

## AGENDA

**PLANNING & ZONING COMMISSION REGULAR MEETING  
TUESDAY, MAY 18, 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 4, 2021

#### **2) PUBLIC HEARING (to be conducted at 4:00 p.m.)**

##### **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)**
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)**
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)**
4. Request of City Switch, 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 C.E. Hammond Subdivision, Hidalgo County, Texas; 189 N 23rd Street. **(CUP2021-0046)**
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)**

##### **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)**

#### **3) SITE PLAN:**

- a) Revised Site Plan Approval For Lot 2A, Nolana Wal-Mart Subdivision Lots 2A & 2B; 4017 N. 23rd Street. **(SPR2021-0015)**

**4) CONSENT:**

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

**5) SUBDIVISIONS:**

- a) Saltillo Plaza Phase III Subdivision; 5001 Pecan Boulevard – Juan Gaytan, Jr. **(SUB2021-0046)** (Preliminary) (M&H)
- b) Cedar Apartments Subdivision; 816 East Cedar Avenue – GGC Group, LLC. **(SUB2021-0047)** (Preliminary) (M&H)
- c) Salkinder Plaza Subdivision; 8909 North 10th Street - Sonia Salkinder **(SUB2021-0052)**  
(Preliminary) TE

**6) INFORMATION ONLY:**

- a) City Commission Actions: May 10, 2021

**ADJOURNMENT:**

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



STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF McAllen

The McAllen Planning and Zoning Commission convened in a Regular Meeting & Public Hearing on Tuesday, May 4, 2021 at 3:31 p.m. in the McAllen City Hall City Commission Room at 1300 Houston Avenue, McAllen, Texas.

<b>Present:</b>	<b>Daniel Santos</b> <b>Michael Hovar</b> <b>Juan Saldana</b> <b>Michael Fallek</b> <b>Marco Suarez</b>	<b>Vice-Chairperson</b> <b>Member</b> <b>Member</b> <b>Member</b> <b>Member</b>
<b>Absent:</b>	<b>Pepe Cabeza de Vaca</b> <b>Gabriel Kamel</b>	<b>Chairperson</b> <b>Member</b>
<b>Staff Present:</b>	<b>Victor Flores</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>Kaveh Forghanparast</b> <b>Carlos Garza</b> <b>Hebert Camacho I</b> <b>Porfirio Hernandez</b> <b>Jacobo Salazar</b> <b>Claudia Mariscal</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 II</b> <b>Planner II</b> <b>Planner I</b> <b>Planning Technician II</b> <b>Planning Technician</b> <b>Administrative Secretary</b> <b>Administrative Secretary</b>

**CALL TO ORDER- Mr. Daniel Santos, Vice-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. Marco Suarez and Mr. Juan Saldana seconded the motion, which carried unanimously with five members present and voting.

**2) PUBLIC HEARING**

**a) 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 at Lot 1, Nolana West Subdivision, Hidalgo County, Texas; 2200 Nolana Avenue STE 2204. **(CUP2021-0036).**

Mr. Camacho stated that the property was located on the northeast corner of North 23<sup>rd</sup> Street and Nolana Avenue and was zoned C-3 (general business) District. The adjacent zoning was C-3 District in all directions, R-3A (multifamily apartments) District to the south and C-4 (commercial industrial) District to the north. Surrounding land uses included commercial businesses, offices, restaurant, New Life Family Church and McAllen's Public Library. A bar was allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

The initial Conditional Use Permit for this property was approved by City Commission on November 14, 2011 with a variance to the distance requirement. The last Conditional Use Permit for this location was approved on November 25, 2019 with a variance to the distance requirement by City Commission. The applicant was proposing to continue operating a bar (DeLoreans) from Suite 2203 with an area of approximately 2,115 sq. ft. The hours of operation would be from 6:00 p.m. to 2:00 a.m. Monday through Sunday. The Fire and Health Department had inspected the bar and the property and was in compliance. The police activity report for service calls from April 2020 to present is attached. The Planning Department received no complaints regarding this use. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned businesses must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment was within 400 ft. from residential zones/uses, New Life Family Church and McAllen's Public Library;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment was located on two major arterials, Nolana Avenue and North 23<sup>rd</sup> Street, and did not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. The proposed 2,115 sq. ft. bar would require 22 parking spaces. For every business to run simultaneously in the commercial plaza, 289 parking spaces would be required; there are 291 parking spaces provided on site;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and

- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. Occupancy load is 160 people.

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

Committee member Daniel Santos asked if there was anyone present in opposition of the proposed Conditional use permit. The concern of having the public library and a church within the same vicinity, the committee recommended the issue be reviewed by the city commissioners.

After a short discussion Mr. Michael Fallek moved to disapprove with a favorable recommendation. Mr. Marco Suarez seconded the motion, which was disapproved with a favorable recommendation for the motion to have City Commissioners vote.

2. Request of Sandra Gomez, for a Conditional Use Permit, for a year, for a bar at Lot A, Jose G. Ortegon Subdivision, Hidalgo County, Texas, 6328 South 23<sup>rd</sup> Street. **(CUP2021-0038)**

Mr. Camacho stated that the property is located at the northwest corner of South 23<sup>rd</sup> Street and Military Highway and is zoned C-4 (commercial industrial) District. The adjacent zoning is C-4 District to the north and south, I-1 (light industrial) District to the east and A-O (agricultural and open space) District to the west, and I-1 (light industrial) District to the east. Surrounding land uses include a convenience store, car sales, the McAllen Produce Terminal Market, Burger King, Stripes, Texas Inn Hotel and vacant land. A bar is allowed in a C-4 zone with a Conditional Use Permit and in compliance with requirements.

