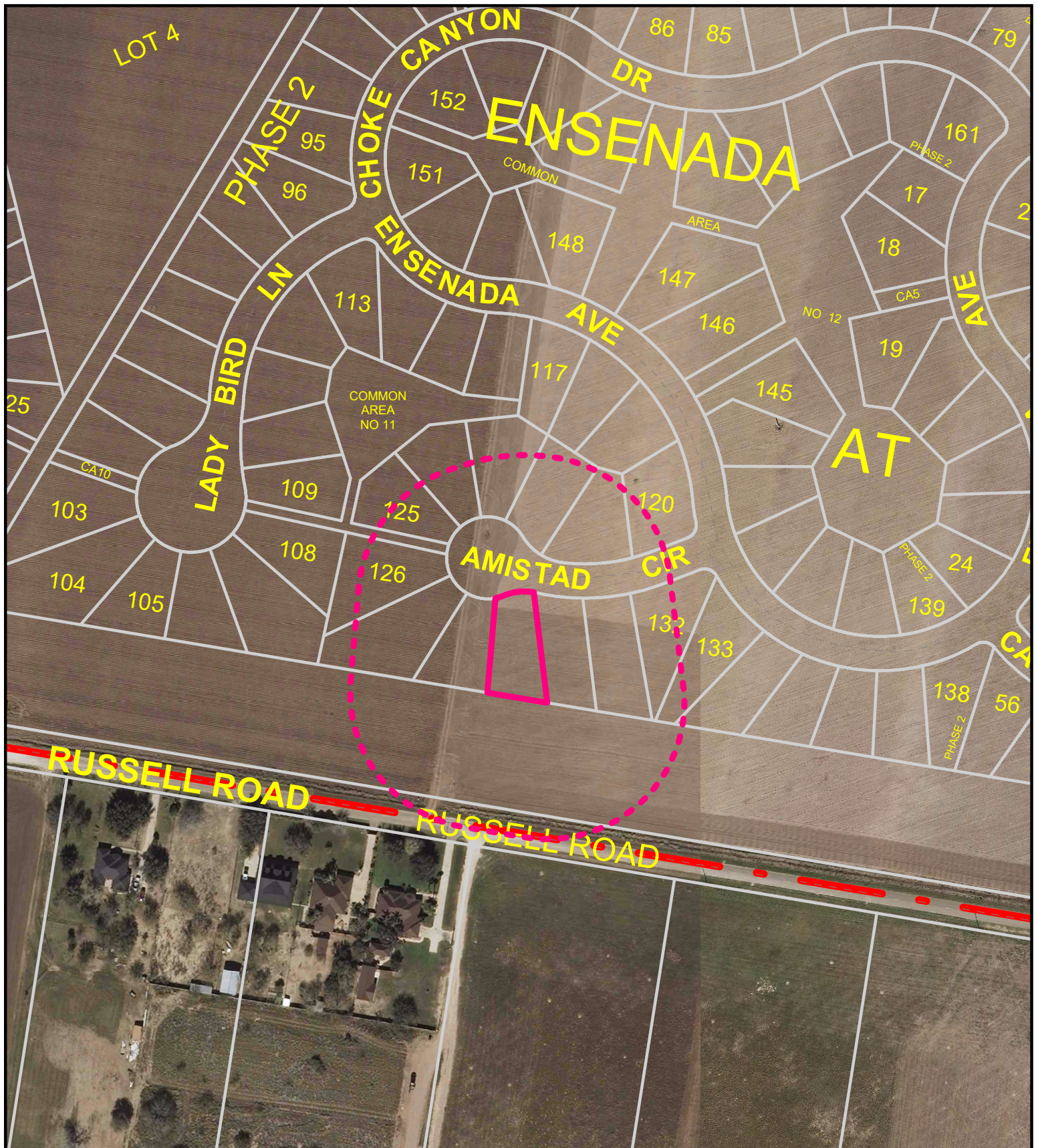
### **ZONING LEGEND**

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

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**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.



**SUBJECT PROPERTY**

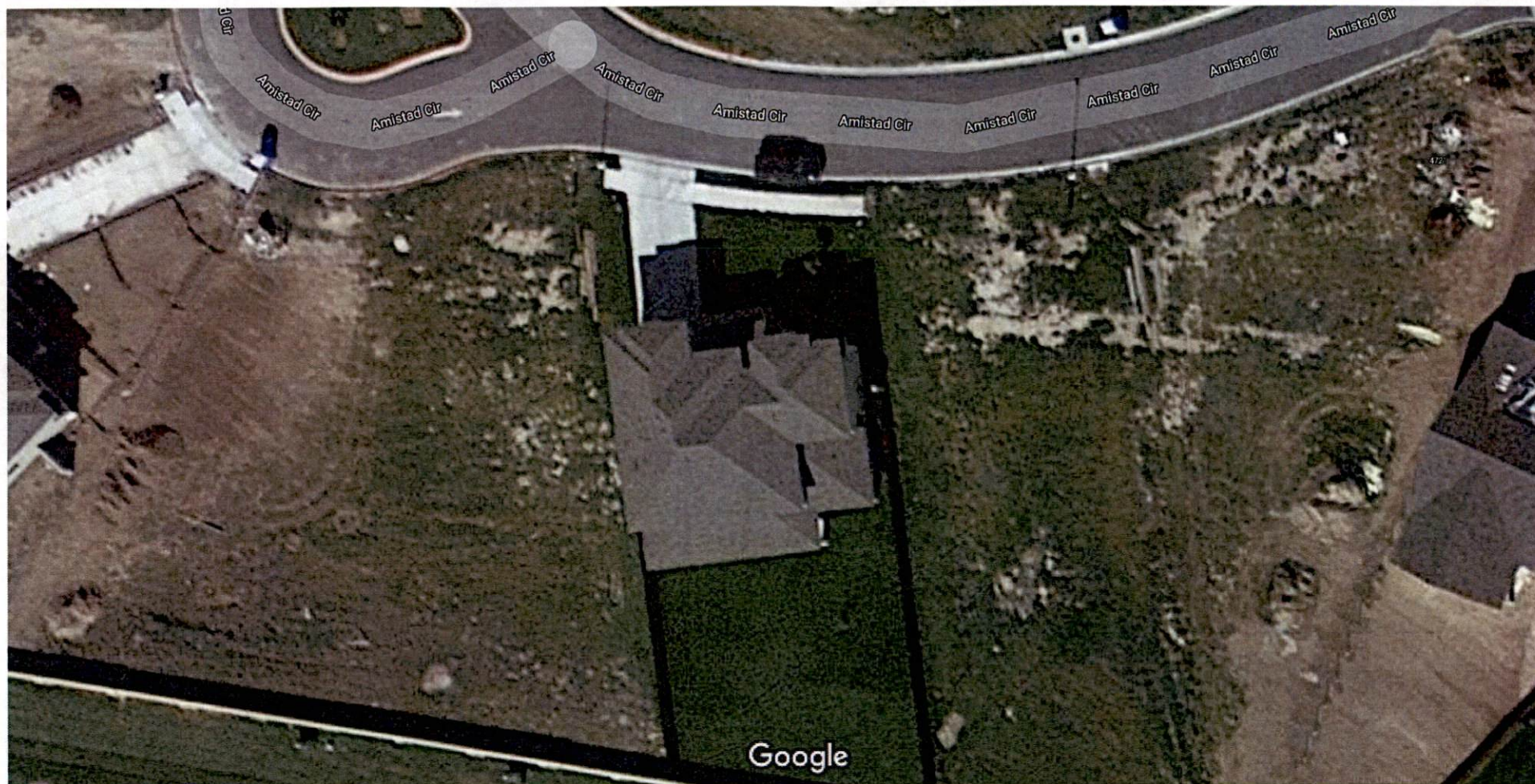


**200' NOTIFICATION BOUNDARY**



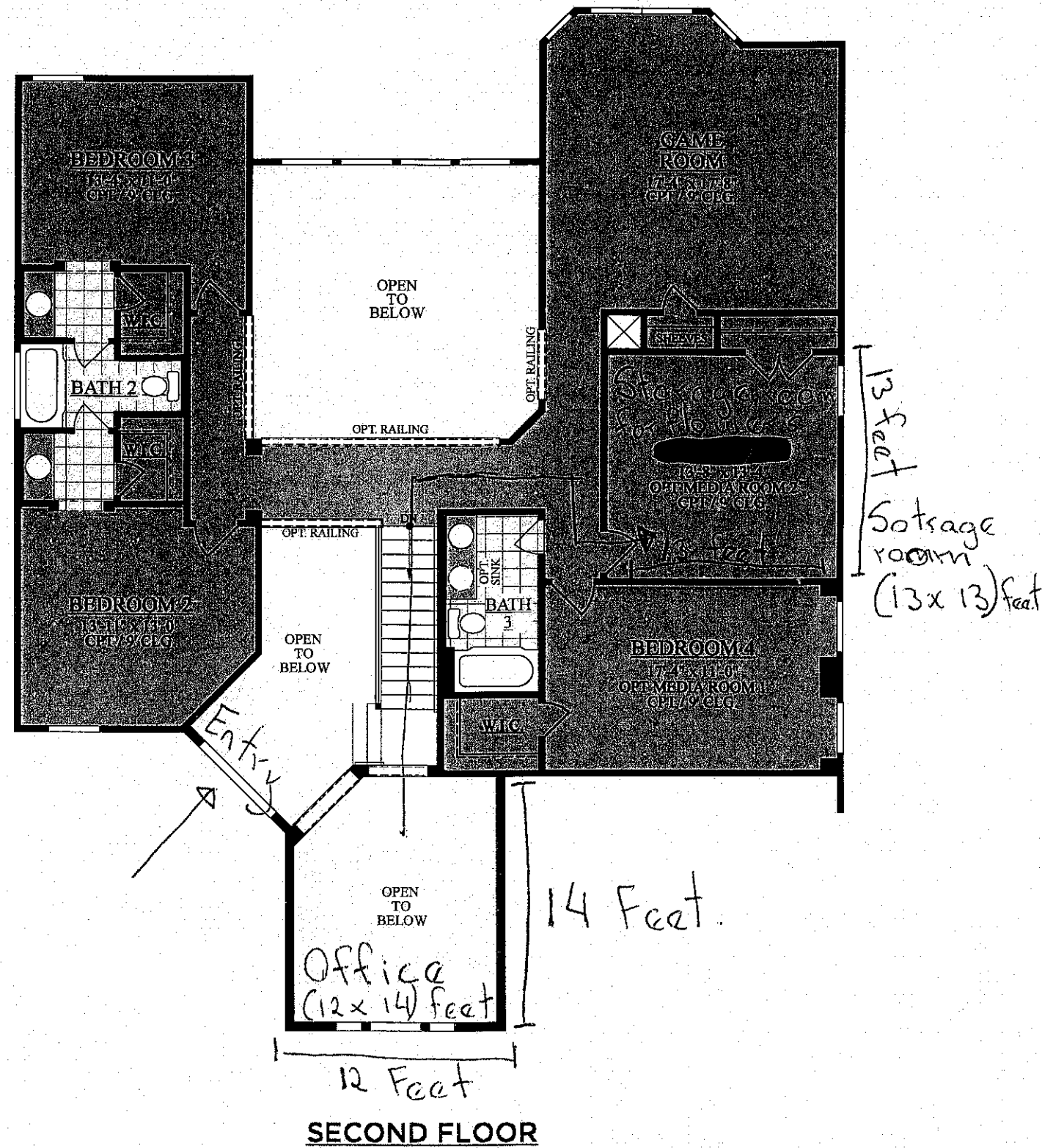
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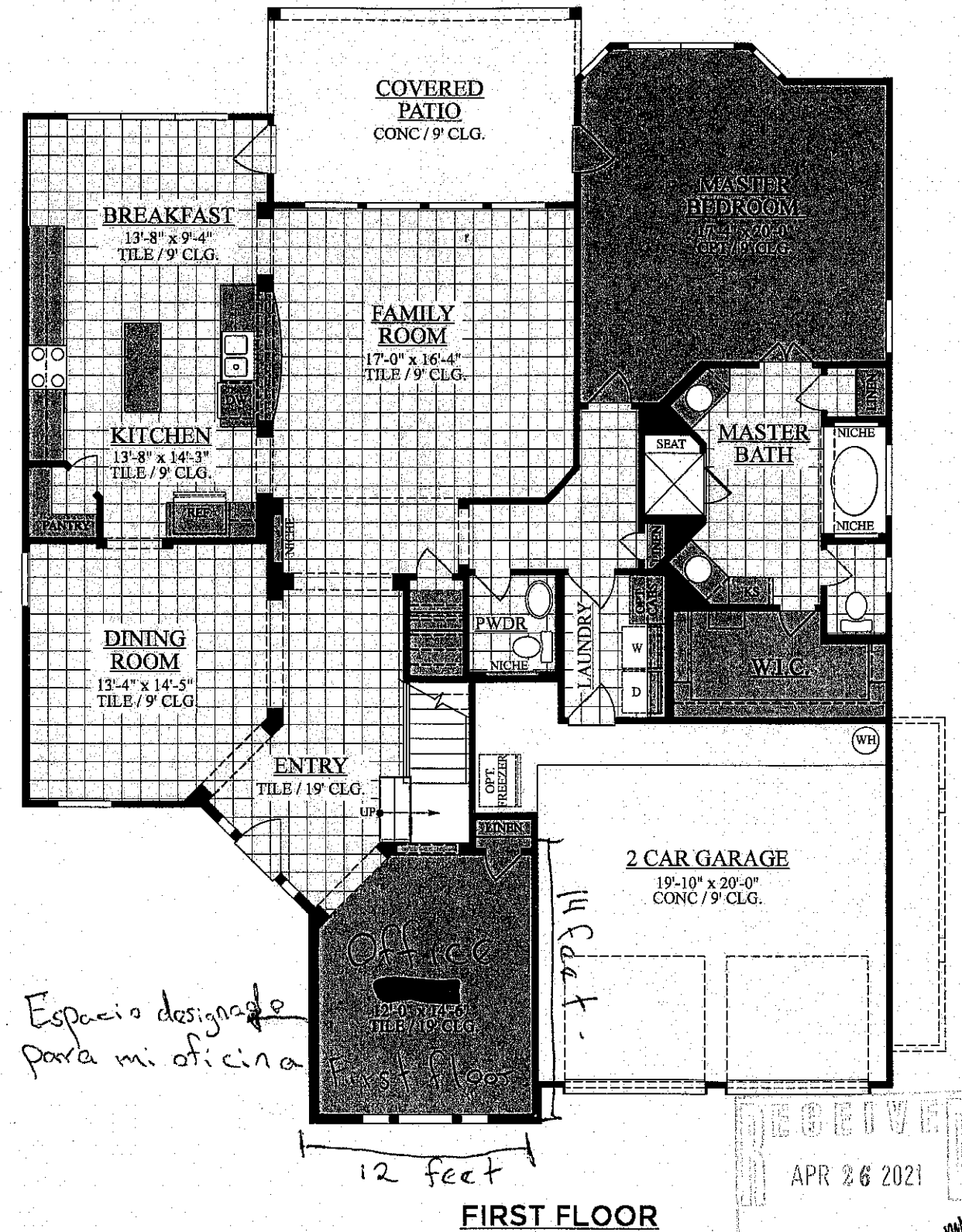




# FLOOR PLAN



# FLOOR PLAN



RECEIVED  
APR 26 2021  
By \_\_\_\_\_  
© 2002 Kipp Flores Architects

**From:** Cindy Treviño <ctrevino@rhodesenterprises.com>

**Date:** April 8, 2021 at 11:15:15 CDT

**To:** eduardo Jaramillo <edutonito04@outlook.com>

**Subject:** RE: Eduardo and Gloria Jaramillo's flower business request.

Good Morning,

Your flower business will be allowed at your home, but please review the following section that is stated in the Covenants and Restrictions.

2.25 Prohibited Activities:

(b) No professional, business or commercial activity to which the general public is invited or allowed shall be conducted on any Lot.

Thank you and have a wonderful day!

---

**Cindy Treviño | Property Manager**

O: 956-287-2800 | M: 956-313-2467 | E: [ctrevino@rhodesenterprises.com](mailto:ctrevino@rhodesenterprises.com)

200 S 10th St Ste.1700 McAllen, TX 78501

W: [www.rhodesenterprises.com](http://www.rhodesenterprises.com)



Rhodes Enterprises is the largest and fastest growing, mixed-use developer of master planned communities in the Rio Grande Valley. A vertically-integrated organization, Rhodes is committed to enhancing the lives of our customers, staff and the landscape of the communities we serve by specializing in award-winning single and multi-family home construction, commercial construction, financial services, and property management. Since 2019, Esperanza Homes, a Rhodes company, has ranked nationally on the Top 200 Builders List and is on an aggressive growth trajectory to make the Top 100 Builders list while serving more communities across the State of Texas.







NOTICE  
HOME  
OCCUPATION  
FOR  
THIS PROPERTY  
CUP 2021-0048

FIRE LANE

PARKING PROHIBITED



## **Memo**

**TO:** Planning and Zoning Commission

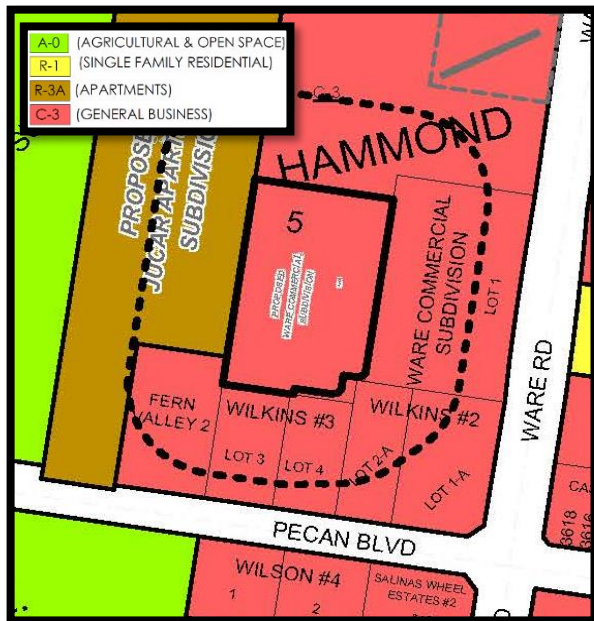
**FROM:** Planning Staff

**DATE:** May 27, 2021

**SUBJECT: REQUEST OF JUAN A. LUDWIG, ON BEHALF OF AEP TEXAS INC., FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A RAILROAD FACILITY OR UTILITIES HOLDING A FRANCHISE (ELECTRIC SUBSTATION) AT A IRREGULAR SAHPED 3.04-ACRE TRACT OF LAND OUT OF LOT 5,BLOCK 2, C.E. HAMMOND SUBDIVISION, HIDALGO COUNTY, TEXAS; 3800 PECAN BLVD. (CUP2021-0051)**

### **BRIEF DESCRIPTION:**

The property is located approximately 250 ft. north of Pecan Boulevard, and approximately 220 ft. west of North Ware Road and is zoned C-3 (general business) District. The adjacent zoning is R-3A (multifamily apartment) District to the west and C-3 District to the north, east and south. An electric substation is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.



### **REQUEST/ANALYSIS:**

The applicant is proposing to construct an electric substation on the lot, which will be subdivided should the CUP be approved by the City Commission for life of the use. The property is currently vacant. The electric substation is proposed to be located on the south side of the property with access drive on the north side of the property. A recorded subdivision plat is required prior to building permit issuance. The proposed development will be subject to a buffer, landscaping, sidewalks, and setbacks as established during the platting process and the fencing must comply with corner clip requirements.

All proposed landscaping shall have permanent automatic irrigation. Section 138-118 (10) and



Section 110-49 (a) requires a masonry wall as a buffer if the structure is located within the front or side yard, or adjacent to a residential use or zone. West side of the property abuts R-3A zoning; hence, a masonry wall is required. Applicant is proposing to erect an 8 ft. tall precast concrete fence with stacked stone finish along the west side of the location abutting the residential zone.

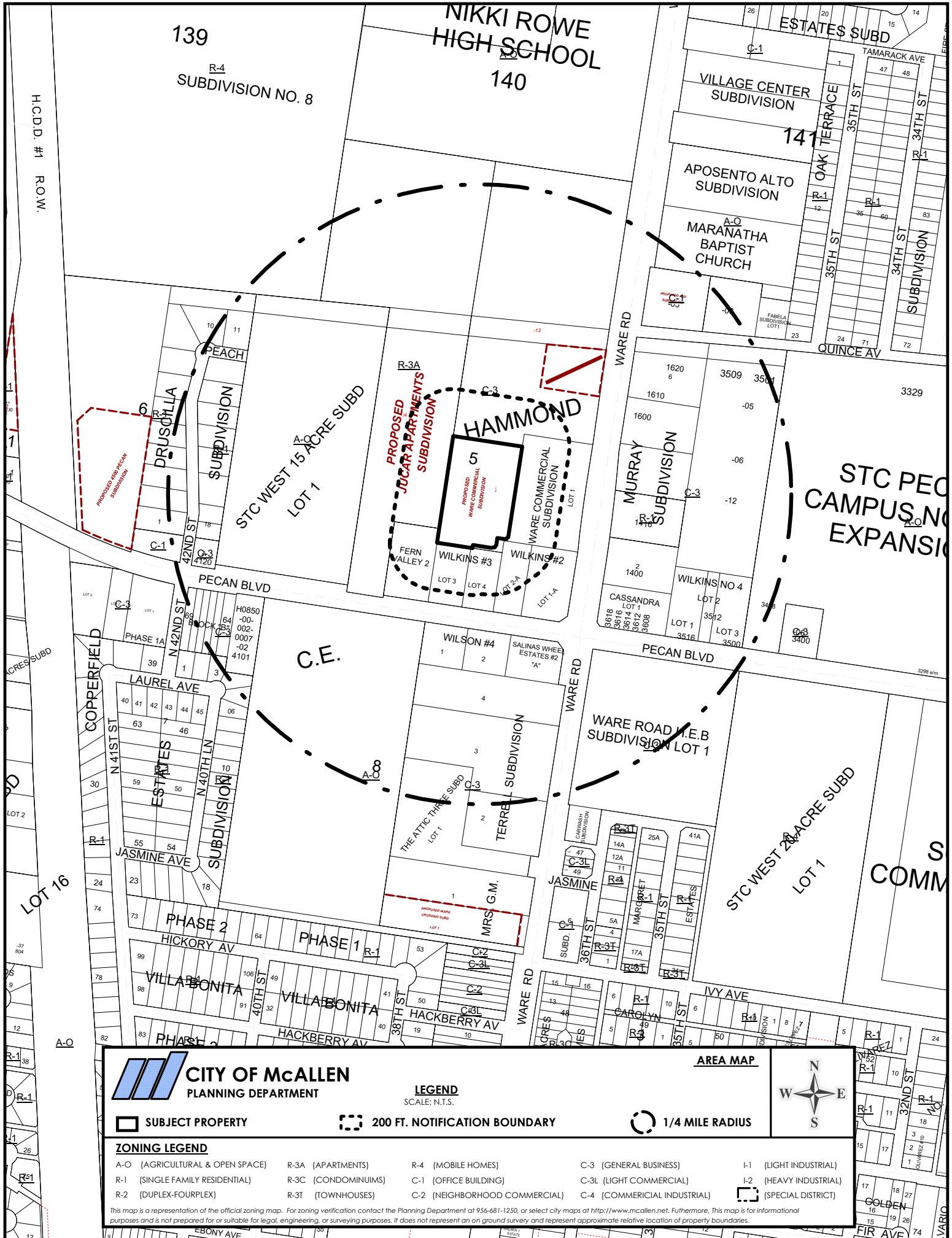
The proposed substation must also comply with the following:

1. The proposed electric substation shall meet 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.
2. No form of pollution shall emanate beyond the immediate property line of the permitted use.
3. 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.
4. New railroad facilities and structures for private utilities, other than the usual poles, wires and underground utilities; shall require a permit.

Staff received one phone call in regards to the effect on property value and safety from a surrounding property owner.

**RECOMMENDATION:**

Staff recommends approval of the Conditional Use Permit, for life of the use, subject to Sections 138-118 (10) and Section 110-49- (a), conditions noted, paving and building permit requirements, subdivision and zoning ordinances.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

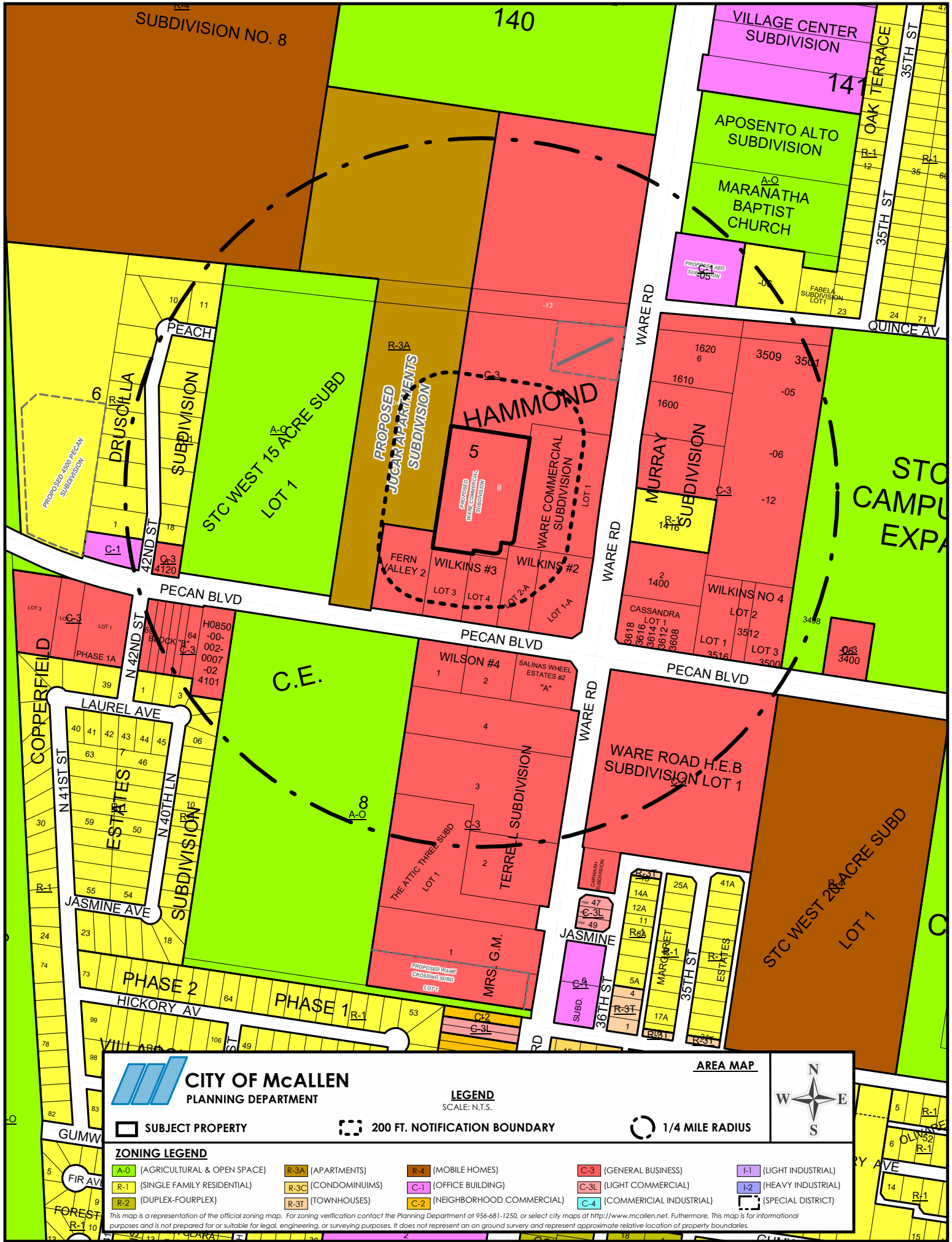
**1/4 MILE RADIUS**



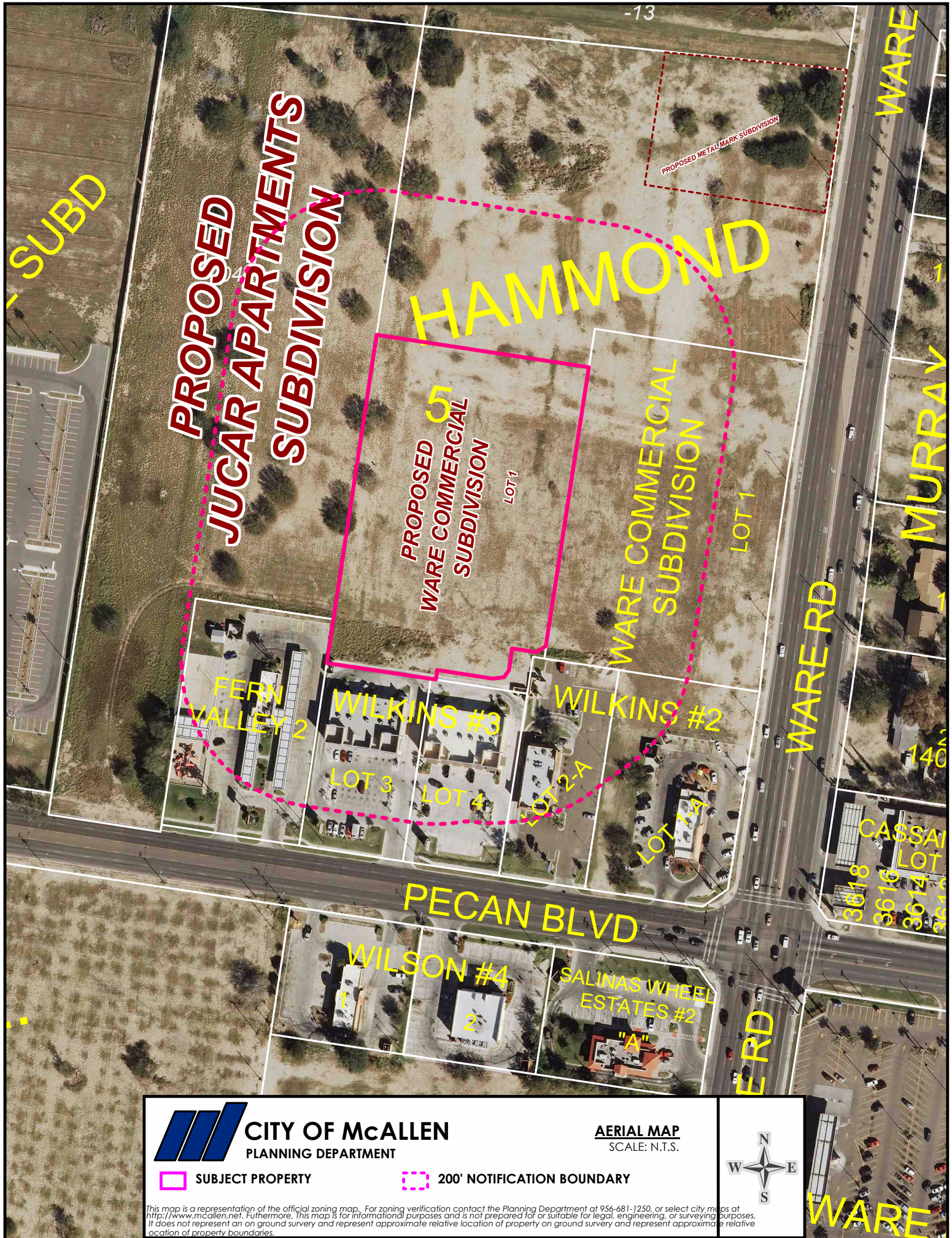
**ZONING LEGEND**

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**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.



**SUBJECT PROPERTY**



**200' NOTIFICATION BOUNDARY**



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LA LOMITA IRRIGATION  
TRACTS  
VOL. 4, PG. 67  
D.R.H.C.

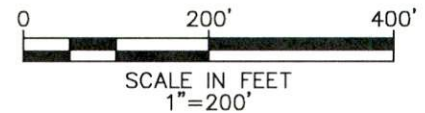
Pg. 3 of 3

LEGAL DESC. JAMES ROWE SUBSTATION-R3.docx  
CDS JOB NO. 120054.01

BEARING BASIS: GRID NORTH  
COORDINATE SYSTEM: TEXAS STATE PLANE,  
NAD83(2011), EPOCH:2010  
TEXAS SOUTH ZONE (4202)

ALL DISTANCES SHOWN ARE SURFACE.  
(GRID X 1.00002 = SURFACE)

THIS EXHIBIT REPRESENTS A BOUNDARY SURVEY  
ONLY. NO VISIBLE EASEMENTS OR EASEMENTS  
OF RECORD ARE DEPICTED HEREON.



LOT 5, BLOCK 2  
C.E. HAMMOND SUBDIVISION  
VOL. 18, PG. 439  
M.R.H.C.

# LEGEND

- 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "CDS/MUERY S.A. TX."
- FOUND MONUMENTATION
- POB - PLACE OF BEGINNING
- POC - PLACE OF COMMENCING
- R - PROPERTY LINES
- R.O.W. - RIGHT-OF-WAY
- D.R.H.C. - DEED RECORDS OF HIDALGO COUNTY
- O.R.H.C. - OFFICIAL RECORDS OF HIDALGO COUNTY
- M.R.H.C. - MAP RECORDS OF HIDALGO COUNTY
- (RECORD) - RECORD CALL TAKEN FROM DOC. NO. 1614848 M.R.H.C.

JOSE DE LA  
CERDA  
SURVEY 61,  
ABSTRACT 29

**REVIEW SET**  
THIS DOCUMENT IS PREPARED FOR  
REVIEW ONLY. UPON ACCEPTANCE THE  
CORNERS WILL BE SET AND THE DOCUMENT  
SIGNED WITH CURRENT DATE BY THE SURVEYOR.  
"REVIEW SET" DOCUMENTS WILL BE REPLACED  
WITH FINAL DOCUMENT SET PRIOR TO FILING.



3.040 ACRE  
TRACT OF LAND  
AEP TEXAS INC.  
JOSE DE LA CERDA  
SURVEY 61, ABSTRACT 29  
HIDALGO COUNTY, TEXAS

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	20.00'	15.32'	43°52'36"	S76°41'57"W	14.95'
C2	20.00'	31.42'	90°00'00"	S53°38'12"W	28.29'

LINE	BEARING	DISTANCE
L1	N81°21'48"W	34.64'
L2	S08°38'12"W	29.68'
L3	N81°21'48"W	77.41'
L4	S08°38'12"W	14.00'

**CDS** muery  
ENGINEERS | SURVEYORS  
100 NE LOOP 410, STE. 300 | SAN ANTONIO, TEXAS 78215  
(210) 581-1111 | TBPE NO. F-1733 | TBPLS NO. 100495-00

DRAWN BY:  
J. RODRIGUEZ  
DATE:  
MAY 3, 2021  
DRAWING NAME:  
JAMES ROWE SUBSTATION-R3.DWG

**AEP TEXAS**  
An AEP Company

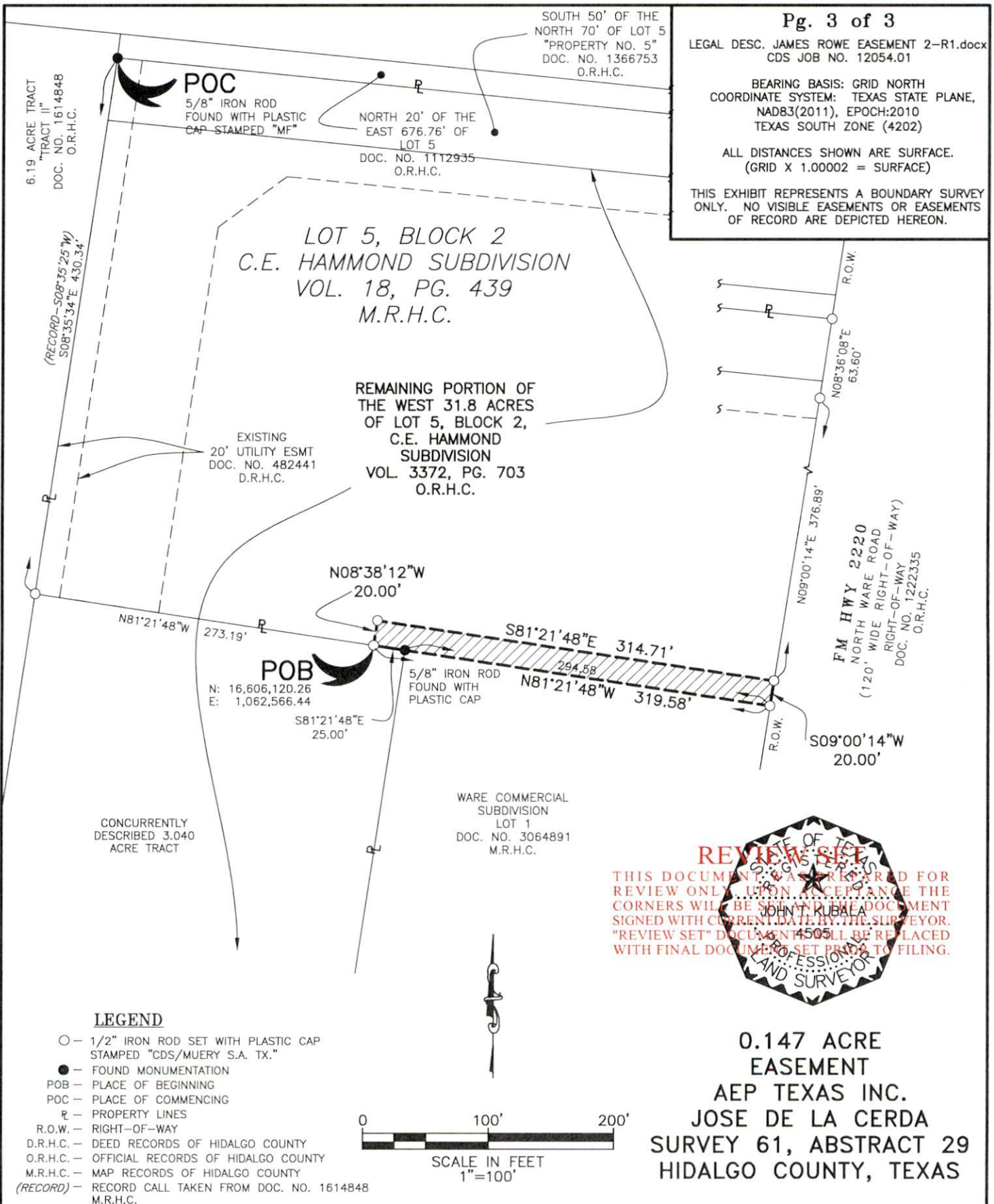


LEGAL DESC. JAMES ROWE EASEMENT 2-R1.docx  
CDS JOB NO. 12054.01

BEARING BASIS: GRID NORTH  
COORDINATE SYSTEM: TEXAS STATE PLANE,  
NAD83(2011), EPOCH:2010  
TEXAS SOUTH ZONE (4202)

ALL DISTANCES SHOWN ARE SURFACE.  
(GRID X 1.00002 = SURFACE)

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**JOSE DE LA CERDA  
SURVEY 61,  
ABSTRACT 29**

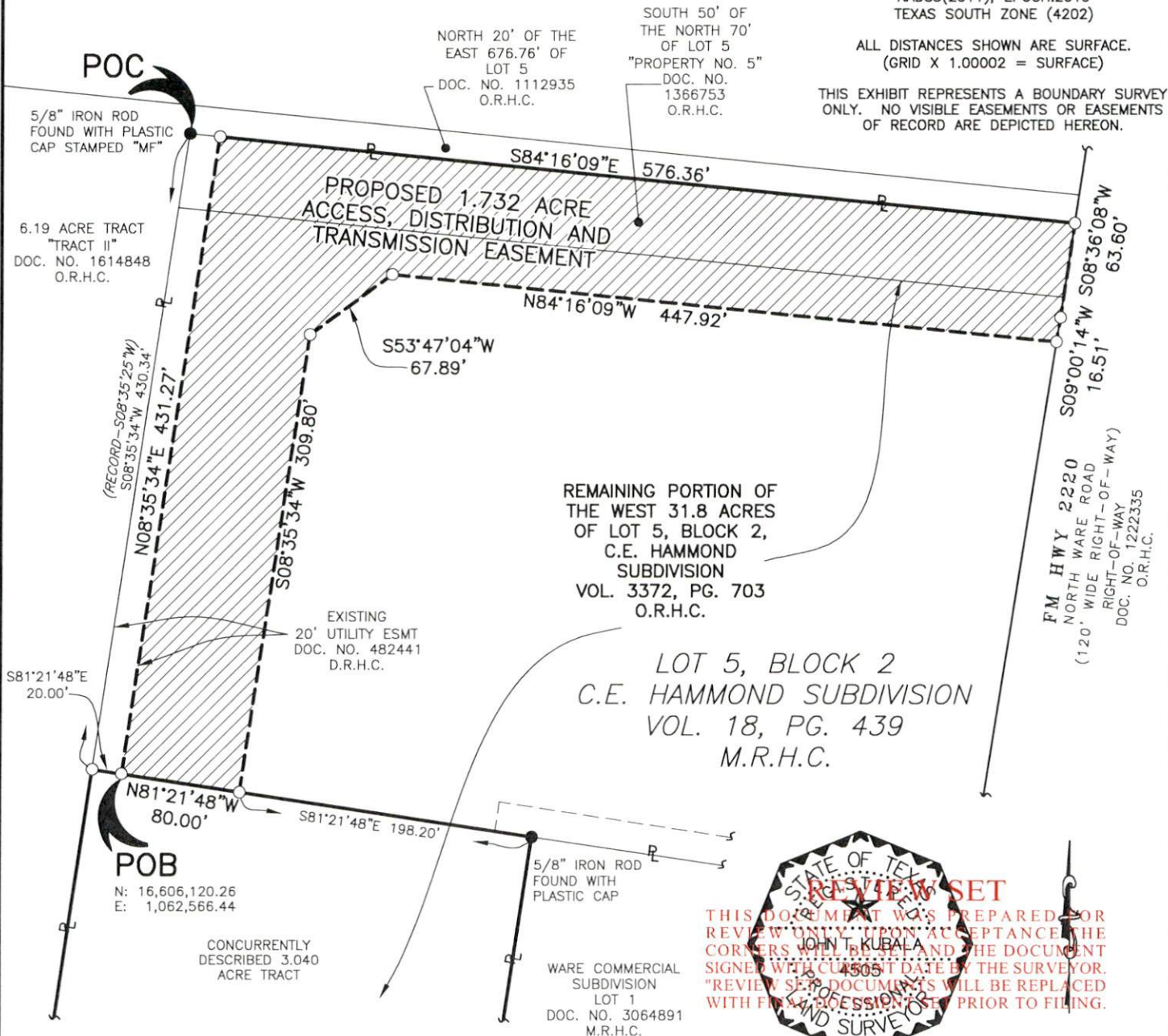
LA LOMITA IRRIGATION  
TRACTS  
VOL. 4, PG. 67  
D.R.H.C.

LEGAL DESC. JAMES ROWE ESMT-R3.docx  
CDS JOB NO. 12054.01

BEARING BASIS: GRID NORTH  
COORDINATE SYSTEM: TEXAS STATE PLANE,  
NAD83(2011), EPOCH:2010  
TEXAS SOUTH ZONE (4202)

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**LEGEND**

- — 1/2" IRON ROD SET WITH PLASTIC CAP
- — STAMPED "CDS/MUERY S.A. TX."
- FOUND MONUMENTATION
- POB — PLACE OF BEGINNING
- POC — PLACE OF COMMENCING
- R — PROPERTY LINES
- R.O.W. — RIGHT-OF-WAY
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WITH FINAL POSSESSION SET PRIOR TO FILING.

**1.732 ACRE  
ACCESS, DISTRIBUTION AND  
TRANSMISSION EASEMENT  
AEP TEXAS INC.  
JOSE DE LA CERDA  
SURVEY 61, ABSTRACT 29  
HIDALGO COUNTY, TEXAS**

**CDS muery**  
ENGINEERS | SURVEYORS

100 NE LOOP 410, STE. 300 | SAN ANTONIO, TEXAS 78216  
(210) 581-1111 | TBPE NO. F-1733 | TBPLS NO. 100495-00

DRAWN BY:

R Medina

DATE:

MAY 3, 2021

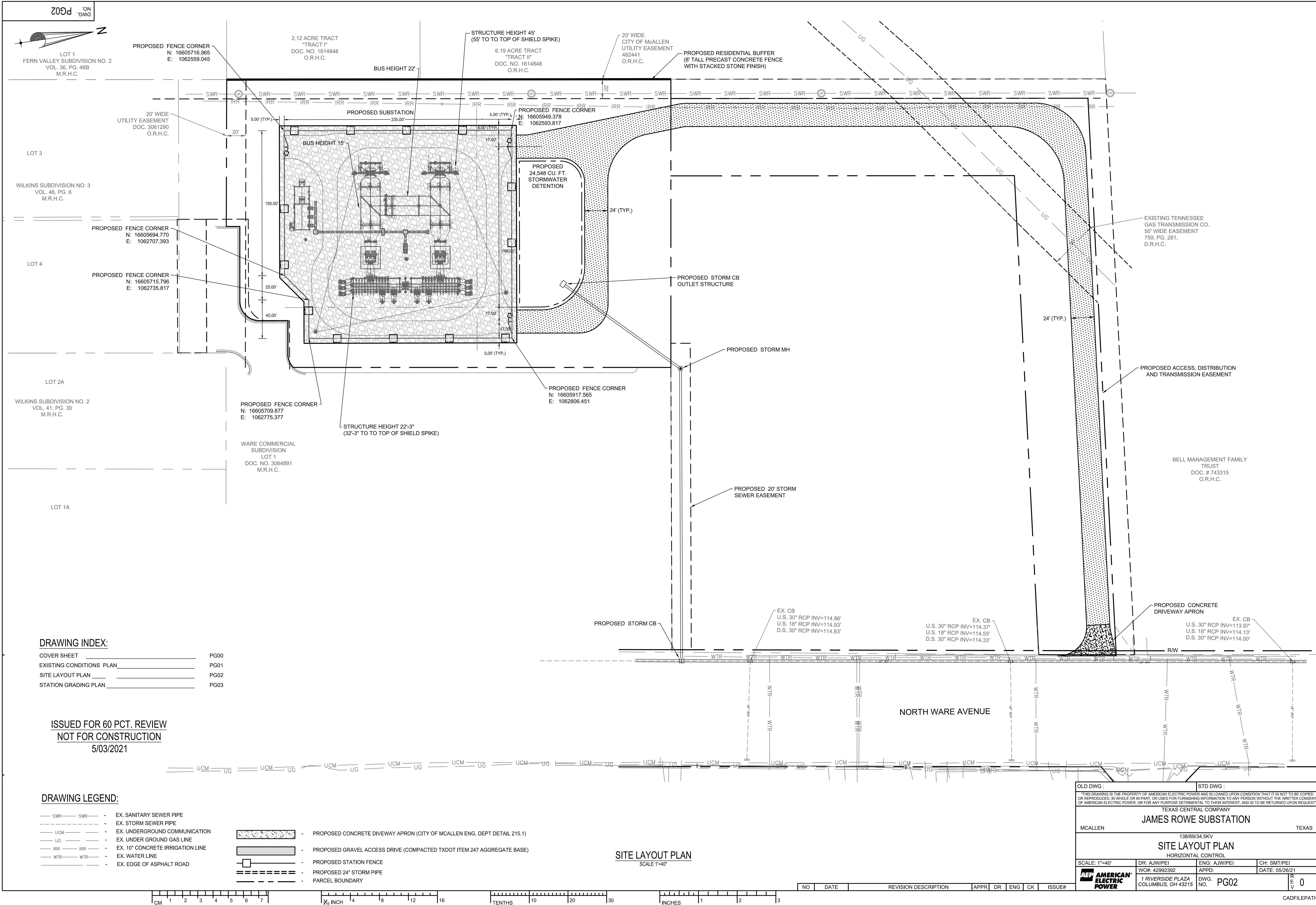
DRAWING NAME:

JAMES ROWE EASEMENT-R3.dwg

**AEP  
TEXAS**

An AEP Company





## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

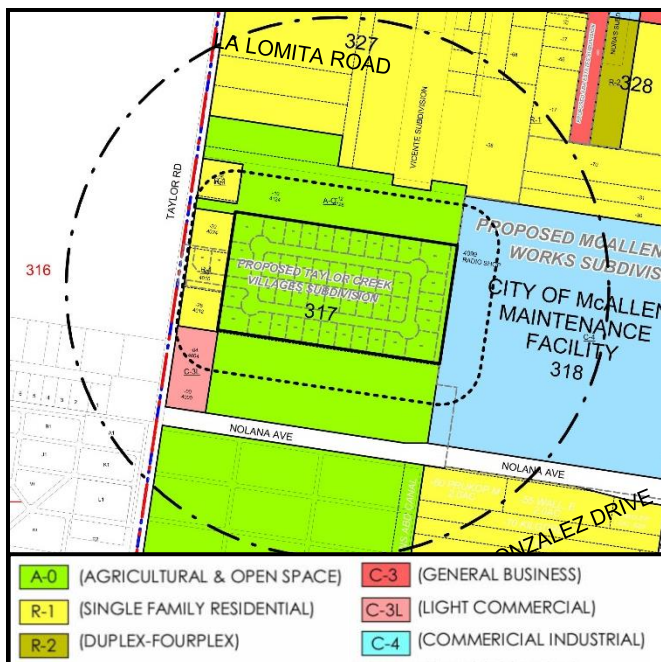
**DATE:** May 26, 2021

**SUBJECT: REZONE FROM A-O (AGRICULTURAL AND OPEN SPACE) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 14.615 ACRES OUT OF LOT 317, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4128 NORTH TAYLOR ROAD. (REZ2021-0026)**

**LOCATION:** The property is located 185 ft. east of North Taylor Road, approximately 400 ft. north of Nolana Avenue. The tract consists of 14.615 acres and has no street R.O.W. frontage but is proposed to be part of another tract that will provide access to North Taylor Road.

**PROPOSAL:** The applicant is requesting to rezone the property to R-1 (single-family residential) District in order to construct single-family residences. A 48-lot subdivision under the name of Taylor Creek Villages Subdivision for the subject property was approved in preliminary form by the Planning and Zoning Commission on April 6, 2021. A revised plat depicting 76 lots for the proposed subdivision was submitted on April 26, 2021.

**ADJACENT ZONING:** The adjacent zoning is A-O (agricultural and open space) District to the north and south, R-1 (single-family residential) District to the west, and C-4 (commercial-industrial) District to the east.



LAND USE: The property is currently vacant. Surrounding land uses include single-family residences, vacant land, Spirit of Peace Lutheran Church, and City of McAllen Recycling Center.

COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan designates the future land use for this property as Suburban Residential which is comparable to R-1 (single-family residential) District.

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

HISTORY: The tract was annexed into the city and initially zoned A-O (agricultural and open space) District on April 12, 1999. The applicant had originally requested to rezone the subject property to R-3A (multifamily residential apartment) District in order to build detached duplexes which was disapproved by the Planning and Zoning Commission on April 20, 2021. At the Planning and Zoning meeting 5 people spoke in opposition of the rezoning request. The oppositions' concerns included an increase in traffic, density, and safety issues. The applicant withdrew the rezoning request to R-3A District and applied for R-1 District on April 26, 2021.

ANALYSIS: The requested zoning conforms to the Suburban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan. It also follows the rezoning and development trend to single-family residences in the area.

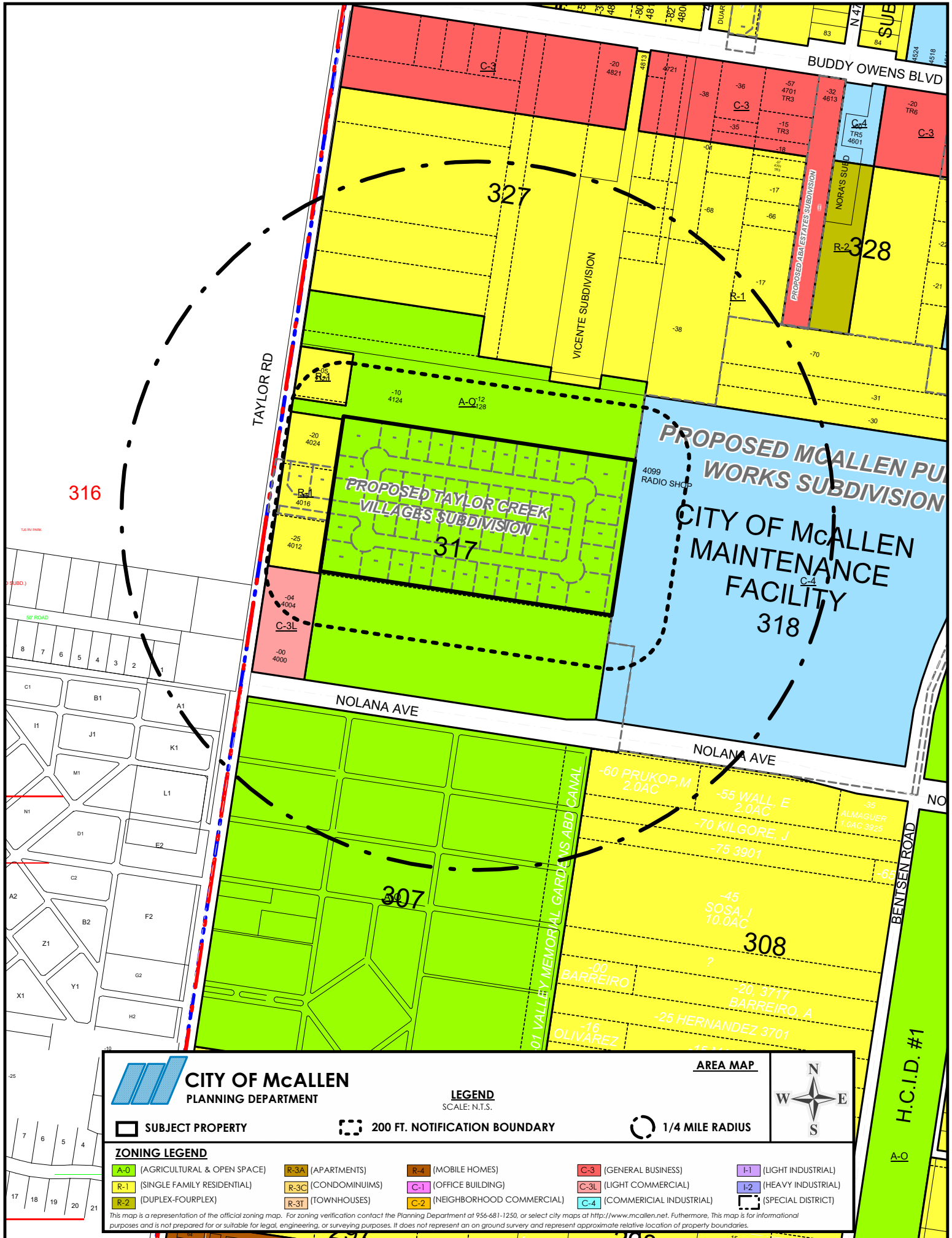
The submitted plat depicts that one of the adjacent lots to the west of the subject property will provide access to North Taylor Road for the proposed subdivision.

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

Staff has not received a phone call or email in opposition to the rezoning request.

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





# CITY OF McALLEN PLANNING DEPARTMENT

## LEGEND

SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



### ZONING LEGEND

A-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-31 (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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





**CITY OF MCALEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

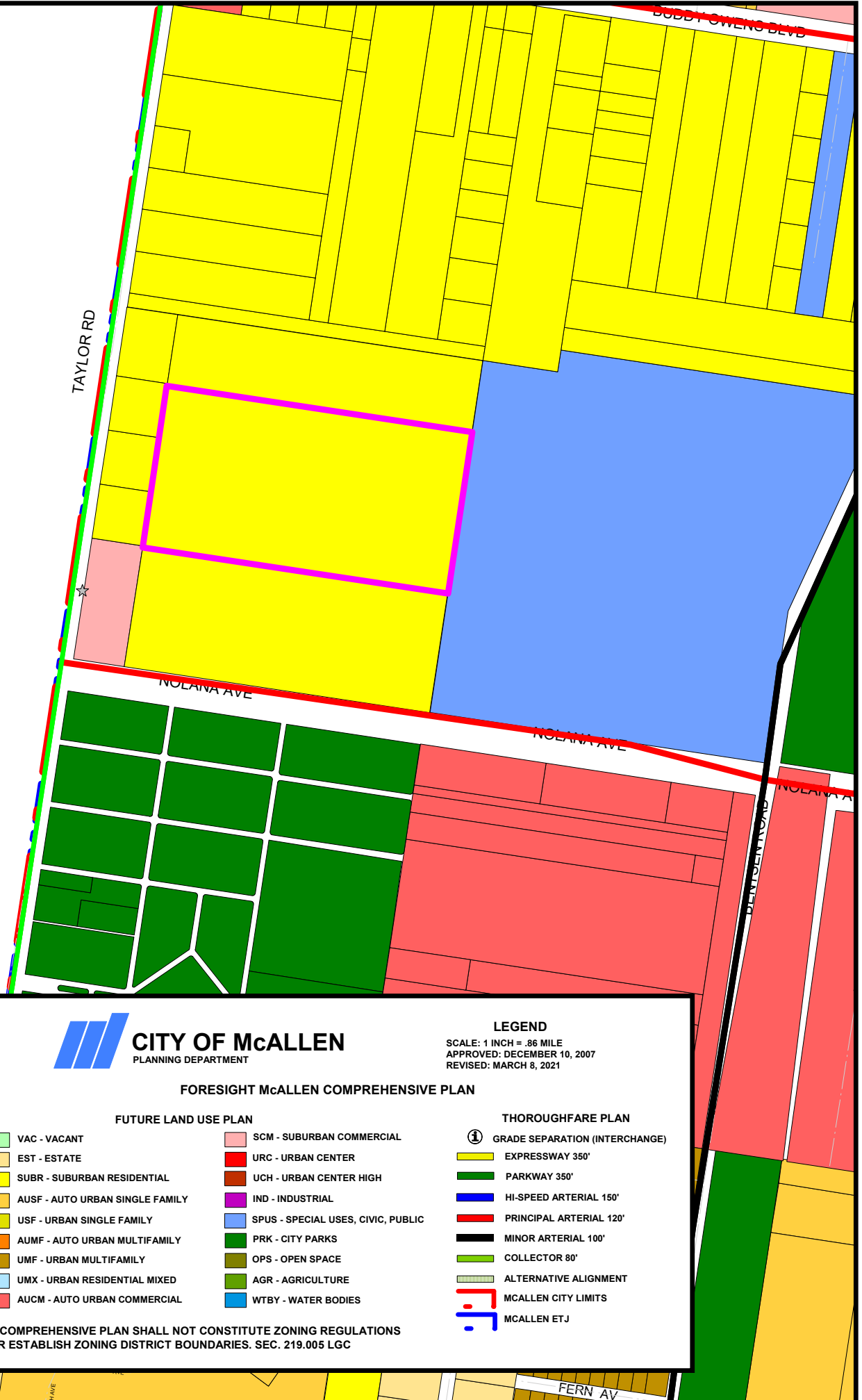
 **SUBJECT PROPERTY**

 **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.







Amistad McAllen  
General Warranty Deed (5.87ac)  
Document #3188601, H.C.O.R.

JOHN H. SHARY SUBDIVISION  
(VOLUME 1, PAGE 17, H.C.M.R.)  
LOT 317

Scale 1" = 100'

#### Legend

H.C.M.R.	Hidalgo County Map Records
H.C.O.R.	Hidalgo County Official Records
H.C.D.R.	Hidalgo County Deed Records
P.O.B.	Point of Beginning
P.O.C.	Point of Commencing
R.O.W.	Right-of-Way
S.W.	Southwest
Fnd	Found No. 4 Rebar
Set	Set No. 4 Rebar w/plastic cap stamped 2791
EOP	Edge of pavement
E-E	Edge to Edge
⊙	Found No. 4 Rebar
⊙	Found Iron pipe
⊙	Found No. 4 Rebar w/cap
—X—	Existing chainlink fence
—O—	Existing hog fence
⊙	Existing power pole
⊙	Existing telephone pedestal
⊙	Existing gas marker
⊙	Existing water meter
⊙	Existing water valve
⊙	Existing 12" irrigation standpipe
⊙	Asphalt pavement
⊙	Caliche pavement

14.615-of an acre Net

No Owner of Record as per  
Hidalgo County Appraisal District

**SURVEY PLAT SHOWING  
A 14.615-ACRE  
TRACT OF LAND  
OUT OF LOT 317,  
JOHN H. SHARY SUBDIVISION,  
CITY OF McALLEN,  
HIDALGO COUNTY, TEXAS,  
VOLUME 1, PAGE 17, H.C.M.R.**

(See Exhibit "B" for Metes and Bounds description)

I, Homero L. Gutierrez, a registered professional land surveyor in the State of Texas, hereby state that this survey is true and was correctly made on the ground on 01/23/2021 under my direction, that the existing improvements on the ground are as shown, and that there are no visible encroachments, protrusions, apparent conflicts and visible easements, except as shown hereon.



**HOMERO L. GUTIERREZ**

P.O. Box 548  
McAllen, Texas 78505  
(956) 369-0988

DATE: 03/19/2021 JOB No.: HL621-021

#### General Notes:

- Survey is valid only if print has original electronic seal and signature of surveyor.
- Bearing basis as per the NAD 1983 State Plane Texas South FIPS 4205 Feet. (S 81°28'28" E, North line of 1.02-acre tract of land, as described in Document #3177063, H.C.O.R.)
- Commitment of Title Insurance issued by First American Title Guaranty Co.  
Reference: Jimmy Knox and Myrtle Ernestine Jones  
To: Urban City Developers, LLC and/or assigns  
GF: No. 933232  
Also, see Schedule B, 10.a thru 10.n for additional easement and property matters.
- Homero L. Gutierrez did not research or prepare a title report or abstract of title on the above property.
- Building, zoning, platting and/or regulatory laws and/or ordinances at any municipal and/or other governmental authority will apply.
- The existence, if any underground gas lines or other underground utilities not shown on this survey should be thoroughly investigated by the owner prior to any construction on this site. The Surveyor has limited his investigation of underground utilities on this site to that which can be seen.
- Surveyor's statement: The property corners of the tract surveyed were staked out based on the best fit of monuments found for this property and others within the immediate vicinity, taking into account the intent of the surveyors' original foot steps. A survey of the original mother tracts to correctly establish minor discrepancies that were found in the property corners would not be a feasible option for the parties concerned. The client has been made aware of any discrepancies found and the respective action taken to stake out his property as per the found and set monuments shown hereon.
- Flood Zone "C" - Areas of minimal flooding. (No shading)  
Community Panel No. 480334 0400C  
Map Revised: November 16, 1982

CL OF TAYLOR ROAD  
(80.00' R.O.W.)

P.O.C.  
S.W. corner  
of Lot 317

10.00' non-exclusive easement  
Volume 1450, Page 463, H.C.D.R.

Sergio Alberto & wife  
Andrea L. Cooper  
Warranty Deed  
w/Vendor's Lien (1.0ac)  
Document #3055395, H.C.O.R.

40.00' Road R.O.W.  
24.62' EOP to R.O.W.

Fnd 1/2" Iron Pipe

Fnd 1/2" Iron Pipe

EOP

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DATE OF PREPARATION: MARCH 8, 2021

 **TREVIÑO ENGINEERING**  
FIRM No. F-7906  
TEL No. (956) 283-8847 200 S. 10th St. Ste. 1303  
McAllen, Texas 78501  
idnet@trevinoengineering.com





NOTICE  
REZONING  
FOR  
THIS PROPERTY  
REZ 2021-0026



## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

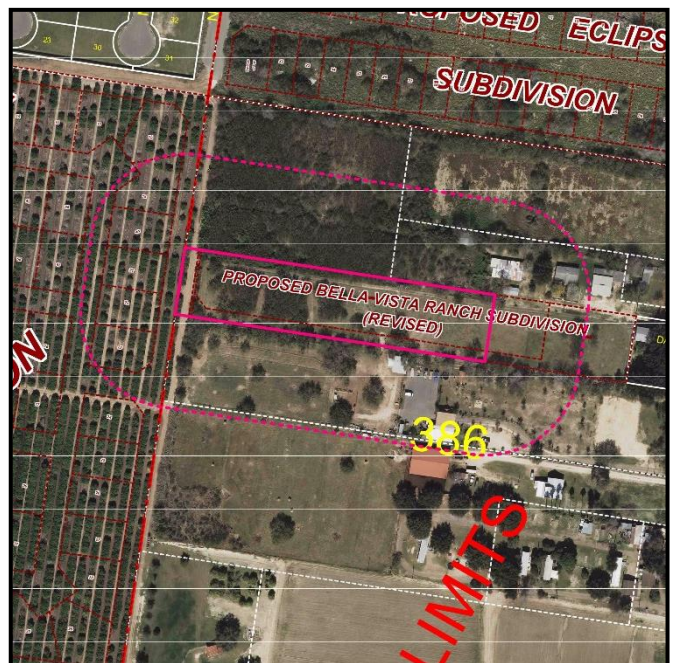
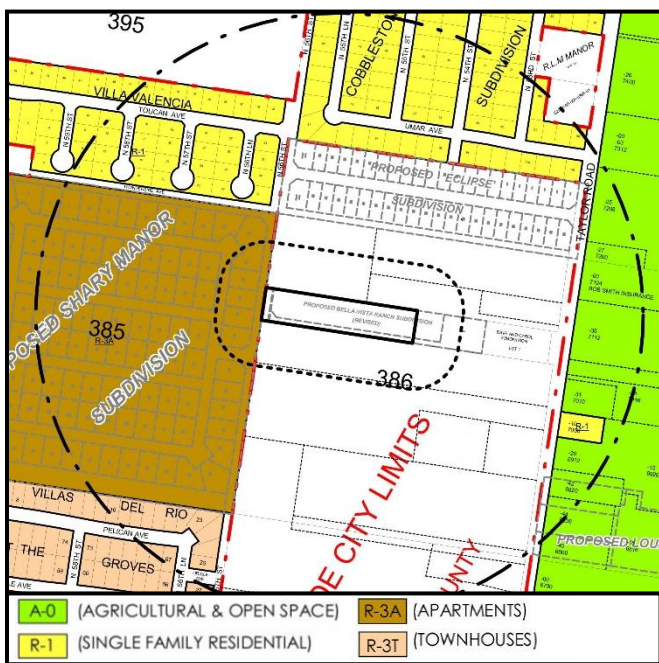
**DATE:** May 27, 2021

**SUBJECT: INITIAL ZONING TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 2.2 ACRES OUT OF LOT 386, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 7017 NORTH TAYLOR ROAD. (REZ2021-0029)**

**LOCATION:** The property is located on the east side of North 56<sup>th</sup> Street, approximately 2,160 ft. north of 4 Mile Line Road. The tract has 143.66 ft. of frontage along North 56<sup>th</sup> Street with a depth of 666.87 ft. for a lot size of 2.2 acres.

**PROPOSAL:** The tract is currently outside the City limits and is undergoing voluntary annexation. The initial zoning to R-1 (single-family residential) District will become effective upon the annexation of the tract into the City. The applicant is requesting R-1 District in order to build a single-family residence. A proposed one-lot subdivision for the subject property under the name of Bella Vista Ranch Subdivision was approved in revised preliminary form on January 5, 2021, by the Planning and Zoning Commission.

**ADJACENT ZONING:** The adjacent zoning is R-3A (multifamily residential apartment) District to the west. The properties to the north, south, and east of the subject property are outside the City limits.



LAND USE: The property is currently vacant. Surrounding land uses include single-family residences and vacant land.

COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan designates the future land use for this property as Suburban Residential, which is comparable to R-1 (single-family residential) District.

DEVELOPMENT TRENDS: The development trend for this area along North 56<sup>th</sup> Street is single and multifamily residential.

HISTORY: The tract has been in the City's Extra-Territorial Jurisdiction (ETJ) since September 19, 1977. An annexation and initial zoning requests for the subject property are scheduled to be heard at the City Commission meeting of June 28, 2021.

A rezoning request for the adjacent tract to the west of the subject property to C-3 (general business) District was approved by the City Commission on August 13, 2018. A rezoning request for the same tract to R-3A (multifamily residential apartment) District, for a proposed subdivision under the name of Shary Manor Subdivision, was approved on June 22, 2020.

ANALYSIS: The requested zoning conforms to the Suburban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan. It also follows development trend of the surrounding area.

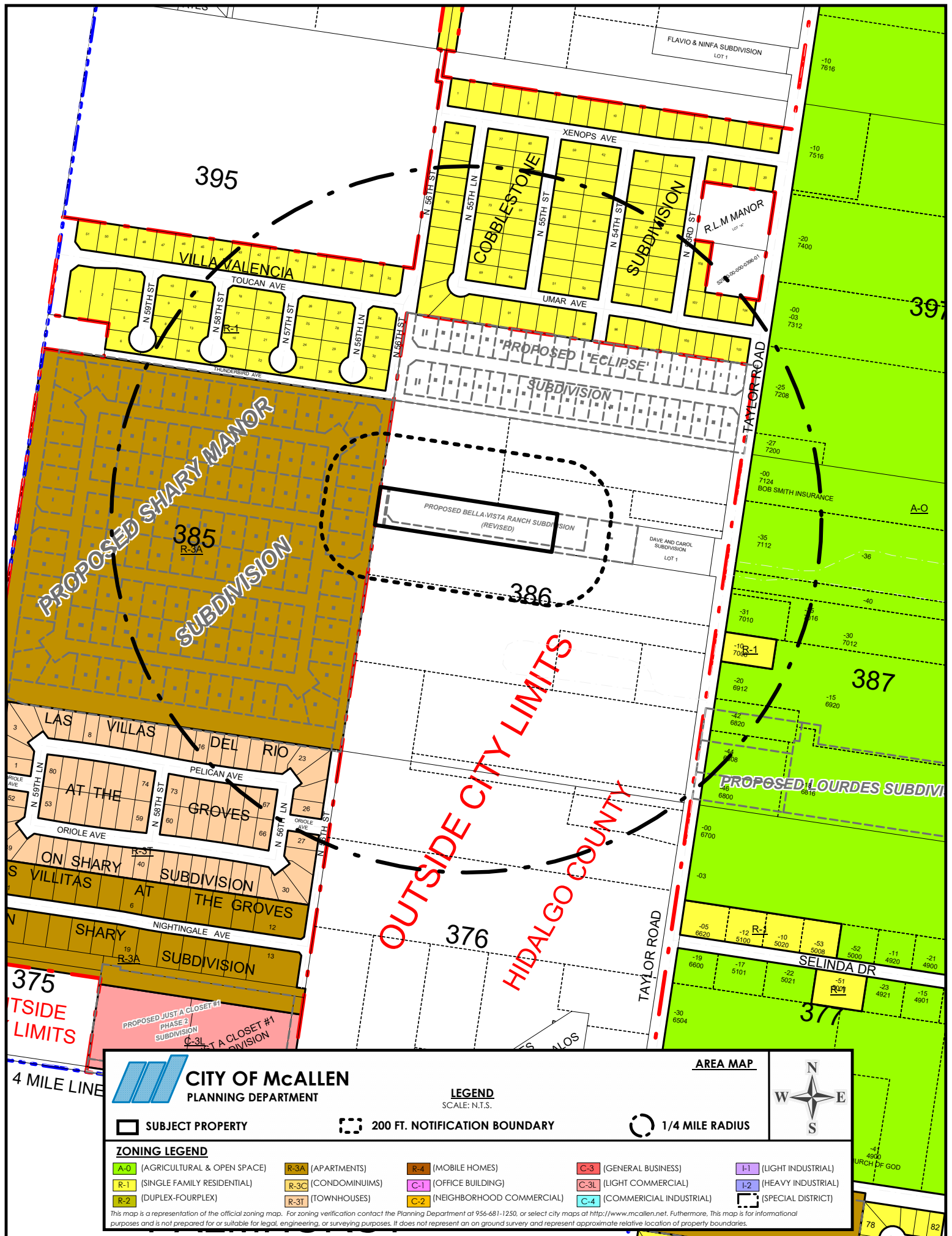
A recorded subdivision plat is required prior to building permit issuance. Required park land dedication or a fee in lieu of land comprising \$700 per dwelling unit is required prior to recording a subdivision plat.

The R-1 District designation permits continuation of the subdivision process for a residential subdivision.

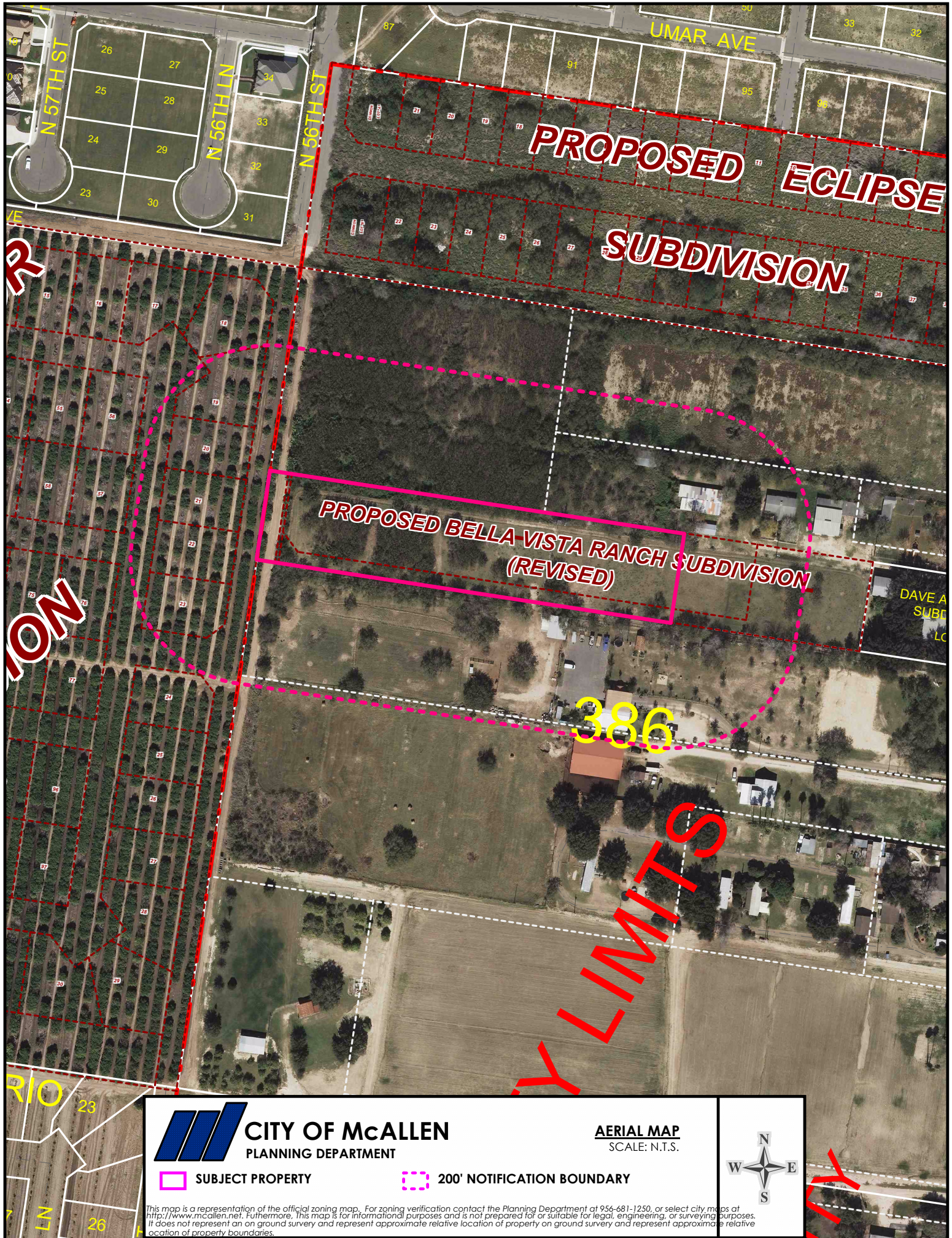
Staff has not received any calls or emails in opposition to the rezoning request.

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









**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

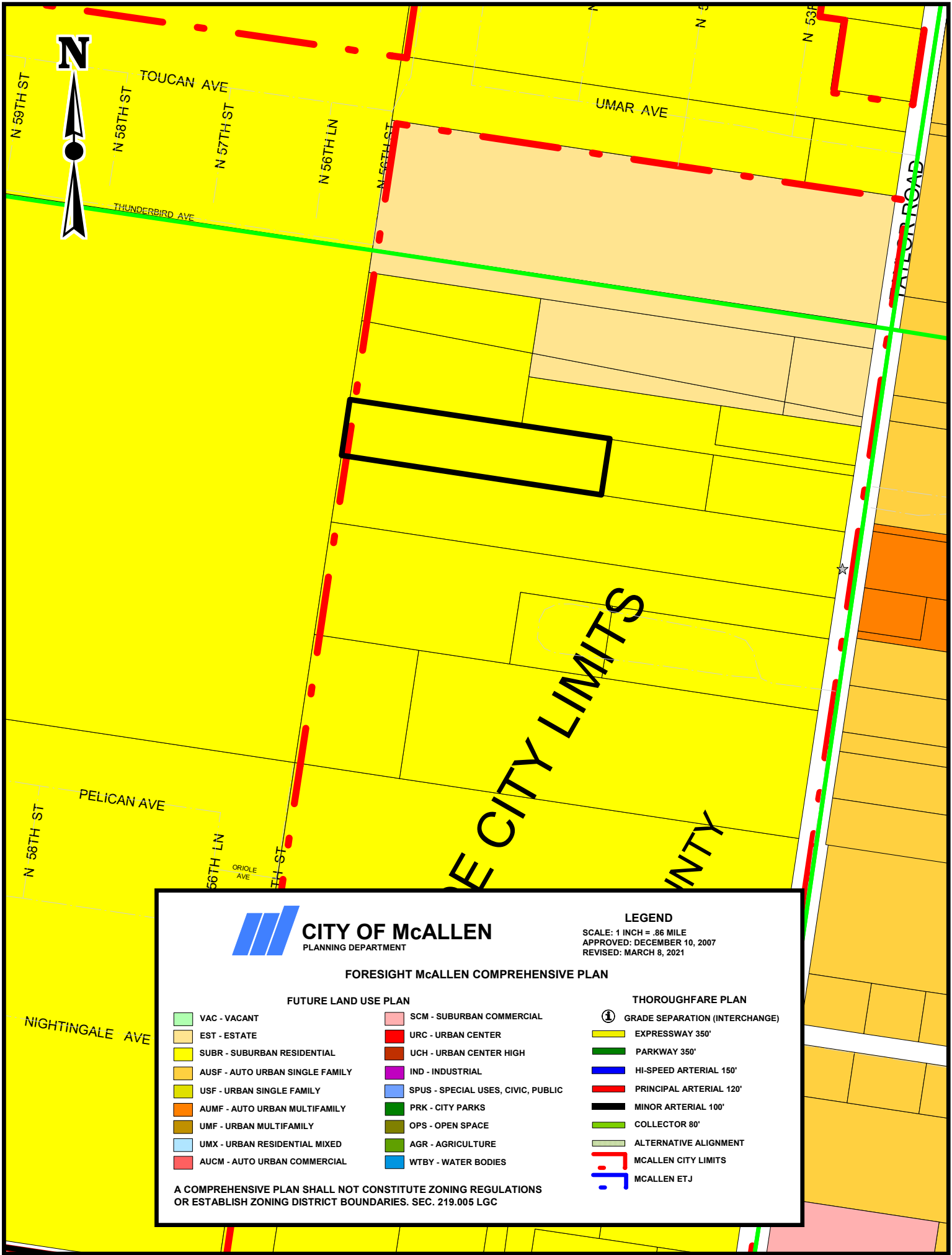
 **SUBJECT PROPERTY**

 **200' NOTIFICATION BOUNDARY**



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**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**

SCALE: 1 INCH = .86 MILE  
APPROVED: DECEMBER 10, 2007  
REVISED: MARCH 8, 2021

**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**

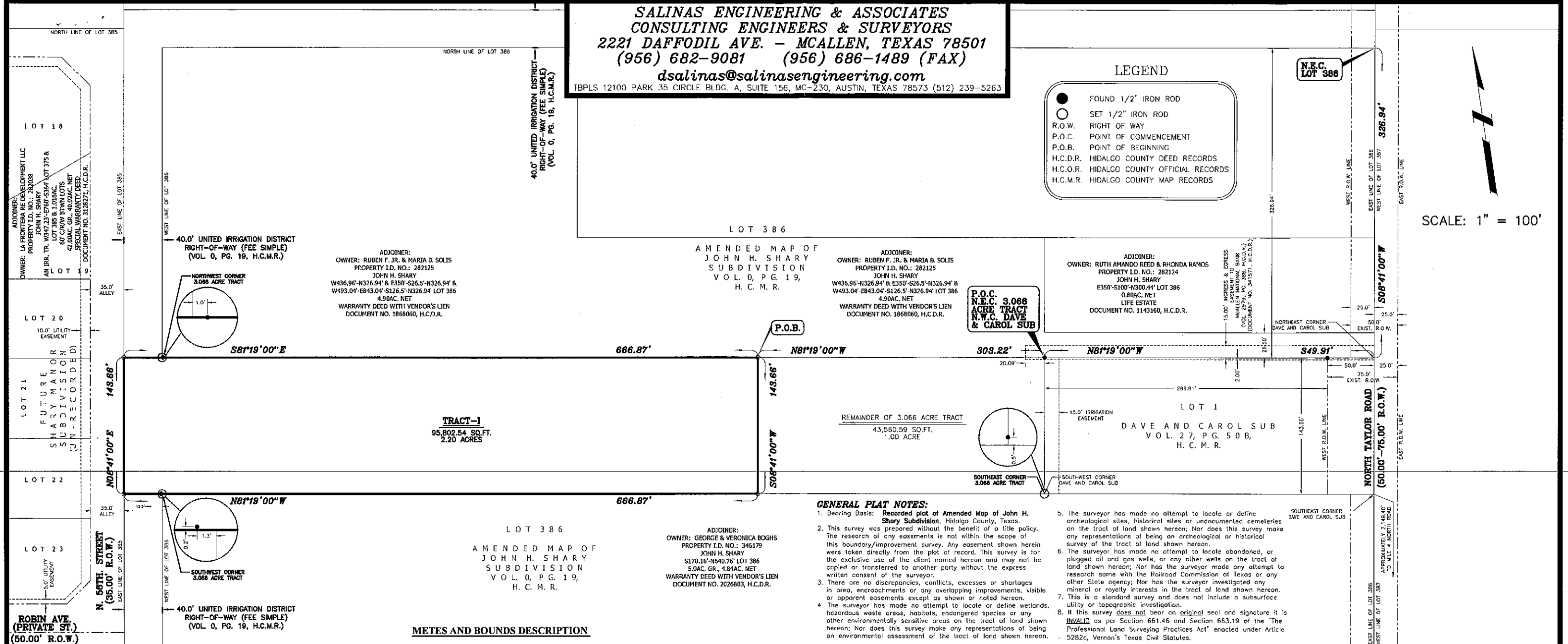
- GRADE SEPARATION (INTERCHANGE)
- EXPRESSWAY 350'
- PARKWAY 350'
- HI-SPEED ARTERIAL 150'
- PRINCIPAL ARTERIAL 120'
- MINOR ARTERIAL 100'
- COLLECTOR 80'
- ALTERNATIVE ALIGNMENT
- McALLEN CITY LIMITS
- McALLEN ETJ

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

**SALINAS ENGINEERING & ASSOCIATES**  
**CONSULTING ENGINEERS & SURVEYORS**  
2221 DAFFODIL AVE. - MCALLEN, TEXAS 78501  
(956) 682-9081 (956) 686-1489 (FAX)  
dsalinas@salinasengineering.com  
TBPLS 12100 PARK 35 CIRCLE BLDG. A, SUITE 156, MC-230, AUSTIN, TEXAS 78573 (512) 239-5263

- LEGEND
- FOUND 1/2" IRON ROD
  - SET 1/2" IRON ROD
  - 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.O.R. HIDALGO COUNTY OFFICIAL RECORDS
  - H.C.M.R. HIDALGO COUNTY MAP RECORDS

SCALE: 1" = 100'



**GENERAL PLAT NOTES:**

- Bearing Basis: Recorded plat of Amended Map of John H. Shary Subdivision, Hidalgo County, Texas.
- This survey was prepared without the benefit of a title policy. The research of any easements is not within the scope of this boundary/improvement survey. Any easement shown herein were taken directly from the plat of record. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.
- There are no discrepancies, conflicts, excesses or shortages in area, encroachments or any overlapping improvements, visible or apparent easements except as shown or noted hereon.
- The surveyor has made no attempt to locate or define wetlands, hazardous waste areas, habitats, endangered species or any other environmentally sensitive areas on the tract of land shown hereon; Nor does this survey make any representations of being on environmental assessment of the tract of land shown hereon.
- The surveyor has made no attempt to locate or define archaeological sites, historical sites or undocumented cemeteries on the tract of land shown hereon; Nor does this survey make any representations of being an archeological or historical survey of the tract of land shown hereon.
- The surveyor has made no attempt to locate abandoned, or plugged oil and gas wells, or any other wells on the tract of land shown hereon; Nor has the surveyor made any attempt to research same with the Railroad Commission of Texas or any other State agency; Nor has the surveyor investigated any mineral or royalty interests in the tract of land shown hereon.
- This is a standard survey and does not include a subsurface utility or topographic investigation.
- If this survey does not bear an original seal and signature it is INVALID as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act" enacted under Article 5282c, Vernon's Texas Civil Statutes.