The initial conditional use permit was approved for this establishment by the Planning and Zoning Commission in September of 1991 and has been renewed annually to different tenants. The last permit was approved for one year on March 3, 2019

The applicant is proposing to continue to operate a bar (Desperado Saloon) from the existing lease space. The hours of operation will be from 5:00 p.m. to 2:00 a.m. Monday through Saturday.

A police activity report is attached for service calls from April 2020 to present. The Health and Fire Departments have inspected and cleared the establishment. Should the Conditional Use Permit be approved, the applicant will be required to sign the application acknowledging and agreeing to the conditions of the permit. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of those businesses having late hours (after 10:00 p.m.) must be at least 400 feet from the nearest residence, church, school or publicly-owned property or must provide sufficient buffer and sound insulation of the building such that the building is not visible and cannot be heard from the residential areas. This establishment is not within 400 feet of the above mentioned zones or uses
- 2) The property must be as close as possible to a major arterial and shall not generate traffic

onto residential sized streets. The establishment has direct access to South 23<sup>rd</sup> Street and Military Highway;

- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage of the establishment 2036 square feet. 21 parking spaces are required for this use and 21 additional spaces are required for the remainder of the building. There are 56 parking spaces provided in the common parking area in the front and rear of the building.
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The allowable number of persons within the building is 116 persons.

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

Vice-Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Conditional use permit, there was none

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

**3. Request of Adrian Gutierrez on behalf of Ministerio Pan De Vida, for a Conditional Use Permit, for five years, for an Institutional Use (Church) at Lot 8, Block 18, Hammond Addition Subdivision, Hidalgo County, Texas; 2029 Date Palm Avenue. (CUP2021-0034).**

Mr. Escamilla stated that the property was located at the southeast corner of North 21st Street and Date Palm Avenue and was zoned R-2 (Duplex-Fourplex) District. The adjacent zoning is R-2 in all directions and surrounding land uses included single family residences and multi-family residences. An institutional use was permitted in an R-2 zone with a conditional use permit and in compliance with requirements. The initial conditional use permit was approved for one year on July 5, 2011 by the Planning and Zoning Commission. The permit was renewed annually until 2015. The last permit was approved by the City Commission on November 23, 2015 for five years. There is now a new applicant who is requesting the permit for five years; therefore, it has to. The main building was built prior to the 1979 Zoning Ordinance and has been previously used as a church. The 1,672 sq. ft. main building consists of an auditorium, two rooms, one office and

two restrooms as shown on the submitted site plan. The second building located at the rear of the property is vacant. The applicant proposes to operate a church (Ministerio Pan De Vida) on Thursdays from 7:00 PM to 9:00 PM and on Sundays from 10:00 AM to 12:00 PM. The church is proposing a seating arrangement of 40 chairs in the main auditorium. Based on the seating capacity of 40 persons, 10 parking spaces are required. The applicant proposes to provide parking on an area in the front and west side of the building, as had been the case with the previous churches. Parking and landscaping on the property are considered to be nonconforming. The Fire Department has conducted the necessary inspection for this property and is in compliance with applicable code requirements. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to all conditions of the permit. The proposed use must also comply with the zoning ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property is approximately 910 feet north of U.S Business 83.
- 2) The proposed use shall comply with the McAllen Off-Street Parking and Loading Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on the seating area of 40 seats, 10 parking spaces are required; 10 parking spaces are provided on the submitted site plan. Existing conditions for parking predate the City's parking requirements and are proposed to remain unchanged;
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits;
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;
- 6) The number of persons within the building shall be restricted to the existing seating capacity for the building; and
- 7) Sides adjacent to commercially and residentially zoned or use property shall be screened by a 6 ft. opaque fence. Existing conditions for landscaping predate the City's requirements and will remain unchanged.

Staff recommends approval of the request, for five years, subject to compliance with the Zoning Ordinance, Building Permits and Fire Department requirements.

Vice-Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Conditional use permit, there was none.

After a brief discussion by Mr. Santos regarding the five year permit being requested and not the life of use permit, Mr. Jose Saldana moved to approve and Mr. Marco Suarez seconded the motion, which was approved with five members present and voting.

4. Request of Kien Quoc Tran for a Conditional Use Permit, for one year, for a bar/social club at Lot 1, Ginther Estates Subdivision, Hidalgo County, Texas, 5025 Expressway 83, Suite 100. **(CUP2021-0039).**

Mr. Escamilla stated that the property is located at the southeast corner of the intersection Expressway 83 and Taylor Road. The subject property is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north and east, and I-1 (light industrial) District to the south. The surrounding land uses include commercial businesses, restaurants, beauty salon, gym, and bars. A bar/social club was allowed in a C-3 zone with a conditional use permit and in compliance with requirement. The previous tenant K.O Social Club was issued a certificate of occupancy for a restaurant on March 1, 2019. The last conditional use permit for a social club (K.O Social Club) was approved by the City Commission on October 26, 2020 for one year. Since then the social club has changed ownership and name, therefore it has to come before the Planning and Zoning Commission for consideration. The applicant is proposing a bar/social club (H & K Social Club), in an existing 7,000 sq. ft. building. The proposed hours of operation are from 4:00 P.M. to 2:00 A.M. daily. A Conditional Use Permit is required for a bar/social club. The applicant must comply with the Health and Fire Department requirements. The establishment must also meet the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is less than 400 ft. of a residential subdivision to the south of the subject property;
- 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 subject property has frontage on expressway 83 and does not generate traffic into residential areas;
- 3) The abovementioned businesses must provide parking in accordance with the city offstreet 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 bar requires 58 parking spaces, there are 149 total parking spaces provided. Parking spaces must comply with Section 138-400 of the Ordinance and must be clearly striped and pavement surface shall be maintained free of litter, debris, loose gravel, cracks and potholes before final inspection of building permit;
- 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 above mentioned businesses should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street;
- 6) The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- 7) The abovementioned businesses shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Director of Planning. This number cannot exceed the number provided for in existing city ordinances.