**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, AMENDED MAP OF JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 0, PAGE 19, 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 1/2 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 50B 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 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET FOR THE NORTHEAST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

- 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 1/2 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;
- 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 1/2 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 1/2 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;
- 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 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
- 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 1/2 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 AMENDED MAP OF JOHN H. SHARY SUBD., H.C.T.  
N:\SUBDIVISION PLATS\BELLAVISTA.SUB\2.0.120720

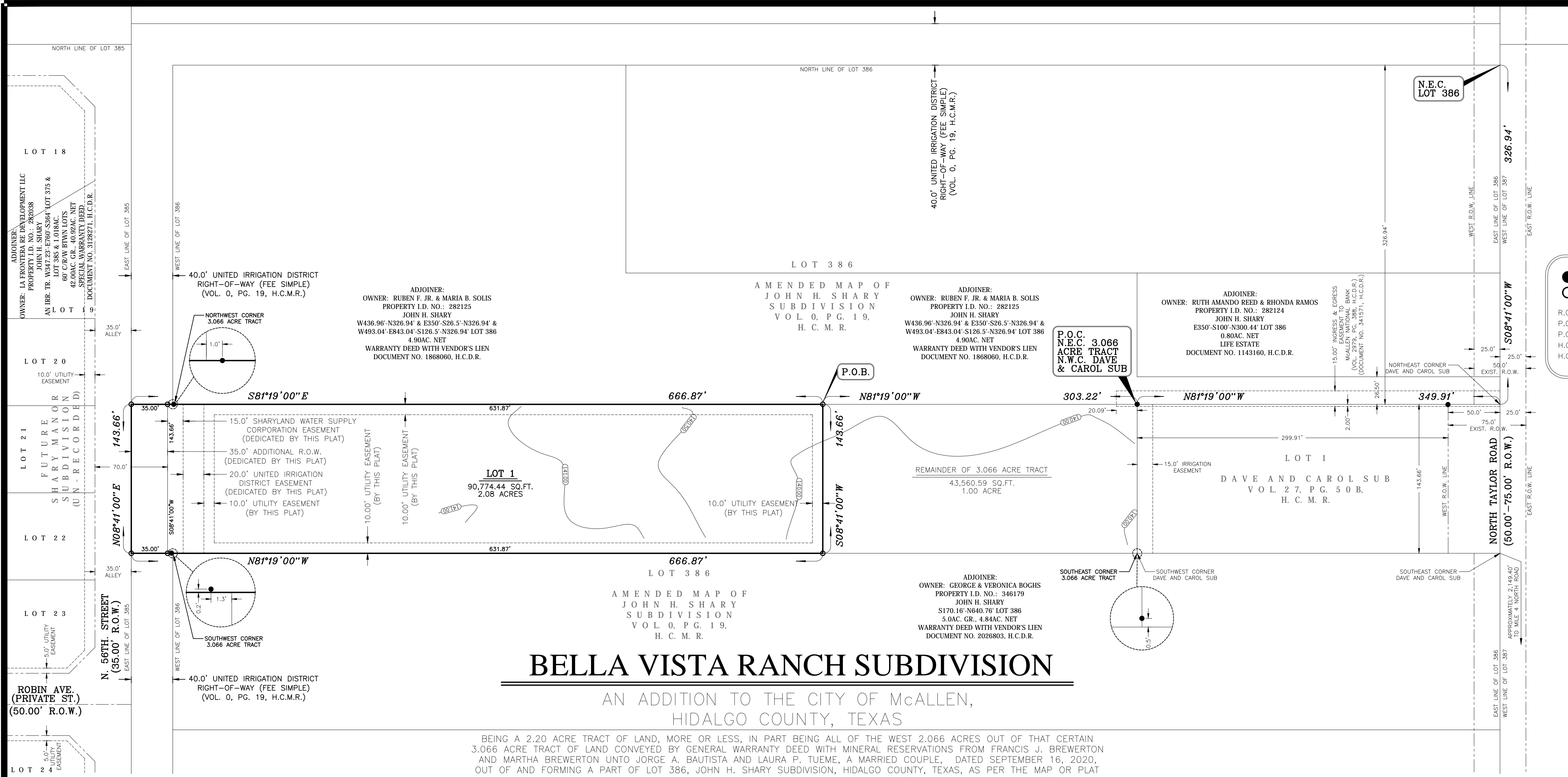
This is to certify that I have, this date, made a careful and accurate standard land survey on the ground of property which is located at \_\_\_\_\_ PHYSICAL ADDRESS \_\_\_\_\_ in \_\_\_\_\_ McALLEN, \_\_\_\_\_ Texas, described as follows: BEING A 2.20 ACRE TRACT OF LAND, MORE OR LESS, IN PART BEING 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 \_\_\_\_\_ (SEE METES AND BOUNDS DESCRIPTION) \_\_\_\_\_

Lot \_\_\_\_\_ 386, Block \_\_\_\_\_, of \_\_\_\_\_ AMENDED MAP OF JOHN H. SHARY SUBDIVISION \_\_\_\_\_ HIDALGO CO. \_\_\_\_\_ Texas, according to the plat recorded in Volume \_\_\_\_\_ 0, Page \_\_\_\_\_ 19, of the \_\_\_\_\_ MAP \_\_\_\_\_ Records of Hidalgo County, Texas. I further certify that this property lies in Zone " \_\_\_\_\_ C \_\_\_\_\_ " as per FIRM (Flood Insurance Rate Map) dated \_\_\_\_\_ NOV. 16, 1982 \_\_\_\_\_ Community Panel No. \_\_\_\_\_ 485322-0200-0.

A.E.  
DRN. BY  
JANUARY 27, 2021  
DATE  
SP-20-25245(A)  
JOB NO.  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5782

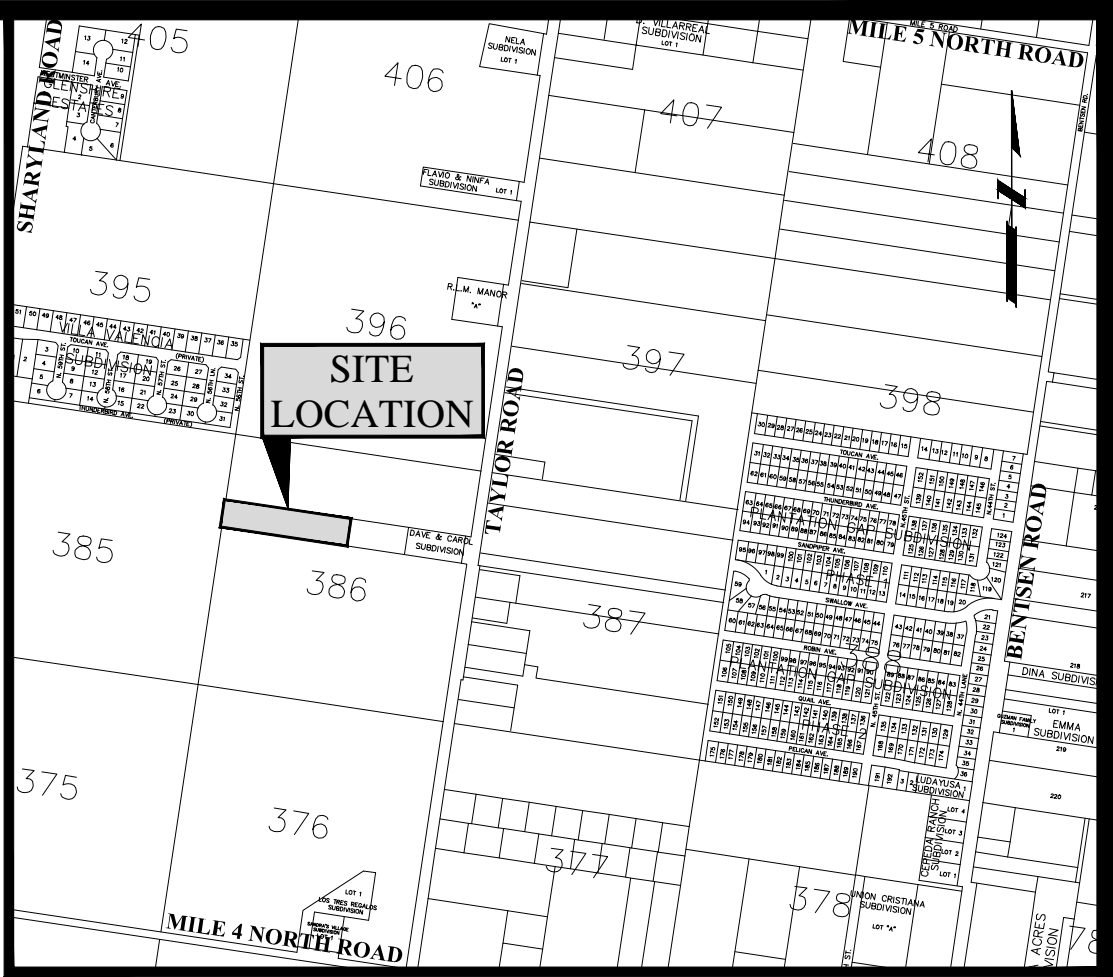






LEGEND

- 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



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;

- 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;
- 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;
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- 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.

BASE 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 (AOO 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





NOTICE  
REZONING  
FOR  
THIS PROPERTY  
REZ2021-0029



## Planning Department

### Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

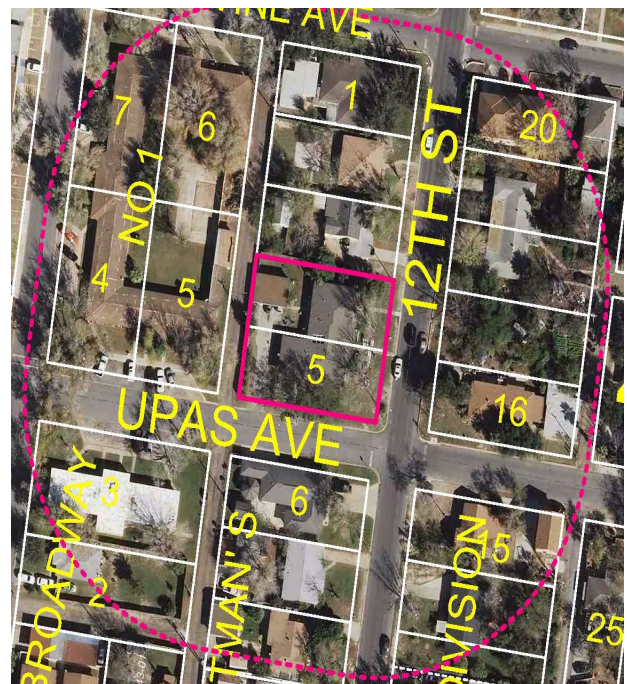
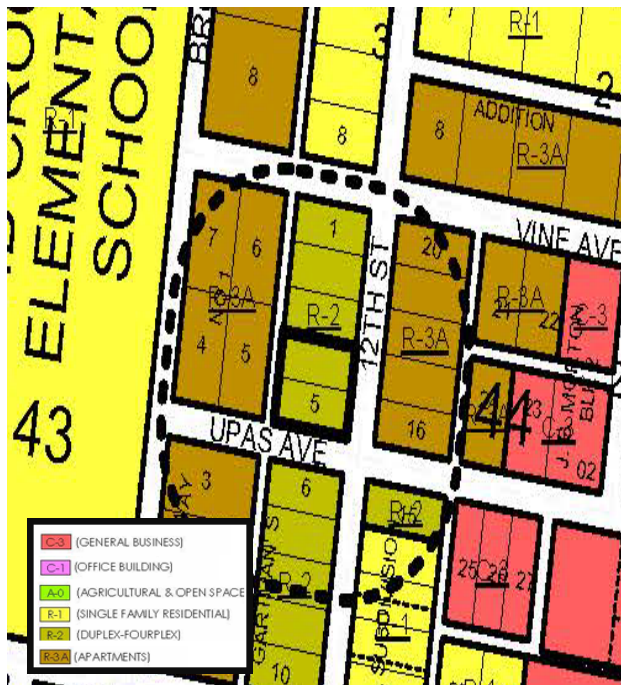
**DATE:** May 20, 2021

**SUBJECT:** REZONE FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: LOTS 4 AND 5, GARTMAN'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 2101 AND 2105 NORTH 12TH STREET. (REZ2021-0032)

**LOCATION:** The subject property is located at the northwest corner of North 12th Street and Upas Avenue. The tract has 112 feet of frontage on North 12th Street and a depth of 130 feet for a tract size of 14,560 square feet.

**PROPOSAL:** The applicant is requesting R-3A (multifamily residential apartments) District in order to add another detached apartment unit. A feasibility plan has not been submitted to the Planning Department.

**ADJACENT ZONING:** The adjacent zoning is R-2 (duplex-fourplex residential) District to the north and south, and R-3A (multifamily residential apartments) District to the east and west.





LAND USE: There is an existing triplex with a detached carport on the property. Surrounding land uses are single-family homes and apartments.

COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan designates the future land use as Auto Urban Residential., which is comparable to R-1 District.

DEVELOPMENT TRENDS: The development trend for the area between 12th and Broadway and Upas and Vine is multifamily fourplex. There is one single-family residence located on the block. Other uses on the block are apartments and fourplex.

HISTORY: The property was zoned R-2 (duplex-fourplex residential) District during comprehensive zoning in May 1979.

On September 28, 2015, the City Commission Board disapproved a rezoning request from R-2 District to R-3A District.

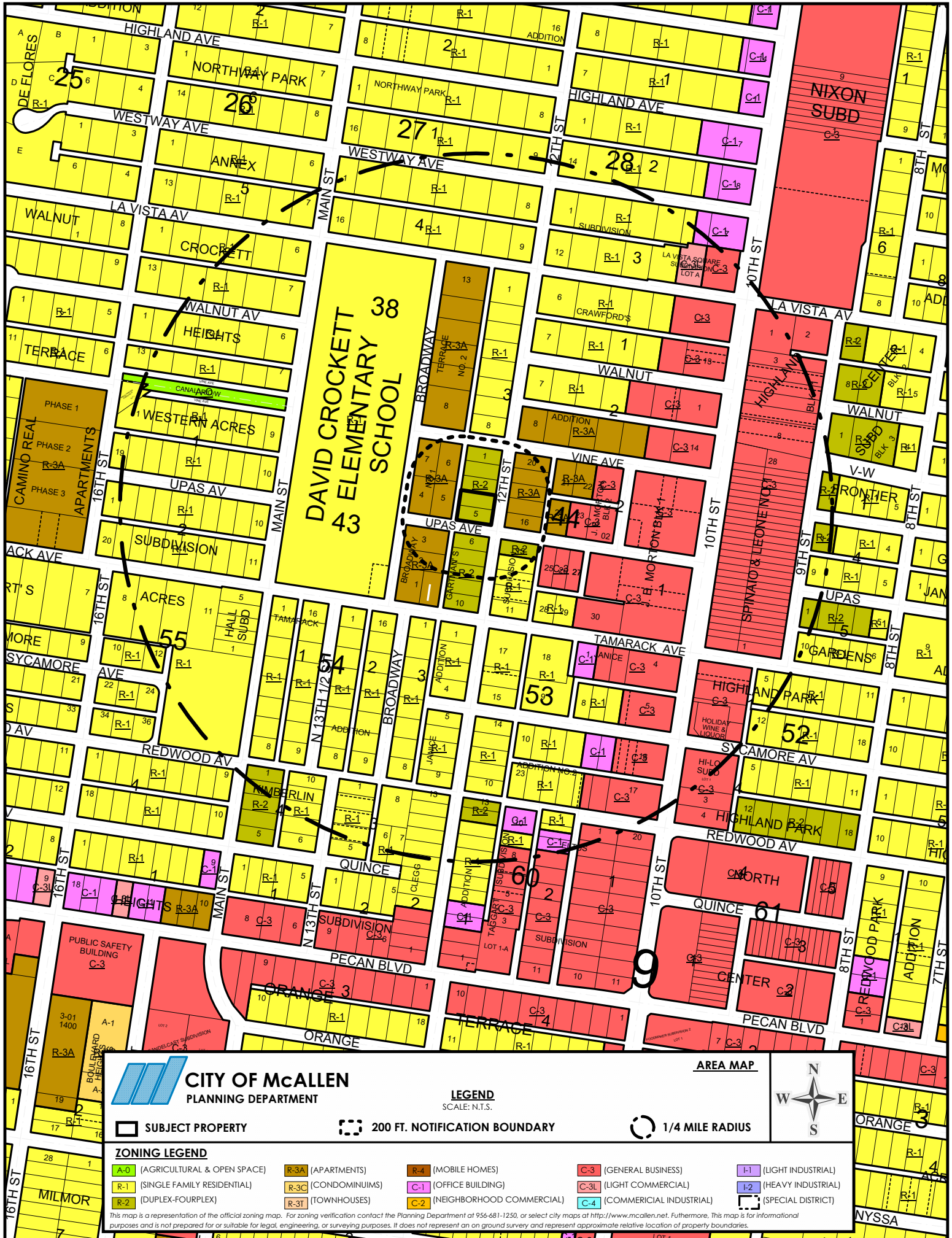
ANALYSIS: The requested zoning does not conform to the Auto Urban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan. The proposed zoning is consistent with the development trends for this area.

A recorded subdivision plat and approved site plan are required prior to building permit issuance.

There have been no calls received in opposition to the request.

**RECOMMENDATION:** Staff recommends approval of the rezoning request to R-3A (multifamily apartments residential) District





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

**SUBJECT PROPERTY**

**200 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)
(DUPLIX-FOURPLEX)	(TOWNHOUSES)	(NEIGHBORHOOD COMMERCIAL)	(COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

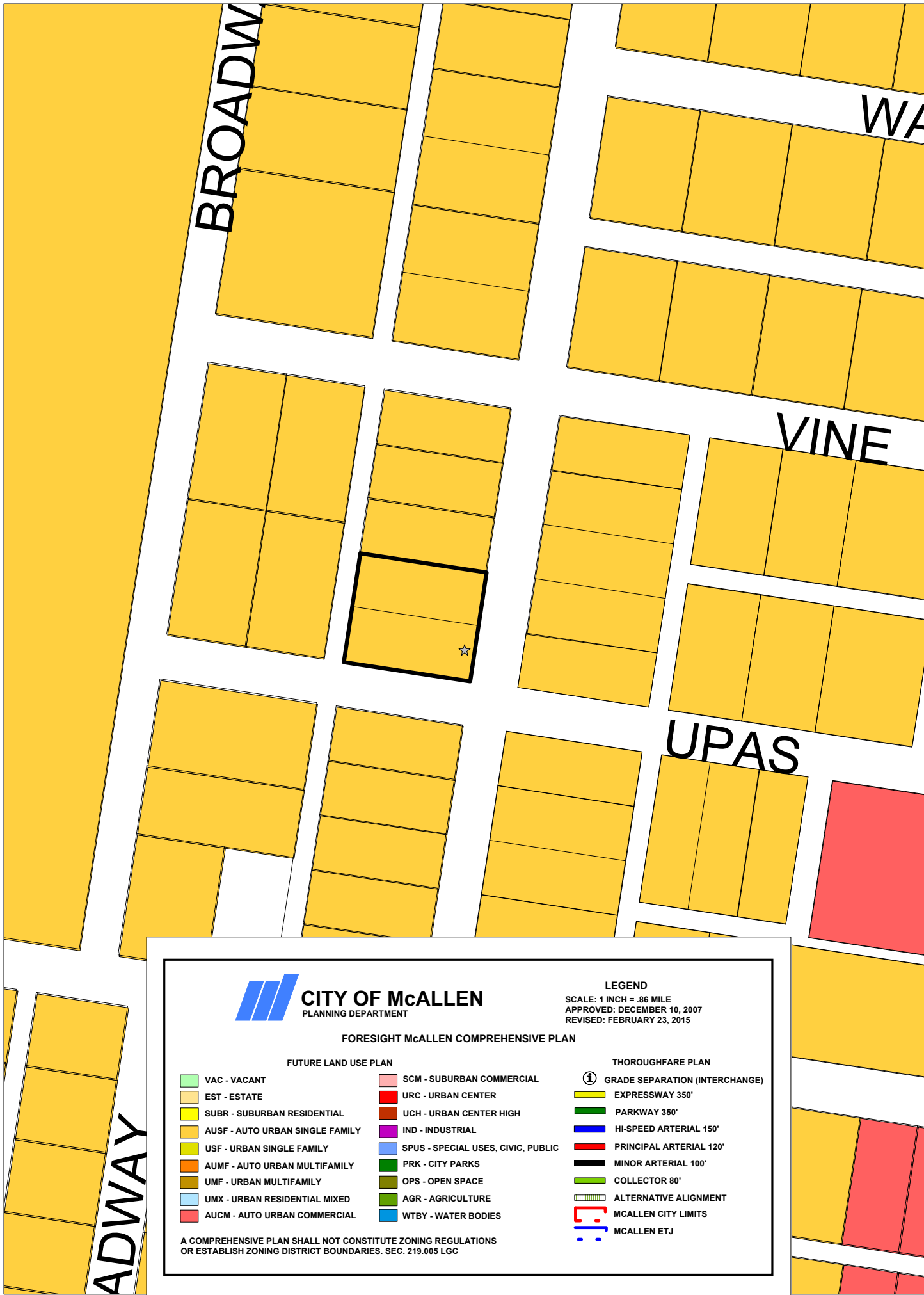
 **SUBJECT PROPERTY**

 **200' NOTIFICATION BOUNDARY**

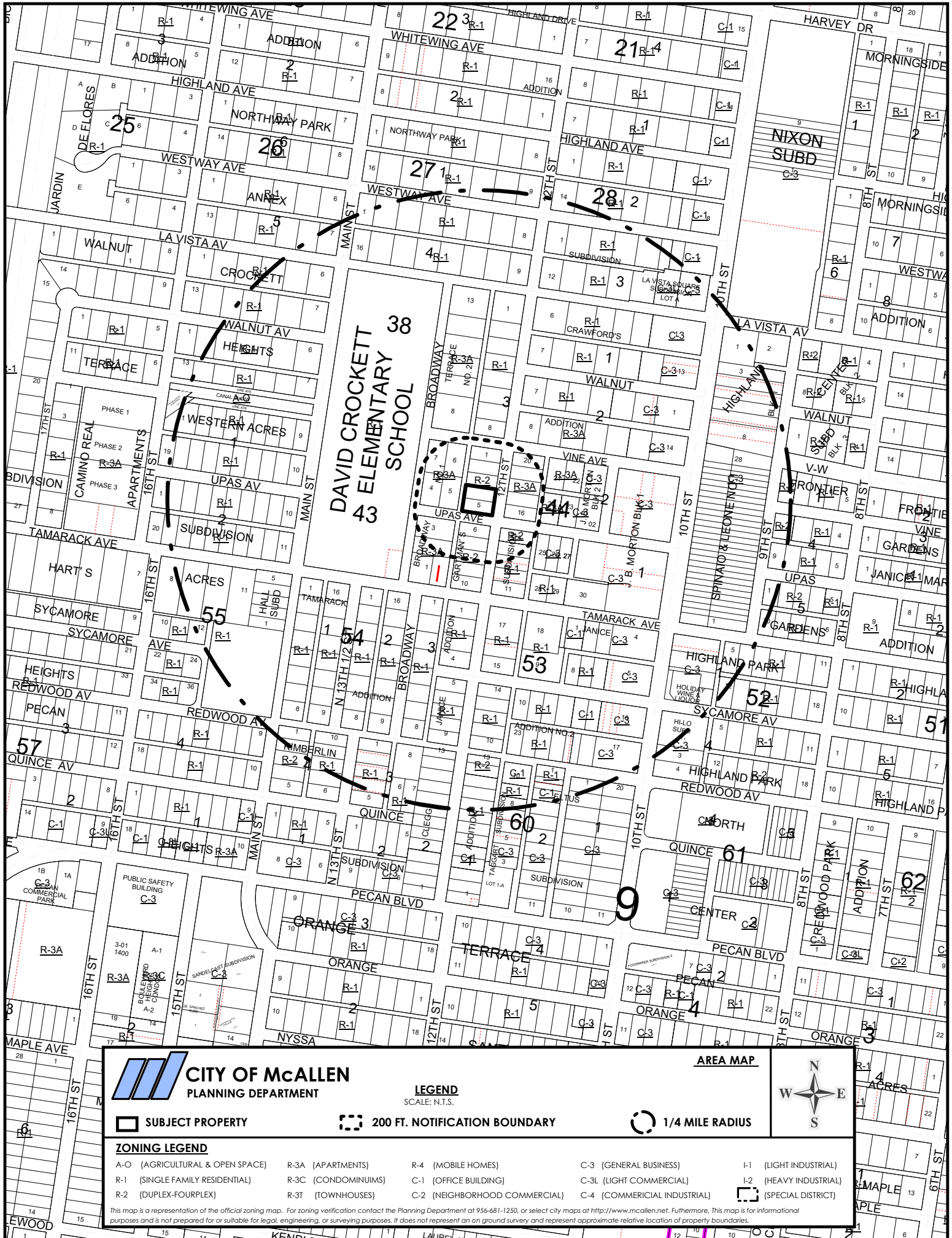


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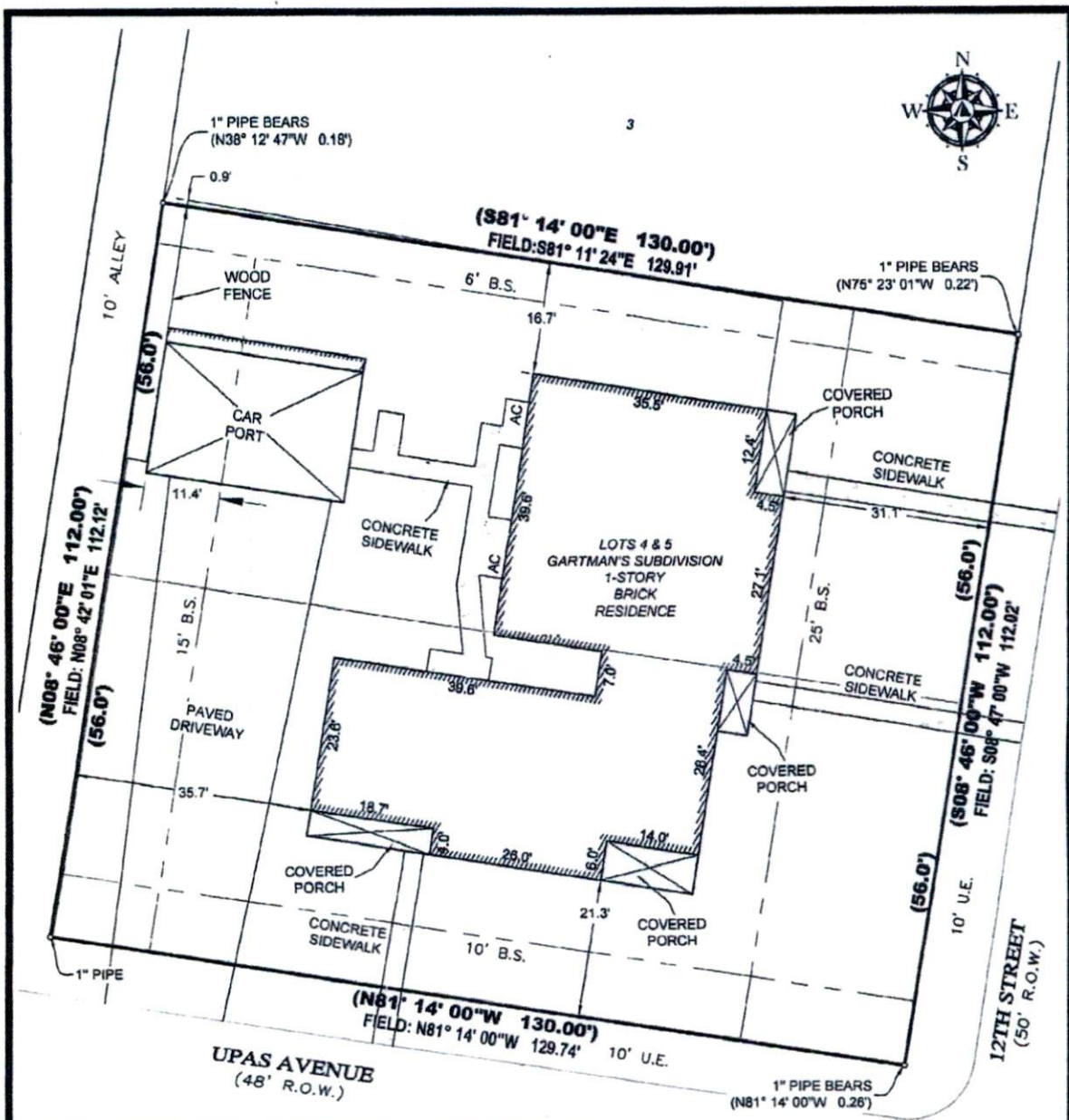












NOTE: SETBACKS AS PER HIDALGO COUNTY GENERAL SUBDIVISION PLAT NOTES

LEGEND	
—	PROPERTY LINE
- - -	RD CENTERLINE
- - -	EASEMENT
- - -	BLOG. SETBACK
- - -	BLOG. STRUCT. LOT LINE
- - -	WOOD FENCE
- - -	BLOCK WALL
- - -	CHAINLINK FENCE
- - -	BARB WIRE FENCE
○	SIR
○	FIR
○	PK
○	1" PIPE
○	RR
○	SET IRON ROD*
○	FOUND IRON ROD
○	FENCE CORNER
○	PK NAIL FOUND
○	FOUND 1" PIPE
○	RR SPIKE FOUND

\*SET 1/2" IRON ROD WITH BLUE PLASTIC CAP LABELED "PCE 100097-00"

NOTE:  
PROPERTY DOES NOT APPEAR TO BE LOCATED IN A FLOOD ZONE AS PER FEMA MAP 48034-30005C. EFFECTIVE DATE: NOVEMBER 02, 1982

BASIS OF BEARING  
A FOUND 1" PIPE AT THE SOUTHWEST CORNER OF LOT 5 AND A FOUND 1" PIPE AT THE SOUTHEAST CORNER OF LOT 5, AS RECORDED IN GARTMAN'S SUBDIVISION, VOL. 10, PG. 20, HIDALGO COUNTY PLAT RECORDS.

PLAT CALLED: S81° 14' 00"E 130.00'  
FIELD MEASURED: S81° 14' 00"E 129.74'

(CALLS IN PARENTHESIS FROM RECORDED PLAT CORNERS)



#### CERTIFICATE OF SURVEYOR

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS SURVEY AS DESCRIBED HEREON, WAS MADE ON THE GROUND ON 08/09/2014 UNDER MAY DIRECTION, THAT THE ONLY IMPROVEMENTS ON THE GROUND ARE AS SHOWN, THAT THERE ARE NO VISIBLE ENCROACHMENTS, VISIBLE OVERLAPPING OR APPARENT CONFLICTS, OR VISIBLE EASEMENTS EXCEPT AS SHOWN HEREON.

*Juan Tjerina* 08/13/14  
JUAN TJERINA, R.P.L.S. No. 5051 DATE

THIS SURVEY IS VALID ONLY WITH ORIGINAL SEAL IN RED INK  
ENGINEERING REGISTRATION No. F-4017 SURVEY REGISTRATION No. 100097-00



LEGAL DESCRIPTION  
LOTS 4 & 5  
GARTMAN'S SUBDIVISION  
AS RECORDED IN VOL. 10, PG. 20, HIDALGO COUNTY PLAT RECORDS

2101 N. 12TH STREET

DRAWN BY:	R.R.R.	SCALE:	1"=20'
CHECKED BY:	J.T.	JOB #:	PROV 1038-14
APPROVED BY:	J.T.	FILE NAME:	1038-14 2101 N 12th ST.dwg
FIELD DATE:	08/09/2014	SHEET:	1 OF 1

**PREMIER**  
ENGINEERING & SURVEYING

2005 E. GRIFFIN PKWY, STE 148

ARIVA BUSINESS CENTER

MISSION, TX 78572

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## Planning Department

### Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

**DATE:** May 20, 2021

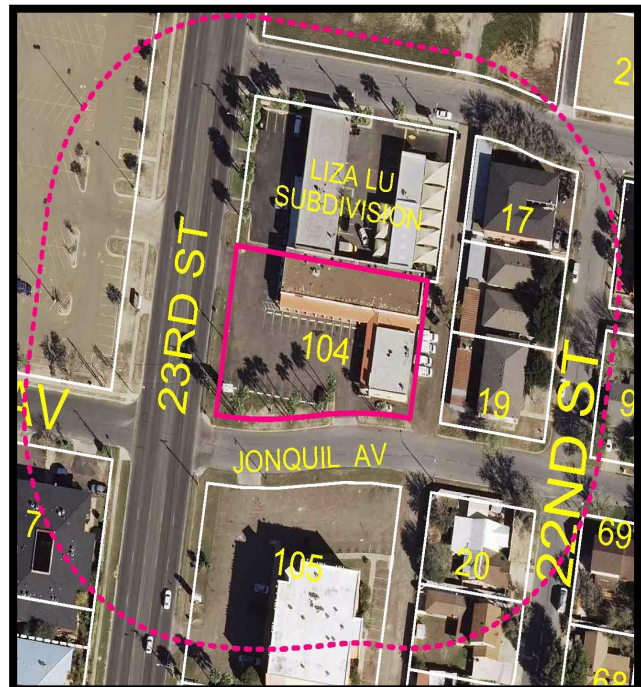
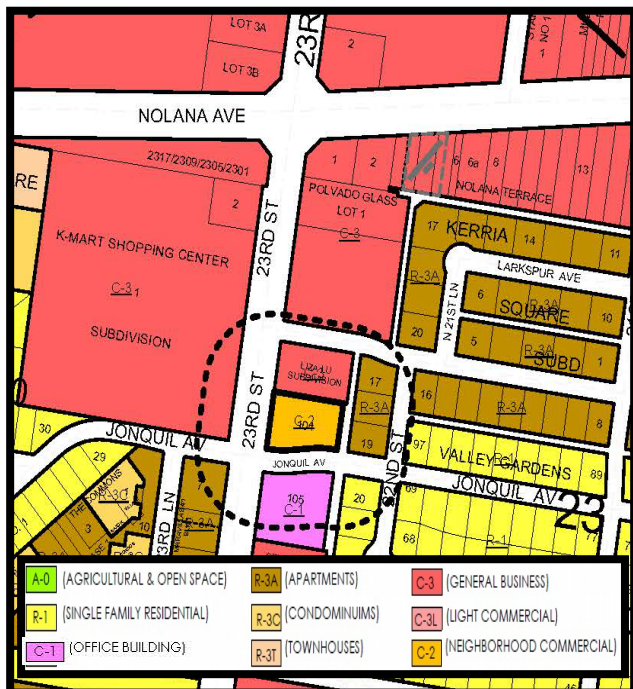
**SUBJECT: REZONE FROM C-2 (NEIGHBORHOOD COMMERCIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: LOT 104, VALLEY GARDENS SUBDIVISION, HIDALGO COUNTY, TEXAS; 3616 NORTH 23RD STREET. (REZ2021-0025)**

---

**LOCATION:** The subject property is located on the corner of North 23<sup>rd</sup> Street and Jonquil Avenue. The tract has a total frontage of 148.09 ft. along North 23<sup>rd</sup> Street Boulevard.

**PROPOSAL:** The applicant is requesting to rezone the property to C-3 (general business) District in order to establish a larger variety of commercial uses.

**ADJACENT ZONING:** The adjacent zoning is R-3A (multifamily residential apartments) District to the east, C-3 (General Business) District to the north and west, and C-1 (office building) District to the south.





LAND USE: The property is currently used as a commercial plaza. It contains a barbershop, a bar & grill, a snack shop, and a hair salon. Surrounding land uses are single-family residences, multifamily residential apartments, Jonquil West Professional Center, Safelite Auto glass, and Spectrum.

COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan designates the future land use for this property as Suburban Commercial, which is comparable to C-1 (office building), C-2 (neighborhood commercial), and C-3L (light commercial) District.

DEVELOPMENT TRENDS: The development trend for the area along North 23<sup>rd</sup> Street is commercial along the north side.

HISTORY: The property was zoned C-1 District during comprehensive zoning in May 1979.

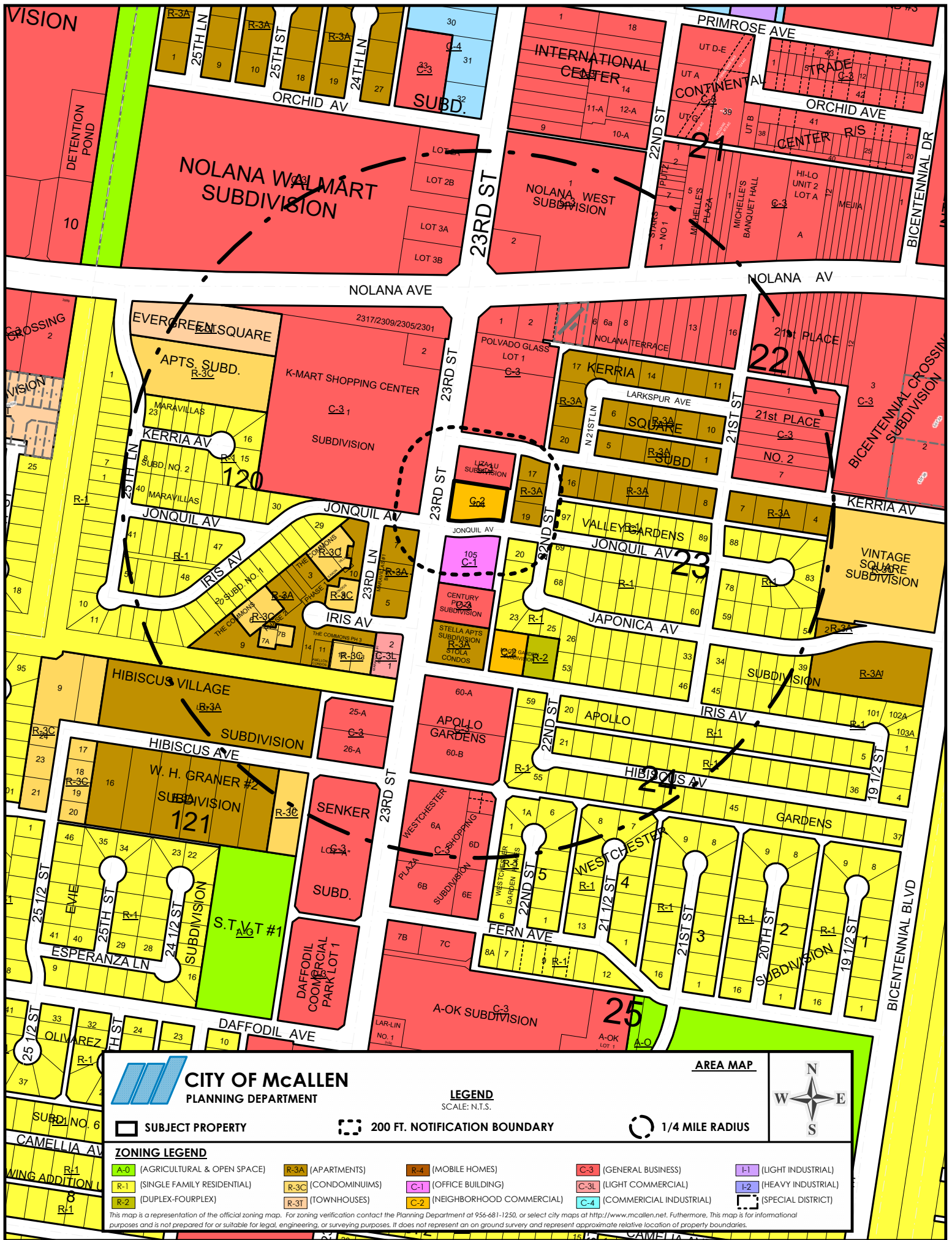
On February 4, 1980, the City Commission approved a rezoning request from C-1 (office building) District to C-2 district for lot 104, 3616 North 23<sup>rd</sup> Street.

ANALYSIS: The requested zoning does not conform to the Suburban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan. The proposed rezoning is consistent with the C-3 (general business) District rezoning trends for this area.

There have been no calls received in opposition to the 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

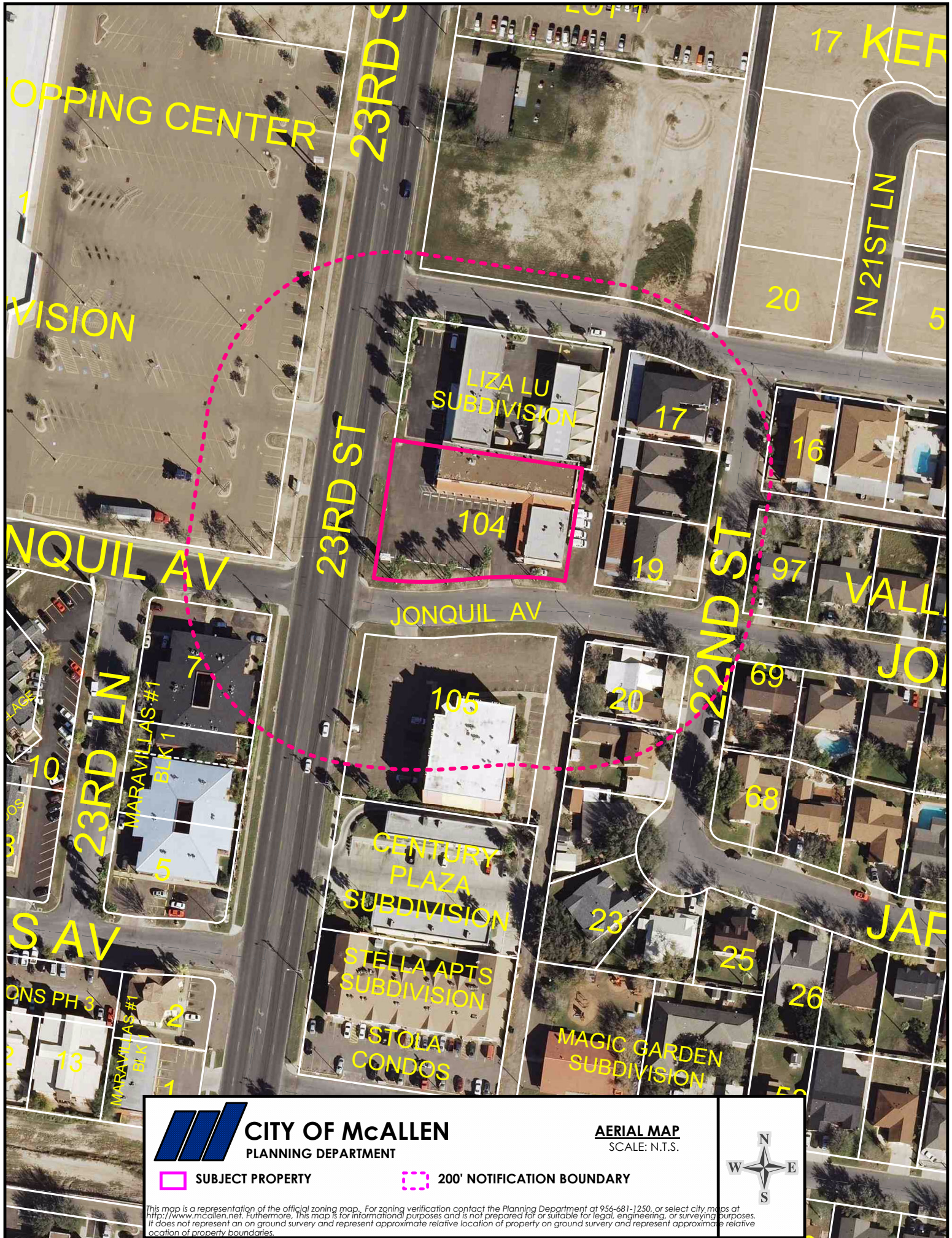


## ZONING LEGEND

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-31 (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-31 (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	S (SPECIAL DISTRICT)

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**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

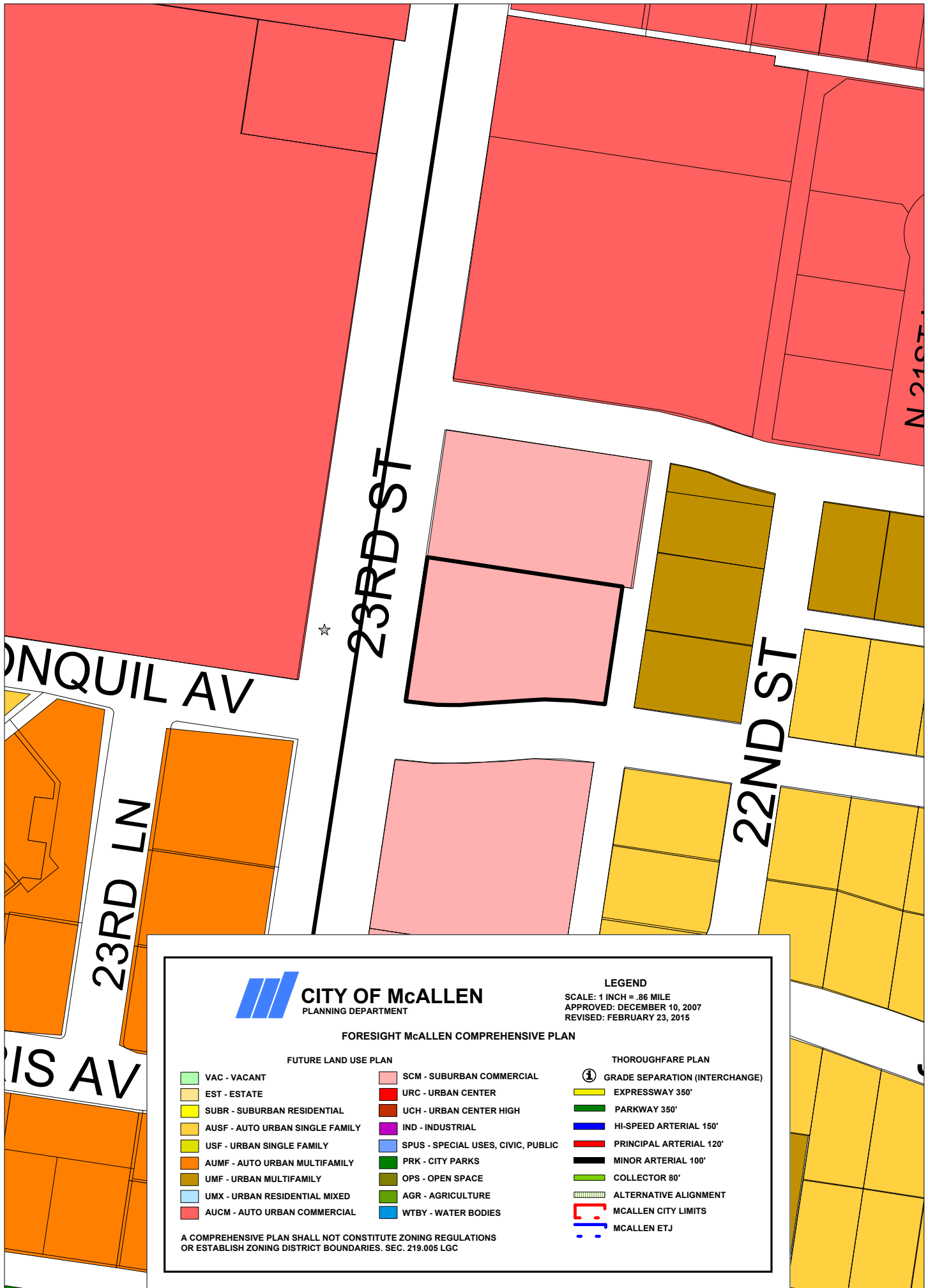
 **SUBJECT PROPERTY**

 **200' NOTIFICATION BOUNDARY**



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**CITY OF McALLEN**  
PLANNING DEPARTMENT

**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

**LEGEND**

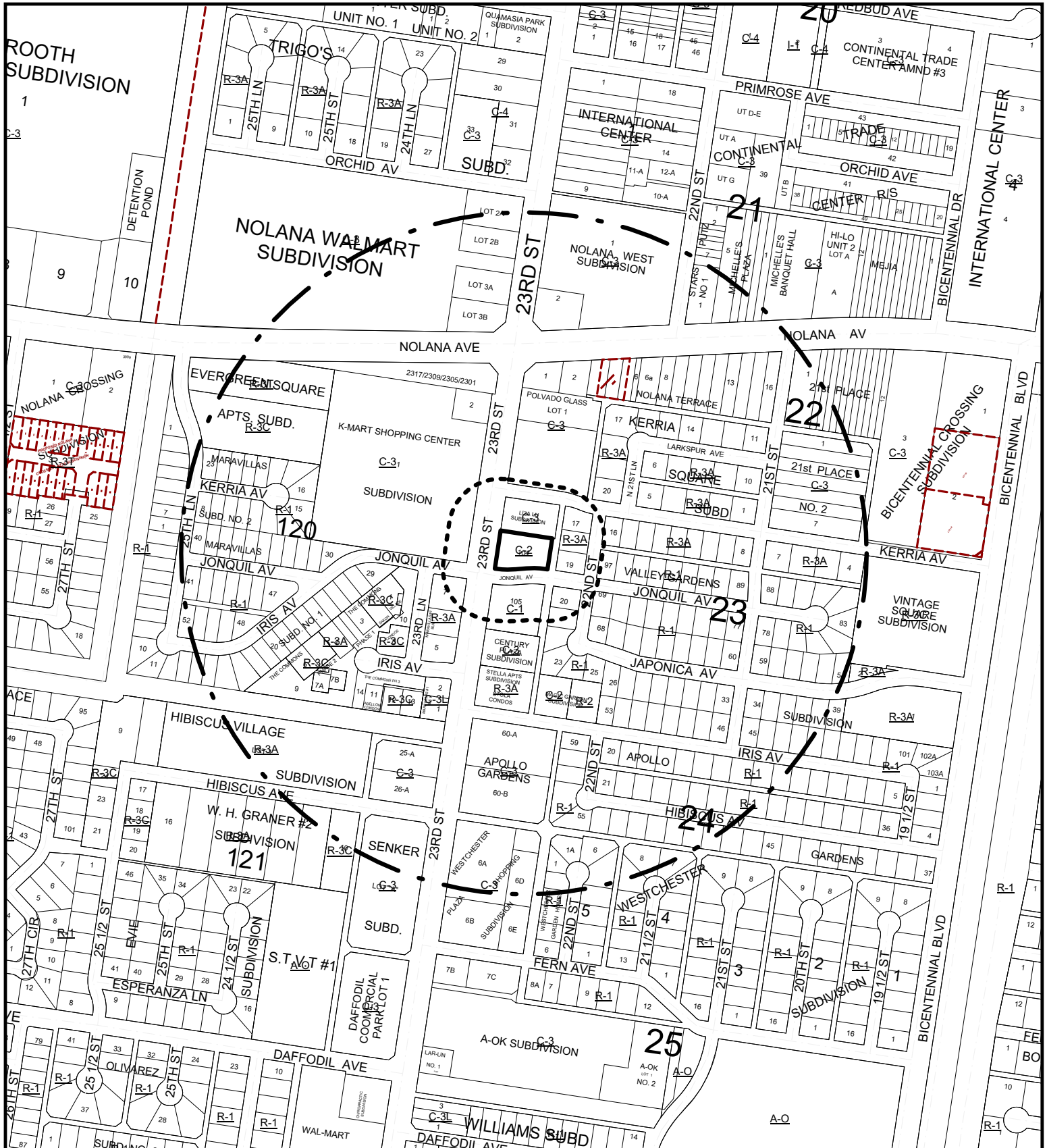
SCALE: 1 INCH = .86 MILE  
APPROVED: DECEMBER 10, 2007  
REVISED: FEBRUARY 23, 2015


**THOROUGHFARE PLAN**

① 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










**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**

 **1/4 MILE RADIUS**

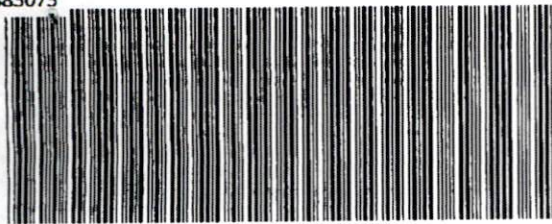
**ZONING LEGEND**

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

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CALVARY SUBDIVISION  
LOT 2





\*VG-120-2018-2883073\*

Hidalgo County  
Arturo Guajardo Jr.  
County Clerk  
Edinburg, Texas 78540

Document No: 2883073

Billable Pages: 2

Recorded On: January 25, 2018 04:33 PM

Number of Pages: 3

\*\*\*\*\*Examined and Charged as Follows\*\*\*\*\*

Total Recording: \$40.00

\*\*\*\*\*THIS PAGE IS PART OF THE DOCUMENT\*\*\*\*\*

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Receipt No: 20180125000317  
Recorded On: January 25, 2018 04:33 PM  
Deputy Clerk: Imelda Leal  
Station: CH-1-CC-K12

**Record and Return To:**

Barrera, Sanchez & Associates P.C.  
10113 N. 10th St. Ste. A  
original return to customer  
McAllen TX 78504



STATE OF TEXAS  
COUNTY OF HIDALGO

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time  
printed hereon, and was duly RECORDED in the Official Records of Hidalgo County, Texas.

Arturo Guajardo Jr.  
County Clerk  
Hidalgo County, Texas



**SPECIAL WARRANTY DEED**

**Date:** January 23, 2018

**Grantor:** Evangelina Garcia

**Grantor's Mailing Address:**

Evangelina Garcia  
9801 N. Taylor Road, Mission, Hidalgo County, Texas 78573

**Grantee:** Northwick Square, LLC, a Texas Limited Liability Company

**Grantee's Mailing Address:**

Northwick Square, LLC  
9801 N Taylor Rd, Mission, Hidalgo County, Texas 78573

**Consideration:**

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

**Property (including any improvements):**

All of NORTHWICK PLAZA, a Condominium Regime established under Condominium Declaration dated April 24, 1985, recorded in Volume 2125, Page 213, Official Records, Hidalgo County, Texas, together with the undivided interest in and to the common elements of said land and premises, said condominium regime being situated on Lot 104, Valley Gardens Subdivision, an addition to the City of McAllen, Hidalgo County, Texas, according to the map or plat thereof recorded in Volume 20, Page 138, Map Records, Hidalgo County, Texas, reference to which is here made for all purposes.

**Reservations from Conveyance:**

None

**Exceptions to Conveyance and Warranty:**

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2017, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property,



together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

When the context requires, singular nouns and pronouns include the plural.

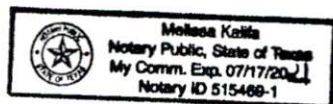
This instrument was prepared based on information furnished by the parties, and no independent title search has been made or requested by any of the parties.

*Evangelina Garcia*  
Evangelina Garcia

STATE OF TEXAS )

COUNTY OF HIDALGO )

This instrument was acknowledged before me on January 25, 2018, by Evangelina Garcia.



*Melissa Kelle*  
Notary Public, State of Texas  
My commission expires: 07-17-21

PREPARED IN THE OFFICE OF:

BARRERA, SANCHEZ & ASSOCIATES, P.C.  
10113 North 10th St., Suite A  
McAllen, Texas 78504  
Tel: (956) 287-7555  
Fax: (956) 287-7711

AFTER RECORDING RETURN TO:

NORTHWICK SQUARE, LLC  
9801 N Taylor Rd  
Mission, Texas 78573



## Planning Department

### Memo

**TO:** Planning and Zoning Commission

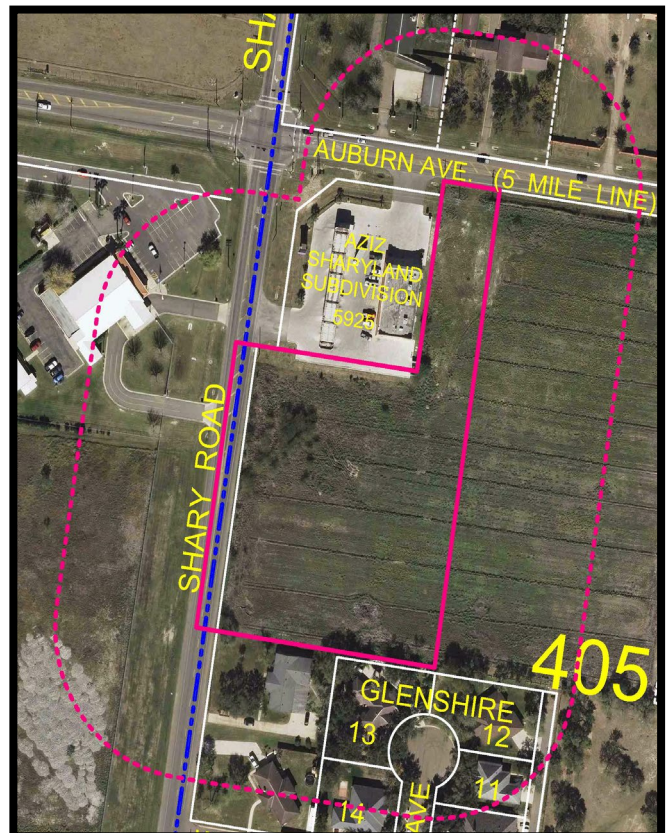
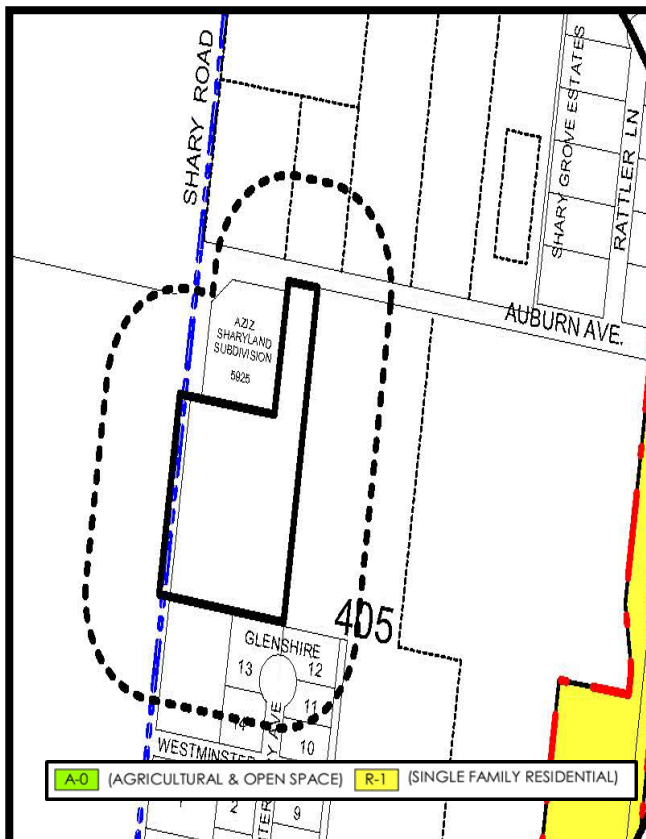
**FROM:** Planning Staff

**DATE:** May 20, 2021

**SUBJECT: INITIAL ZONING TO C-3 (GENERAL BUSINESS) DISTRICT: 3.41 ACRE TRACT OF LAND OUT OF THE WEST 10.0 ACRES OF NORTH 20.0 ACRES OF LOT 405, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 5961 MILE 5 ROAD. (REZ2021-0027)**

**LOCATION:** The property has a double frontage located on the south side of Auburn Avenue and North Shary Road. The tracts frontage consist of 80 ft. on Auburn Avenue and 367.40 ft. on North Shary Road for a lot size of 3.41 acres.

**PROPOSAL:** The tract is currently outside the City limits and is undergoing voluntary annexation. The initial zoning to C-3 (commercial business) District will become effective upon the annexation of the tract into the City.





LAND USE: The property is currently vacant. Surrounding land uses include single-family residences, vacant land, Sharyland Water Corporation, and Stripes.

COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan designates the future land use for this property as Suburban Residential which is comparable to R-1 (single-family residential) District.

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

HISTORY: The tract has been in the City's ETJ (Extra-Territorial Jurisdiction) since September 19, 1977. An annexation and initial zoning requests for the subject property are scheduled to be heard at the City Commission meeting of June 28, 2021.

On August 13, 2018, the City Commission approved a rezoning request for C-3 District along the North Shary Road at Lot 385, John H. Shary Subdivision.

ANALYSIS: The requested zoning does not conform to the Suburban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan. It also does not follow the development trend.

The subject property is on the corner of two principal arterial streets as per Foresight McAllen Thoroughfare Plan. Commercial uses are more suitable in arterial intersections due to high traffic volume and visibility.

There is an existing commercial use on the corner of North Shary Road and Mile 5 Road. The rezoning of the subject property can encourage new development around the area.

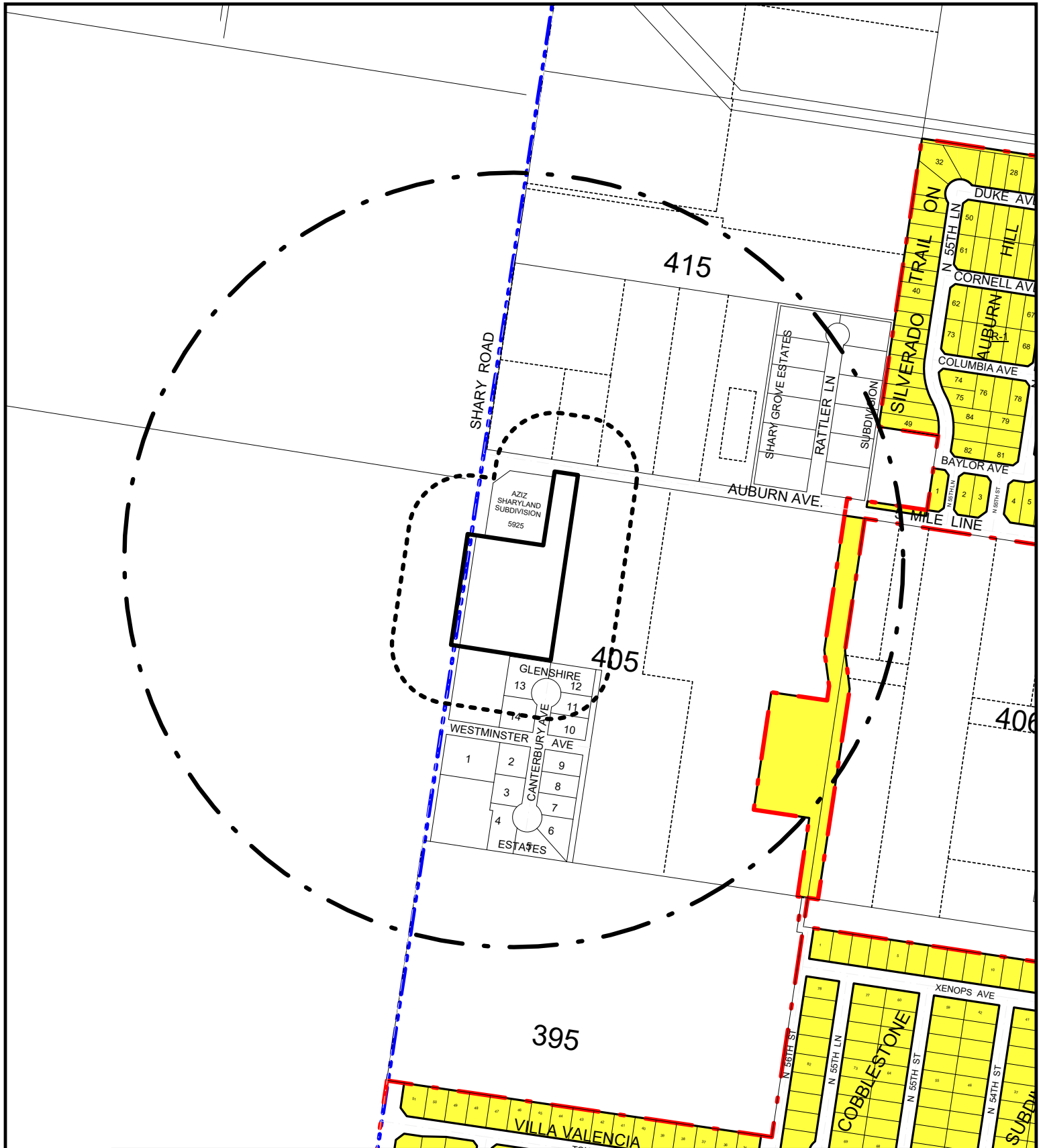
Section 110-49 (a) Vegetation Ordinance requires a masonry screen eight ft. in height where a commercial, industrial, or multifamily use has a side or rear property line in common with a single-family use or zone. Where such use has 200 feet or less in common with any residential use or zone, the buffer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

Staff has not received letters in opposition to the rezoning.

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








**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

**AREA MAP**



**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**

**ZONING LEGEND**

<div style="display: flex; justify-content: space-between;"> <div style="width: 33%;"> <p><b>A-0</b> (AGRICULTURAL &amp; OPEN SPACE)</p> <p><b>R-1</b> (SINGLE FAMILY RESIDENTIAL)</p> <p><b>R-2</b> (DUPLEX-FOURPLEX)</p> </div> <div style="width: 33%;"> <p><b>R-3A</b> (APARTMENTS)</p> <p><b>R-3C</b> (CONDOMINIUMS)</p> <p><b>R-3I</b> (TOWNHOUSES)</p> </div> <div style="width: 33%;"> <p><b>R-4</b> (MOBILE HOMES)</p> <p><b>C-1</b> (OFFICE BUILDING)</p> <p><b>C-2</b> (NEIGHBORHOOD COMMERCIAL)</p> </div> </div>	<div style="display: flex; justify-content: space-between;"> <div style="width: 33%;"> <p><b>C-3</b> (GENERAL BUSINESS)</p> <p><b>C-3L</b> (LIGHT COMMERCIAL)</p> <p><b>C-4</b> (COMMERCIAL INDUSTRIAL)</p> </div> <div style="width: 33%;"> <p><b>I-1</b> (LIGHT INDUSTRIAL)</p> <p><b>I-2</b> (HEAVY INDUSTRIAL)</p> <p><b>(SPECIAL DISTRICT)</b></p> </div> </div>
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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.







SHARY ROAD

AUBURN

WESTMINSTER  
JRY AVE



# CITY OF McALLEN

PLANNING DEPARTMENT

## 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

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

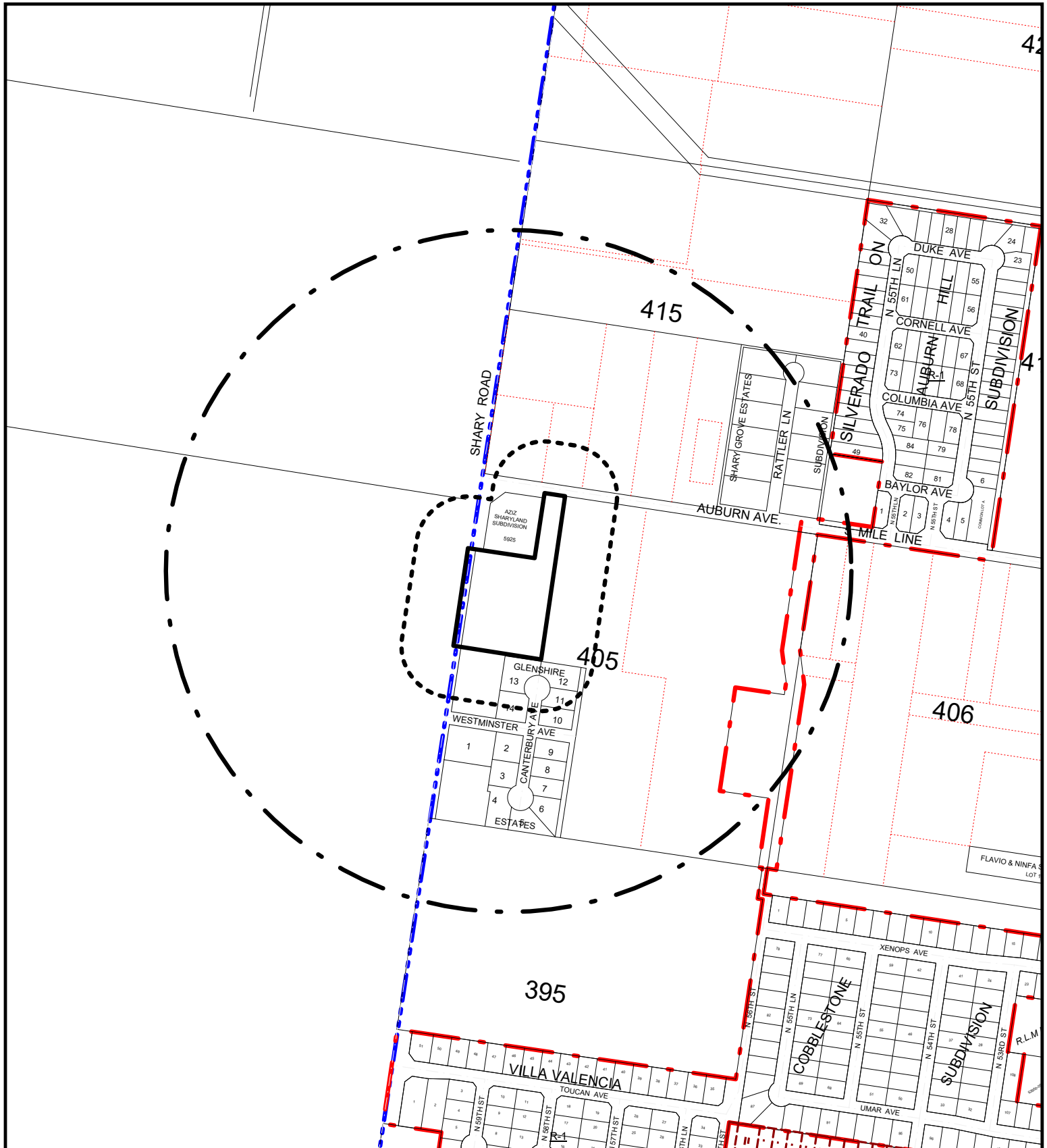
### LEGEND

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

### THOROUGHFARE PLAN

① 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





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**



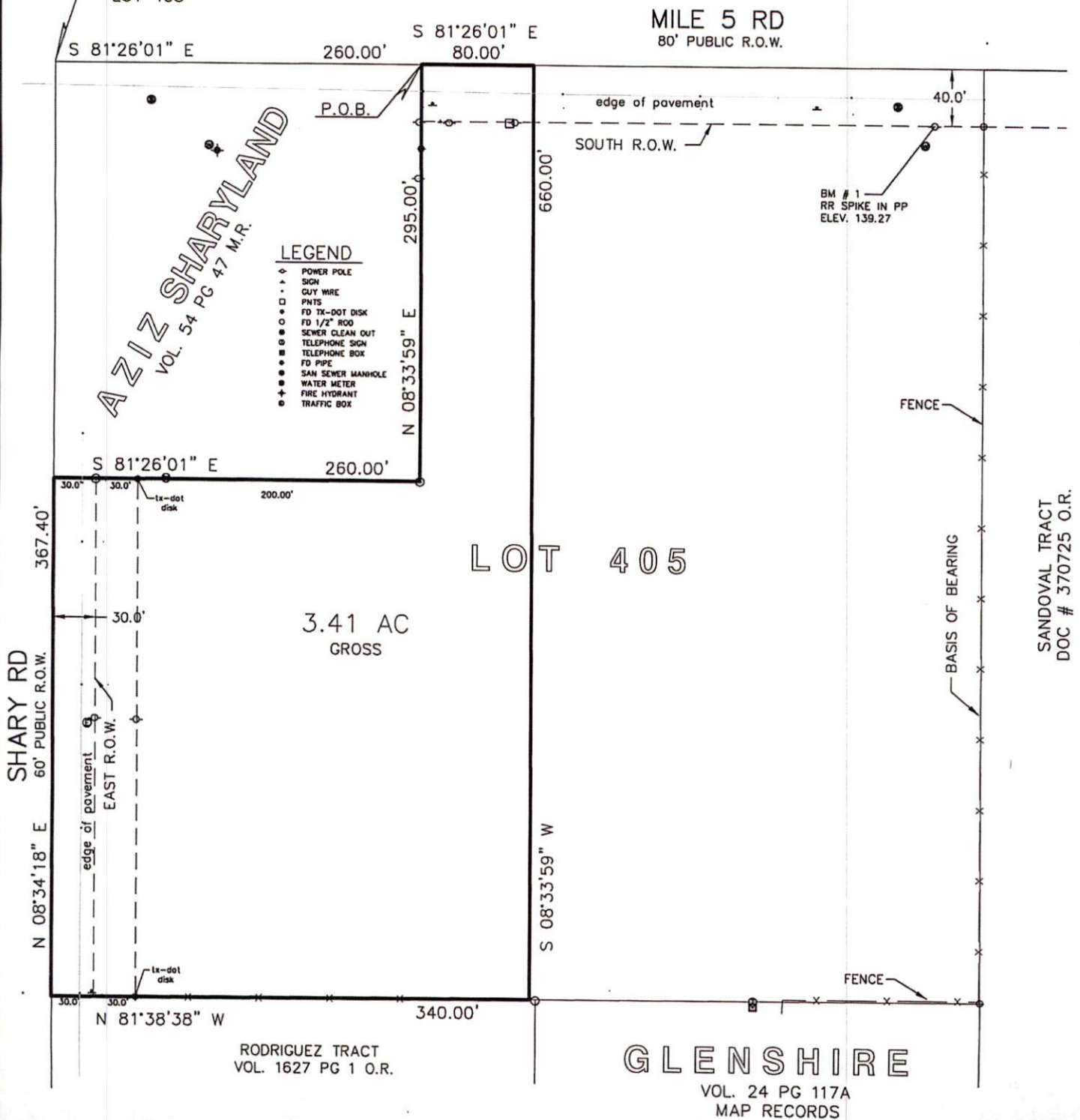
**ZONING LEGEND**

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

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DAVE AND CAROL  
SUBDIVISION





### PLAT SHOWING

A 3.41 ACRE TRACT OF LAND OUT OF THE WEST 10.0 ACRES OF THE NORTH 20.0 ACRES OF LOT 405, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGES 42A, 43 AND 43A, MAP RECORDS, HIDALGO COUNTY, TEXAS, AND ACCORDING TO WARRANTY DEED WITH VENDOR'S LIEN RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 1289411, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS

SURVEYED: 04-22-21

REQUESTED BY: ROW SURVEYING SERVICES

FLOOD ZONE DESIGNATION: ZONE "X"  
COMMUNITY-PANEL NUMBER: 480334 0295 D  
MAP REVISED: 06-06-2000

I, JOSE MARIO GONZALEZ, CERTIFY THAT THE ABOVE PLAT IS AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN AND THAT ALL CORNERS HAVE BEEN LOCATED AS INDICATED.



REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5571

### RIO DELTA SURVEYING

24593 FM 88, MONTE ALTO, TX 78538  
(TEL) 956-380-5154 (FAX) 956-380-5156  
EMAIL: MARIO@RIODELTASURVEYING.COM  
T.B.P.L.S. FIRM # 10013900



JOB NUMBER

RIO 21 115

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recorded in Volume 1, Pages 42A, 43 and 43A, Map Records, Hidalgo County, Texas, said 3.41 acre tract of land being out of the same land described in a Warranty Deed with Vendor's Lien recorded under County Clerk's Document Number 1289411, Official Records, Hidalgo County, Texas, reference to which is here made for all purposes and is also being more particularly described by metes and bounds as follows:

Beginning at a point on the North line of Lot 405 and in the centerline Mile 5 North Road (F.M. 676) for the Northeast corner of Aziz Sharyland Subdivision (Recorded in Volume 51, Page 47, Map Records, Hidalgo County, Texas) for the Northwest corner of this tract, said point bears South 81degrees 18 minutes 50 seconds East, 260.00 feet from the Northwest corner of Lot 405.

Thence; South 81 degrees 26 minutes 01 seconds East, along the North line of Lot 405 and the centerline of Mile 5 North Road (F.M. 676), a distance of 80.00 feet to the Northeast corner of this tract.

Thence, South 08 degrees 33 minutes 59 seconds West, Across said Lot 405, at 40.00 pass the South right of way line of said Mile 5 North Road, at 660.00 feet in all to the e Southeast corner of this tract.

Thence; North 81 degrees 38 minutes 38 seconds West, along the North line of the of the Roberto B. Rodriguez Tract (The West 203.0 feet of the South 134.0 feet of the North 795.5 feet of Lot 405, John H. Shary Subdivision, according to Warranty Deed with Vendor's Lien recorded in Volume 1627, Page 1, Official Records, Hidalgo County, Texas), passing at 310.00 feet the East Right of Way line of Shary Road (F.M. 494), a total distance of 340.00 feet to a point on the West line of Lot 405 and in the centerline of Shary Road (F.M. 494) for the Northwest corner of the Roberto B. Rodriguez Tract and the Southwest corner of this tract.

Thence, North 08 degrees 34 minutes 18 seconds East, along the West Line of Lot 405 and the centerline of Shary Road (F.M. 494), a distance of 367.40 feet (deed 365.0') to a point for the Southwest corner of the Aziz Sharyland Subdivision and an exterior corner of this tract.

Thence, South 81 degrees 26 minutes 01 seconds East, along the South Line of Aziz Sharyland Subdivision passing a 1/2 inch iron rod found at 30.00 feet for the East right of way line of Shary Road (F.M. 494), a total distance of 260.00 feet to a 1/2 inch iron rod found for the Southeast corner of said tract and an interior corner of this tract.

Thence; North 08 degrees 33 minutes 59 seconds East, along the East line of the Aziz Sharyland Subdivision, passing a 1/2 inch iron rod found at 255.00 feet for the South right of way line of Mile 5 North Road (F.M. 676), a total distance of 295.00 feet to the point of beginning and containing 3.41 acres of land more or less.

A plat of even survey date herewith accompanies these metes and bounds description.

*[Handwritten signature]*  
4/29/21





## Planning Department

### Memo

**TO:** Planning and Zoning Commission

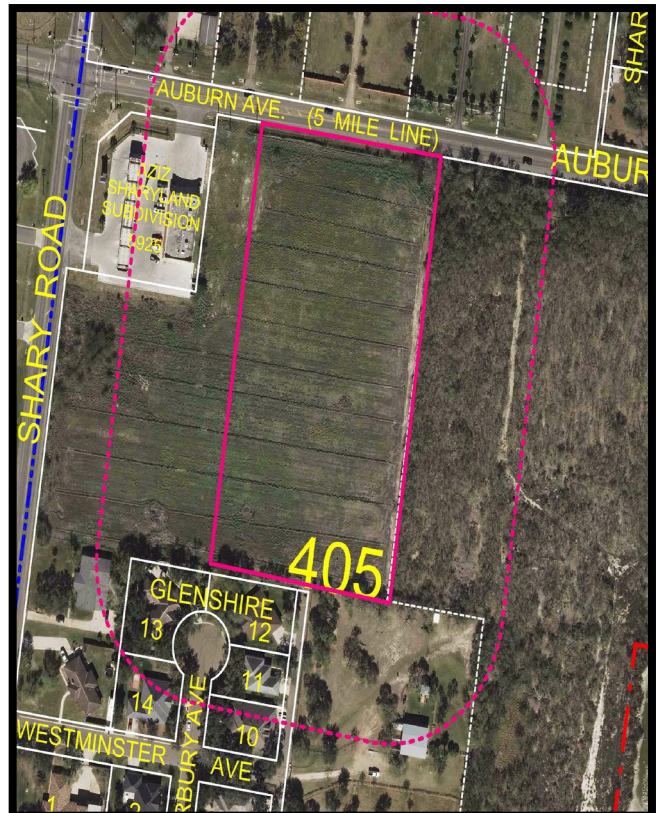
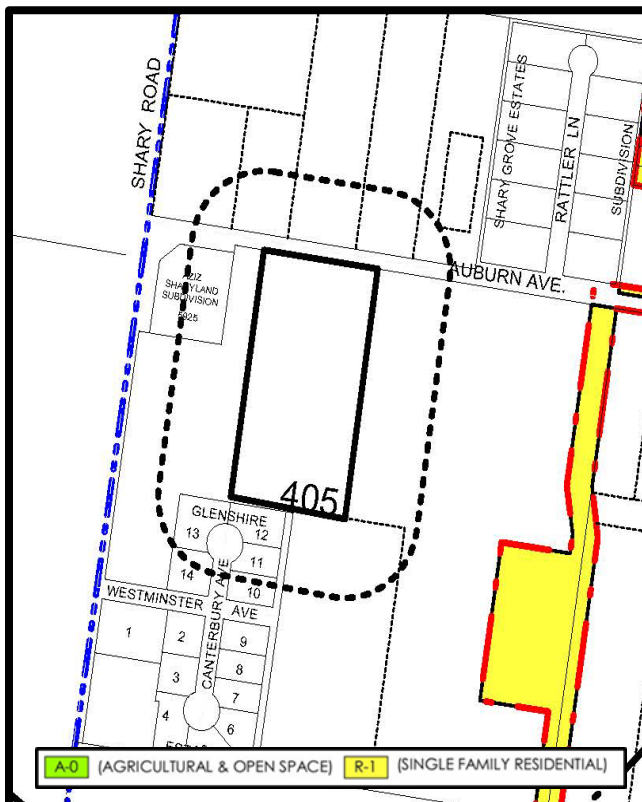
**FROM:** Planning Staff

**DATE:** May 20, 2021

**SUBJECT: INITIAL ZONING TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS)  
DISTRICT: 4.85 ACRE TRACT OF LAND OUT OF THE WEST 10.0 ACRES  
OF THE NORTH 20.0 ACRES OF LOT 405, JOHN H. SHARY SUBDIVISION,  
HIDALGO COUNTY, TEXAS; 5899 MILE 5 ROAD. (REZ2021-0028)**

**LOCATION:** The property is located on Auburn Avenue, approximately 170 ft. east of North Shary Road. The tract has 320 ft. of frontage along Mile 5 Road with a depth of 660 ft. for a lot size of 4.85 acres.

**PROPOSAL:** The tract is currently outside the City limits and is undergoing voluntary annexation. The initial zoning to R-3A (multifamily residential apartments) District will become effective upon the annexation of the tract into the City.





LAND USE: The property is currently vacant. Surrounding land uses include single-family residences, vacant land, Sharyland Water Corporation, and Stripes.

COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan designates the future land use for this property as Suburban Residential which is comparable to R-1 (single-family residential) District.

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

HISTORY: The tract has been in the City's ETJ (Extra-Territorial Jurisdiction) since September 19, 1977. An annexation and initial zoning requests for the subject property are scheduled to be heard at the City Commission meeting of June 28, 2021.

On June 22, 2020, the City Commission approved a rezoning request to R-3A District along the North Shary Road at Lot 385, John H. Shary Subdivision.

ANALYSIS: The requested zoning does not conform to the Suburban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan. The proposed zoning is consistent with the rezoning trends to the area to the south.

The subject property is off a principal arterial street as per Foresight Thoroughfare Plan. Multifamily residential apartment uses are more suitable in arterial intersections due to high traffic volume and visibility.

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 116 three-bedroom units to 172 one-bedroom units.

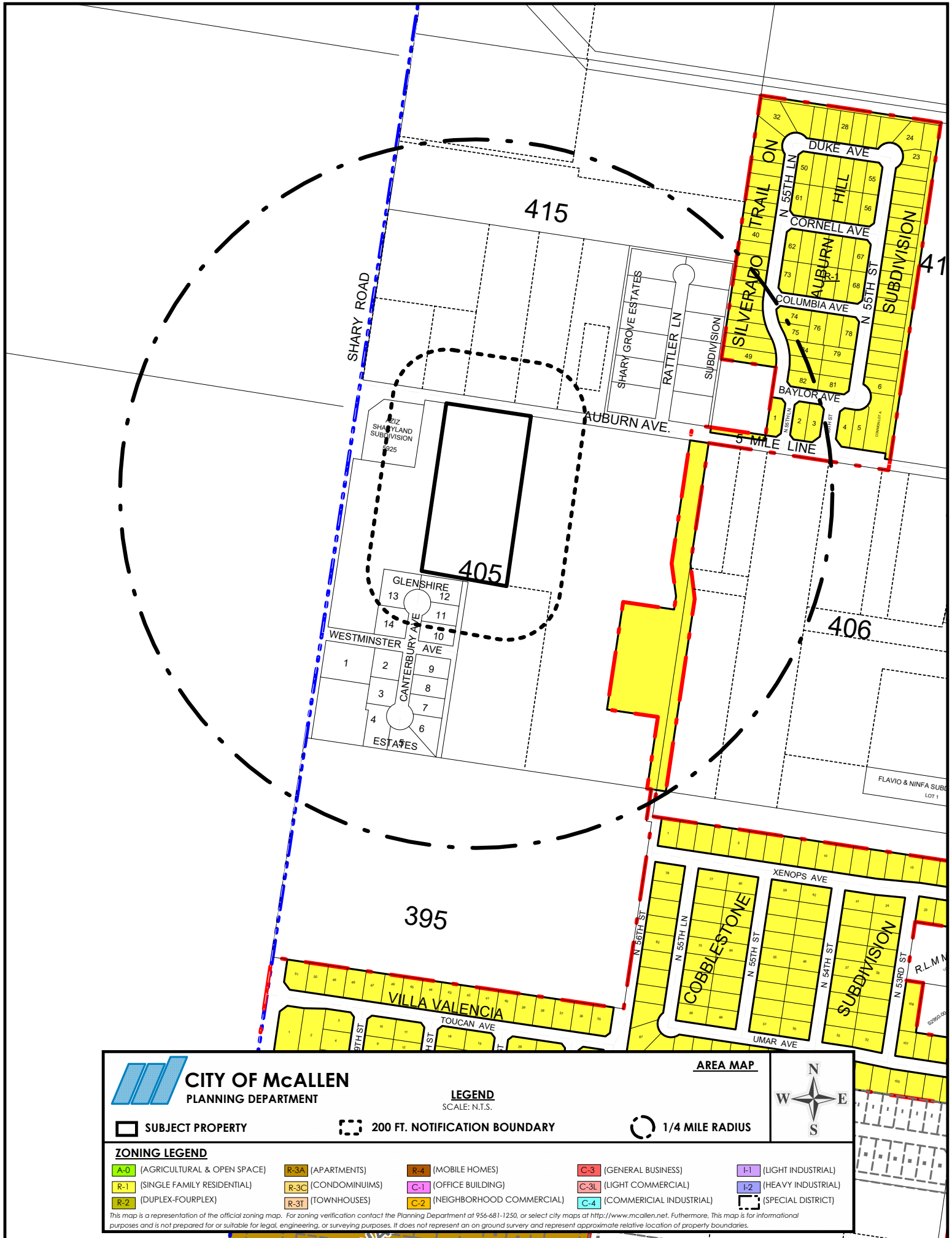
Section 110-49 (a) Vegetation Ordinance requires a masonry screen eight ft. in height where a commercial, industrial, or multifamily use has a side or rear property line in common with a single-family use or zone. Where such use has 200 feet or less in common with any residential use or zone, the buffer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

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

Staff has not received letters in opposition to the rezoning.