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

Vice-Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Conditional use permit, there was none.

Being no discussion, Mr. Michael Fallek moved to disapprove request, but a favorable recommendation. Mr. Michael Hovar seconded the motion, There were five members present and voting.

5. Request of Jessica Aguilar, for a Conditional Use Permit, for one year for a bar at the North 20' of Lot 1 & All of Lot 2 excluding the Northwest 225' X 240' of Lot 2, Plaza Del Norte Subdivision, Hidalgo County, Texas; 3424 North 10<sup>th</sup> Street.  
**(CUP2021-0035)**

Mr. Escamilla stated that the property is located on the east side of North 10<sup>th</sup> Street, approximately 200 ft. south of Jonquil Avenue. The property is zoned C-3 (general business) District. The adjacent zoning is C-3 to the north, south and west, and R-3T (multifamily-townhouse residential) District to the east. Surrounding land uses include to retail stores, restaurants, and multifamily residences. A bar is permitted in a C-3 District with a Conditional Use Permit and in compliance with requirements.

The previous tenant Korea Garden was issued a certificate of occupancy for a restaurant on January 27, 2010. There is now a new occupant who would like to operate a restaurant/bar at this location, therefore it has come before the Planning and Zoning Commission for consideration.

The applicant is proposing a restaurant/bar, in an existing 3,850 sq. ft. building. A Conditional Use Permit is required for a bar.

A site inspection by staff revealed that the parking lot does not comply with Section 138-400 of the Zoning Ordinance. Parking spaces need to be restriped and loose gravel and debris are visible. If approved, a follow up inspection will be needed to ensure compliance with the parking requirement.

The applicant must comply with the Health and Fire Department requirements. The establishment must also meet the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

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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, Conditional Use Permit must comply with conditions noted.

Vice-Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Conditional use permit. Mr. Michael Hovar moved to disapprove but with a favorable recommendation and with conditions noted. Mr. Jose Saldana seconded the motion to disapprove. There were five members present and voting.

**b) REZONING:**

1. Rezone from C-4 (commercial industrial) District to R-4 (mobile and modular home) District: 1.23 acres out of Lot 2, Rancho De La Fruta Subdivision No.2, Hidalgo County, Texas; 901 East Fir Avenue. **(REZ2021-0018)**

Mr. Garza stated that the property is located on the south side of East Fir Avenue, approximately 700 ft. east of North McColl Road. The tract has 105 ft. of frontage along East Fir Avenue and a depth of 510 ft. for a lot size of 1.23 acres. The applicant is requesting to rezone the property to R-4 (mobile and modular home) District, in order to develop mobile homes. A feasibility plan has not been submitted. The adjacent zoning is C-4 (commercial-industrial) District to the west, C-3 (general business) District to the north, C-1 (office) District to the east and R-4 District to the south. The property is currently vacant. Surrounding land uses are Homestead Ranch Mobile Home Park, Mary Dansby English Center, Access Esperanza Clinics, Auto Diagnostic Center, Southern Fastening System, and Department of Veterans Affairs. The Foresight McAllen Comprehensive Plan designates the future land use for this property as industrial, which is comparable to C-4 District. The development trend for this area along East Fir Avenue is a mix of mobile homes and modular home and commercial. The property was zoned A-O (agriculture and open space) District during comprehensive zoning in May 1979. The subject property was later rezoned from A-O District to C-3 District in 2014. A rezoning application to change from C-3 District to C-4 District was approved by City Commission on June 10, 2019. The requested zoning does not conform to the Industrial land use designation as indicated on the Foresight McAllen Comprehensive Plan; however, the zoning trend along East Fir Avenue is both mobile and modular homes and commercial. A recorded subdivision plat and approved site plan are required prior to building permit issuance. Compliance with off-street parking, landscaping, and various building and fire codes are required as part of the building permit process. Staff has not received any calls or letters of opposition to the request. Staff recommends approval of the rezoning request to R-4 (mobile and modular home) District.

- 1) The property line of the lot of any of the abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential



areas, and must not be heard from the residential area after 10:00 p.m. The establishment is less than 400 ft. of a residential subdivision to the northeast and east of the subject property;

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 subject property has frontage along on north 10th street 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 bar requires 39 parking spaces. Parking spaces must comply with Section 138-400 of the Ordinance and must be clearly striped and pavement surface shall be maintained free of litter, debris, loose gravel, cracks and potholes before final inspection of building permit;

4) The abovementioned businesses must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;

5) The abovementioned businesses should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street;

6) The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;

7) The abovementioned businesses shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Director of Planning. This number cannot exceed the number provided for in existing city ordinances.

Staff recommended approval of the rezoning request to R-4 (mobile/modular home) District.

Vice Chairperson Mr. Daniel Santos asked if there was anyone present in opposition of the proposed Conditional use permit, there was none.

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

2. Rezone from R-1 (single family residential) District to R-3A (multifamily residential apartment) District: 11.419 acres out of Lots 234 and 235, Pride O' Texas Subdivision, of a part of the La Lomita Irrigation and Construction Company, Hidalgo County, Texas; 6100 North Bentsen Road. **(REZ2021-0021)**

Mr. Garza stated that the property is located on the east side of North Bentsen Road, approximately

100 ft. south of Jay Avenue. The irregular tract has 286.87 ft. of frontage along North Bentsen Road for a lot size of 11.419 acres. The applicant is requesting to rezone the property to R-3A (multifamily residential apartments) District in order to construct 2 unattached duplex on 35 lots. A feasibility plan submitted by the applicant is included in the packet. The adjacent zoning is A-O (agricultural and open space) District to the southwest and R-1 (single-family residential) District to the north, south, west, and east. The property is currently vacant. Surrounding land uses include single-family residences, vacant land, and Donna Wernecke Elementary School. The Foresight McAllen Comprehensive Plan designates the future land use for this property as Auto Urban Residential which is comparable to R-1 (single-family residential) District. The development trend for this area along North Bentsen Road is single-family residential. The property was zoned A-O (agricultural & open space) District upon annexation in 1999. A City-initiated application to rezone the subject property to R-1 (single-family residential) District was approved by the City Commission on September 2015. There have been no other rezoning requests for the subject property since then. The requested zoning does not conform to the Auto Urban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan. It also does not follow the rezoning or development trend to single-family residences in 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 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 received one email in opposition to the request.