RECOMMENDATION: Staff recommends approval of the rezoning request to R-3A (multifamily residential apartment) 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-3I** (TOWNHOUSES)

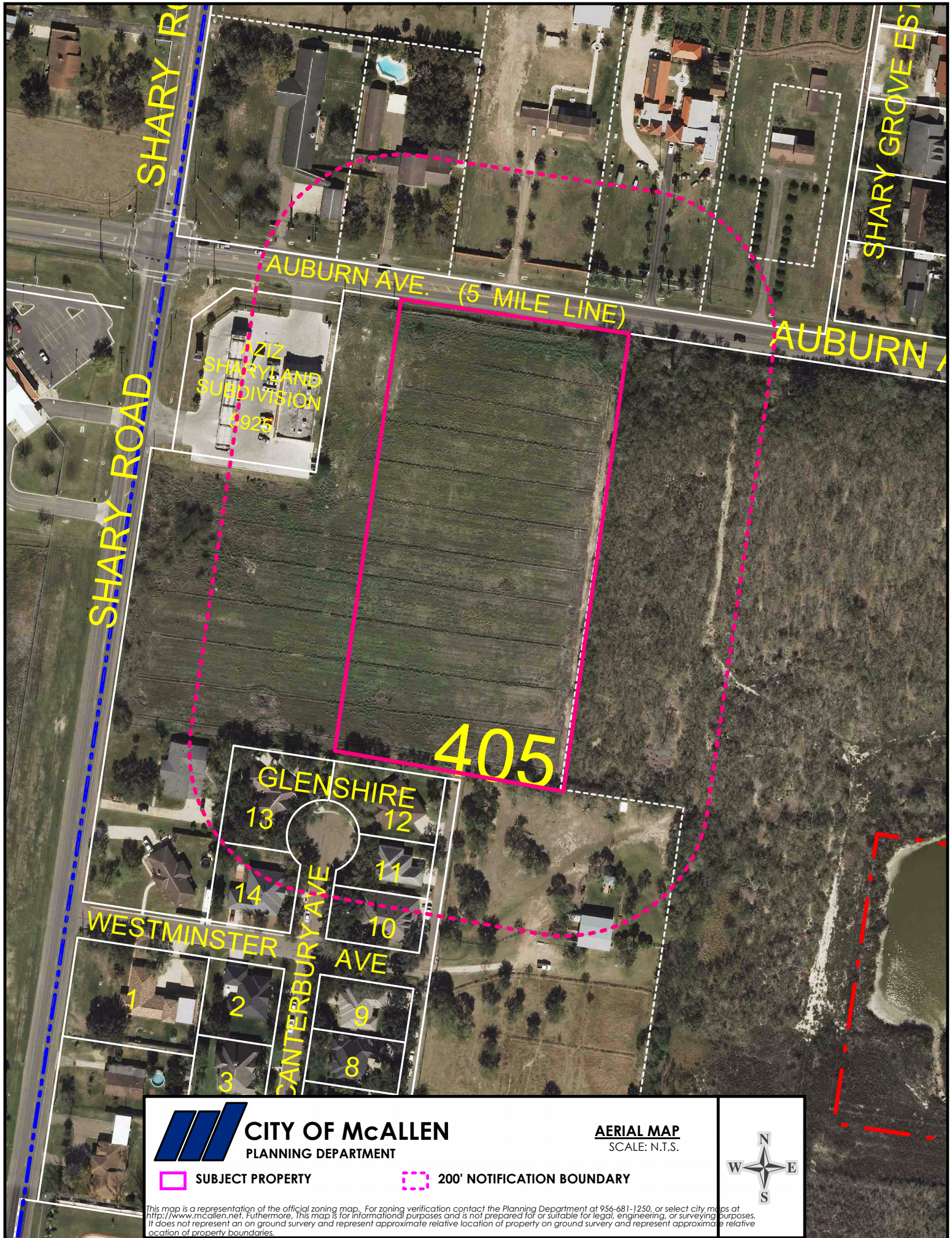
**C-2** (NEIGHBORHOOD COMMERCIAL)

**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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SHARY ROAD

AUBURN

WESTMINSTER  
JRY AVE



# CITY OF McALLEN

PLANNING DEPARTMENT

## 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
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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

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OR ESTABLISH ZONING DISTRICT BOUNDARIES. SEC. 219.005 LGC

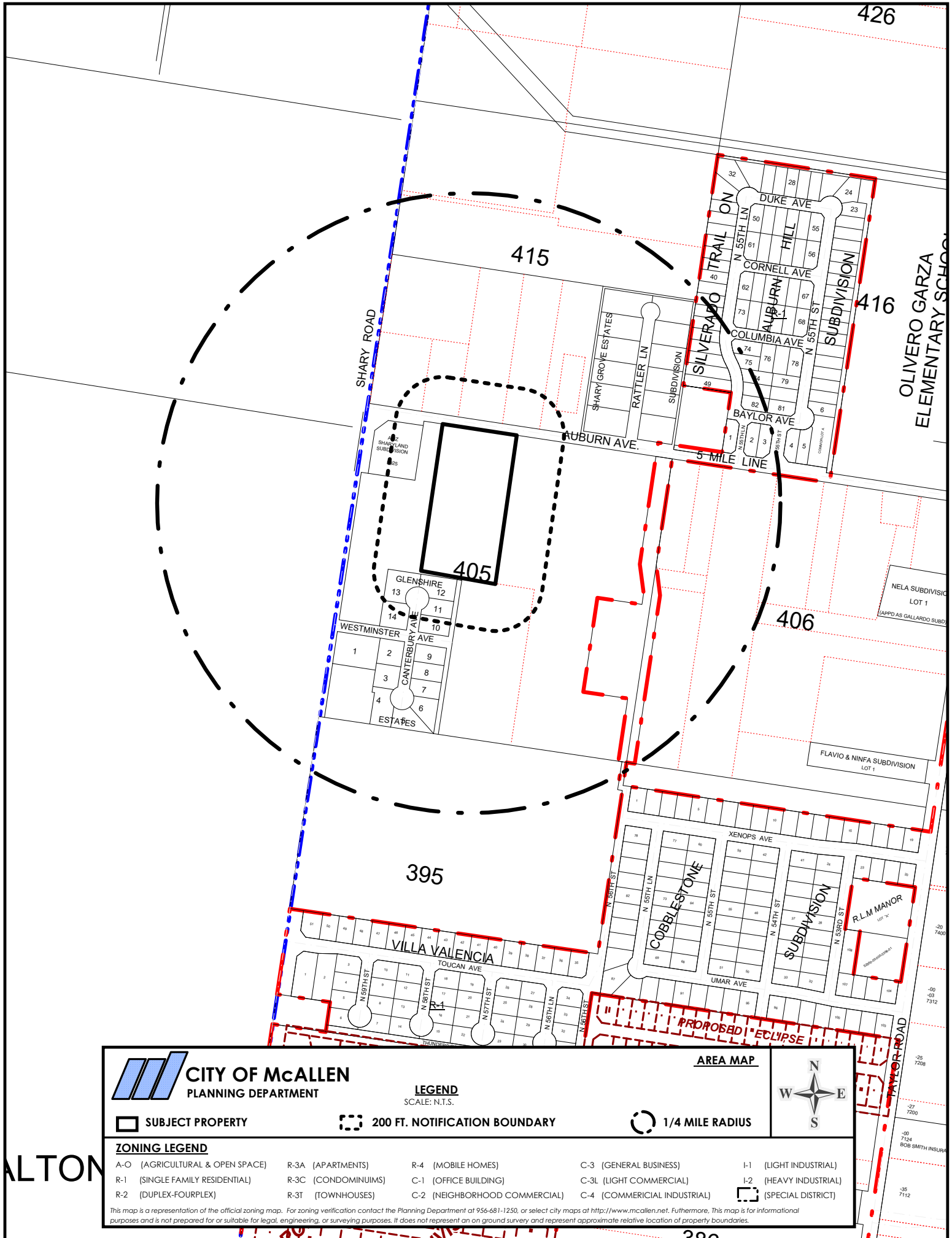
### LEGEND

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

### THOROUGHFARE PLAN

① 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





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



**ZONING LEGEND**

A-O (AGRICULTURAL & OPEN SPACE)  
R-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)

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**RIO-DELTA SURVEYING**  
24593 FM 88  
Monte Alto, Texas 78538  
956-380-5154 956-262-0223 fax  
TBPLS FIRM # 10013900

**Metes and Bounds Description**

A 4.85 acre tract of land out of the West 10.0 Acres of the North 20.0 Acres of Lot 405, John H. Shary Subdivision, Hidalgo County, Texas, according to the map or plat thereof recorded in Volume 1, Pages 42A, 43 and 43A, Map Records, Hidalgo County, Texas, and said 4.85 acre tract of land being out of the same land described in Warranty Deed with Vendor's Lien recorded under County Clerk's Document Number 1289411, Official Records, Hidalgo County, Texas, reference to which is here made for all purposes and is also being more particularly described by metes and bounds as follows:

Beginning at a point on the North line of Lot 405 and in the centerline Mile 5 North Road (F.M. 676) for the Northwest corner of this tract, said point bears South 81degrees 18 minutes 50 seconds East, 340.00 feet from the Northwest corner of Lot 405.

Thence; South 81 degrees 26 minutes 01 seconds East, along the North line of Lot 405 and the centerline of Mile 5 North Road (F.M. 676), a distance of 320.00 feet to a point for the Northwest corner of the Sabas Sandoval, Jr. Tract. (The East 10.0 acres of the North 20.0 acres of Lot 405, John H. Shary Subdivision, according to Gift Warranty Deed recorded under County Clerk's Document Number 370725, Official Records, Hidalgo County, Texas) and the Northeast corner of this tract.

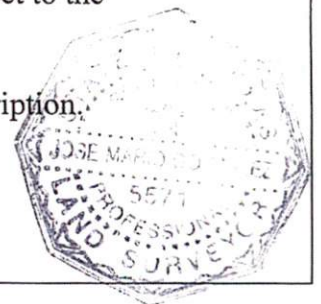
Thence, South 08 degrees 33 minutes 59 seconds West, along the West line of the Sabas Sandoval, Jr. Tract, passing a 1/2 inch iron pipe found at 40.00 feet for the South right of way line of Mile 5 North Road (F.M 676) a total distance of 660.00 feet to a 3/4 inch iron pipe found on the North line of the Bobby R. Glenn tract (The West 12.62 acres of the South half of Lot 405, John H. Shary Subdivision, according to Warranty Deed recorded in Volume 1009, Page 214, Official Records, Hidalgo County, Texas) for the Southwest corner of said tract and the Southeast corner of this tract.

Thence; North 81 degrees 38 minutes 38 seconds West, along the North line of the Bobby R. Glenn Tract, the North line of the Glenshire Estates (recorded in Volume 24, page 117-A, Map Records, Hidalgo County, Texas), and the North line of the Roberto B. Rodriguez Tract (The West 203.0 feet of the South 134.0 feet of the North 795.5 feet of Lot 405, John H. Shary Subdivision, according to Warranty Deed with Vendor's Lien recorded in Volume 1627, Page 1, Official Records, Hidalgo County, Texas), a distance of 320.00' to the Southwest corner of this tract.

Thence; North 08 degrees 33 minutes 59 seconds East, passing at 620.00 feet the South right of way line of Mile 5 North Road (F.M. 676), a total distance of 660.00 feet to the point of beginning and containing 4.85 acres of land more or less.

A plat of even survey date herewith accompanies these metes and bounds description.

*4/29/21*





## Planning Department

### Memo

**TO:** Planning and Zoning Commission

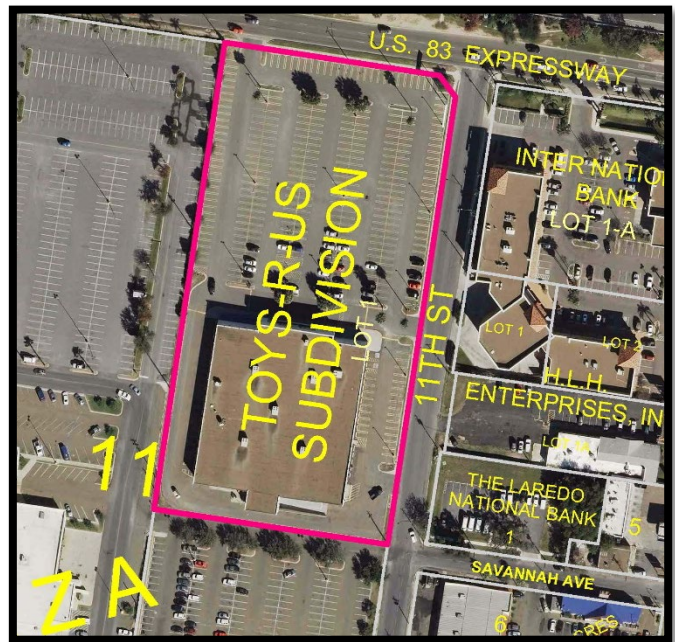
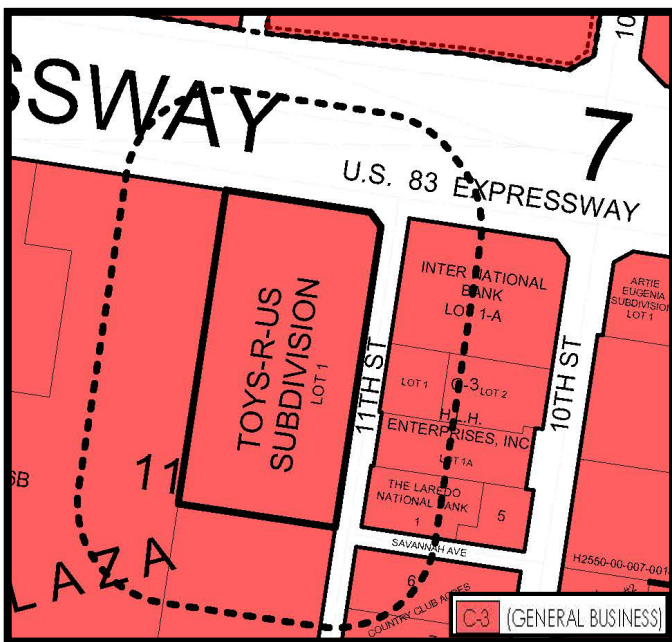
**FROM:** Planning Staff

**DATE:** May 21, 2021

**SUBJECT:** REVISED SITE PLAN APPROVAL FOR LOT 1, TOYS-R-US SUBDIVISION, HIDALGO COUNTY, TEXAS; 1101 EXPRESSWAY 83. (SPR2021-0013)

**LOCATION:** The subject property is located on the southwest corner of Expressway 83 and 11th Street. The property has 315.70 ft. of frontage along Expressway 83 and a depth of 630 ft. with a lot size of 198,891 square feet. The property and adjacent zoning is C-3 (general business) District in all directions. Surrounding land uses include commercial retail, restaurants, and offices. Toys-R-Us Subdivision was recorded on May 28, 1991 and has a note indicating a Site plan approval by the Planning and Zoning Commission is required prior to issuance.

**PROPOSAL:** The applicant is proposing to demolish the vacant building that was previously occupied by Toys R Us and is proposing to construct a 65,000 sq. ft. building and associated parking areas for their retail use.



**ANALYSIS:** The applicant is proposing to demolish the vacant building that was previously occupied by Toys R Us and is proposing to construct a 65,000 sq. ft. building. The building will consist of 22,482.22 sq. ft. of merchandise storage area and 42,517.78 sq. ft. of retail area. Based



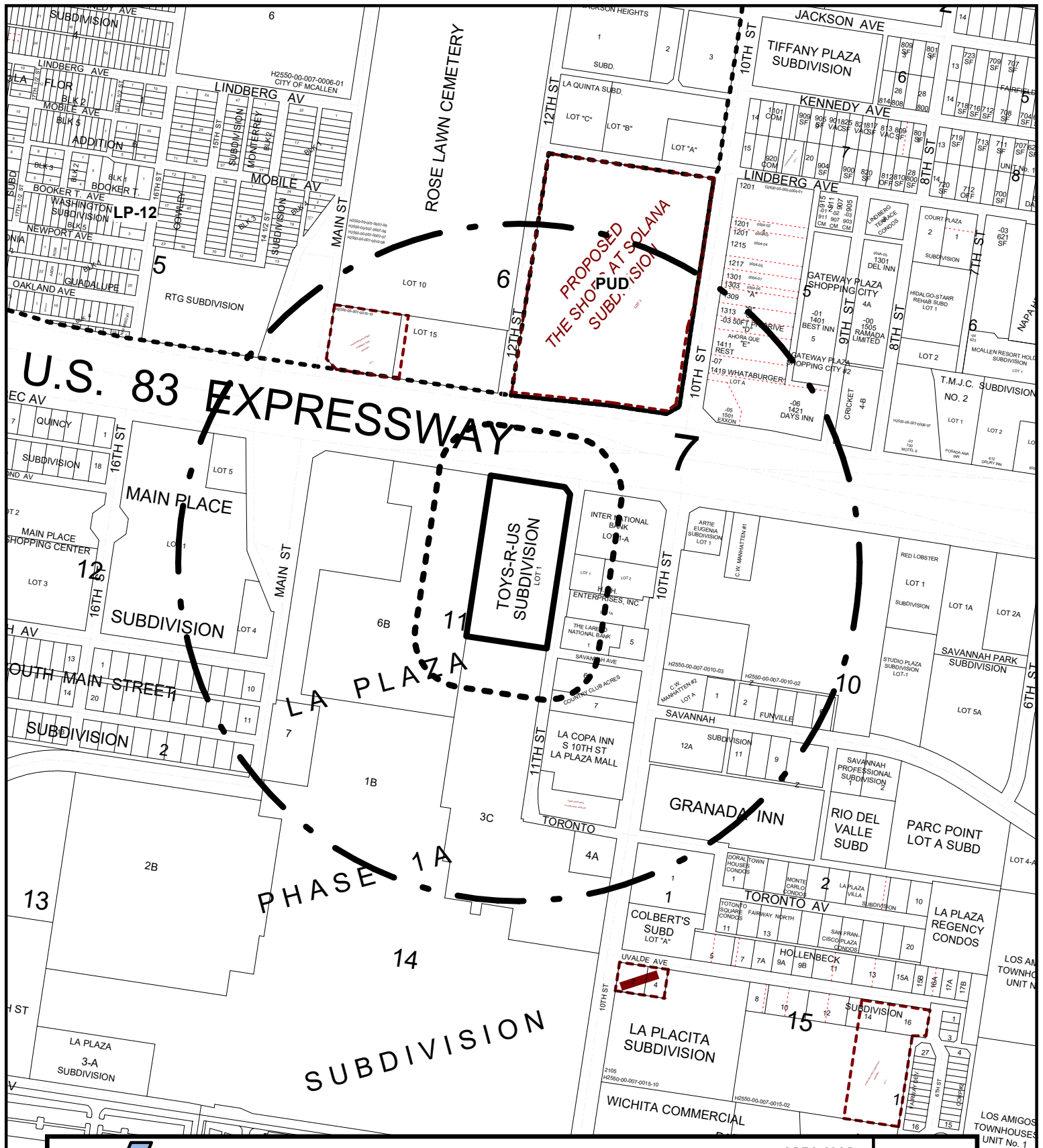
on 42,517.78 sq. ft. of retail use, 110 parking spaces are required and 111 parking spaces are provided on site. Five of the provided parking spaces must be accessible, one which must be van accessible with an 8 ft. wide aisle. Access proposed from existing curb cut along Expressway 83 and two curb cuts along S. 11th Street. Required landscaping is 19,782 sq. ft. with trees required as follows: 39 -2 ½" caliper trees, or 20 -4" caliper trees, or 10 -6" caliper trees, or 15 palm trees. A minimum 10 ft. wide landscape strip is required inside the property line along Expressway 83. A variance request to not provide the 10 ft. wide landscaping strip along 11th Street was approved by the Zoning Board of Adjustment & Appeal Board on May 5, 2021. Fifty percent of the landscaping must be visible in front areas, and each parking space must be within 100 ft. of a landscaped area with a tree, as required by ordinance. Existing sidewalk along Expressway 83 and S. 11th Street. No structures are permitted over easements. All setbacks will comply with the plat note requirements and the zoning ordinance.

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

**RECOMMENDATION:**

Staff recommends approval of the site plan subject to the conditions noted, 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**

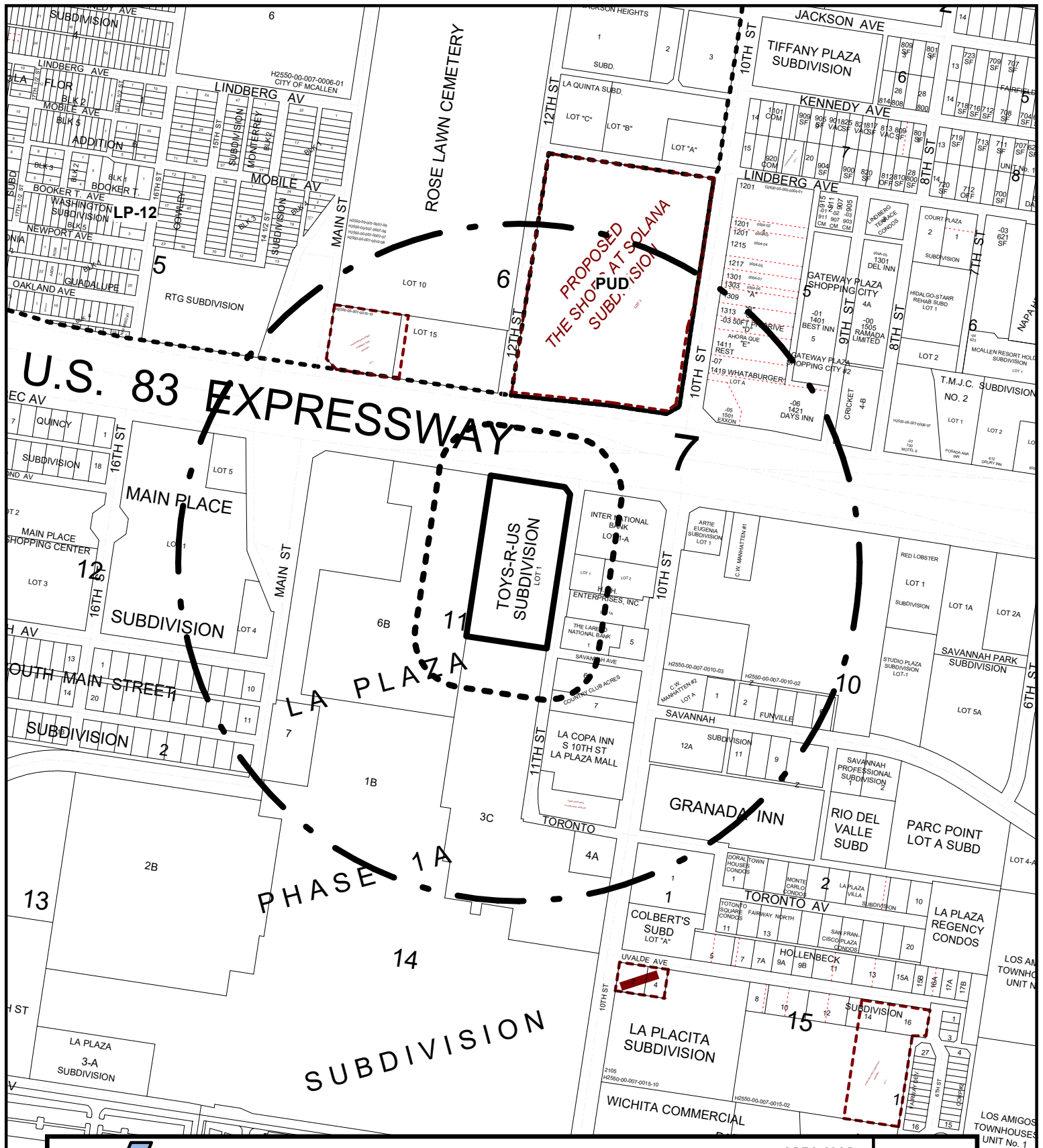
**1/4 MILE RADIUS**

**ZONING LEGEND**

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

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

**LEGEND**  
SCALE: N.T.S.

**AREA MAP**



**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

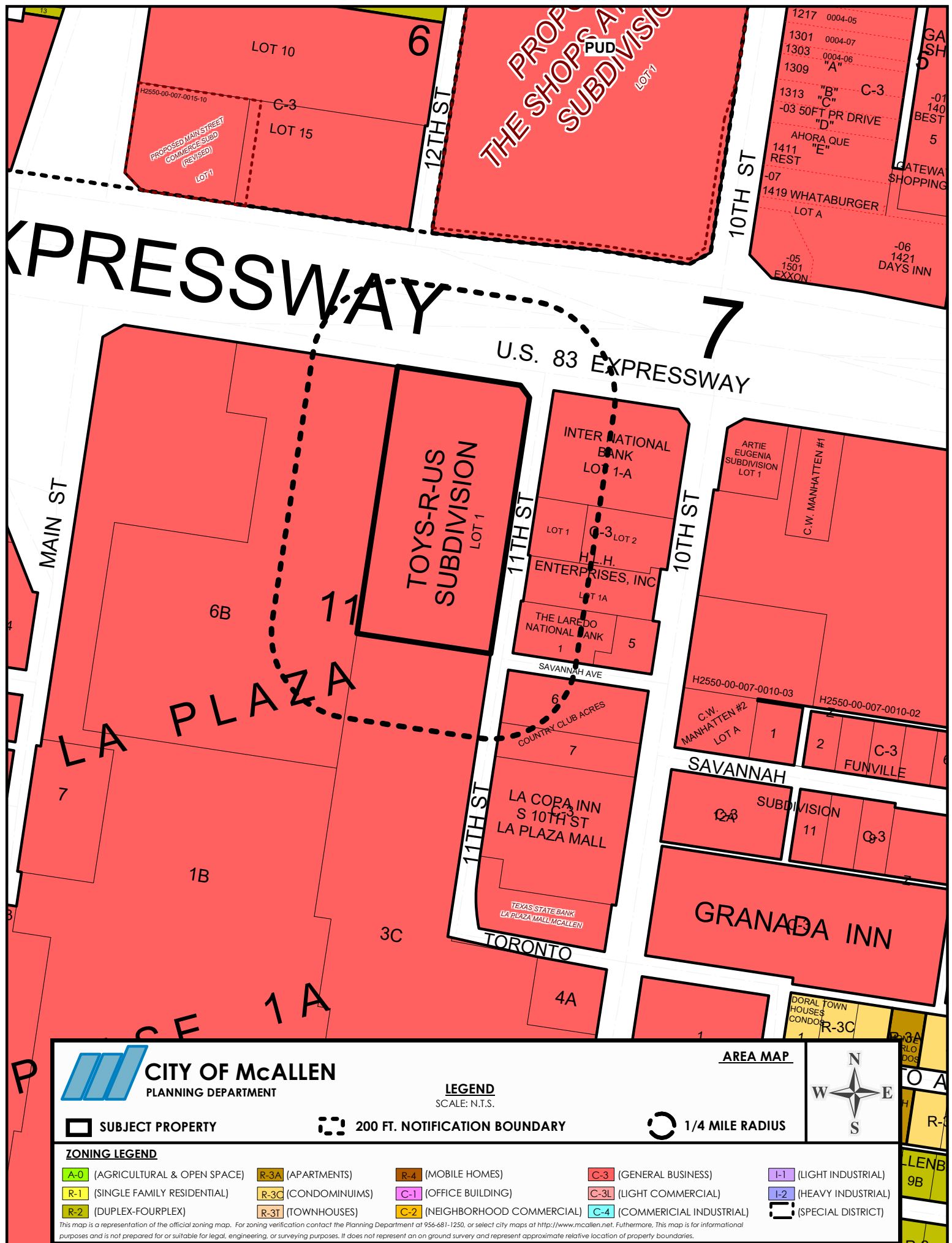
**1/4 MILE RADIUS**

**ZONING LEGEND**

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

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SSWAY

U.S. 83 EXPRESSWAY

TOYS-R-US  
SUBDIVISION

INTER NATIONAL  
BANK  
LOT 1-A

LOT 1  
LOT 2  
H.L.H.  
ENTERPRISES, INC

LOT 1A  
THE LAREDO  
NATIONAL BANK  
1

SAVANNAH AVE

6  
COUNTRY CLUB ACRES

10TH ST



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.



**SUBJECT PROPERTY**

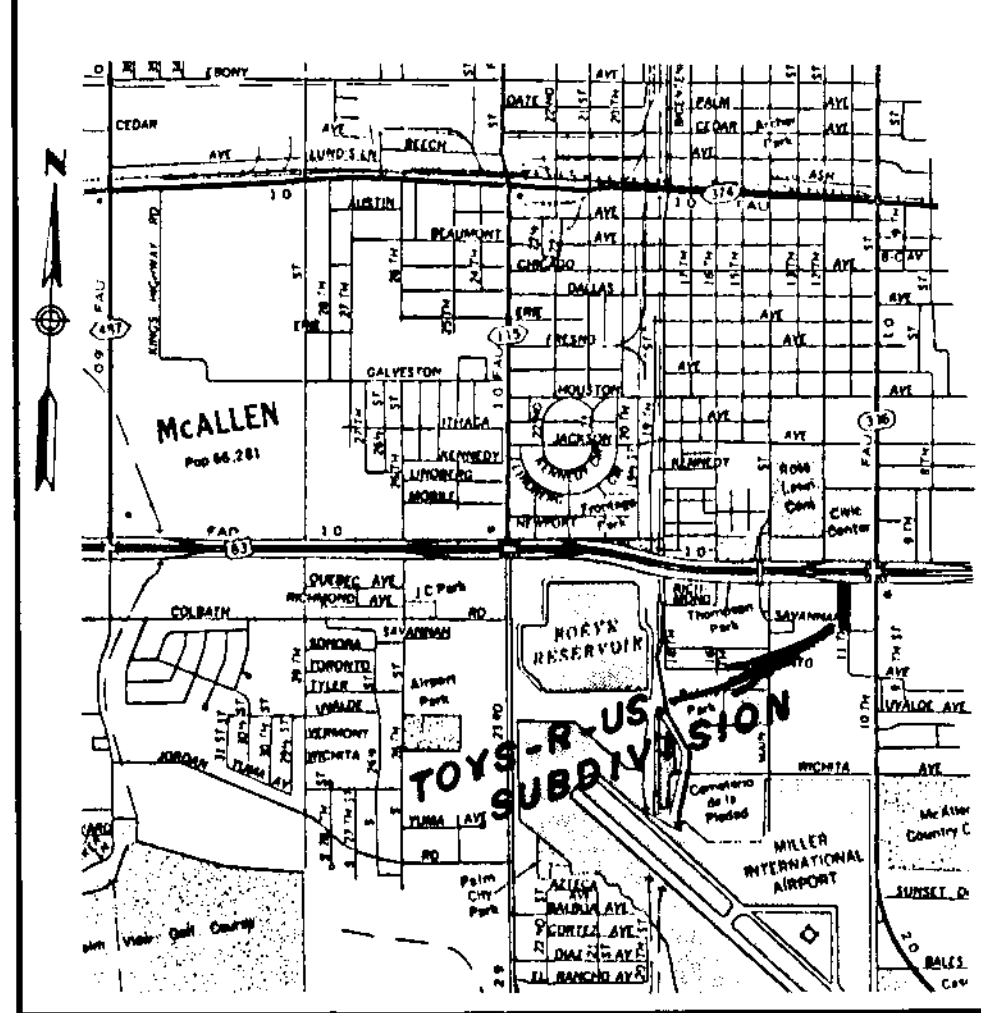
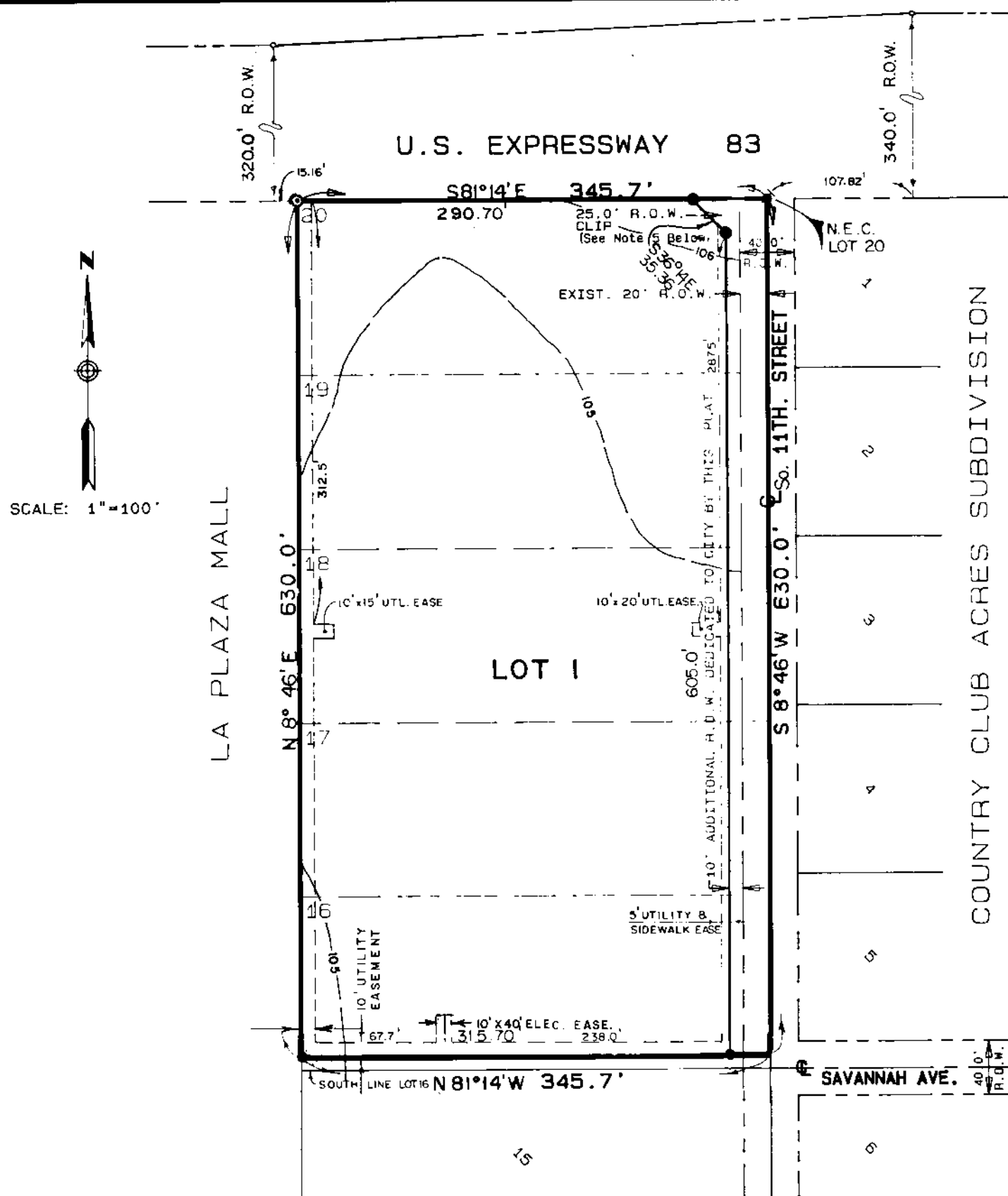


**200' NOTIFICATION BOUNDARY**



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## LOCATION MAP

MAY 28 1991

# MAP OF TOYS-R-US SUBDIVISION

BEING A RESUBDIVISION OF 5.000 ACRES  
BEING ALL OF LOTS 17 THRU 20, AND THE  
NORTH 118.00 FEET OF LOT 16,  
COUNTRY CLUB ACRES SUBDIVISION  
(as recorded in Volume 4, Page 2, H.C.M.R.)  
CITY OF MCALLEN, HIDALGO COUNTY, TEXAS

STATE OF NEW JERSEY  
COUNTY OF BERGEN

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS TOYS-R-US SUBDIVISION TO THE CITY OF MCALLEN, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWER, FIRE HYDRANTS, AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH MAY BE INSTALLED ON THE LANDS SHOWN AND REQUIRED HEREIN 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 HEREON OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF MCALLEN.

MICHAEL PAUL MILLER      OWNER  
TOYS-R-US --  
NYTEX INC.

STATE OF NEW JERSEY  
COUNTY OF BERGEN

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED  
MICHAEL PAUL MILLER KNOWN TO ME TO BE THE PERSON WHOSE NAME IS  
SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT  
HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.  
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_,  
19 \_\_\_\_.

NOTARY PUBLIC COUNTY OF

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.

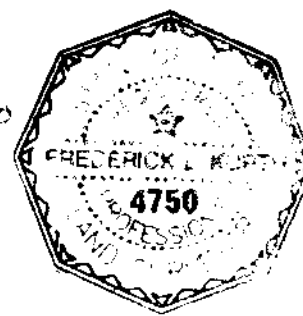
CHAIRMAN, PLANNING COMMISSION

STATE OF TEXAS:  
COUNTY OF HIDALGO:

I, THE UNDERSIGNED, FRED L. KURTH, A REGISTERED PROFESSIONAL ENGINEER AND A REGISTERED PUBLIC SURVEYOR, IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT AND IS A TRUE AND ACCURATE REPRESENTATION OF THE SUBDIVISION OF THE LAND HEREIN DESCRIBED.



FRED L. KURTH 12  
RPE NO. 54151  
RPS NO. 4750  
DATE OF PREPARATION: 9/10/90  
E90114  
SURVEYED DATE 8/31/90  
T. 296, P. 64-70, 75-77



I, THE UNDERSIGNED, MAYOR 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.

ATTEST:

SECRETARY

1479 THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 3 ON THIS  
DAY OF November A.D.. 1992.

ATTEST:

SECRETARY

Being 5.000 acres of land situated in the City of McAllen, Hidalgo County, Texas and also being all of Lots 17 through 20, and the North 118.0 feet out of Lot 16, COUNTRY CLUB ACRES SUBDIVISION (Deed Ref. Vol. 4, Pg. 2, H.C.M.R.) and said 5.000 acres also being more particularly described as follows:

Beginning at nail set on the northeast corner of said Lot 20, the centerline of 11th Street and the south right-of-way line of U. S. Expressway 83, for the northeast corner of this tract;

Thence S 8° 46' W along the center line of said 11th Street and the east line of Lots 20, 19, 18, 17 & 16 a distance of 630.00 feet to a nail set for the southeast corner of this tract;

Thence N 81° 14' W and parallel to the south line of said Lot 16 at a distance of 20.00 feet pass the existing west right-of-way line of said 11th Street at 30.00 feet pass a #4 rebar set for proposed west right-of-way line of 11th Street and continuing a total distance of 345.70 feet to a #4 rebar set for the southwest corner of this tract;

Thence N 8° 46' E along the west line of Lots 16, 17, 18, 19 & 20 a distance of 630.00 feet to an iron pipe found on the northwest corner of said Lot 20 and the south right-of-way line of said U. S. Expressway 83, for the northwest corner of this tract:

Thence S 81o 14' E along the north line of said Lot 20 and the south-right-of-way line of said U.S. Expressway 83 at a distance of 290.70 feet pass the proposed west right-of-way line (a 25.0 foot clip) of said 11th Street, at 325.70 feet pass an iron pipe found on the existing west right-of-way of said 11th Street, and continuing a total distance of 345.70 feet to the POINT OF BEGINNING and containing 5.000 acres of land of which 0.289 of the same acreage lies in the existing right-of-way of said 11th Street, and 0.152 of one acre lies in the proposed right-of-way of said 11th Street, leaving a net of 4.560 acres of land, more or less.

- NOTES :

1. PROPOSED SETBACKS
- FRONT - 75 FEET - U.S. EXPRESSWAY 83  
REAR - 30 FEET - SOUTH 11th STREET  
23 FEET - SOUTH PROPERTY LINE
- OTHER SETBACKS TO ZONING ORDINANCE AT TIME OF  
SIZE PLAN APPROVAL.
2. MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATIONS  
FOR ALL BUILDING IMPROVEMENTS 18" 18" ABOVE  
TOP OF CURB MEASURED AT FRONT CENTER OF LOT OR  
ELEVATION 106.5, WHICHEVER IS HIGHER.
3. ANTICIPATED HIGH WATER CREATED BY A 100-YEAR  
STORM IS ELEVATION 105.0 AND THE SUBDIVISION  
IS IN ZONE B ON FEMA'S FLOOD INSURANCE RATE  
MAP COMMUNITY PANEL NO. 480343 0010B  
JUNE 15, 1981.
4. BENCH MARK: SQUARE CUT ON TOP OF STORM SEWER  
INLET AT SOUTH CURB OF U.S. EXPRESSWAY 83,  
DIRECTLY NORTH OF NORTHWEST CORNER OF PROPERTY.  
ELEV. = 105.84
5. 25'x 25' CORNER CLIP AT THE INTERSECTION OF  
U.S. EXPRESSWAY 83 AND SOUTH 11th STREET IS HEREBY  
DEDICATED TO THE CITY OF MCALLEN IN ACCORDANCE  
WITH CITY STANDARDS.
6. SIDEWALKS REQUIRED ALONG S.U.S. EXPRESSWAY 83 &  
SOUTH 11th STREET.
7. 6' BUFFER REQUIRED ALONG SOUTH PROPERTY LINE.
8. SITE PLAN APPROVAL BY THE PLANNING & ZONING  
COMMISSION REQUIRED PRIOR TO ISSUANCE.
9. THE REQUIRED DRAINAGE DETENTION IS 1.15 AC. F
10. DEVELOPER IS REQUIRED TO SUBMIT AN ENGINEERED  
DETENTION PLAN APPROVED BY THE ENGINEERING DE  
PRIOR TO APPLICATION FOR BUILDING PERMIT.
11. 24' FIRE LANE DEDICATED AS PER APPROVED SIT
- CREATED  
Fred L. Keith
- MCALLEN  
CONS

County, Texas  
John and Mary, Inc.  
County Surveyors

**MELDEN & HUNT INC.**  
CONSULTING ENGINEERS  
& SURVEYORS  
EDINBURG, TEXAS  
(512) 381-0981

27 31A



U.S. EXPRESSWAY 83 (I-2 WEST)  
VARIABLE WIDTH ROAD  
MAINTAINED BY THE CITY OF McALLEN

S81°23'00"E 345.70'

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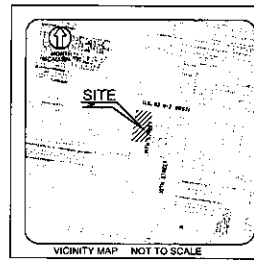
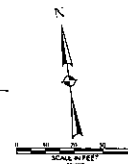
S81°23'00"E 290.70'

S81°23'00"E 290.70'

S81°23'00"E 290.70'

S81°23'00"E 290.70'

MATCHLINE SHEET 2 OF 2



LEGAL DESCRIPTION  
LOT ONE (18) TOYS-R-US SUBDIVISION, City of McAllen, Hidalgo County, Texas, according to the established map or plat thereof recorded in Volume 27, Page 31A, Map Records of Hidalgo County, Texas.

GENERAL NOTES

- The bearings shown herein are referenced to the Texas Coordinate System of 1983, Texas South Zone NAD 83 Grid, U.S. Survey Feet.
- The surveyor has relied on the information for the insurance issued by First American Title Insurance Company (FAT) No. NCS-1002508-CHART, and policy effective date February 28, 2021 and issued March 16, 2021 with respect to the existence of recorded easements, restrictions and/or other matters of record affecting the subject property.
- By platting this plat, the plat described herein has been designated Zone "N" which is defined as "Zone between lines of the 100-year flood and additional lines, 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 where protected by levees from the Texas coast (Atlantic Ocean)", according to the current Federal Emergency Management Agency (FEMA) maps which make up part of the National Flood Insurance Administration Report, Community Profile No. 8601000001 dated February 10, 2018.
- The site is zoned SC (General Commercial, Minimum building setback line, as per the Plat of TOYS-R-US SUBDIVISION, as recorded in Volume 27, Page 31A, Map Records, Hidalgo County, Texas.
- No evidence of recent earth moving work, building construction or building additions observed in the process of conducting the fieldwork.
- All markers shown in recorded plat provided to the Surveyor are as shown on the Survey.
- No proposed changes to S. 11th as per City of McAllen engineering department and no evidence of recent street or sidewalk construction observed in the process of conducting the fieldwork.

SCHEDULE B ITEMS:

- The following list represents our inspection of each item listed in Schedule B of the above referenced title commitment:
- Statutory easements, title, restrictions and rights in favor of Hidalgo County Water Improvement District No. 3 Affect the subject property but cannot be shown because it is a blanket easement.
- Mineral four interests, surface, subsurface, easements and restrictions as shown on the map and easements of TOYS-R-US Subdivision, recorded in Volume 27, Page 31A, Map Records of Hidalgo County, Texas Affect the subject property as shown on survey.
- Contract, Easement and the Restrictions in favor of General Power and Light Company a Texas corporation dated March 18, 1981, recorded in Volume 200, Page 1, in the Official Records, Hidalgo County, Texas, to serve, maintain and operate underground electric cables and other facilities as may appear upon the map attached hereto. Affect the subject property as shown on survey.
- Conveyance of Water Rights in favor of the City of McAllen as shown by instrument dated March 12, 1981, recorded in Volume 367, Page 32, Official Records of Hidalgo County, Texas. Affect the subject property but cannot be shown because it is a blanket easement.
- Certificate of Resolution and Order of Hidalgo County Water Improvement District No. 3 as shown by instrument dated March 17, 2006, and March 24, 2006, under Document Number 2006-109473, Official Records of Hidalgo County, Texas. Affect the subject property but cannot be shown because it is a blanket easement.
- Mineral and/or royalty reservations contained in deed dated February 10, 1958, recorded in Volume 538, Page 537, dated February 18, 1958, recorded in Volume 538, Page 536, dated September 10, 1958, recorded in Volume 1072, Page 107, dated February 1, 1968, recorded in Volume 1116, Page 488, Official Records of Hidalgo County, Texas. Affect the subject property but cannot be shown because it is a blanket easement.
- Easements for coal, gravel, oil, gas or other minerals, together with rights incident thereto, dated February 6, 1982, recorded in Volume 123, Page 29; dated March 6, 1982, recorded in Volume 127, Page 281, dated March 3, 1982, recorded in Volume 127, Page 286, dated April 27, 1980, recorded in Volume 246, Page 322, and dated April 27, 1980, recorded in Volume 246, Page 392, Oil and Gas Records of Hidalgo County, Texas. Affect the subject property but cannot be shown because it is a blanket easement.
- Terms, conditions and covenants contained in Declaration of Unit as set forth in instrument dated March 5, 1977, recorded in Volume 197, Page 538 and dated December 9, 1980, recorded in Volume 256, Page 21, Oil and Gas Records of Hidalgo County, Texas. Affect the subject property but cannot be shown because it is a blanket easement.
- Terms, conditions and covenants contained in a Non-Drilling Agreement dated January 13, 1986, recorded in Volume 182, Page 264, Oil and Gas Records of Hidalgo County, Texas. Affect the subject property but cannot be shown because it is a blanket easement.
- Terms, conditions and covenants contained in a Non-Drilling Agreement dated December 20, 1985, recorded in Volume 190, Page 726, and dated February 7, 1982, recorded in Volume 111, Page 718, in the Official Records of Hidalgo County, Texas. Does not affect the subject property.

SURVEYOR'S CERTIFICATE:

To: Floor and Dave Deffen of America, Inc., its affiliates, successors and assigns, 1101 McAllen Retail Partners, LP, a Texas limited partnership and First American Title Insurance Company.  
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2018 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Survey, jointly established and adopted by ALTA and NSPS, and include Items 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 8, 9, 11, 13, 15, 17, 18 and 20 of "Table A" thereof. The fieldwork was completed on  
Date of Survey: 3-18-21.

JUAN M. GONZALEZ  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS NO. 8148

ADVANCE COPY

ALTANSPS LAND TITLE SURVEY  
LOT 1, TOYS-R-US SUBDIVISION  
City of McAllen, Hidalgo County, Texas



Revisions	No.	Date	Drawn/Check

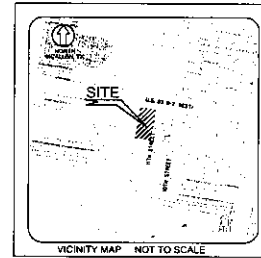
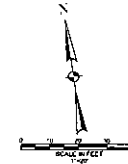


Project No.: 033373-001  
Mission: 3/15/2021  
Drawn By: JRG  
Checked By: JMG  
Scale: 1"=20'  
Sheet Title:  
V10105-4373

1 OF 2  
Sheet Number



MATCHLINE SHEET 1 OF 2



**LEGEND**

- FR - FORMED IRON ROD
- M.R.C.T. - MAP RECORDS, HIDALGO COUNTY, TEXAS
- O.R.H.C.T. - OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS
- S.D.T. - SQUARE FEET
- R.O.W. - RIGHT-OF-WAY
- WV - WATER VALVE
- WM - WATER METER
- PH - FIRE HYDRANT
- L - LIGHT POLE
- PO - POWER POLE
- BOLL - BOLLARD
- STM - STORM DRAINAGE MANHOLE
- SSM - SANITARY SEWER MANHOLE
- GR - GROUND GRATE
- SSCO - SANITARY SEWER CLEANOUT
- ES - ELECTRIC SIGN
- TS - TRAFFIC SIGN
- TPED - TELEPHONE PEDestal
- KCV - IRRIGATION CONTROL VALVE
- - HANDICAP PARKING
- - NUMBER OF PARKING SPACES
- EX 06 — CONCRETE PAVEMENT
- EX 08 — OVERHEAD ELECTRIC LINE
- EX 09 — WATER PAINT MARK
- EX 10 — SANITARY SEWER PAINT MARK
- EX 04 — NATURAL GAS PAINT MARK
- EX 05 — EDGE OF ASPHALT

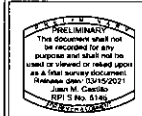
164	REGULAR PARKING SPACES
165	HANDICAP PARKING SPACES
172	TOTAL PARKING SPACES

ADVANCE COPY

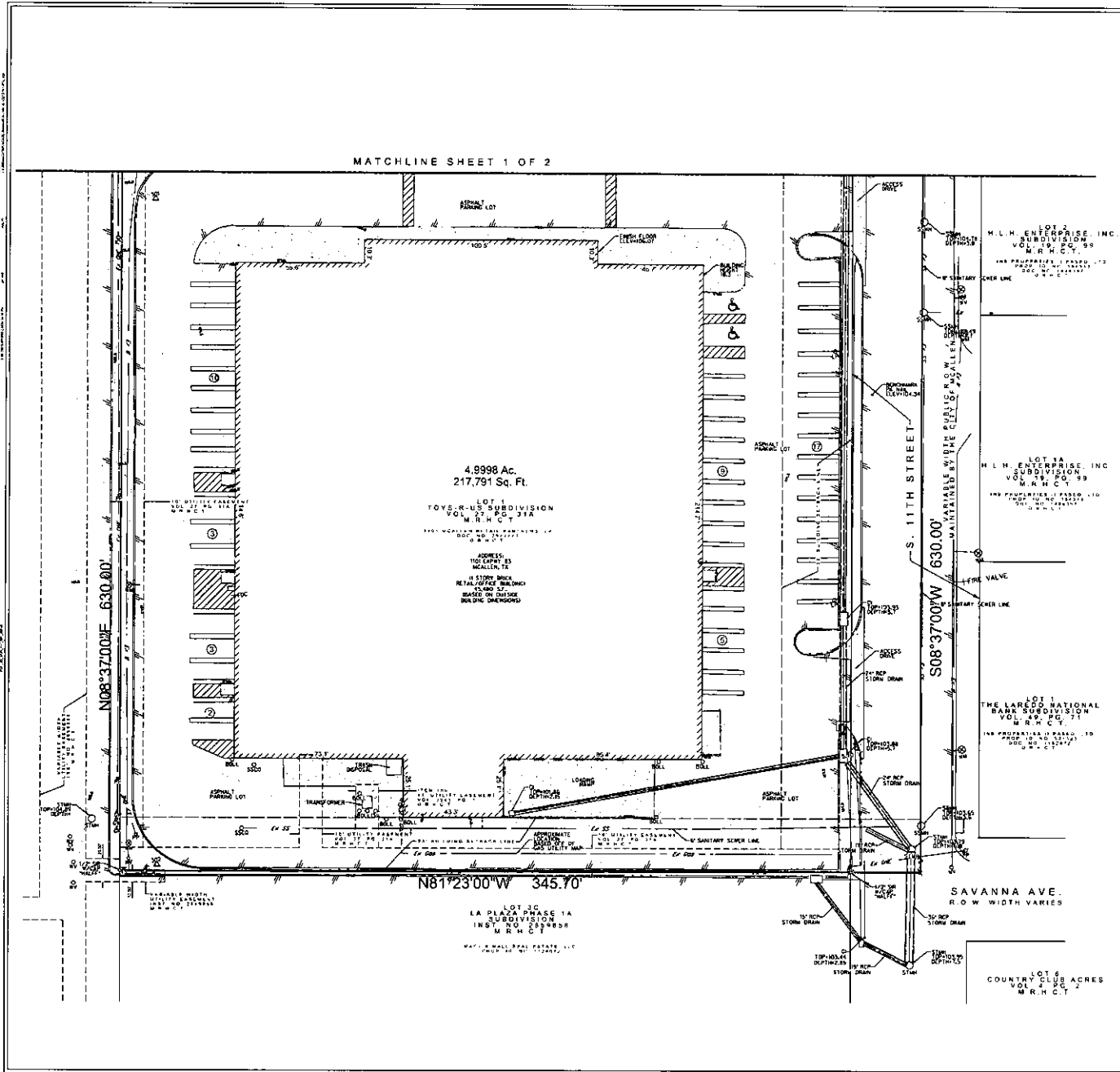
**ALTANSPS LAND TITLE SURVEY**  
**LOT 1, TOYS-R-US SUBDIVISION**  
 City of McAllen, Hidalgo County, Texas



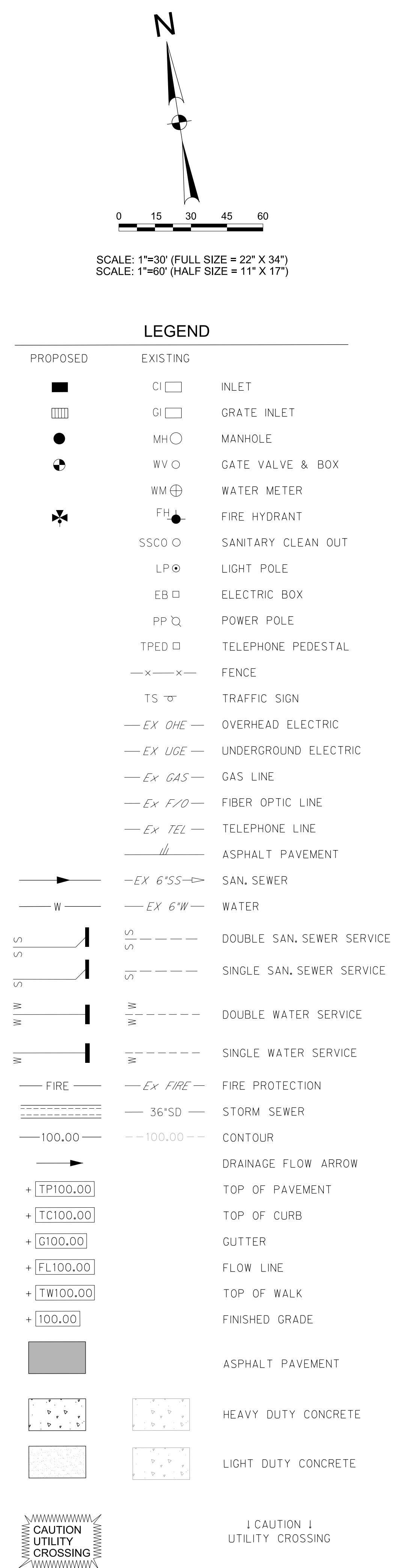
Revision	Date	Description



Project No.	043371-001
Issued	07/15/2021
Drawn By	JMG
Checked By	JMG
Scale	1"=20'
Sheet Title	V101-IS-43373

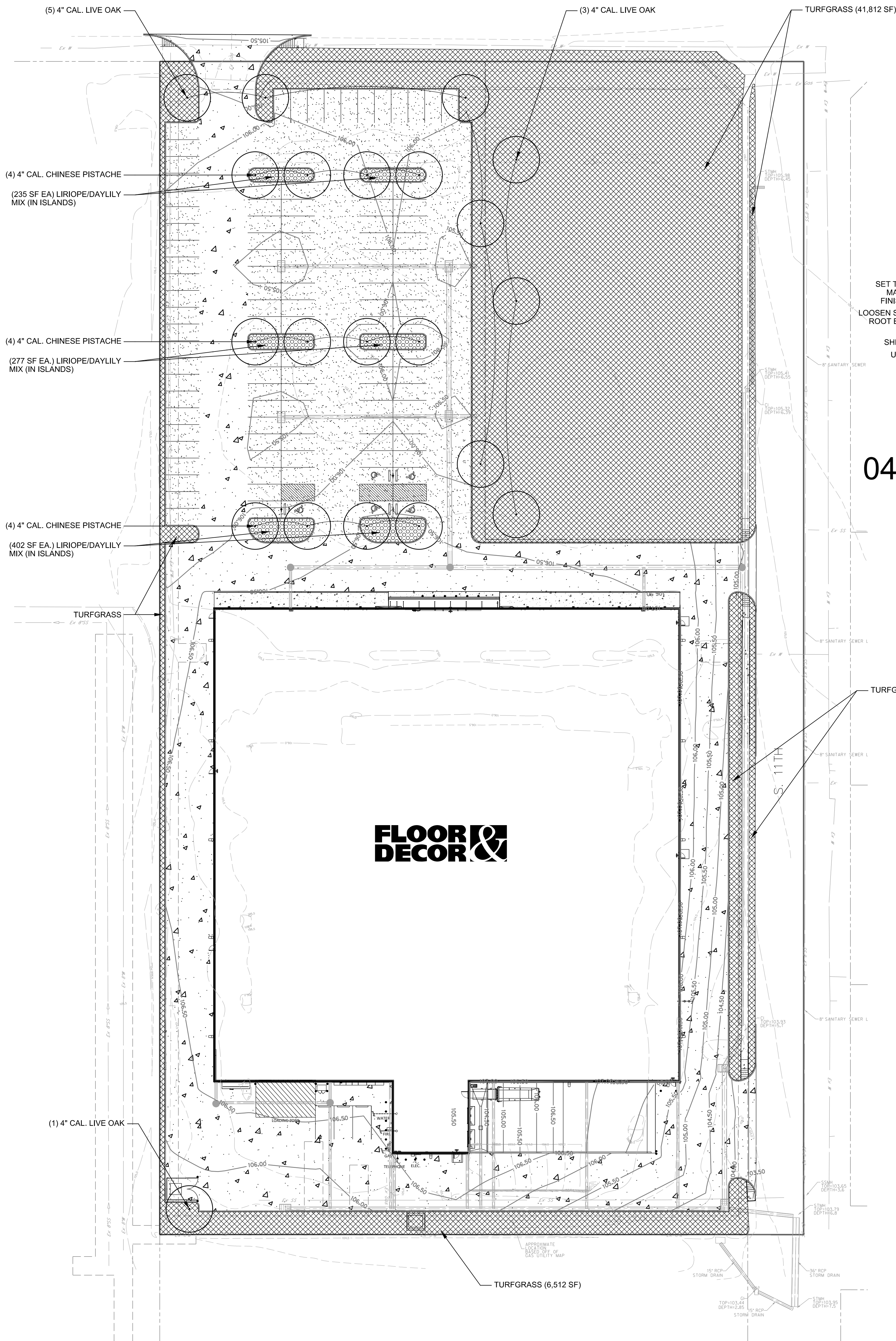




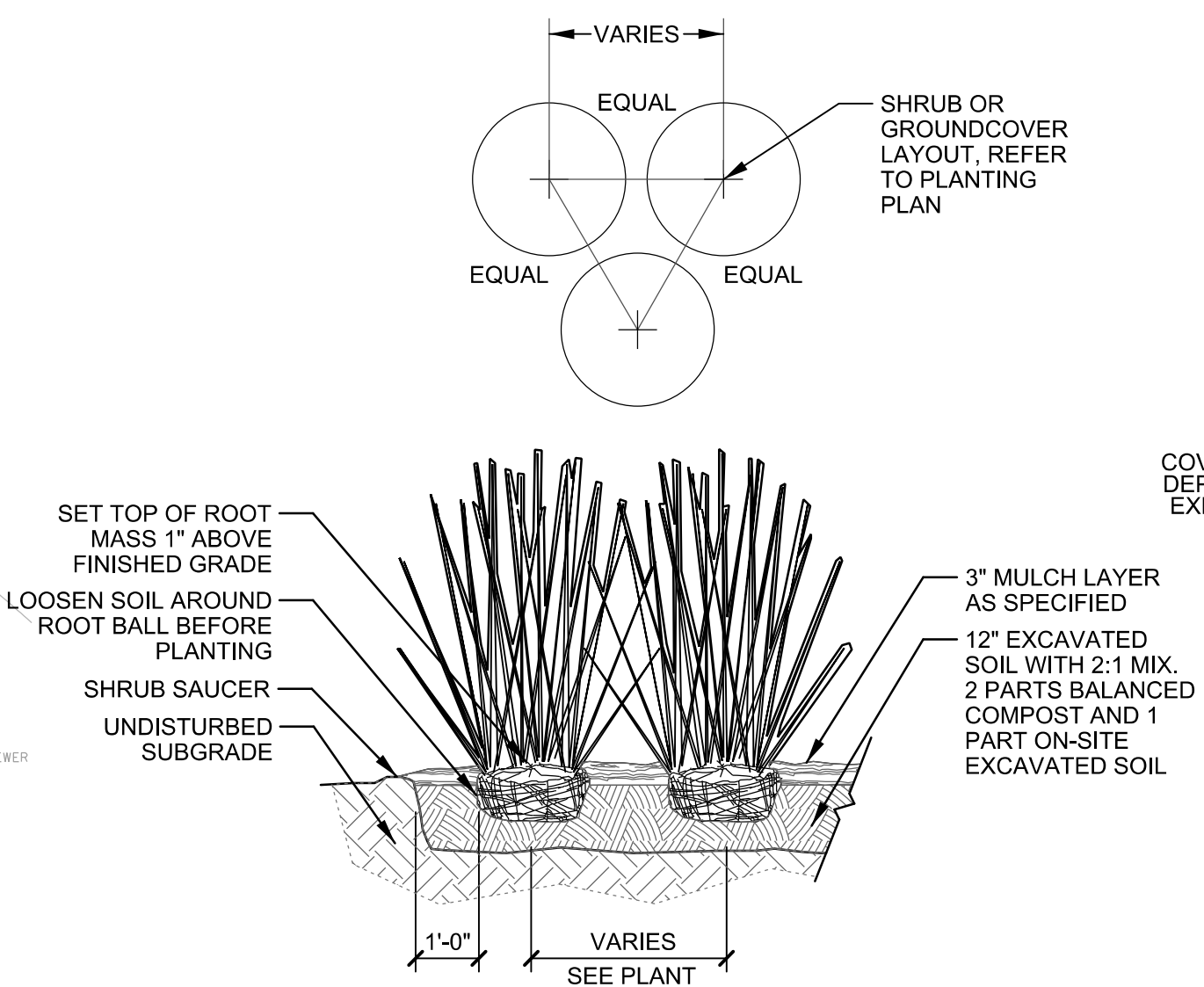


CODE	REQUIRED	PROVIDED
SITE AREA: 197,820 SF		
LANDSCAPE AREA: 10% OF SITE AREA	19,782 SF	54,613 SF
FRONTYARD REQUIRED: 50% OF LANDSCAPE AREA	9,891 SF	45,467 SF
LANDSCAPE STRIP ALONG PROPERTY LINES	10'	14' MIN
FOR SITES OVER 10,000 SF, 26 TREES + 1/800 SF OVER 10,000 SF	39	42
NOTE: TREES PROVIDED ARE 4" CAL. AT PLANTING FOR 2 CREDITS PER TREE.		

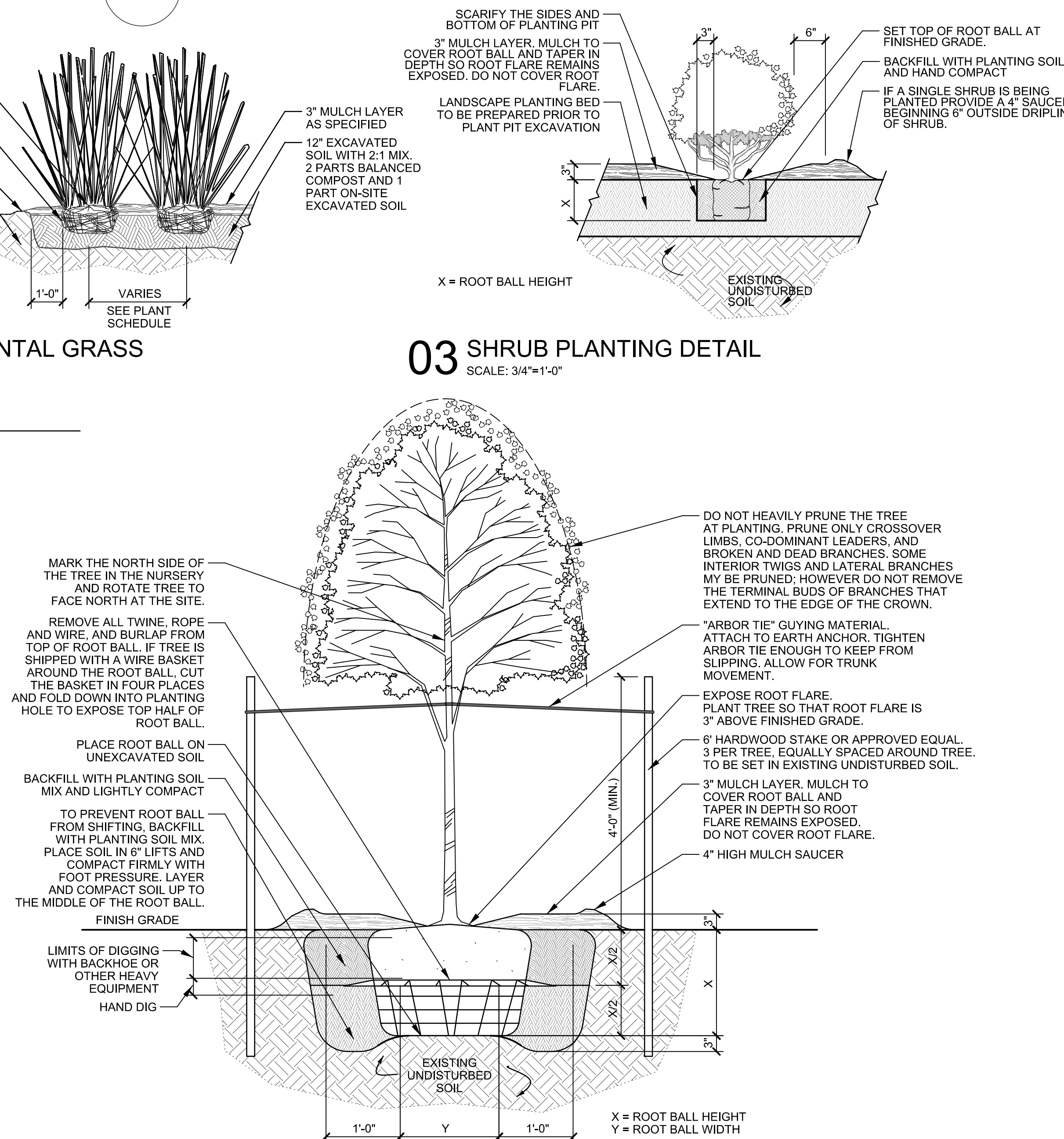




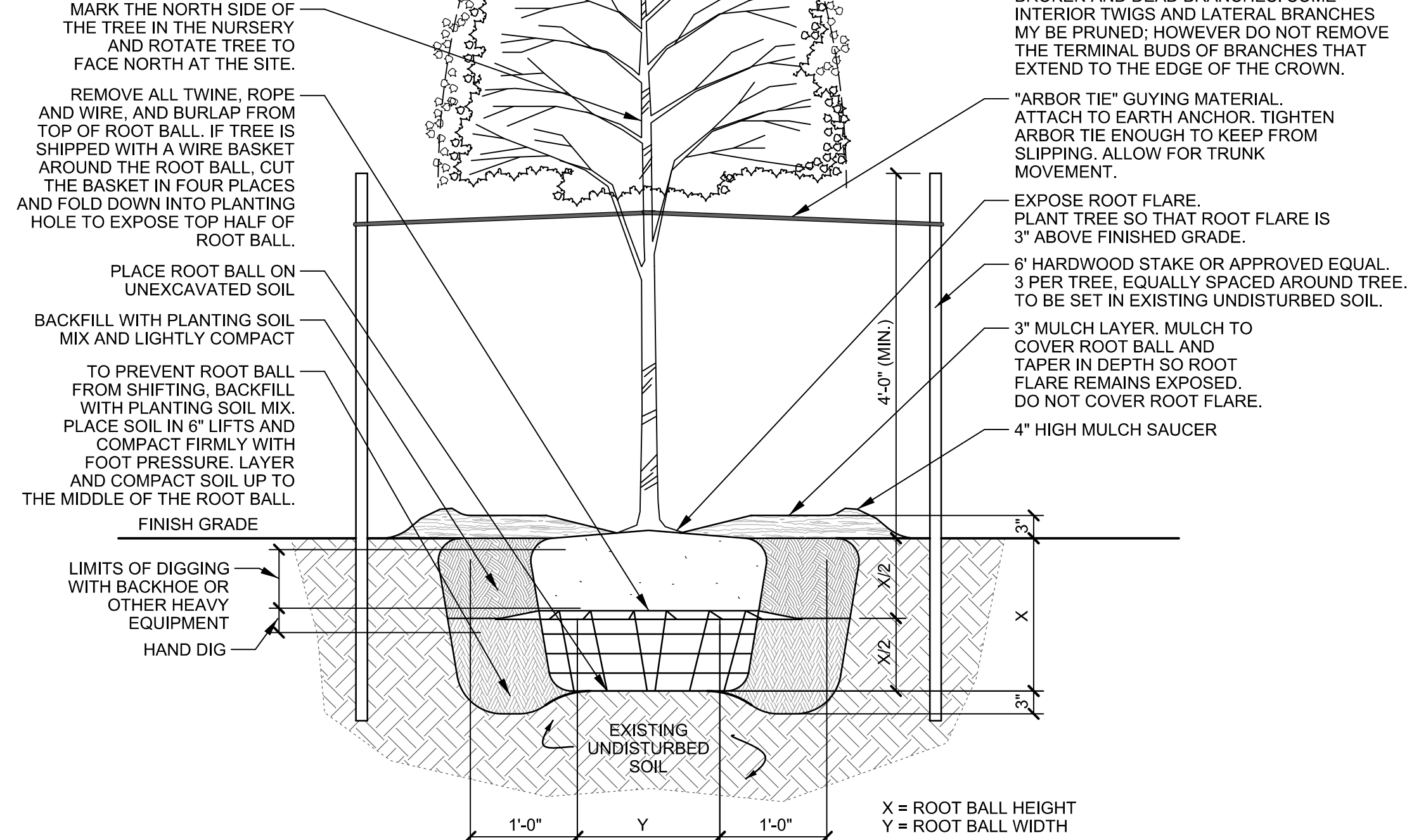
04 ORNAMENTAL GRASS  
SCALE: 3/4"=1'-0"



03 SHRUB PLANTING DETAIL  
SCALE: 3/4"=1'-0"



02 SINGLE-TRUNK TREE WITH STAKES  
SCALE: 3/4"=1'-0"



LANDSCAPE REQUIREMENTS TABLE			
CODE	REQUIRED	PROVIDED	
SITE AREA: 197,820 S.F.			
LANDSCAPE AREA: 10 % OF AREA	19,782 S.F.	52,787 S.F.	
FRONTYARD REQUIRED: 50% OF LANDSCAPE AREA	9,891 S.F.	45,467 S.F.	
LANDSCAPE STRIP ALONG PROPERTY LINES	10'	14' MIN	
TREE REQUIREMENTS			
FOR SITES OVER 10,000 S.F., 26 TREES + 1/800 S.F. OVER 10,000 S.F.	39	42	
(NOTE: TREES PROVIDED ARE 4\"/>			

PLANT SCHEDULE			
PLANT NAME	SIZE	REMARKS	QTY.
GROUNDCOVER/PERENNIAL			
LSD STELLA D'ORO DAYLILY / BIG BLUE LIRIOPE 50/50 MIX	SEE BELOW	FULL, HEAVILY ROOTED, 12\"/>	
DAYLILY	1 GAL.	BE A 50%/50% MIX OF EACH SPECIES, REFER TO NOTES	
HEMEROCALLIS 'STELLA D'ORO'	#1 CONT.		
LIRIOPE	4\"/>		
LIRIOPE MUSCARI 'BIG BLUE'			
TREES, ORNAMENTAL TREES, AND SAPPLINGS			
CP CHINESE PISTACHE	MIN. 4\"/>	FULL, SINGLE TRUNK, MATCHED, WELL BRANCHED.	12
PISTACHIA CHINENSIS	B&B 14'-15' HT., 7-9\"/>	BRANCHED AT 7\"/>	
LO LIVE OAK	MIN. 4\"/>	FULL, SINGLE TRUNK, MATCHED, WELL BRANCHED.	9
QUERCUS VIRGINIANA	B&B 14'-15' HT., 7-9\"/>	BRANCHED AT 7\"/>	
GRASSES			
BERMUDA GRASS	SOD	REFER TO PLANTING NOTES	FIELD VERIFY S.F.
CYNODON DACTYLON			
MISCELLANEOUS			
MULCH	2\"/>	COARSELY SHREDDED HARDWOOD MULCH AS NOTED	VERIFY S.F.
COMPOST	2\"/>	REFER TO PLANTING NOTES	VERIFY S.F.
TREE REQUIREMENTS			
ROOT SYSTEM DEVELOPMENT:			
• ALL NAMED CULTIVARS WILL BE OWN ROOT CLONES. NO GRAFTED OR BUD-GRAFTED TREES WILL BE ACCEPTED.			
• 100% MECHANICALLY ROOT-PRUNED AT LEAST ONCE AND TRANSPLANTED A MINIMUM OF 3 TIMES DURING THE FIRST 3 YEARS OF THE TREES LIFE.			
• THE TREES WILL HAVE BEEN GROWN IN HEAVY CLAY SOIL AND IRRIGATED WITH DRIP IRRIGATION.			
• THE B&B ROOT BALLS WILL HAVE BEEN HEELED IN FOR AT LEAST 30 DAYS AND HAVE A FRESH FLUSH OF NEW ROOT GROWTH INTO THE BURLAP.			
• TREES MAY BE GROWN IN "ROOTMAKER" LINER CONTAINERS - HAVING FULL FIBEROUS ROOT SYSTEM WITHOUT CIRCLING ROOTS.			
• THE TRUNK FLARE MUST BE ABOVE GROUND AND VISIBLE AT NURSERY BEFORE HARVEST, OR IN CONTAINER, AND AFTER TRANSPLANTING INTO THE LANDSCAPE.			
CANOPY DEVELOPMENT:			
• TREES WILL HAVE A STRONG CENTRAL LEADER TO THE TOP OF THE CANOPY. THE TIP OF THE LEADER ON THE MAIN TRUNK MUST BE INTACT AND ITS TERMINAL BUD MUST BE THE HIGHEST PART OF THE TREE.			
• NO BRANCH CAN HAVE A DIAMETER GREATER THAN 2/3 THE TRUNK DIAMETER MEASURED DIRECTLY ABOVE THE BRANCH CROTCH. THE TREE WILL HAVE NO INCLUSIONS OR CO-DOMINANT BRANCHES.			
• THE TREE CROWN MUST BE STRUCTURALLY UNIFORM. BRANCHES WILL BE EVENLY DISTRIBUTED AROUND THE TRUNK. THE CROWN WILL BE FULL OF FOLIAGE WHICH IS EVENLY DISTRIBUTED AROUND THE TREE.			

01 PLANTING PLAN  
SCALE: 1\"/>

**PREPARATION**  
LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE CORRECT LOCATION OF ALL UNDERGROUND UTILITIES, PIPES, STRUCTURES, AND LINE RUNS IN THE FIELD PRIOR TO THE INSTALLATION OF ANY PLANT MATERIALS.

**PLANT LOCATIONS**  
REFER TO PLANTING PLAN FOR PLANTING LOCATION AND PLANT MATERIAL LEGEND OR SPECIFICATIONS. PLANT MATERIAL LOCATION TO BE STAKED IN THE FIELD AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO PLANTING.

**GRADING AND DRAINAGE**  
Haff Associates, Inc. ASSUMES NO RESPONSIBILITY FOR FAILURE OF ANY LANDSCAPE AMENITY SUCH AS WALKS, ENTRANCES TO STRUCTURES, AND PLANTER BEDS FORMED OR ENCLOSED BY EGING AND FLATWORK WHICH DO NOT DRAIN DUE TO IMPROPER SET UP OF ELEVATIONS DURING CONSTRUCTION. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR FINE GRADING, AND VERIFYING THAT WATER DRAINS AWAY FROM BUILDING.

**COORDINATION**  
LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH OTHER CONTRACTORS ON SITE AS REQUIRED TO ACCOMPLISH ALL PLANTING OPERATIONS.

**MAINTENANCE**  
LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL PLANTING BEDS IN A WEED AND DEBRIS FREE CONDITION AND SHALL ACCOMPLISH WATERING BY HAND AS DEEMED NECESSARY UNTIL SUBSTANTIAL COMPLETION AND ACCEPTANCE BY THE OWNER. THE CONTRACTOR SHALL MAINTAIN ALL WORK FOR A PERIOD OF 30 DAYS AFTER SUBSTANTIAL COMPLETION AND ACCEPTANCE.

**VERIFICATION**  
LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL QUANTITIES PER DRAWINGS AND SPECIFICATION BY LANDSCAPE ARCHITECT. PLANT QUANTITIES HAVE BEEN PROVIDED AS A CONVENIENCE ONLY AND SHALL NOT BE CONSIDERED ABSOLUTE. LANDSCAPE ARCHITECT TO BE NOTIFIED IF DISCREPANCIES OCCUR. OTHERWISE, THE CONTRACTOR IS TO BID THEIR OWN VERIFIED QUANTITIES PER LANDSCAPE PLAN.

**PLANTING BEDS**  
ALL BED AREAS ARE TO BE FLUSH WITH FINISHED GRADE AT ADJACENT PAVEMENT. ALL BED AREAS SHALL BE ROTILLLED TO BE A DEPTH OF 6\", ADDING PREPARED SOIL MIXTURE AS REQUIRED.

**MULCH**  
AFTER SETTLEMENT, ALL PLANTING BED MULCH DEPTHS SHALL BE A MIN. OF 3\"/>

**STANDARDS**  
ALL PLANT MATERIAL SHALL CONFORM TO THE SIZES GIVEN IN THE PLANT LIST AND SHALL BE NURSERY GROWN IN ACCORDANCE WITH THE AMERICAN STANDARD FOR NURSERY STOCK - LATEST EDITION. ALL PLANTING SHALL BE IN ACCORDANCE WITH STANDARD AMERICAN ASSOCIATION OF NURSERYMEN PROCEDURES AND SPECIFICATIONS. LANDSCAPE ARCHITECT SHALL APPROVE ANY PLANT SUBSTITUTION.

**PRUNING**  
TREES ARE TO BE PRUNED AT TIME OF INSTALLATION TO REMOVE DEAD AND UNSIGHTLY, ALL TREES ARE TO MATCH IN HEIGHT, SPREAD, AND CLEAR TRUNK, AND SHALL HAVE STRAIGHT TRUNKS.

**PLANTING SOIL MIXTURE**  
PLANTING SOIL MIXTURE TO BE AS FOLLOWS:  
TREES, SHRUBS, AND GROUNDCOVER - 3\"/>

**FERTILIZER**  
ADD FERTILIZER TABLETS TO ALL TREES AND SHRUBS, ONE TABLET PER IN. CALIPER FOR TREES AND ON TABLET PER 12\"/>

**WARRANTY**  
ALL PLANT MATERIAL TO BE GUARANTEED FOR A PERIOD OF ONE-YEAR FROM SUBSTANTIAL COMPLETION AND ACCEPTANCE BY THE OWNER.

**SANDY LOAM**  
SANDY LOAM SHALL BE NATURAL, FERTILE, FRIABLE SOIL POSSESSING CHARACTERISTICS OF PRODUCTIVE SOILS IN THE VICINITY. IT SHALL NOT BE EXCESSIVELY ACIDIC OR ALKALINE OR CONTAIN TOXIC SUBSTANCES WHICH MAY BE HARMFUL TO PLANT GROWTH. TOPSOIL SHALL BE WITHOUT ADMIXTURE OF SUBSOIL AND SHALL CONTAIN A MINIMUM OF LUMPS, STONES, STUMPS, ROOTS OF SIMILAR SUBSTANCE ONE INCH OR MORE IN DIAMETER. LOAM SHALL BE FREE FROM WEEDS AND OTHER NOXIOUS MATERIALS. LOAM SHALL NOT BE STRIPPED, COLLECTED OR DEPOSITED WHILE WET.

**IRRIGATION**  
IRRIGATE ALL LANDSCAPING IN ACCORDANCE WITH CITY STANDARDS. IRRIGATE ROW WITH DRIP IRRIGATION. FIT ALL IRRIGATION SYSTEMS ARE WITH RAIN AND FREEZE GAUGES IN ACCORDANCE WITH CITY STANDARDS.