Staff had received 13 individual letters and a petition consisting of 15 members.

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

Vice Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Rezone request. There were eight (8) individuals opposing this request. They are as follows:

Ricardo Vela and Cecila Vela, 4404 Jay Avenue, opposes the request due to the traffic congestion on Bentsen Road. Cecila Vela had concerns about the traffic congestion at the school zones. She stated that this might also cause safety issues for the students.

Julio Cubarin, 6003 North 44<sup>th</sup> Lane, stated that his concern is also the congestion of traffic along with allowing low-income families to reside in this area and bring safety issues and potential danger to the neighborhood. He also stated he is concerned that the properties will devalue.

Damien Cantu, 4105 Jay Avenue, the initiator of the petition, stated that his concerns also are the congestion of the traffic on Bentsen Road, the safety of the residents if they allow low income housing into the neighborhood and the devalue of the properties. He stated he is not opposed to single family residential development (R-1) but opposes multifamily residential apartments(R-3A).

Elsa Morfin, 2116 N. 12<sup>th</sup> Street, stated her concerns also regarding traffic congestion, neighborhood safety, and the devaluation of the property.

Efrain Barbosa, 6220 North Bentsen Road, stated his concerns also regarding traffic congestion

and devaluation of the property.

Linda Caltzonteint, 6215 North 46<sup>th</sup> Lane, stated her concerns also regarding traffic congestion and devaluation of the property.

Eunice Rusfieldt, 6200 North 46<sup>th</sup> Lane, stated her concerns are the devaluation of the property and agrees with the other oppositions stated above.

Carlos Garza, the applicant, and Hector Moreno, employee of M2Engineering, stated that the development they are planning for is not for low income housing and instead plan on building high luxury apartments. He stated that after meeting with the City staff, he had only been advised about the widening of the street and advised that they are willing to comply with the city's requests. They are also willing to work with the residents and will take their concerns into consideration.

After a brief discussion, Mr. Marco Suarez **moved** to disapprove. Mr. Michael Hovar seconded the motion, which was disapproved with five members present and voting.

3. Initial zoning to R-1 (single-family residential) District: 18.663 acres out of Lot 45, La Lomita Irrigation & Construction Company's Subdivision, Hidalgo County, Texas; 8300 North Ware Road. **(REZ2021-0014)**

Mr. Forghanparast stated that the property was located on the east side of North Ware Road, approximately 1,250 ft. north of Auburn Avenue. The irregularly-shaped tract had 115.6 ft. of frontage along North Ware Road with a depth of 1,320 ft. at its deepest point for a lot size of 18.663 acres. The tract was outside the City limits and was undergoing voluntary annexation. The initial zoning to R-1 (single-family residential) District would become effective upon the annexation of the tract into the City. The applicant was requesting R-1 District for two proposed subdivisions under the names of Campo De Suenos Phase II and Campo De Suenos Phase III Subdivisions which were approved in revised preliminary form on January 19, 2021, by the Planning and Zoning Commission. The adjacent zoning was A-O (agricultural and open space) District to the east, and R-1 (single-family residential) District to the north and south. The properties to the west of the subject property are outside the City limits. The property was currently vacant. Surrounding land uses include single-family residences, Texan Ranch Apartments, and vacant land. The Foresight McAllen Comprehensive Plan designates the future land use for this property as Auto Urban Single Family, which was comparable to R-1 District. The development trend for this area along North Ware Road was single-family residential. The tract had been in the City's ETJ (Extra-Territorial Jurisdiction) since October 15, 1973. A subdivision application for the subject property was submitted on September 16, 2020, which was approved in revised preliminary form on January 19, 2021, by the Planning and Zoning Commission. An annexation and initial zoning requests for the subject property were scheduled to be heard at the City Commission meeting of May 24, 2021. The requested zoning conforms to the Auto Urban Single Family land use designation as indicated on the Foresight McAllen Comprehensive Plan. It also follows the R-1 zoning and development trend of the surrounding area. A recorded subdivision plat was required prior to building permit issuance. The R-1 District designation permitted continuation of the subdivision process for a residential subdivision.

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

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

Vice Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Rezone request. There were none.

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

4. Rezone from C-3 (general business) District to R-3A (multifamily residential apartment) District: Lot 8, Block 42, North McAllen Addition, Hidalgo County, Texas; 218 North 17<sup>th</sup> Street. **(REZ2021-0020)**

Mr. Forghanparast stated that the property was located on the east side of North 17th Street, 50 ft. south of Cedar Avenue. The tract had 50 ft. of frontage along North 17th Street, with a depth of 140 ft., for a lot size of 7,000 sq. ft. The applicant was requesting to rezone the property to R-3A (multifamily residential apartment) District in order to construct a fourplex. A feasibility plan had not been submitted. Section 138-356 of the Zoning Ordinance required a minimum lot size of 7,800 sq. ft. for a fourplex in R-2 (duplex-fourplex residential) District. Since the lot size was 7,000 sq. ft., the applicant requested R-3A District to build a fourplex. The adjacent zoning was C-3 (general business) District on all directions. There was a duplex on the subject property, proposed to be demolished. Surrounding land uses include single-family residences, duplexes, Triumph Public High Schools, offices, and retail stores. The Foresight McAllen Comprehensive Plan designate the future land use for the subject property as Auto Urban Commercial which was comparable to C-1 (office building) to C-3 (general business) Districts. The area was an established stable neighborhood of mostly single-family, duplex residences, and some commercial properties. The subject property was zoned C-3 (general business) 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 Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan. It also did not fit the character of the neighborhood. None of the properties on the south side of Gumwood Avenue and north side of Dallas Avenue, between Main Street and 22nd Street are zoned R-3A (multifamily residential apartment) District. If the request was approved, it might encourage other property owners to apply for a rezoning to R-3A (multi-family residential apartment) District as well, which will increase the density and traffic in the area.