**FLOOR & DECOR**

2500 WINDY RIDGE PARKWAY, SE  
ATLANTA, GA 30339

**SBLM**  
SBLM Architects  
33 Walt Whitman Road, Suite 300A  
Huntington Station, NY 11746  
Telephone 631 683 5588  
Fax 631 683 5591

**A.V. SCHWAN & ASSOCIATES**  
CONSULTING STRUCTURAL ENGINEERS  
6000 E. Thomas Road, Suite 1  
Scottsdale, Arizona 85251  
Phone: (602) 350-6171 Fax: (480) 943-1678  
Website: www.AVSE.com

**dlb associates**  
CONSULTING ENGINEERS, P.C.  
2540 WOODLAND HWY., SUITE 300  
EL DORADO, MISSOURI 63024-4220  
Telephone: (314) 991-2833  
Fax: (314) 991-2833

**CCI**  
CODE CONSULTANTS, INC.  
2540 WOODLAND HWY., SUITE 300  
EL DORADO, MISSOURI 63024-4220  
314-991-2833

**HALFF**  
HALFF ASSOCIATES, INC.  
5005 WEST WATKINS HWY  
SUITE 100  
MCALLEN, TX 78503-7448  
TEL: 361-456-0006

**FLOOR & DECOR**  
STORE #B42092  
MCALLEN, TEXAS

1101 W EXPRESSWAY 83  
MCALLEN, TX 78503

ISSUE DATE: 04/23/21  
STORE NUMBER: 842092  
AREA: 65,109 SF  
JOB NUMBER: 021006  
PROTOTYPE: 2019 02

ISSUE

50% Review Set 04/08/21  
100% Permit Set 04/23/21  
Bid Set 05/03/21

# NAME DATE

SEAL

REGISTERED LANDSCAPE ARCHITECT  
LAWNE J. C. LLOYD  
2010  
05-21-21

SHEET

PLANTING PLAN

DRAWN: LO  
CHECKED: LO

L3.00



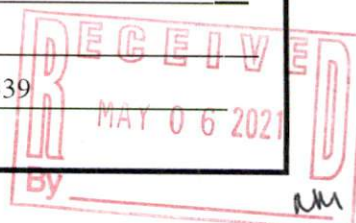
SUB2021-0048



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

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

Project Description	<p>Subdivision Name <u>VILLA TORRE AT NORTH BENTSEN ESTATES</u>          APPROX. 1400 FEET SOUTH OF THE INTERSECTION OF AUBURN AVENUE &amp; BENTSEN ROAD ON THE          Location <u>EAST R.O.W. OF BENTSEN ROAD.</u>          City Address or Block Number <u>7500 N. BENTSEN RD.</u>          Number of lots <u>27</u> Gross acres <u>5.00</u> Net acres <u>4.83</u>          Existing Zoning <u>R-1</u> Proposed <u>R-1</u> Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____          SINGLE SINGLE          Existing Land Use <u>FAMILY</u> Proposed Land Use <u>FAMILY</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 Exempt Yes <input type="checkbox"/> No <input type="checkbox"/> Estimated Rollback tax due _____          Parcel No. _____ Tax Dept. Review _____          Legal Description <u>BEING A 5.00 ACRES TRACT OF LAND, MORE OR LESS OUT OF LOT 214, PRIDE</u>  <u>O' TEXAS SUBDIVISION, HIDALGO COUNTY, TEXAS, RECORDED IN VOLUME</u>  <u>5, PAGE 58-59, MAP RECORDS OF HIDALGO COUNTY, TEXAS.</u></p>
Owner	<p>Name <u>ANTONIO M. AGUIRRE JR. -</u>  <u>RIVERSIDE DEVELOPMENT SERVICES, LLC</u> Phone <u>956-867-0036</u>          Address <u>2606 ZINNIA AVENUE</u>          City <u>MCALLEN</u> State <u>TEXAS</u> Zip <u>78504</u>          E-mail <u>TAGUIRRECONSULTING@ME.COM</u></p>
Developer	<p>Name <u>RIVERSIDE DEVELOPMENT SERVICES, LLC</u> Phone <u>956-867-0036</u>          Address <u>2606 ZINNIA AVENUE</u>          City <u>MCALLEN</u> State <u>TEXAS</u> Zip <u>78504</u>          Contact Person <u>ANTONIO M. AGUIRRE JR.</u>          E-mail <u>TAGUIRRECONSULTING@ME.COM</u></p>
Engineer	<p>Name <u>RIO DELTA ENGINEERING</u> Phone <u>956-380-5152</u>          Address <u>921 S. 10TH AVENUE</u>          City <u>EDINBURG</u> State <u>TEXAS</u> Zip <u>78539</u>          Contact Person <u>IVAN GARCIA, P.E., R.P.L.S.</u>          E-mail <u>RIODELTA2004@YAHOO.COM</u></p>
Surveyor	<p>Name <u>RIO DELTA ENGINEERING</u> Phone <u>956-380-5152</u>          Address <u>921 S. 10TH AVENUE</u>          City <u>EDINBURG</u> State <u>TEXAS</u> Zip <u>78539</u></p>





## Proposed Plat Submittal

- \_\_\_\_\_ \$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.

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.

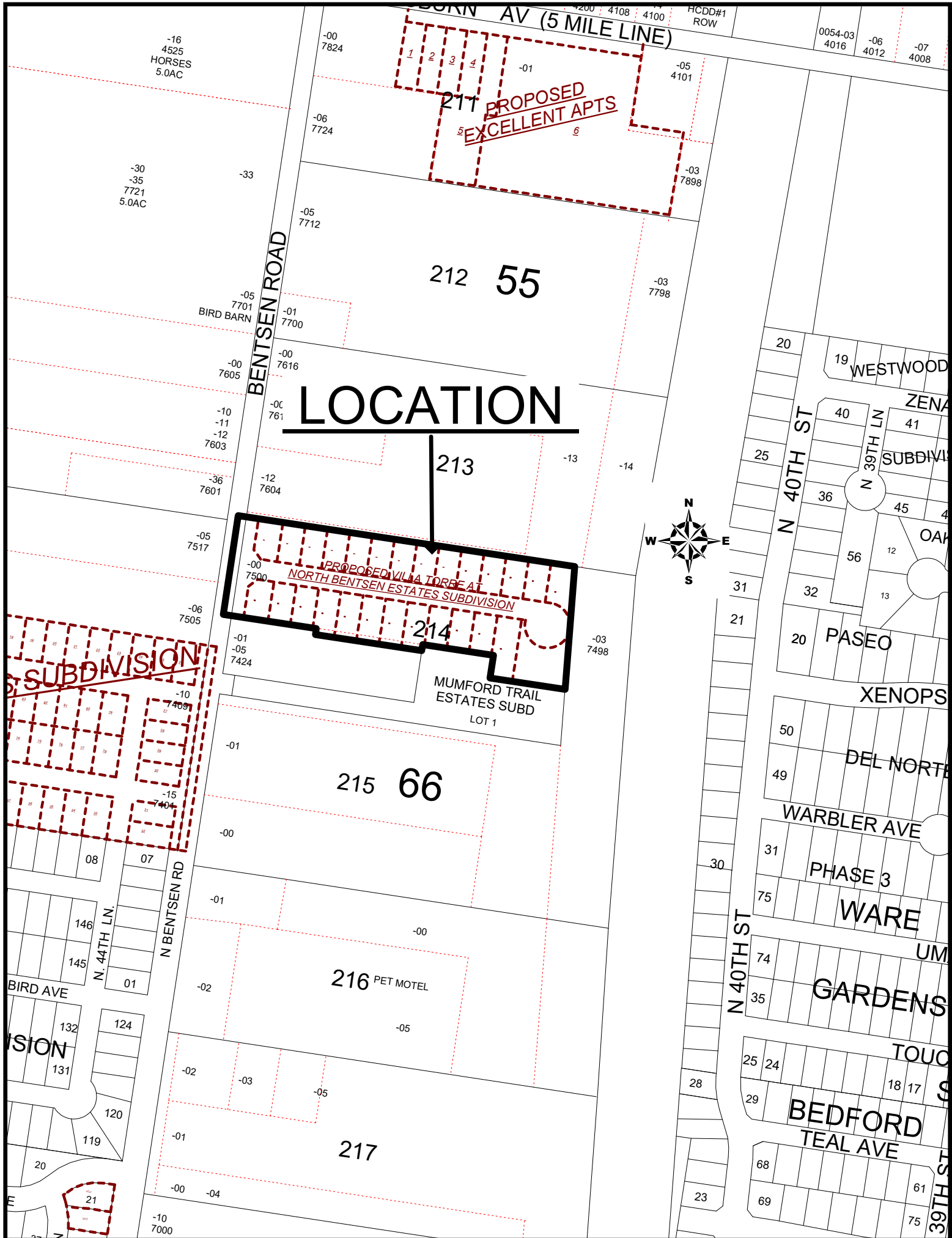
Signature \_\_\_\_\_ Date 4/30/21

Print Name IVAN GARCIA

Owner ☐

Authorized Agent ☒







JUAN JOSE CARDENAS  
1.16 AC OUT OF LOT 213,  
PRIDE O' TEXAS  
DOC. #2730504,  
O.R.H.C.

JUAN JOSE CARDENAS  
3.60 AC OUT OF LOT 213,  
PRIDE O' TEXAS  
DOC. #1248780,  
O.R.H.C.

R. W. MUMFORD AND WIFE  
CECILIA MUMFORD  
1.96 AC OUT OF LOT 213,  
PRIDE O' TEXAS  
DOC. #2512879,  
O.R.H.C.

HIDALGO COUNTY DRAINAGE DISTRICT #1  
1.36 AC OUT OF LOT 213,  
PRIDE O' TEXAS  
VOL. 2804, PG. 245,  
O.R.H.C.

HIDALGO COUNTY DRAINAGE DISTRICT #1  
19.11 AC OUT OF LOTS 213 THROUGH 220,  
PRIDE O' TEXAS  
VOL. 2715, PG. 192,  
O.R.H.C.

MUMFORD TRAIL ESTATES SUBD.  
VOL. 32, PG. 44,  
H.C.M.R.

YARA INEZ MENDOZA  
1.53 AC OUT OF LOT 214,  
PRIDE O' TEXAS  
DOC. #2699112,  
O.R.H.C.

0.09 ACRES  
ROBERT MUMFORD AND  
CECILIA MUMFORD  
DOC. #2449956,  
O.R.H.C.

**COMMON LOT A**  
13687 SQ FT  
0.31 ACRES





# City of McAllen

## SUBDIVISION PLAT REVIEW

Reviewed On: 5/25/2021

### SUBDIVISION NAME: VILLA TORRE AT NORTH BENTSEN ESTATES

#### REQUIREMENTS

##### STREETS AND RIGHT-OF-WAYS

North Bentsen Road: 20 ft. dedication for 50 ft. ROW from centerline for 100 ft. ROW  
Paving: 65 ft. Curb & gutter: Both sides

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

\*\*COM Thoroughfare Plan

Applied

Internal street: 50 ft. ROW proposed.

Paving: 32 ft. proposed. Curb & gutter: Both sides

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

\*\*Proposed ROW might have to be increased to 60 ft. since proposed cul-de-sac appears to not comply with maximum length allowed of 600 ft. Please revise plat to comply with maximum cul-de-sac length allowed prior to final.

\*\*\*Street name will be assigned prior to final.

\*\*\*Subdivision Ordinance: Section 134-105

Non-compliance

Paving \_\_\_\_\_ Curb & gutter \_\_\_\_\_

Applied

\* 800 ft. Block Length.

\*\*Subdivision Ordinance: Section 134-118

NA

\* 600 ft. Maximum Cul-de-Sac: Internal street/cul-de-sac appears to not comply with maximum length allowed of 600 ft. Please revise plat to comply with maximum cul-de-sac length allowed prior to final.

\*\*\*\*Please show cul-de-sac ROW prior to final to assure compliance with minimum requirements ,as per Fire Department, minimum 96 ft. of paving diameter face-to-face with 10 ft. ROW back of curb required.

\*\*Subdivision Ordinance: Section 134-105

Non-compliance

##### ALLEYS

ROW: 20 ft. Paving: 16 ft.

\*Alley/service drive easement required for commercial properties

\*\*Subdivision Ordinance: Section 134-106

NA

##### SETBACKS

\* Front : 25 ft. or greater for easements.

\*\*Zoning Ordinance: Section 138-356

Applied

\* Rear: 10 ft. or greater for easements

\*\*Zoning Ordinance: Section 138-356

Applied

\* Interior sides: 6 ft. or greater for easements.

\*\*Zoning Ordinance: Section 138-356

Applied

\* Corner: 10 ft. or greater for easements.

\*\*Zoning Ordinance: Section 138-356

Applied

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

\*\*Zoning Ordinance: Section 138-356

Applied

**These comments are for subdivision requirements only – additional requirements may apply at time of site plan review**



*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
<b>SIDEWALKS</b>	
* 4 ft. wide minimum sidewalk required on North Bentsen Road and both sides of all interior streets. **Please revise plat note #9 as shown above prior to final. ****Subdivision Ordinance: Section 134-120	Non-compliance
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
<b>BUFFERS</b>	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along North Bentsen Road. **Please revise plat note #11 as shown above prior to final. **Landscaping Ordinance: Section 110-46	Non-compliance
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. **Landscaping Ordinance: Section 110-46	Applied
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
<b>NOTES</b>	
* No curb cut, access, or lot frontage permitted along North Bentsen Road. **Please revise plat note #14 as shown above prior to final. ***City's Access Management Policy	Non-compliance
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	NA
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* Common Areas, any private streets/drives, common areas, detention areas, etc. must be maintained by the lot owners and not the City of McAllen	Required
* Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. **Section 110-72 applies if private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	Required
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **HOA document will be required to be recorded simultaneously with plat. **Subdivision Ordinance: Section 110-72	Required
<b>LOT REQUIREMENTS</b>	
* Minimum lot width and lot area. ** If ROW is widened, lot dimensions might have to be revised to comply with minimum lot area requirements prior to final. ***Zoning Ordinance: 138-1	Applied
* Lots fronting public streets. **Zoning Ordinance: Section. 138-356	Compliance

**These comments are for subdivision requirements only – additional requirements may apply at time of site plan review**



<b>ZONING/CUP</b>	
* Existing: R-1 Proposed: R-1 **Zoning Ordinance: Article V	Compliance
* Rezoning Needed Before Final Approval **If any rezonings are needed, they must be finalized prior to final plat review. **Zoning Ordinance: Article V	NA
<b>PARKS</b>	
* Land dedication in lieu of fee.	NA
* Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per Parks Department, 26 single-family lots are proposed, therefore, \$18,200 are due prior to recording.	Required
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
<b>TRAFFIC</b>	
* As per Traffic Department, Trip Generation is required to determine if TIA is required, prior to final plat.	Non-compliance
* As per Traffic Department, Trip Generation is required to determine if TIA is required, prior to final plat.	TBD
<b>COMMENTS</b>	
Comments: Must comply with City's Access Management Policy ***Internal street name will be assigned prior to final. ****Internal street/cul-de-sac appears to not comply with maximum length allowed of 600 ft. Please revise plat to comply with maximum cul-de-sac length allowed prior to final. ****As per Fire Department, minimum 96 ft. of paving diameter face-to-face with 10 ft. ROW back of curb required. *****Additional documents as may be required by Public Works and Fire Departments to verify compliance with cul-de-sac maneuverability prior to final.	Applied
<b>RECOMMENDATION</b>	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, DRAINAGE AND UTILITIES APPROVALS.	Applied

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review







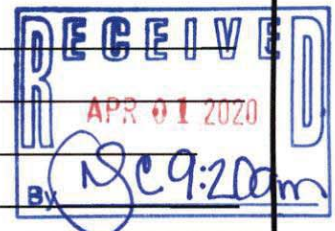
SUB2020-0019



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

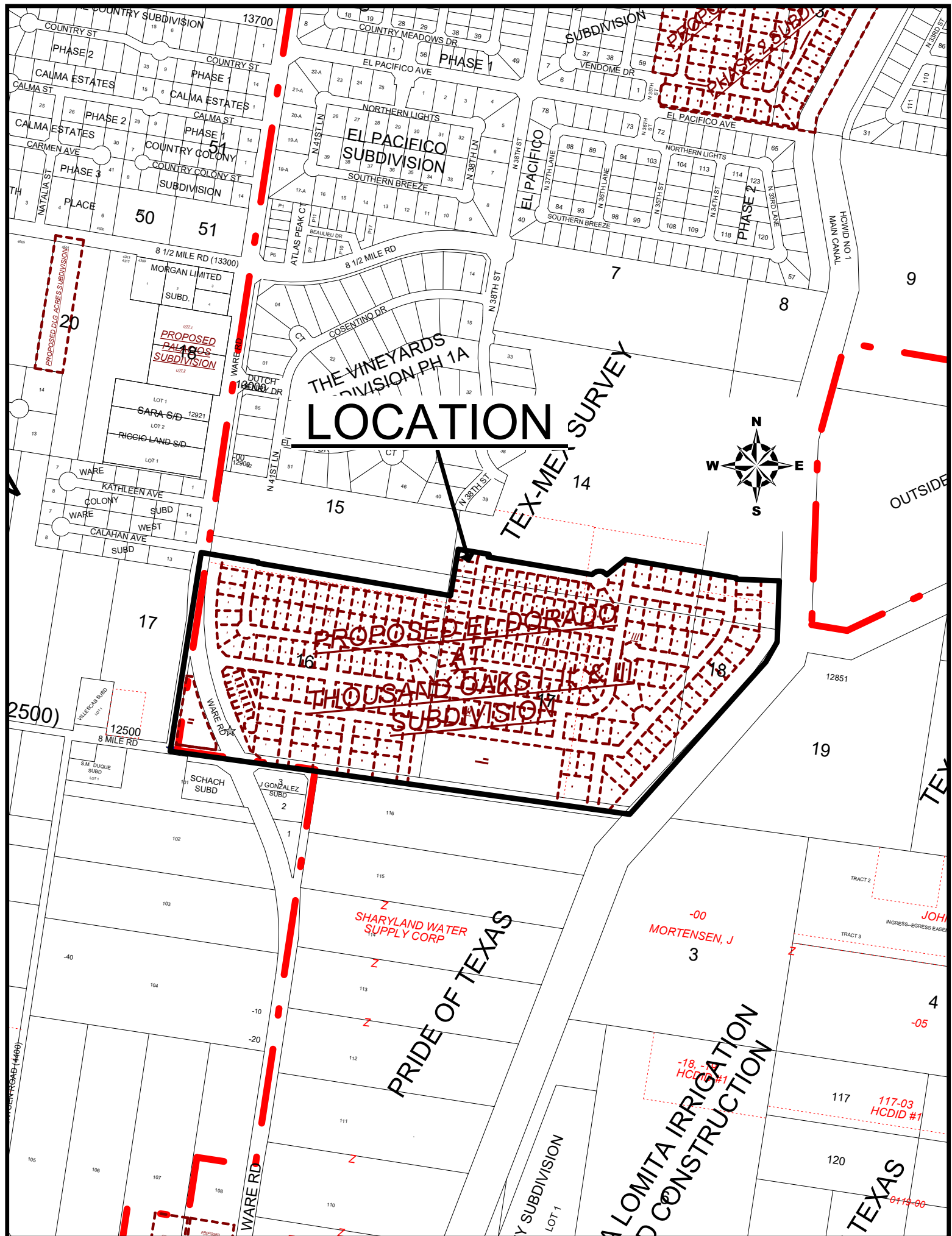
1300 Houston Avenue  
McAllen, TX 78501  
P. O. Box 220  
McAllen, TX 78505-0220  
(956) 681-1250  
(956) 681-1279 (fax)

<b>Project Description</b>	<p>Subdivision Name <u>El Dorado at Thousand Oaks I, II, and III</u></p> <p>Location <u>NE Corner of Mile 8 &amp; Ware Rd.</u></p> <p>City Address or Block Number <u>12712 N. Ware Rd.</u></p> <p>Number of lots <u>212</u> Gross acres <u>76.80</u> Net acres _____</p> <p>Existing Zoning <u>R-1</u> Proposed <u>R-1 &amp; R-3A</u> Rezoning Applied For <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date _____</p> <p>Existing Land Use _____ Proposed Land Use _____ Irrigation District # <u>1</u></p> <p>Residential Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Commercial Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> ETJ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Agricultural Tax Exemption Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Estimated Rollback tax due \$ <u>0</u></p> <p>Legal Description <u>A 76.80 acre tract of land out of lots 13,14,16,17 and 18, Section 234,</u> <u>Texas-Mexican Railway Company Survey, Hidalgo, County, Texas</u></p>
<b>Owner</b>	<p>Name <u>Red Rock Real Estate Development, Ltd.</u> Phone <u>(956) 800-1333</u></p> <p>Address <u>2912 S. Jackson Rd.</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78573</u></p> <p>E-mail <u>riocantu@yahoo.com</u></p>
<b>Developer</b>	<p>Name <u>Red Rock Real Estates Development, Ltd.</u> Phone <u>(956) 800-1333</u></p> <p>Address <u>2912 S. Jackson Rd.</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78539</u></p> <p>Contact Person <u>Manual Cantu</u></p> <p>E-mail <u>riocantu@yahoo.com</u></p>
<b>Engineer</b>	<p>Name <u>Quintanilla, Headley &amp; Associates, Inc.</u> Phone <u>(956) 381-6480</u></p> <p>Address <u>124 E. Stubbs St.</u></p> <p>City <u>Edinburg</u> State <u>TX</u> Zip <u>78539</u></p> <p>Contact Person <u>Alfonso Quintanilla</u></p> <p>E-mail <u>alfonsoq@gha-eng.com</u></p>
<b>Surveyor</b>	<p>Name <u>Quintanilla, Headley &amp; Associates, Inc.</u> Phone <u>(956) 381-6480</u></p> <p>Address <u>124 E. Stubbs</u></p> <p>City <u>Edinburg</u> State <u>TX</u> Zip <u>78539</u></p> <p>E-mail <u>alfonsoq@gha-eng.com</u></p>



Rct# 710922 Pd \$300









# City of McAllen

## SUBDIVISION PLAT REVIEW

Reviewed On: 5/7/2021

### SUBDIVISION NAME: BEJ SUBDIVISION

#### REQUIREMENTS

##### STREETS AND RIGHT-OF-WAYS

N. McColl Road: 20 ft. dedication for 60 from centerline for 120 ROW  
Paving: by the state Curb & gutter: by the state  
\*\*Please clarify if ROW will be dedicated or a variance will be requested for this requirement prior to final since plat only shows a 10 ft. ROW dedication  
\*\*\*\*City of McAllen Thoroughfare Plan

Non-compliance

East Violet Avenue: 20 ft. ROW dedication for 40 ft. from centerline for 80 ft. ROW  
Paving: 52 ft. Curb & gutter: Both sides  
\*\*Monies must be escrowed if improvements are not built prior to recording.  
\*\*\*Clarify if 15 ft. SWSC easement running along East Violet Avenue will be abandoned prior to final as it appears to be encroaching into the required ROW dedication. If abandonment is required, it must be done by a separate instrument and not by this plat.  
\*\*\*\*\*Clarify if 20 ft. x 20 ft. easement S.W. Bell easement on the southwest corner of property will be abandoned prior to final as it appears to be encroaching into the required ROW dedication. If abandonment is required, it must be done by a separate instrument and not by this plat.  
\*\*\*\*\*Engineer submitted a letter on May 3, 2021 requesting a variance to only dedicate 10 ft. instead of the required 20 ft.  
\*\*\*\*\*City of McAllen Thoroughfare Plan

Non-compliance

Paving \_\_\_\_\_ Curb & gutter \_\_\_\_\_

Applied

\* 600 ft. Maximum Cul-de-Sac.  
\*\*Subdivision Ordinance: Section 134-105

NA

\* 800 ft. Block Length.  
\*\*Subdivision Ordinance: Section 134-118

NA

##### ALLEYS

ROW: 20 ft. Paving. 16 ft.  
\*Alley/service drive easement required for commercial properties  
\*\* 24 ft. private service drive to provide city services 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. Plat note will be required to be noted on the plat regarding the service drive, prior to recording.  
\*\*Subdivision Ordinance: Section 134-106

Required

##### SETBACKS

\* Front : North McColl Road: 60 ft. or greater for easements or approved site plan.  
East Violet Avenue: 40 ft. or greater for easements or approved site plan.  
\*\*Please revise plat note #2 as shown above prior to final.  
\*\*Zoning Ordinance: Section 138-356  
\* Rear: In accordance with the Zoning Ordinance or greater for easements or approved site plan.  
\*\*Please revise plat note #2 as shown above prior to final.  
\*\*Zoning Ordinance: Section 138-356

Applied

Applied

**These comments are for subdivision requirements only – additional requirements may apply at time of site plan review**

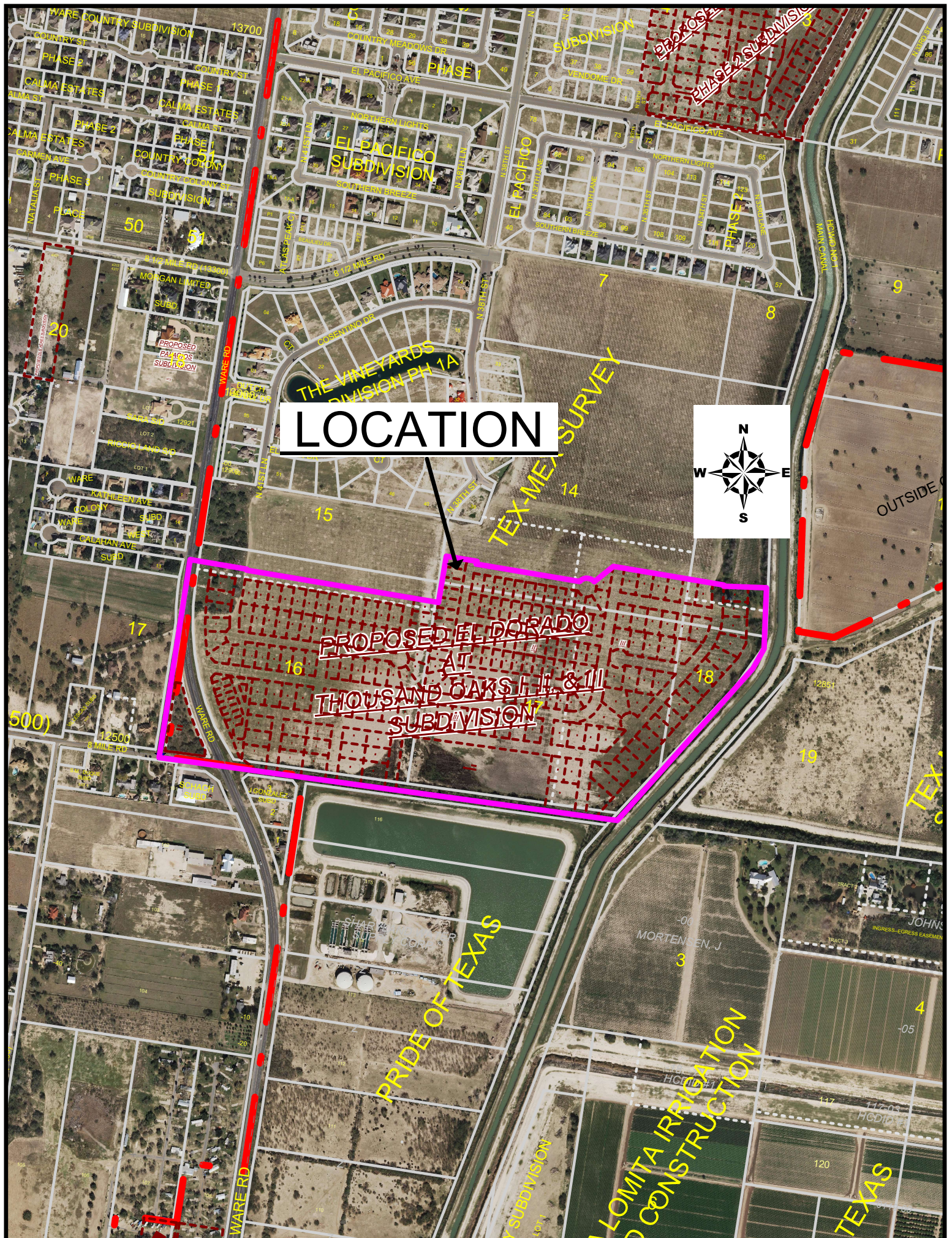


<ul style="list-style-type: none"> <li>* Interior Sides: In accordance with the Zoning Ordinance or greater for easements or approved site plan.</li> <li>**Zoning Ordinance: Section 138-356</li> <li>* Corner: See above</li> <li>**Please revise plat note #2 as shown above prior to final.</li> <li>**Zoning Ordinance: Section 138-356</li> <li>* Garage:</li> <li>**Zoning Ordinance: Section 138-356</li> <li>*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN</li> </ul>	Applied
	Required
	NA
	Applied
<b>SIDEWALKS</b>	
<ul style="list-style-type: none"> <li>* 4 ft. wide minimum sidewalk required along East Violet Avenue and 5 ft. wide minimum sidewalk required along North McColl Road as per Engineering Department.</li> <li>****Subdivision Ordinance: Section 134-120</li> <li>* Perimeter sidewalks must be built or money escrowed if not built at this time.</li> </ul>	Applied
	Applied
<b>BUFFERS</b>	
<ul style="list-style-type: none"> <li>* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses.</li> <li>****Landscaping Ordinance: Section 110-46</li> <li>* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses.</li> <li>****Landscaping Ordinance: Section 110-46</li> <li>*Perimeter buffers must be built at time of Subdivision Improvements.</li> </ul>	Applied
	Applied
	Applied
<b>NOTES</b>	
<ul style="list-style-type: none"> <li>* No curb cut, access, or lot frontage permitted along.</li> <li>**City's Access Management Policy.</li> <li>* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.</li> <li>**Plat note #10 is not required, please remove.</li> <li>* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.</li> <li>* Common Areas, any private streets, service drives, etc. must be maintained by the lot owners and not the City of McAllen</li> <li>**Landscaping Ordinance: Section 110-72</li> <li>**Subdivision Ordinance: Section 134-168</li> <li>* 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.</li> <li>**Landscaping Ordinance: Section 110-72</li> <li>**Subdivision Ordinance: Section 134-168</li> <li>* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.</li> <li>**Subdivision Ordinance: Section 110-72</li> </ul>	TBD
	Required
	Required
	Required
	NA
	NA

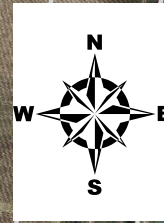


<b>LOT REQUIREMENTS</b>	
* Minimum lot width and lot area. **Zoning Ordinance: Section. 138-356	Compliance
* Lots fronting public streets. **Zoning Ordinance: 138-1	Compliance
<b>ZONING/CUP</b>	
* Existing: C-3 Proposed: C-3 **Zoning Ordinance: Article V	Compliance
* Rezoning Needed Before Final Approval **Zoning Ordinance: Article V	NA
<b>PARKS</b>	
* Land dedication in lieu of fee.	NA
* Park Fee of \$700 per lot/dwelling unit to be paid prior to recording	NA
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
<b>TRAFFIC</b>	
* As per Traffic Department, Trip Generation approved; no TIA required.	Completed
* As per Traffic Department, Trip Generation approved; no TIA required.	NA
<b>COMMENTS</b>	
Comments: Must comply with City's Access Management Policy **If any abandonments are needed, they will have to be recorded prior to final by a separate instrument.	Applied
<b>RECOMMENDATION</b>	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN REVISED PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, DRAINAGE APPROVAL, AND CLARIFICATION ON REQUESTED VARIANCE.	Applied



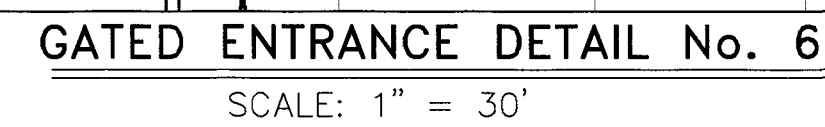
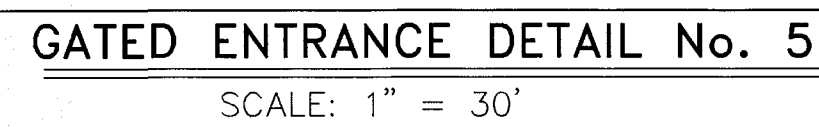
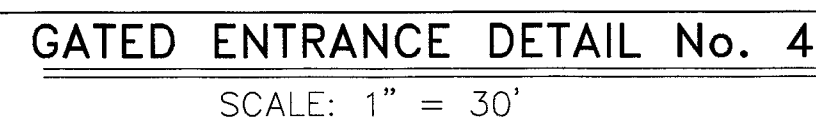
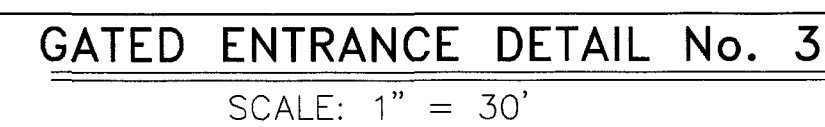
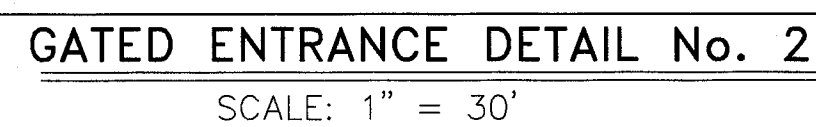
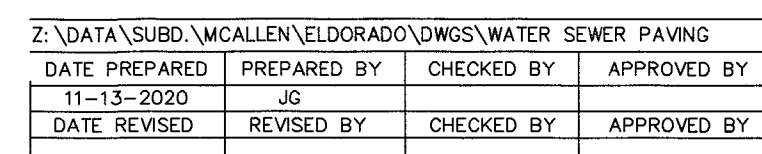
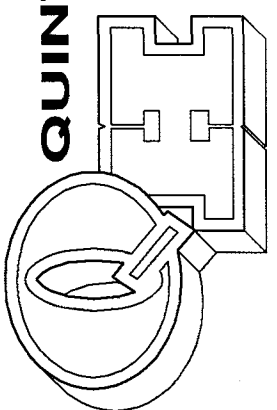


LOCATION





**LAND SURVEYORS**  
PHONE 956-381-6480  
FAX 956-381-0527  
ALFONSOQ@QHA-ENG.COM





SUB2019-0038



City of McAllen  
Planning Department  
**APPLICATION FOR**

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

**SUBDIVISION PLAT REVIEW**

Project Description	<p><b>REPLAT OF LOTS 26 &amp; 28 THRU 55</b></p> <p>Subdivision Name <u>VILLANUEVA ESTATES AT TRINITY OAKS SUBDIVISION</u></p> <p>Location <u>NORTHWEST CORNER OF MILE 6 1/2 N. &amp; ROUTH ROAD</u></p> <p>City Address or Block Number <u>                    </u></p> <p>Number of lots <u>29</u> Gross acres <u>4.013</u> Net acres <u>4.013</u></p> <p>Existing Zoning <u>R1</u> Proposed <u>R1</u> Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date <u>          </u></p> <p>Existing Land Use <u>VACANT</u> Proposed Land Use <u>RESIDENTIAL</u> Irrigation District # <u>1</u></p> <p>Residential Replat Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Commercial Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> ETJ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Agricultural Tax Exemption Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Estimated Rollback tax due <u>-0-</u></p> <p>Legal Description <u>4.013 AC. BEING ALL OF LOTS 26 &amp; 28 THRU 55 VILLANUEVA ESTATES AT TRINITY OAKS SUBDIVISION</u></p>
	Owner
Developer	<p>Name <u>VILLANUEVA PROPERTIES &amp; INVESTMENTS, LLC</u> Phone <u>C/O 956-381-0981</u></p> <p>Address <u>3528 BUDDY OWENS AVE.</u></p> <p>City <u>MCALLEN</u> State <u>TX</u> Zip <u>78504</u></p> <p>Contact Person <u>MARTIN VILLANUEVA/ROSENDO BENITEZ/STEPHANIE BENITEZ</u></p> <p>E-mail <u>ROSENDO@VILLANUEVAHOMES.COM</u></p>
Engineer	<p>Name <u>MELDEN &amp; HUNT, INC.</u> Phone <u>(956) 381-0981</u></p> <p>Address <u>115 W. MCINTYRE ST.</u></p> <p>City <u>EDINBURG</u> State <u>TX</u> Zip <u>78541</u></p> <p>Contact Person <u>MARIO A. REYNA, P.E.</u></p> <p>E-mail <u>MARIO@MELDENANDHUNT.COM</u></p>
Surveyor	<p>Name <u>MELDEN &amp; HUNT, INC.</u> Phone <u>(956) 381-0981</u></p> <p>Address <u>115 W. MCINTYRE ST.</u></p> <p>City <u>EDINBURG</u> State <u>TX</u> Zip <u>78541</u></p>



Rct # 438111 pd \$ 300



## 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 Martin Villanueva Date 5/31/19

Print Name Martin Villanueva

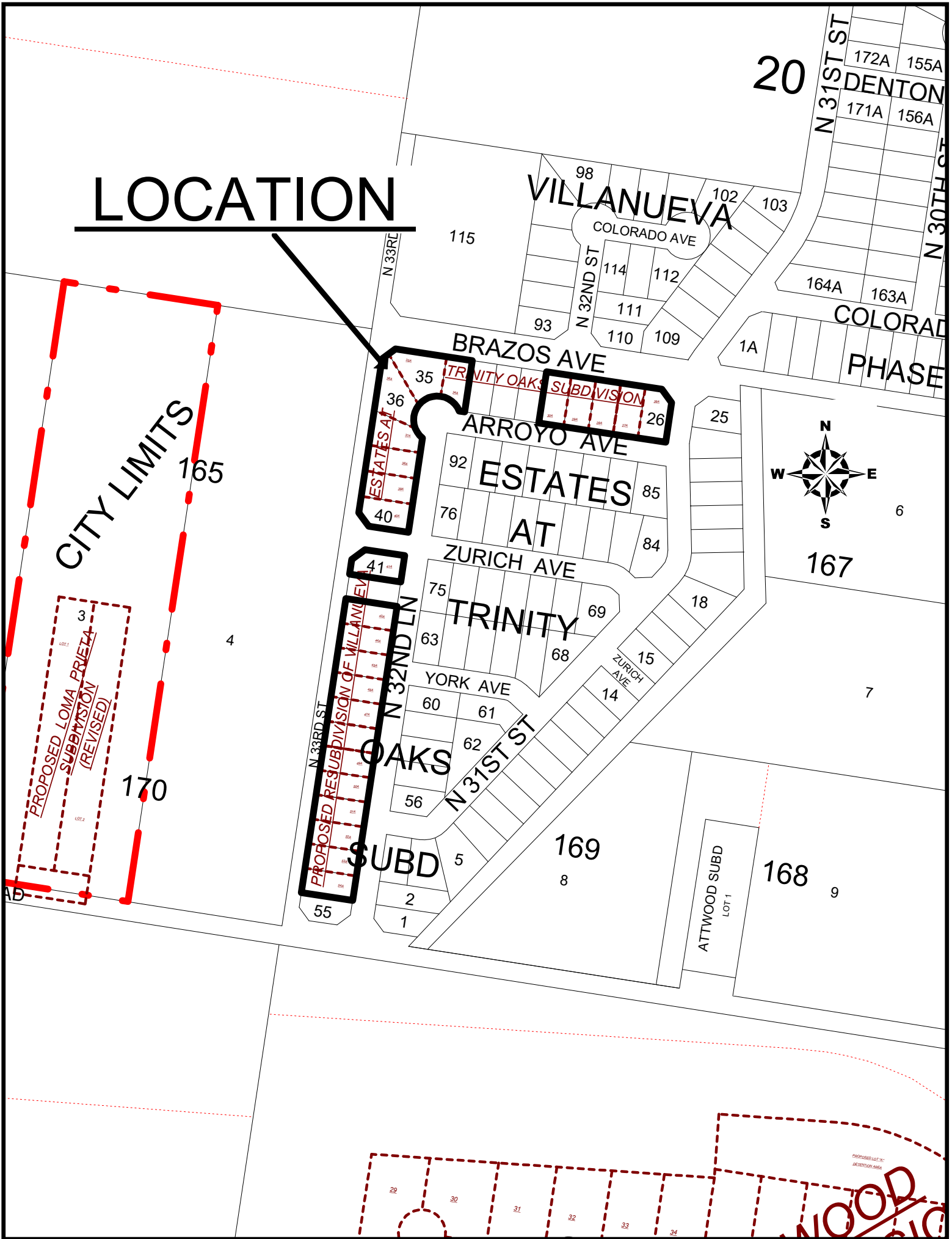
Owner ☒

Authorized Agent ☐

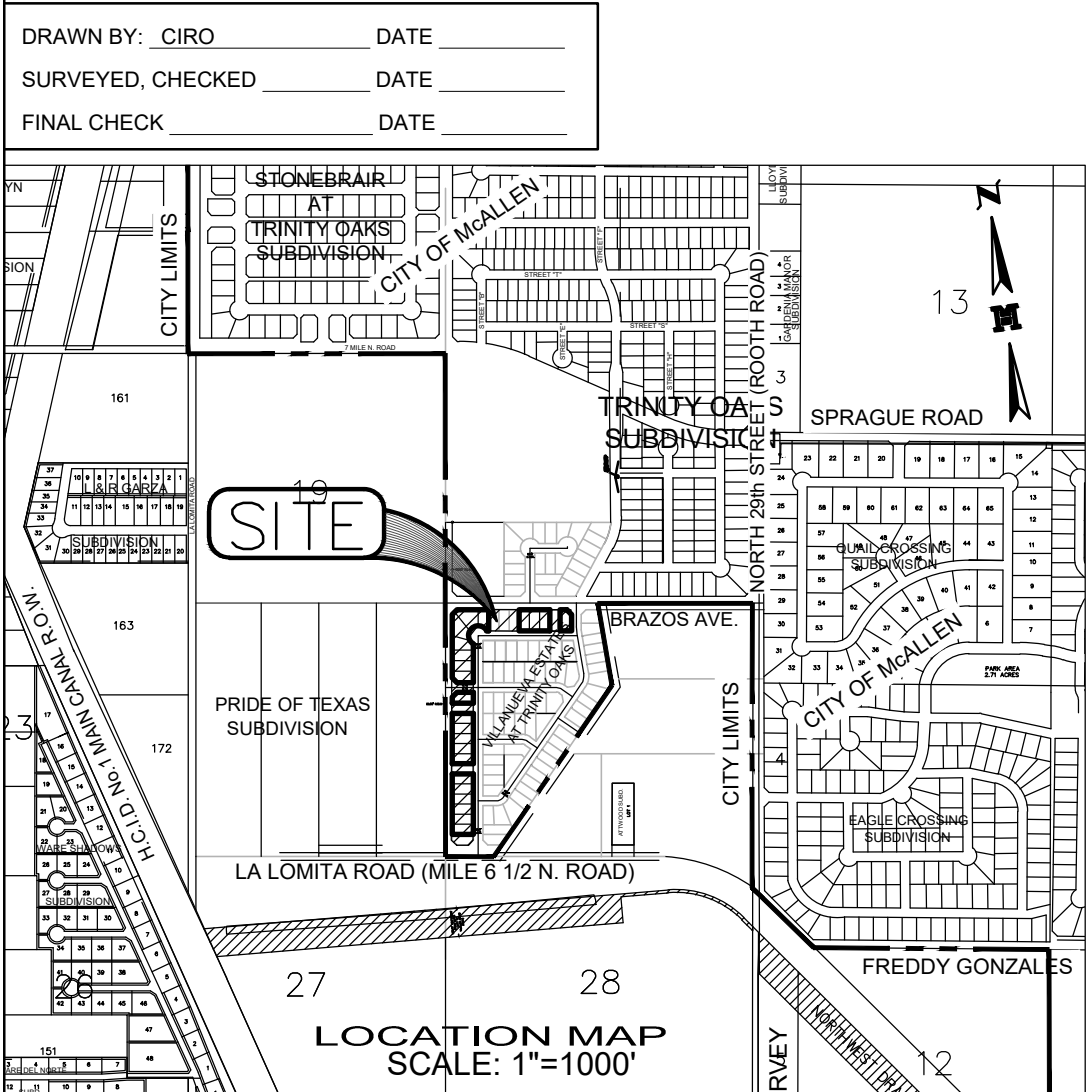
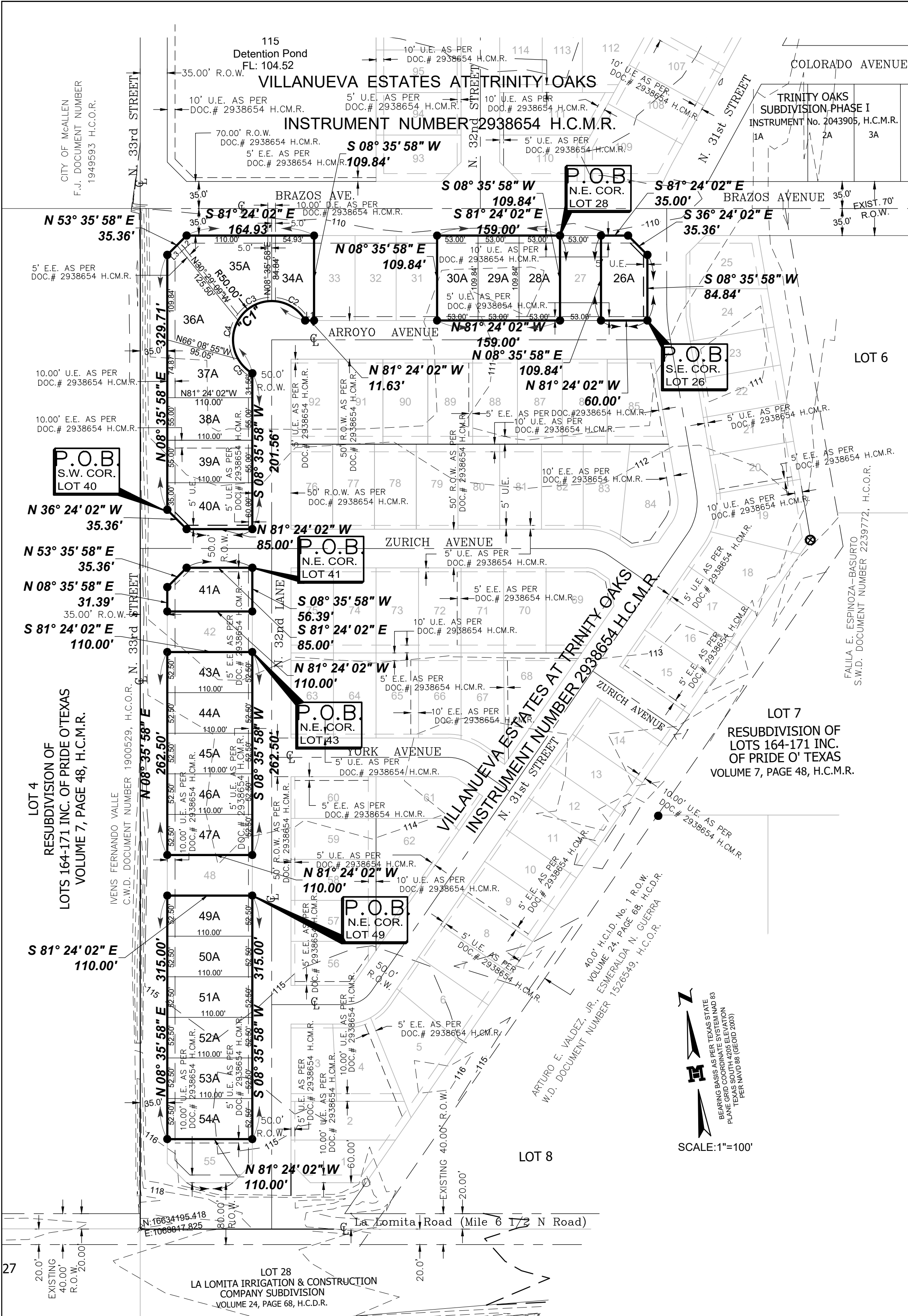
09/15



# LOCATION







- LEGEND**
- FOUND No. 6 REBAR
  - FOUND No. 4 REBAR
  - R.O.W. - RIGHT OF WAY
  - H.C.O.R. - HIDALGO COUNTY OFFICIAL RECORDS
  - S.W.D. - SPECIAL WARRANTY DEED
  - C.W.D. - CORRECTION WARRANTY DEED
  - W.D. - WARRANTY DEED
  - P.O.B. - POINT OF BEGINNING
  - H.C.D.R. - HIDALGO COUNTY DEED RECORDS
  - S.W. COR. - SOUTHWEST CORNER
  - H.C.M.R. - HIDALGO COUNTY MAP RECORDS
  - H.C.I.D. - HIDALGO COUNTY IRRIGATION DISTRICT
  - ESMT. - EASEMENT
  - U.E. - UTILITY EASEMENT
  - E.E. - ELECTRICAL EASEMENT
  - D.E. - DRAINAGE EASEMENT
  - F.J. - FINAL JUDGMENT
  - AC. - ACRES OR ACRE
  - N.E. COR. - NORTHEAST CORNER
  - S.E. COR. - SOUTHEAST CORNER
  - C. - CENTER LINE

MELDEN & HUNT, INC.  
TEXAS REGIST. F-1435

**MELDEN & HUNT INC.**  
CONSULTANTS • ENGINEERS • SURVEYORS

115 W. MCINTYRE - EDINBURG, TX 78541  
PH: (956) 381-0981 - FAX: (956) 381-1839  
ESTABLISHED 1947 - www.meldenandhunt.com

# SUBDIVISION MAP OF VILLANUEVA ESTATES AT TRINITY OAKS LOTS 26A & 28A-30A & 34A-41A & 43A-47A & 49A-54A SUBDIVISION

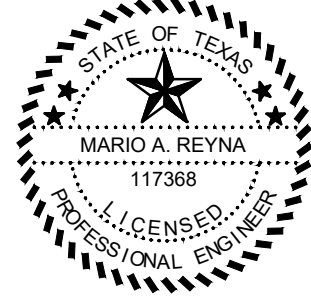
BEING A SUBDIVISION OF 3.218 ACRES  
BEING ALL OF LOTS 26 & 28-30 & 34-41 & 43-47 & 49-54  
VILLANUEVA ESTATES AT TRINITY OAKS  
INSTRUMENT NUMBER 2938654 H.C.M.R.  
CITY OF McALLEN, HIDALGO COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, MARIO A. REYNA, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY  
CERTIFY THAT THE PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

MARIO A. REYNA, P.E. # 117368  
DATE PREPARED: 05-29-2019  
ENGINEERING JOB No. 16127.07

DATE:



STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, FRED L. KURTH, A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE STATE OF TEXAS, DO  
HEREBY CERTIFY THAT THE HEREIN PRESENTED PLAT AND DESCRIPTION OF VILLANUEVA ESTATES AT TRINITY OAKS  
LOTS 26A & 28A-30A & 34A-41A & 43A-47A & 49A-54A SUBDIVISION, WERE PREPARED FROM A SURVEY OF THE  
PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION ON 08-06-18, AND THAT IT IS A TRUE AND  
ACCURATE REPRESENTATION OF THE SUBDIVISION OF THE LANDS HEREON DESCRIBED.