The maximum density in R-3A (multifamily residential apartments) District was 29 three-bedroom units (1,500 sq. ft.) per acre to 43 one-bedroom apartment units (1000 sq. ft.) per acre. Therefore, the maximum number of units for the subject property is approximately 4 three-bedroom units to 7 one-bedroom units.

An approved site plan was required prior to building permit issuance for 5 or more dwelling units. Required park land dedication or a fee in lieu of land comprising \$700 per dwelling unit might be required prior to building permit issuance.

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

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

Vice Chairperson Daniel Santos asked if there was anyone present in opposition of the proposed Rezone request. There were none.

Mr. Ricardo Martinez, the applicant, 8916 North 21<sup>st</sup> Street, was present at the meeting. He mentioned that in view of staff's disapproval recommendation, and that there was no opposition to the rezoning request, plus the fact that there were other properties to the north that were zoned R-2 (duplex-fourplex residential) District, he would be willing to accept the R-2 District for the subject property. Edgar Garcia, the Planning Director, stated that the Planning and Zoning Commission could recommend a less intense zone to the City Commission; however, staff's recommendation for R-2 District would be disapproval as well.

After the discussion, Mr. Michael Hovar moved to disapprove. Mr. Jose Saldana seconded the motion, which was approved with five members present and voting.

### **3) CONSENT:**

- a) Warehouse Kingdom Subdivision Phase II; 6001 South 23rd Street-Abasto Corporation (SUB2021-0044) (Final) JHE**

S. 23rd Street (F.M. 1926): 150 ft. ROW. Existing ROW varies from 361 ft. to 523 ft. Paving: min. 52 ft. Curb & gutter: Both sides. Label existing ROW on each side of centerline. N/S 1/4-mile street: 60-70 ft. ROW. Paving: 40-44 ft. Curb & gutter: Both sides. Will apply when adjacent property develops to the east. 800 ft. Block Length 600 ft. Maximum Cul-de-Sac. 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Minimum 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. Provide document number for temporary turnaround shown outside plat boundaries and indicate owner will be responsible for its removal. This temporary turnaround will designed and paved to City Standards prior to recording. Front (S. 23rd St.-F.M. 1926): 75 ft. or greater for approved site plan or easements. In accordance with the zoning ordinance, or greater for approved site plan, or easements. All setbacks are subject to increase for easements or approved site plan. A 5 ft. wide minimum sidewalk required on the east side of South 23rd Street (F.M. 1926) and 4 ft. wide minimum sidewalk required for any interior streets as may be applicable. Perimeter sidewalks must be built or money escrowed if not built at this time. A 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. An 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along. Site plan must be approved by the Planning and Development Departments, prior to building permit issuance. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Common Areas, any private streets or service drives, etc. must be maintained by the lot owners and not the City of McAllen. Lots fronting public streets. Minimum lot width and lot area. Existing: I-1 Proposed: I-1. As per Traffic Department, Trip Generation has been reviewed and a TIA will be waived. More requirements may be triggered once adjacent properties or future phases develop. Must comply with City's Access Management Policy. Site Plan requirements will be reviewed during site plan review. Temporary turnaround located at the east end of the property will be built to City Standards and installed and maintained by property owner. Provide document/instrument number and show

on plat and/or site plan as may be needed prior to recording. Comply with Traffic Department requirements as may be needed prior to recording. Comply with any Drainage requirements that may be needed prior to recording.

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

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

**b) Mcallen South Industrial Park Subdivision; 1501 Military Highway- T5, Inc., a Texas Corporation (SUB2021-0045) (Final) SEC**

Military Highway (F.M. 1016): 75 ft. ROW from centerline required for 150 ft. total ROW. Paving: 65 ft. Curb & gutter: Both sides. Remove "PROP. ROW" reference from plat. S. 16th Street: 70 ft. ROW" Paving: 44 ft. Curb & gutter: both sides. Durango Avenue: 70 ft. ROW Paving: 44 ft. Curb & gutter: both sides Temporary turnaround required at the east end of Durango Avenue and/or barricades. If temporary turnaround is installed, a note will be required on the plat regarding the maintenance and removal to be responsibility of the lot owner and not the City of McAllen. Plat note will be on plat prior to recording. Durango Avenue will be extended east when the properties to the east develop. 800 ft. Block Length. Engineer submitted a variance request on March 26, 2021 asking to allow a block measuring 1,500 ft. in length. Variance to block length requirement approved by Planning and Zoning Board at the meeting of April 6, 2021 and City Commission on April 26, 2021. 30 Paving: 30 ft. Alley/service drive easement required for commercial properties. Plat shows a proposed 30 ft. service drive along the east boundary and connects with Durango Avenue. Military Highway: 75 ft. or greater for approved site plan or easements. S. 16th Street: 35 ft. or greater for approved site plan or easements. Revise plat as noted above prior to final. Military Highway setback plat note is repeated. Rear: 5 ft. setback from west end of service drive easement located along east property line or greater for easements or approved site plan. Please revise plat note prior to recording. Sides: In accordance with the zoning ordinance or greater for easements or approved site plan. Corner: See above. 5 ft. wide minimum sidewalk required on Military Highway as per Engineering Department. Revise plat as noted above. Engineer submitted a variance request letter to not provide sidewalks along South 16th Street and Durango Avenue, to be reviewed at the P&Z meeting of April 6, 2021. Planning and Zoning Board approved a variance to not provide sidewalks along South 16th Street and Durango Avenue subject to prohibit street parking on both sides of the streets at their April 6, 2021 meeting. City Commission approved variance on the April 26, 2021 meeting subject to the conditions recommended by Planning and Zoning Board. 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 reside\* No curb cut, access, or lot frontage permitted along. Site plan must be approved by the Planning and other Development Departments prior to building permit issuance. Common Areas, any private streets, 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. Lots fronting public streets. Minimum lot width and lot area. Existing: I-1 Proposed: I-1. As per Traffic Department, Trip Generation and TIA approved. As per Traffic Department, Trip Generation and TIA approved. Must comply with City's Access Management Policy. Site plan will be reviewed by Development Departments prior to building permit issuance. A portion of the west area of McAllen South Industrial Park was part of

T5 Industrial Park Subdivision -application submitted: November, 2007- which was never recorded. Comply with drainage requirements as may be needed prior to recording.

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

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

#### **4) SUBDIVISION:**

##### **a) Cris-Auto Service Subdivision; 7500 North 23rd Street - Cristobal Moreno (SUB2021-0040) (Preliminary) MAS**

N. 23rd street: 10 ft. Dedicated for 60 ft. From centerline for 120 ft. Row Paving: by the state curb & gutter: by the state. Show row from centerline and total row on n. 23rd street to new property line after accounting for row dedication prior to final. Please clarify if "exist. 80 ft. H.c.i.d no. 1 easement" will encroach on proposed row dedication prior to final. com thoroughfare plan. Warbler avenue: 60 ft. Row Paving: 40 ft. Curb & gutter: both sides. monies must be escrowed if improvements are not built prior to recording. Show document number of instrument where row for warbler avenue was dedicated. subdivision ordinance: section 134-105. Paving curb & gutter ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Revise plat accordingly prior to final. Subdivision Ordinance: Section 134-106. Front: North 23rd Street: 60 ft. or In accordance with Zoning Ordinance or greater for easements or approved site plan. Warbler Avenue: In accordance with Zoning Ordinance or greater for easements or approved site plan. Front setbacks will be established prior to final. Zoning Ordinance: Section 138-356. Rear: In accordance with zoning Ordinance or greater for easements or approved site plan. Please revise plat note as shown above prior to final. Zoning Ordinance: Section 138-356. Interior Sides: In accordance with zoning Ordinance or greater for easements or approved site plan. Please revise plat note as shown above prior to final. Zoning Ordinance: Section 138-356. Corner: See front setback. Plat note for corner setback not required since both corners are covered under front setback section. Zoning Ordinance: Section 138-356. Corner: See front setback. Plat note for corner setback not required since both corners are covered under front setback section. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 5 ft. wide minimum sidewalk required on N. 23rd Street and 4 ft. wide minimum sidewalk required on Warbler Ave. Required 5 ft. along N. 23rd Street as per Engineering. 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. Add plat note as shown above prior to final. Landscaping Ordinance: Section 110-46. An 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along N. 23rd Street with access only from Warbler Avenue indicated on plat note #15. City's Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Pleas remove plat note #8 since is not required. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Common areas, private streets/service drives must be maintained by the lot owners and not the City of McAllen. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168\* 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, Engineer to clarify use to determine if a Trip Generation will be required prior to final. Trip Generation will also determine if a TIA will be required prior to final. As per Traffic Department, Engineer to clarify use to determine if a Trip Generation will be required prior to final. Trip Generation will also determine if a TIA will be required prior to final. Comments: Must comply with City's Access Management Policy. As per Fire and Public Works Departments, please submit site plan prior to final to review compliance with requirements such as dumpsters location, service drives location, access location, etc. 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.

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

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

**b) Re-Plat of Paseo del Lago Patio Homes Subdivision; 3900 South Jackson Road - Alonzo Cantu (SUB2021-0042) (Preliminary) CLH**

Mr. De La Garza stated that the property was located on E. Orangewood Drive: 80 ft. Existing ROW. Paving: 52 ft. Curb & gutter: both sides. Subdivision Ordinance: Sec.134-105. S. Jackson Road: 61.1 ft. From centerline for total 120 ft. Total ROW. Paving: by the state. curb & gutter: by the state. Subdivision Ordinance: Sec.134-105. S. "M" Lane (private): 60 ft. ROW. Paving: 40 ft. curb & gutter: both sides. S. "M" Lane was recorded as a private street. Plat may need to be vacated. Label all interior street and alleys width; and reference all internal streets and alleys as "private" if subdivision is proposed to continue being private prior to final. Subdivision Ordinance: Sec.134-105. Paving Curb & gutter 800 ft. Block Length. Subdivision Ordinance: Sec.134-118. 600 ft. Maximum Cul-de-Sac. Replat does not show cul-de-sac at the north end South "M" Lane as shown on the current recorded plat. Maneuverability requirements will be reviewed by staff prior to final to determine if proposed layout is acceptable. Please label ROW width of all interior streets and alleys to determine compliance prior to final. Subdivision Ordinance: Section 134-105. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Alleys are only permitted in private residential developments. A private service drive paved to city standards is allowed in lieu of the proposed alley. Revise plat and label accordingly prior to final. Subdivision Ordinance: Sec.134-106. Front: 10 ft. or greater for easements. Lot 32 is a double fronting lot. Revise plat as noted above. Zoning Ordinance: Section 138-356. Rear: Lots 1-8, 10 ft. or greater for easements; rear along S. Jackson Road - 15 ft. or greater for the double fronting lots. Proposed plat shows an alley between S. Jackson Road; revise rear setback note as needed prior to final. Zoning Ordinance: Sec.138-356. Sides: In accordance with the zoning ordinance or greater for easements. Zoning Ordinance: Sec.138-356. Corner: 10 ft. or greater for easements. Zoning Ordinance: Sec.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. 5 ft. wide sidewalk required along South Jackson Road, and a 4 ft. wide minimum sidewalk required on East Orangewood Drive and both sides all interior streets. Please