FRED L. KURTH, R.P.L.S. # 4750  
DATE SURVEYED: 08-06-18  
T-1014, PAGE 66  
SURVEY JOB No. 16127.08

DATE:



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 COMMISSION

DATE

MAYOR, CITY OF McALLEN

DATE

CITY SECRETARY

DATE

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 AND HIS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO.1

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

DATE

Curve Table						
Curve #	Length	Radius	Delta	Chord Direction	Chord Length	Tangent
C1	183.26'	50.00'	210° 00' 00"	S53° 35' 58"W	96.59'	186.60'
C2	52.36'	50.00'	060° 00' 00"	N51° 24' 02"W	50.00'	28.87'
C3	52.36'	50.00'	060° 00' 15"	S68° 35' 50"W	50.00'	28.87'
C4	52.36'	50.00'	060° 00' 05"	S8° 35' 40"W	50.00'	28.87'
C5	26.18'	50.00'	029° 59' 40"	S36° 24' 12"E	25.88'	13.39'

THE STATE OF TEXAS  
COUNTY OF HIDALGO

WE, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE VILLANUEVA  
ESTATES AT TRINITY OAKS LOTS 26A & 28A-30A & 34A-41A & 43A-47A & 49A-54A 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, WATERCOURSES, 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.

VILLANUEVA PROPERTIES & INVESTMENTS, LLC.  
A TEXAS LIMITED LIABILITY COMPANY  
MARTIN VILLANUEVA, MANAGER  
3528 BUDDY OWENS BOULEVARD  
McALLEN, TX 78504

DATE

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MARTIN VILLANUEVA, KNOWN TO ME  
TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE  
EXECUTED THE SAME FOR THE PURPOSED AND CONSIDERATIONS THEREIN GIVEN UNDER MY HAND AND

SEAL OF OFFICE, THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC, FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES:

HOMEOWNER'S ASSOCIATION ACKNOWLEDGMENT  
STATE OF TEXAS  
COUNTY OF HIDALGO

I, MARTIN VILLANUEVA, PRESIDENT OF VILLANUEVA ESTATES AT TRINITY OAKS SUBDIVISION HOMEOWNER'S  
ASSOCIATION, (DOCUMENT NUMBER 2938622, HIDALGO COUNTY DEED RECORDS), AGREE TO THE CONDITIONS STATED IN  
NOTES # 14 & 15 OF THE PLAT NOTES.

VILLANUEVA PROPERTIES & INVESTMENTS, LLC.  
MARTIN VILLANUEVA - MANAGING MEMBER  
3528 BUDDY OWENS BLVD. - McALLEN TX 78504

DATE:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MARTIN VILLANUEVA, KNOWN TO ME  
TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE  
EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN GIVEN

UNDER MY HAND AND SEAL OF THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC, FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES:

STATE OF TEXAS  
COUNTY OF HIDALGO

THE UNDERSIGNED, LIENHOLDER OF RECORD IN THE DESCRIBED REAL PROPERTY, AS SHOWN ON THIS PLAT AND  
DESIGNATED AS VILLANUEVA ESTATES AT TRINITY OAKS LOTS 26A & 28A-30A & 34A-41A & 43A-47A & 49A-54A SUBDIVISION OF  
THE CITY OF McALLEN, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE REAL PROPERTY AS PROVIDED FOR  
UNDER THE PLAT, AND DO HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST ON THE  
ABOVE DESCRIBED REAL PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

BY: LARRY GONZALEZ, PRESIDENT  
PLAINSCAPITAL BANK  
100 E. NOLANA LOOP - PHARR, TX 78577  
(LIENHOLDER - LOT 55)

DATE:

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED LARRY GONZALEZ, KNOWN TO ME TO  
BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE  
EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN GIVEN UNDER MY HAND AND SEAL OF THIS

THE \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

NOTARY PUBLIC, FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES:



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

ON: \_\_\_\_\_ AT \_\_\_\_\_ AM/PM

INSTRUMENT NUMBER \_\_\_\_\_  
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: \_\_\_\_\_ DEPUTY





# City of McAllen

## SUBDIVISION PLAT REVIEW

Reviewed On: 5/21/2021

**SUBDIVISION NAME: VILLANUEVA ESTATES AT TRINITY OAKS LOTS 26A & 28A-30A & 34A-41A & 43A-47A & 49A-54A**

### REQUIREMENTS

#### STREETS AND RIGHT-OF-WAYS

La Lomita Road (6 1/2 Mile Road): 80 ft. ROW existing  
Paving: 65 ft. Curb & gutter: both sides  
\*Owner must escrow monies for improvements if not built prior to plat recording.

Brazos Ave. 35 ft. from centerline for 70 ft. ROW  
Paving: 44 ft. Curb & gutter: both sides  
\*Owner must escrow monies for improvements if not built prior to plat recording.

N. 33rd Street: 35 ft. ROW from centerline for 70 ft. ROW  
Paving: 44 ft. Curb & gutter: both sides  
\*Label the street name as N. 33rd Street on the plat.  
\*\*Owner must escrow monies for improvements if not built prior to plat recording.

N. 32 Lane: 50 ft. ROW  
Paving: 32 ft. Curb & gutter: both sides

Zurich Ave.: 50 ft. ROW  
Paving: 32 ft. Curb & gutter: both sides

\* 800 ft. Block Length:

\* 600 ft. Maximum Cul-de-Sac:

Compliance

Compliance

Applied

Compliance

Compliance

Compliance

NA

#### ALLEYS

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

NA

#### SETBACKS

\* Front: 25 ft. or greater for easements.  
\*\*Cul-de-sac lots also require 25 ft. setback as noted above. Revise Note #3 accordingly.

\* Rear: 10 ft. or greater for easements except 25 ft. for double fronting lots.  
\*\*Engineer submitted a variance request to allow for a 10 ft. rear setback for double fronting lots (Lots 26, and 28 - 55). Planning and Zoning Commission approved the 10 ft. rear setback for double fronting lots as requested at the meeting of June 25, 2019.  
\*\*\*A plat note indicating that Lots 27, 31-33, 42, 48, and 55 will keep the original 25 ft. rear setback (double fronting) might be required on the plat prior to recording.

\*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

Required

Applied

Compliance

Compliance

Applied

Applied

**These comments are for subdivision requirements only – additional requirements may apply at time of site plan review**



<b>SIDEWALKS</b>	
* 4 ft. wide minimum sidewalk required on Brazos Avenue, N. 33rd Street (west boundary, La Lomita Road (6 1/2 North Road, and on both sides of all interior streets.	Compliance
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
<b>BUFFERS</b>	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses, and along Brazos Avenue, N. 33rd Street and La Lomita Road (6 1/2 North Road.	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.	Applied
<b>NOTES</b>	
* No curb cut, access, or lot frontage permitted along Brazos Avenue, N. 33rd Street and La Lomita Road (6 1/2 North Road).	Compliance
* Site plan must be approved by the Planning and Zoning Commission prior to building permit issuance.	NA
* Common Areas, Private Streets 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.	Applied
**Note as needed relating to this plat/HOA previously recorded; finalize prior to recoding.	
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.	Applied
<b>LOT REQUIREMENTS</b>	
* Lots fronting public streets.	Compliance
* Minimum lot width and lot area: All lots must have minimum 50 ft. frontage with the corner lots 4 ft. wider than the minimum lot frontage requirement.	Applied
<b>ZONING/CUP</b>	
* Existing: R-1 Proposed: R-1	Compliance
* Rezoning Needed Before Final Approval	NA
<b>PARKS</b>	
* Land dedication in lieu of fee:	NA
* Park Fee of \$700 per lot/dwelling unit to be paid prior to recording.	Applied
**The Parkland Dedication Advisory Board recommended the variance of fees in lieu of land at their meeting of November 11, 2016.	
***City Commission approved fee in lieu of land at their meeting of November 28, 2016.	
**** Will be applied to this resubdivision.	

**These comments are for subdivision requirements only – additional requirements may apply at time of site plan review**



<ul style="list-style-type: none"> <li>* Pending review by the Parkland Dedication Advisory Board and CC.</li> <li>**The Parkland Dedication Advisory Board recommended the variance of fees in lieu of land at their meeting of November 11, 2016.</li> <li>***City Commission approved fee in lieu of land at their meeting of November 28, 2016.</li> <li>**** Will be applied to this resubdivision.</li> </ul>	Complete
<b>TRAFFIC</b>	
<ul style="list-style-type: none"> <li>* Trip Generation to determine if TIA is required, prior to final plat. Trip generation honored if number of lots have not changed from original trip generation of Villanueva Estates at Trinity Oaks</li> <li>* Traffic Impact Analysis (TIA) required prior to final plat.</li> <li>**Level 1 TIA previously approved.</li> </ul>	Applied
	Applied
<b>COMMENTS</b>	
<p>Comments: Must comply with City's Access Management Policy.</p> <ul style="list-style-type: none"> <li>*Existing plat notes remain the same for the resubdivision.</li> <li>**Application, plat notes, and any applicable document needs to be changed to reflect new proposed name, number of lots, new acreage, etc.</li> <li>***Please discuss with staff to determine if removed lots should be included for this replat.</li> <li>***Planning and Zoning Commission approved the subdivision in preliminary form as a public hearing on August 6, 2019.</li> <li>****Planning and Zoning Commission approved the subdivision in final form September 3, 2019.</li> <li>***A plat note indicating that Lots 27, 31-33, 42, 48, and 55 will keep the original 25 ft. rear setback (double fronting) might be required on the plat prior to recording.</li> </ul>	Applied
<b>RECOMMENDATION</b>	
<p>Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN REVISED FINAL FORM SUBJECT TO CONDITIONS NOTED.</p>	Applied



19

20

# LOCATION

N 31ST ST  
DENTON C  
N 30TH ST  
COLORADO  
PHASE 1

VILLANUEVA

COLORADO AVE

N 32ND ST

BRAZOS AVE

TRINITY OAKS SUBDIVISION

ARROYO AVE

ESTATES  
AT

ZURICH AVE

TRINITY

YORK AVE

OAKS

SUBD

PROPOSED RESUBDIVISION OF VILLANUEVA

N 32ND LN

N 33RD ST

N 31ST ST

N 30TH ST

N 29TH ST

N 28TH ST

N 27TH ST

N 26TH ST

N 25TH ST

N 24TH ST

N 23TH ST

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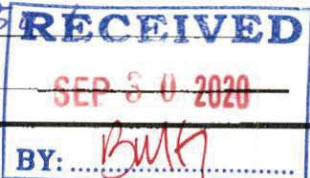




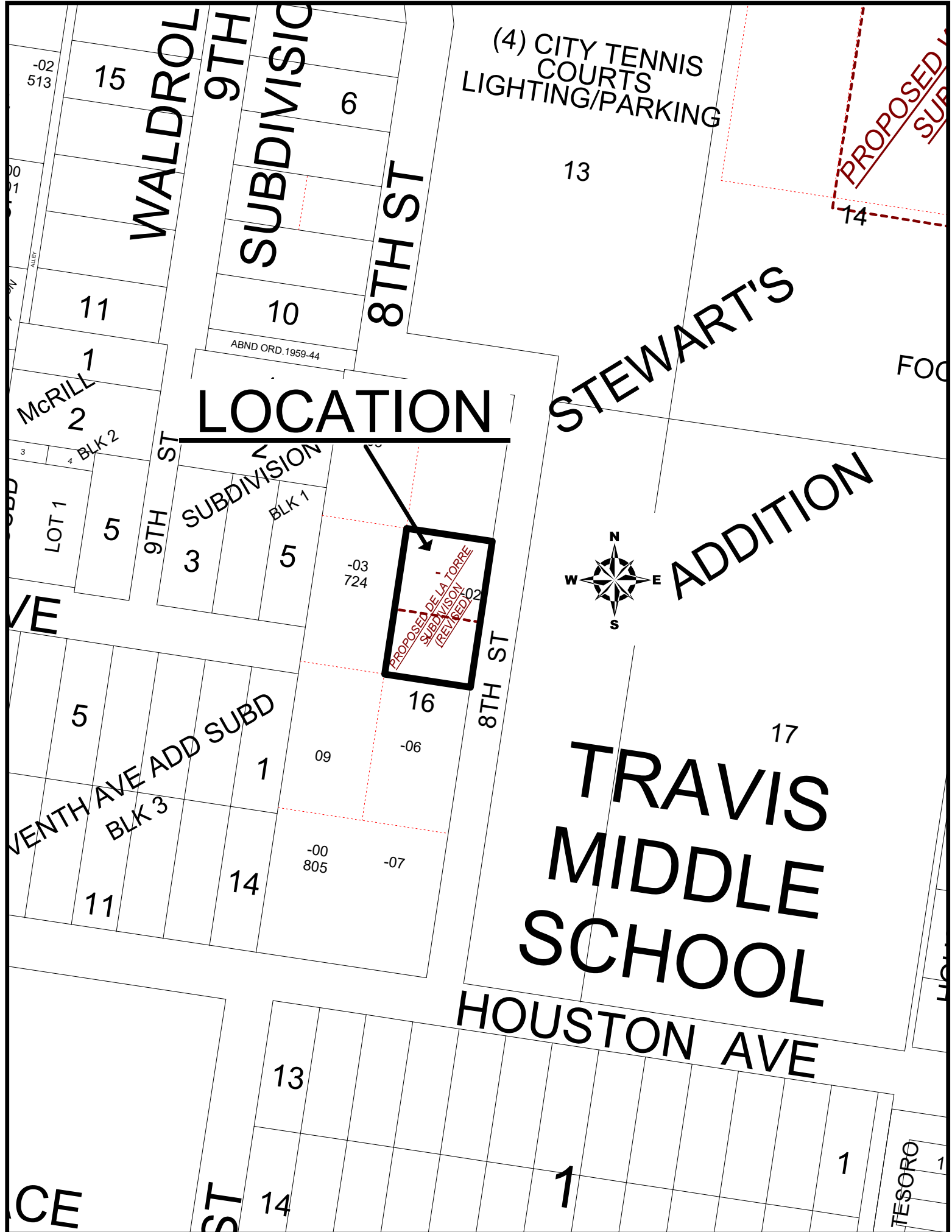
City of McAllen  
Planning Department  
**APPLICATION FOR  
SUBDIVISION PLAT REVIEW**

1300 Houston Avenue  
McAllen, TX 78501  
P. O. Box 220  
McAllen, TX 78505-0220  
(956) 681-1250  
(956) 681-1279 (fax)

Project Description	Subdivision Name <u>De la Torre Subdivision</u>
	Location <u>8th Street approx 300ft north of Houston Avenue</u>
	City Address or Block Number _____
	Number of lots <u>1</u> Gross acres <u>0.33</u> Net acres <u>0.33</u>
	Existing Zoning <u>R-2</u> Proposed <u>R-2</u> Rezoning Applied For <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____
	Existing Land Use <u>Vacant</u> Proposed Land Use <u>Fourplex</u> Irrigation District # <u>HCV 10#3</u>
	Residential Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Commercial Replat Yes <input type="checkbox"/> No <input type="checkbox"/> ETJ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Agricultural Tax Exemption Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Estimated Rollback tax due _____	
Legal Description <u>A 0.33 tract of land out of part of Lot 16, Stewart's Addition to the City of McAllen Vol. 4, Page, 642.</u>	
Owner	Name <u>Rafael Idelfonso de la Torre Sanchez</u> Phone <u>(956) 533-5884</u>
	Address <u>2513 N. 27th Lane</u>
	City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u>
	E-mail _____
Developer	Name <u>Same as above</u> Phone _____
	Address _____
	City _____ State _____ Zip _____
	Contact Person _____
	E-mail _____
Engineer	Name <u>MAS Engineering LLC</u> Phone <u>(956) 537-1311</u>
	Address <u>3911 N. 10th St. Suite H</u>
	City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u>
	Contact Person <u>Mario A. Salinas</u>
	E-mail <u>msalinas6973@att.net</u>
Surveyor	Name <u>David Salinas</u> Phone <u>(956) 686-1484</u>
	Address <u>2221 Dalkodil Ave.</u>
	City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u>
	E-mail <u>dsalinas@salinasengineering.com</u>









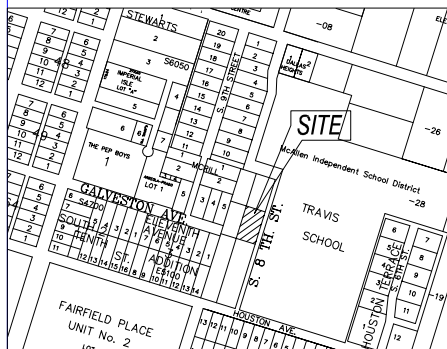
*McALLEN, TEXAS*

SCALE 1:40



1":400'

## VICINITY MAP



**MAS ENGINEERING LLC.**  
CONSULTING ENGINEERING  
FIRM NO. F-15499

3911 N. 10TH ST. STE H  
MCALLEN, TEXAS. 78501

PH. (956) 537-1311  
E-MAIL: MSALINAS6973@ATT.NET





# City of McAllen

## SUBDIVISION PLAT REVIEW

Reviewed On: 5/20/2021

<b>SUBDIVISION NAME: DE LA TORRE SUBDIVISION</b>	
<b>REQUIREMENTS</b>	
<b>STREETS AND RIGHT-OF-WAYS</b>	
S. 8th Street: 50 ft. ROW Paving: 40 ft. Curb & gutter: Both sides	Compliance
Galveston Avenue: 37 ft. ROW dedication for future 50 ft. ROW Paving: 32 ft. Curb & gutter: Both sides **Engineer submitted a variance letter to not provide ROW dedication for the extension of Galveston Avenue.	Non-compliance
* 800 ft. Block Length	Applied
* 600 ft. Maximum Cul-de-Sac	NA
<b>ALLEYS</b>	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial properties	NA
<b>SETBACKS</b>	
* Front: 20 ft. or greater for easements or in line with average of existing buildings setbacks, whichever is greater **Revise plat as noted above, prior to final approval	Non-compliance
* Rear: 10 ft. or greater for easements	Applied
* Sides: 6 ft. or greater for approved site plan or easements **Revise plat as noted above	Non-compliance
* Corner: 10 ft. or greater for approved site plan or easements. **Revise plat as noted above.	Non-compliance
* Garage: 18 ft. except where greater setback is required, greater setback applies.	Applied
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
<b>SIDEWALKS</b>	
* 4 ft. wide minimum sidewalk required on S. 8th Street and Galveston Avenue. **Revise Note #5 on plat as noted above ***Engineer submitted a variance request to not provide additional ROW dedication for Galveston Avenue extension	Non-compliance
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Required
<b>BUFFERS</b>	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses	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.	Required
<b>NOTES</b>	
* No curb cut, access, or lot frontage permitted along	TBD
* Site plan must be approved by the Planning and other Development Departments prior to building permit issuance.	Applied

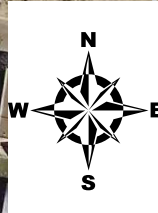


* Common Areas, Private Streets must be maintained by the lot owners and not the City of McAllen	Applied
* Common areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* Developer/Homeowner's Association/Owner, their successors and assignees, and not the 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.	Applied
*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
<b>LOT REQUIREMENTS</b>	
* Lots fronting public streets	Applied
* Minimum lot width and lot area	Applied
<b>ZONING/CUP</b>	
* Existing: R-2 Proposed: R-2	Applied
* Rezoning Needed Before Final Approval	NA
<b>PARKS</b>	
* Land dedication in lieu of fee	NA
* Park Fee of \$700 per dwelling unit/lot to be paid prior to recording. If 4 units are proposed x \$700 = \$2,800 due prior to recording. Fees will be revised accordingly if number of units change.	Required
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
<b>TRAFFIC</b>	
*Per Traffic Department, Trip Generation has been waived.	Applied
* Traffic Impact Analysis (TIA) required prior to final plat.	NA
<b>COMMENTS</b>	
Comments: **Must comply with City's Access Management Policy ***Revise street name on plat for Galveston Avenue prior to finalizing the approval. ****Engineer to submit ownership map to assure no landlock property exists *****Revise setback note prior to final approval *****Engineer submitted a variance request to not provide additional ROW for Galveston Avenue extension *****Subdivision layout has been revised to 2 lots instead of one lot, as indicated on filed application	Applied
<b>RECOMMENDATION</b>	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN REVISED PRELIMINARY FORM, SUBJECT TO CONDITIONS NOTED, AND CLARIFICATION ON THE REQUESTED VARIANCE.	Applied





LOCATION





SUB2020-0048



City of McAllen  
Planning Department

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

APPLICATION FOR

SUBDIVISION PLAT REVIEW

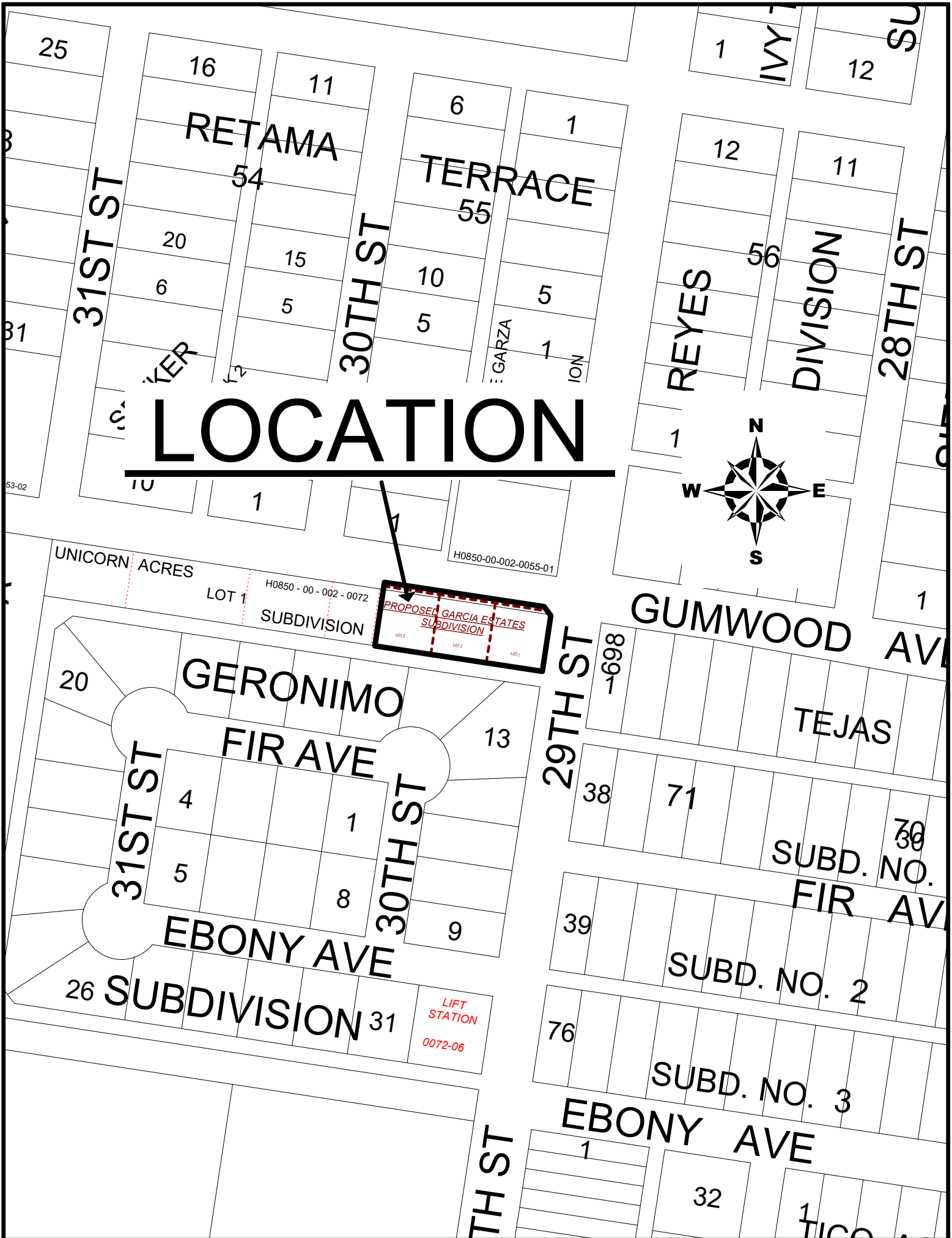
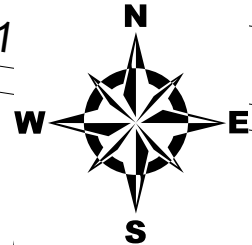
Project Description	<p>Subdivision Name <u>Garcia Estates</u></p> <p>Location <u>SW C Gumwood Avenue &amp; 29th St.</u></p> <p>City Address or Block Number <u>2901 Gumwood</u></p> <p>Number of lots <u>3</u> Gross acres <u>0.40</u> Net acres <u>0.40</u></p> <p>Existing Zoning <u>R1</u> Proposed <u>R1</u> Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____</p> <p>Existing Land Use <u>vacant</u> Proposed Land Use <u>single family</u> Irrigation District # _____</p> <p>Residential Replat Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Commercial Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> ETJ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Agricultural Tax Exempt Yes <input type="checkbox"/> No <input type="checkbox"/> Estimated Rollback tax due <u>0</u></p> <p>Parcel No. <u>185437</u> Tax Dept. Review <u>Norma Guerra</u></p> <p>Legal Description <u>Approx. 0.40 ac. being East 1/2 Lot 1 of Reub. of N. 1/2 L 72 &amp; 73 BL 2 C &amp; Hammond aka Lot 1 Unicorn Acres</u></p>
Owner	<p>Name <u>Sonia Garcia / Erik J. Mora</u> Phone <u>(956) 381-0981</u></p> <p>Address <u>7608 N. 20th St.</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u></p> <p>E-mail <u>goruben@meldenandhunt.com</u></p>
Developer	<p>Name <u>Sonia Garcia / Erik J. Mora</u> Phone <u>(956) 381-0981</u></p> <p>Address <u>7608 N. 20th St.</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u></p> <p>Contact Person <u>Sonia Garcia</u></p> <p>E-mail <u>sonia910@yahoo.com</u></p>
Engineer	<p>Name <u>Melden &amp; Hunt, Inc.</u> Phone <u>(956) 381-0981</u></p> <p>Address <u>115 W. McIntyre</u></p> <p>City <u>Edinburg</u> State <u>TX</u> Zip <u>78541</u></p> <p>Contact Person <u>Ruben James De Jesus</u></p> <p>E-mail <u>ruben@meldenandhunt.com</u></p>
Surveyor	<p>Name <u>Melden &amp; Hunt, Inc.</u> Phone <u>(956) 381-0981</u></p> <p>Address <u>115 W. McIntyre St.</u></p> <p>City <u>Edinburg</u> State <u>TX</u> Zip <u>78541</u></p>

Ret # 728117 Pd \$300





# LOCATION





SPYKER SUBDIVISION,  
VOL. 15, PG. 7,  
H.C.M.R.

HINOJOSA ARTURO JR.

Q GUMWOOD AVENUE

P.O.B.

P.O.C.  
N.E. COR. LOT 1,  
UNICORN ACRES

THE FERNANDO GONZALEZ,  
TRUSTEE OF THE MODESTO GONZALEZ  
MANAGEMENT TRUST TRACT: THE EAST  
300.0 FEET OF THE WEST 60.0 FEET  
OF LOT 1, UNICORN ACRES,  
S.W.D. DOC. No. 2205761, H.C.O.R.

N 08° 15' 34" E

81.66'

3  
5490.864 SQ. FT.  
0.126 AC.

15.00' U.E. DEDICATED  
BY THIS PLAT

2  
5490.864 SQ. FT.  
0.126 AC.

1  
5490.864 SQ. FT.  
0.126 AC.

10.00' U.E.  
DEDICATED  
BY THIS PLAT

S 08° 23' 19" W

14.15'

THE CITY OF McALLEN TRACT:  
A 0.020 OF AN ACRE TRACT OUT OF  
LOT 1, UNICORN ACRES,  
W.D. DOC. No. 1112323, H.C.O.R.

N. 29TH STREET

Q

N:16602719.974  
E:1065158.649

00' ALLEY

N:16602688.586  
E:1065371.416

16

15

GERONIMO SUBDIVISION,  
VOL. 20, PG. 169, H.C.M.R.

14

13



BEARING BASIS AS PER  
GERONIMO SUBDIVISION  
VOL. 20, PG. 169 H.C.M.R.

SCALE: 1" = 40'

## PLAT OF **GARCIA ESTATES SUBDIVISION**

BEING A RESUBDIVISION OF 0.40 OF ONE ACRE SITUATED IN THE CITY OF McALLEN,  
HIDALGO COUNTY, TEXAS, BEING A PART OR PORTION OUT OF LOT 1, UNICORN ACRES,  
ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 3, HIDALGO  
COUNTY MAP RECORDS, AND ACCORDING TO WARRANTY DEED WITH VENDOR'S LIEN  
RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 2734788,  
HIDALGO COUNTY OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS





# City of McAllen

## SUBDIVISION PLAT REVIEW

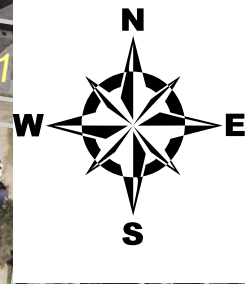
Reviewed On: 5/20/2021

<b>SUBDIVISION NAME: GARCIA ESTATES</b>	
<b>REQUIREMENTS</b>	
<b>STREETS AND RIGHT-OF-WAYS</b>	
N. 29th Street: 10 ft. ROW dedication required for 50 ft. from centerline required for 100 ft. total ROW Paving: min. 52 ft. Curb & gutter: Both sides *Variance letter submitted by engineer dedicating 5 ft. of additional ROW for N. 29th Street instead of the required 10 ft.	Non-compliance
Gumwood Avenue: 20 ft. dedication required for 40 ft. from centerline for a total of 80 ft. ROW Paving: min. 52 ft. Curb & gutter: Both sides *Variance letter received proposing 10 ft. of additional ROW instead of the required 20 ft. along Gumwood Avenue.	Non-compliance
* 800 ft. Block Length	Compliance
* 600 ft. Maximum Cul-de-Sac	NA
<b>ALLEYS</b>	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial properties **Existing alley to the south currently not paved.	Required
<b>SETBACKS</b>	
* Front: 45 ft. or greater for approved site plan or easements **Please revise plat note as shown above prior to final.	Non-compliance
* Rear: 10 ft. or greater for approved site plan or easements	Applied
* Sides: 6 ft. or greater for approved site plan or easements	Applied
* Corner side: 25 ft. or greater for easements **Revise plat as noted above	TBD
* Garage: 18 ft. except where greater setback is required, greater setback applies	Applied
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
<b>SIDEWALKS</b>	
* 4 ft. wide minimum sidewalk required on Gumwood Avenue and N. 29th Street.	Applied
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Required
<b>BUFFERS</b>	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses	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
<b>NOTES</b>	
* No curb cut, access, or lot frontage permitted along **Engineer to show access locations due to Gumwood Avenue being a collector road requiring 200 ft. spacing between accesses	TBD



* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	NA
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* Common Areas, Private Streets, service drives, etc. 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. **Section 110-72 applies for public subdivisions	Applied
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **If proposed number of lots changes, new requirements might be triggered.	NA
<b>LOT REQUIREMENTS</b>	
* Minimum lot width and lot area	Compliance
* Lots fronting public streets	Compliance
<b>ZONING/CUP</b>	
* Existing: R-1 Proposed: R-1 (Single Family Residences)	Compliance
* Rezoning not required if proposed use is single family residences.	NA
<b>PARKS</b>	
* Land dedication in lieu of fee	NA
* Park Fee of \$700 per dwelling unit/lot to be paid prior to recording. Per parks Department \$700 x 3 lots = \$2,100	Required
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
<b>TRAFFIC</b>	
* As per Traffic Department, Trip Generation waived for three single family residences. No TIA required.	Completed
* As per Traffic Dept., Traffic Impact Analysis (TIA) not required prior to final plat.	NA
<b>COMMENTS</b>	
Comments: *Must comply with City's Access Management Policy **Clarify ROW dedication on Gumwood Avenue and N. 29th Street ***Engineer submitted a variance request for the required ROW dedication along Gumwood Avenue and N. 29th Street which will be presented at the P&Z meeting scheduled for June 3, 2021.	Applied
<b>RECOMMENDATION</b>	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN REVISED PRELIMINARY FORM, SUBJECT TO CONDITIONS NOTED AND CLARIFICATION ON THE REQUESTED VARIANCES.	Applied







**Memo**

**TO:** Planning & Zoning Commission  
**FROM:** Edgar I. Garcia, AICP, CNU-A  
**DATE:** May 27, 2021  
**SUBJECT:** City Commission Actions on May 24, 2021

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**REZONING:**

1. Rezone from C-4 District to R-4 District: 1.23 acres out of Lot 2, Rancho de la Fruta Subdivision No. 2; 901 E Fir Ave
  - Planning and Zoning Commission recommended approval
  - City Commission approved as recommended
2. Initial zoning to R-1 District: 18.663 acres out of Lot 45, La Lomita Irrigation & Construction Company's Subdivision; 8300 N Ware Rd
  - Planning and Zoning Commission recommended approval
  - City Commission approved as recommended

**CONDITIONAL USE PERMITS:**

1. Request of Ricardo Macias on behalf of Mooncussers Inc. DBA Deloreans, for a Conditional Use Permit, for one year, for a bar: Lot 1, Nolana West Subdivision; 2200 Nolana Ave, Suite 2204
  - Planning and Zoning Commission disapproved with a favorable recommendation
  - City Commission approved as recommended
2. Request of Jessica Aguilar, for a Conditional Use Permit, for one year, for a bar: The North 20' of Lot 1 and All of Lot 2, Excluding the Northwest 225' x 240; of Lot 2, Plaza Del Norte Subdivision; 3424 N 10<sup>th</sup> St
  - Planning and Zoning Commission disapproved with a favorable recommendation
  - City Commission approved as recommended
3. Request of Kien Quoc Tran, for a Conditional Use Permit, for one year, for a bar/social club: Lot 1, Ginther Estates; 5025 Expressway 83, Suite 100
  - Planning and Zoning Commission disapproved with a favorable recommendation
  - City Commission approved as recommended



**ANNEXATION:**

1. Annexation of 18.663 Acres out of Lot 45, La Lomita Irrigation & Construction Company's Subdivision; 8300 N Ware Rd
  - Staff recommended adoption ordinance and annexation of property
  - City Commission approved as recommended



## 2021 ATTENDANCE RECORD FOR PLANNING AND ZONING COMMISSION MEETINGS

	01/05/21	01/19/21	02/02/21	02/16/21	03/02/21	03/16/21	04/06/21	04/20/21	05/04/21	05/18/21	06/03/21	06/16/21	07/06/21	07/20/21	08/03/21	08/17/21	09/07/21	09/21/21	10/05/21	10/19/21	11/02/21	11/16/21	12/07/21
Pepe Cabeza de Vaca	P	P	P	P	P	P	P	P		P													
Daniel Santos	A	A	P	P	P	A	P	P		P													
Mike Hovar	P	P	P	P	P	P	P	P		P													
Rogelio Cervantes	P	A	A	A	A	A	A																
Gabriel Kamel	P	P	P	P	P	P	P	P		A													
Michael Fallek	P	P	P	P	P	P	P	P		P													
Jose B. Saldana	P	A	A	P	A	P	P	A		A													
Marco Suarez								P		P													

## 2021 ATTENDANCE RECORD FOR PLANNING AND ZONING COMMISSION WORKSHOPS

Pepe Cabeza de Vaca																							
Daniel Santos																							
Mike Hovar																							
Rogelio Cervantes																							
Gabriel Kamel																							
Michael Fallek																							
Jose B. Saldana																							

Marco Suarez





# PLANNING DEPARTMENT

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



## 2021 CALENDAR

### Meetings:

- City Commission
- ▲ Public Utility Board
- Planning & Zoning Board
- Zoning Board of Adjustment

HPC - Historic Preservation Council

### Deadlines:

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

\* Holiday - Office is closed

### JANUARY 2021

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

### FEBRUARY 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 A-2/16 & 2/17	2 Planning & Zoning Board	3 N-2/16 & 2/17 D-3/2 & 3/3	4	5	6
7	8 City Commission	9 Public Utility Board	10	11	12	13
14	15 A-3/2 & 3/3	16 Planning & Zoning Board	17 N-3/2 & 3/3 D-3/16 & 3/17	18	19	20
21	22 City Commission	23 Public Utility Board	24 HPC	25	26	27
28						

### MARCH 2021

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

### APRIL 2021

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

### MAY 2021

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

### JUNE 2021

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

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

<b>Meetings:</b>  City Commission  Public Utility Board  Planning & Zoning Board  Zoning Board of Adjustment HPC - Historic Pres Council							<b>Deadlines:</b> D- Zoning/CUP Application N - Public Notification * Holiday - Office is closed						
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### JULY 2021

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

### SEPTEMBER 2021

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

### NOVEMBER 2021

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