revise plat note as shown above. 5 ft. sidewalk requirement as per Engineering Department. Additional sidewalk requirements as needed prior to final depending on the street layout being proposed. Subdivision Ordinance: Sec.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, along South Jackson Road and East Orangewood Drive. Landscaping Ordinance: Sec.110-46. 8 ft. masonry wall required between single-family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along South Jackson Road and East Orangewood Drive. City's Access Management Policy. 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. Identify common areas on plat, or label accordingly if lot #'s are missing i.e. adjacent remnants contiguous to lots 12, 13. Also label the piece shown between lots 25 and 23. Revise lot # sequence, since there are 2 lots numbered 23. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies for public subdivisions. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. An HOA document will be required to be recorded simultaneously with plat. If existing HOA will remain active, HOA President might be required to sign plat. Please clarify prior to final. Minimum lot width and lot area. Please label proposed streets and alleys to determine if corner lots comply with minimum lot width requirements prior to final. Please provide square footage for lots to determine compliance with minimum lot size requirements prior to final. If any variances to the Zoning Board of Adjustments are required they must be finalized prior to final plat review. Zoning Ordinance: Section 138-356. Lots fronting public streets. Zoning Ordinance: Section 138-176. ZONING/CUP. Existing: R-3T Proposed: R-3T. Zoning Ordinance: Section 138-176. \* Park Fee of \$700 per dwelling unit/lot to be paid prior to recording. As per Parks Department, park fee requirements will be determined prior to final. If Parks fees are applicable, they must be paid prior to recording. Must comply with City's Access Management. Clarify whether subdivision is proposed to continue as private prior to final. Vacating of existing plat required if any of the existing plat requirements are proposed to be removed or if a public subdivision is proposed. Alleys are not permitted in residential developments unless they are private. Clarify prior to final to determine compliance with requirements, Label all streets and alleys to determine compliance with requirements prior to final. Label them as "private" if subdivision is proposed to continue being private. Submit gate details if applicable prior to final. Please clarify if access is proposed on South Jackson Road. Plat note #8 of recorded "Paseo del Lago Patio Homes" does not allow curb cuts or access on South Jackson Road. Label Lot/Area located between Lots 21-23 and Lot 25. Compliance with lot requirements for this lot will be reviewed prior to final depending on proposed use for this lot/area. Please clarify if Lots 1 and 32 will also be used for residential-townhouse use prior to final. Label Lot/area located west of Lot 13 prior to final. If subdivision is proposed to be public, requirements might change prior to final. If a private subdivision is proposed, a second access will be triggered.

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

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

c) 4700 Ware Subdivision; 4900 North Ware Road - Rhodes Development Inc. **(SUB2021-0041)** (Preliminary) M&H

North Ware Road: 75 ft. from centerline for 150 ft. of total ROW. Paving: by the state Curb & gutter: by the state. Please clarify if property will have access/frontage through North Ware Road prior to final to determine ROW dedication requirements, street paving requirements, paving improvements, etc. COM Thoroughfare Plan. North 34th Street: 60 ft. ROW. Paving: 40 ft. Curb & gutter: Both sides. Monies must be escrowed if improvements are not built prior to recording. Street must be extended to connect north and south ends. Plat must be revised prior to final to comply with requirements. Dead-end streets are not permitted. Subdivision Ordinance: Section 134-105 Paving, Curb & gutter. ROW: 20 ft. Paving: 16 ft. Alley required for commercial properties. Subdivision Ordinance: Section 134-106. Front: 20 ft. or greater for easements or approver site plan. Please clarify frontage prior to final. Setbacks are subject to change prior to final. Zoning Ordinance: Section 138-356. Rear: In accordance with Zoning Ordinance or greater for easements or approved site plan. Please clarify frontage prior to final. Setbacks will be established prior to final. Zoning Ordinance: Section 138-356. Sides: In accordance with Zoning Ordinance or greater for easements or approved site plan. Please clarify frontage prior to final. Setbacks will be established prior to final. Zoning Ordinance: Section 138-356. Corner: In accordance with Zoning Ordinance or greater for easements or approved site plan. Please clarify frontage prior to final. Setbacks will be established 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 both sides of North 34th Street. Please revise plat note #7 as shown above. Please clarify if access on North Ware Road will be proposed prior to Final to determine sidewalk requirements. Subdivision Ordinance: Section 134-120 Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along west property line, and others as needed prior to final. Please revise plat note as shown above prior to final. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses, and others as needed prior to final. Please revise plat note as shown above prior to final. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along. City's Access Management Policy. 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, private streets/drives, detention and common areas, etc. must be maintained by the lot owners and not the City of McAllen. Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Section 110-72 applies 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. Plat must be revised to show extension of North 34th Street prior to final. Please clarify if access/frontage from North Ware Road is being proposed prior to final. Zoning Ordinance: Section. 138-356. Existing: R-3A Proposed: R-3A. Rezoning to R-3A approved by Planning and Zoning Board at their P&Z meeting of November 3, 2020 and by City commission on November 9, 2020. Zoning Ordinance: Article V. \* Rezoning Needed Before Final Approval. Rezoning to R-3A approved by Planning and Zoning Board at their

P&Z meeting of November 3, 2020 and by City commission on November 9, 2020. Zoning Ordinance: Article V. Land dedication in lieu of fee. As per Parks Department, please clarify number units to determine if land dedication or fees will be required prior to recording. Park Fee of \$700 per dwelling unit to be paid prior to recording. As per Parks Department, please clarify number units to determine if land dedication or fees will be required prior to recording. Pending review by the Parkland Dedication Advisory Board and CC. As per Parks Department, please clarify number units to determine if land dedication or fees will be required prior to recording. Trip Generation to determine if TIA is required, prior to final plat. As per Traffic Department, please clarify number units to determine if a TIA will be required prior to final. Traffic Impact Analysis (TIA) required prior to final plat. As per Traffic Department, please clarify number units to determine if a TIA will be required prior to final. Comments: Must comply with City's Access Management Policy. Clarify if access from North Ware Road is proposed. North 34th Street must be extended to connect north and south end; dead-end streets are not permitted. Please revise plat prior to final to comply with requirements. As per Fire Department, a second access might be required depending on the number of unit proposed. Please provide copy of Doc. 1190263 (37.5 ft. easement) along the north property line prior to final for staff to review.

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

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

**d) Silver Valley Subdivision; 1920 North Taylor Road -Delicia's Catering LLC  
(SUB2021-0018) (Revised Preliminary) M2E**

North Taylor Road: 10 ft. 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. Add "North" to every Taylor Road reference on plat prior to final. City of McAllen Thoroughfare Plan Tamarack Avenue: 50 ft. ROW. Paving: 32 ft. Curb & gutter: Both sides. Monies must be escrowed if improvements are not built prior to recording. Tamarack Avenue to be extended west to connect with North Taylor Road. Revise plat to comply with requirements prior to final. Engineer submitted a letter on April 23, 2021 requesting a variance to not extend Tamarack Avenue west to connect with North Taylor Road. Subdivision Ordinance: Section 134-105  
Paving Curb & gutter Front: 50 ft. (Proposed). 45 ft. or greater for easements (Required). Engineer to clarify setback prior to final. Zoning Ordinance: Section 138-356. Rear: 15 ft. or greater for easements (Proposed). 10 ft. except 25 ft. for Lot 2 or greater for easements (Required). Engineer to clarify setback prior to final. Zoning Ordinance: Section 138-356 Sides: 6 ft. or greater for easements. Please revise plat note as shown above prior to final. Zoning Ordinance: Section 138-356 Corner: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required; greater setback applies. Zoning Ordinance: Section 138-356 all setbacks are subject to increase for easements or approved site plan. A 4 ft. wide minimum sidewalk required on North Taylor Road and both sides of Tamarack Avenue. Revise 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. Revise plat note as shown above prior to final. Landscaping Ordinance: Section 110-46. An 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/use. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision

Improvements. No curb cut, access, or lot frontage permitted along. Common Areas, any private streets/drives must be maintained by the lot owners and not the City of McAllen. Landscaping Ordinance: Section 110-72. Subdivision Ordinance: Section 134-168. 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. 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: Section. 138-356. Lots fronting public streets. Zoning Ordinance: 138-1. Existing: R-1 Proposed: R-1 (single family residential). Zoning Ordinance: Section 138-176. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per Parks Department, two single-family residences are proposed; \$1,400 must be paid prior to recording. If the amount of proposed lots changes, Park fees will be adjusted accordingly. As per Traffic Department, number of units proposed are needed to determine if a Trip Generation is needed prior to final. Traffic Impact Analysis (TIA) required prior to final plat. Must comply with City's Access Management Policy Tamarack must be extended west to connect with North Taylor Road. Please revise plat to comply with requirements prior to final. Utility easement abandonment must be done by different instrument/document and not by this plat. Please revise plat and complete abandonment process prior to final. Please verify signature blocks wording complies with City of McAllen's requirements prior to final.

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

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

## **6) INFORMATION ONLY:**

### **a) City Commission Actions: April 26, 2021**

Mr. Edgar Garcia, Director of Planning Department, stated that the City Commission board approved two ordinances, setting front yard setbacks for commercial properties to 15' and shielding requirements for parking lot lighting if developer chooses.

## **ADJOURNMENT:**

There being no further business to come before the Planning & Zoning Commission, Mr. Marco Suarez adjourned the meeting at 5:00 p.m., and Mr. Jose Saldana seconded the motion, which carried unanimously with five members present and voting.

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Chairperson, Pepe Cabeza de Vaca

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

# Planning Department

## Memo

**TO:** Planning and Zoning Commission

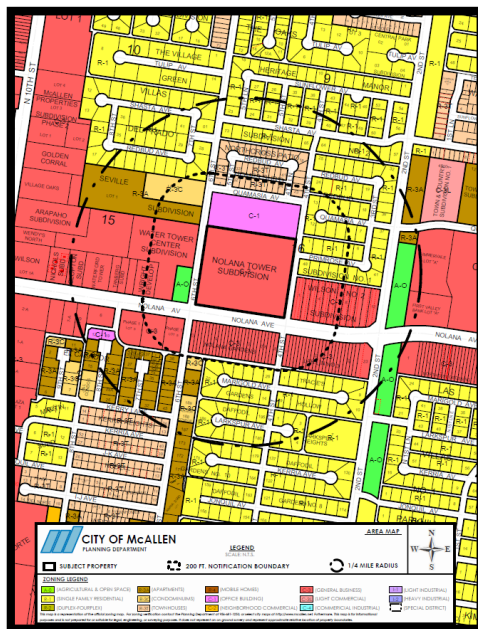
**FROM:** Planning Staff

**DATE:** May 12, 2021

**SUBJECT: 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)**

### BRIEF DESCRIPTION:

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.



**HISTORY:**

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.

**REQUEST/ANALYSIS:**

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:

- a) The property line of the lot of any of the above mentioned businesses must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of residential zones and uses, and a water tower;
- b) The abovementioned businesses must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The property has direct access to Nolana Avenue, North 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;
- c) The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. Currently there is a multi-tenant commercial building on the property. The shopping center is a mixture of office, retail, vacant suites, restaurants, a 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;
- d) The abovementioned businesses must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;
- e) The abovementioned business should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent

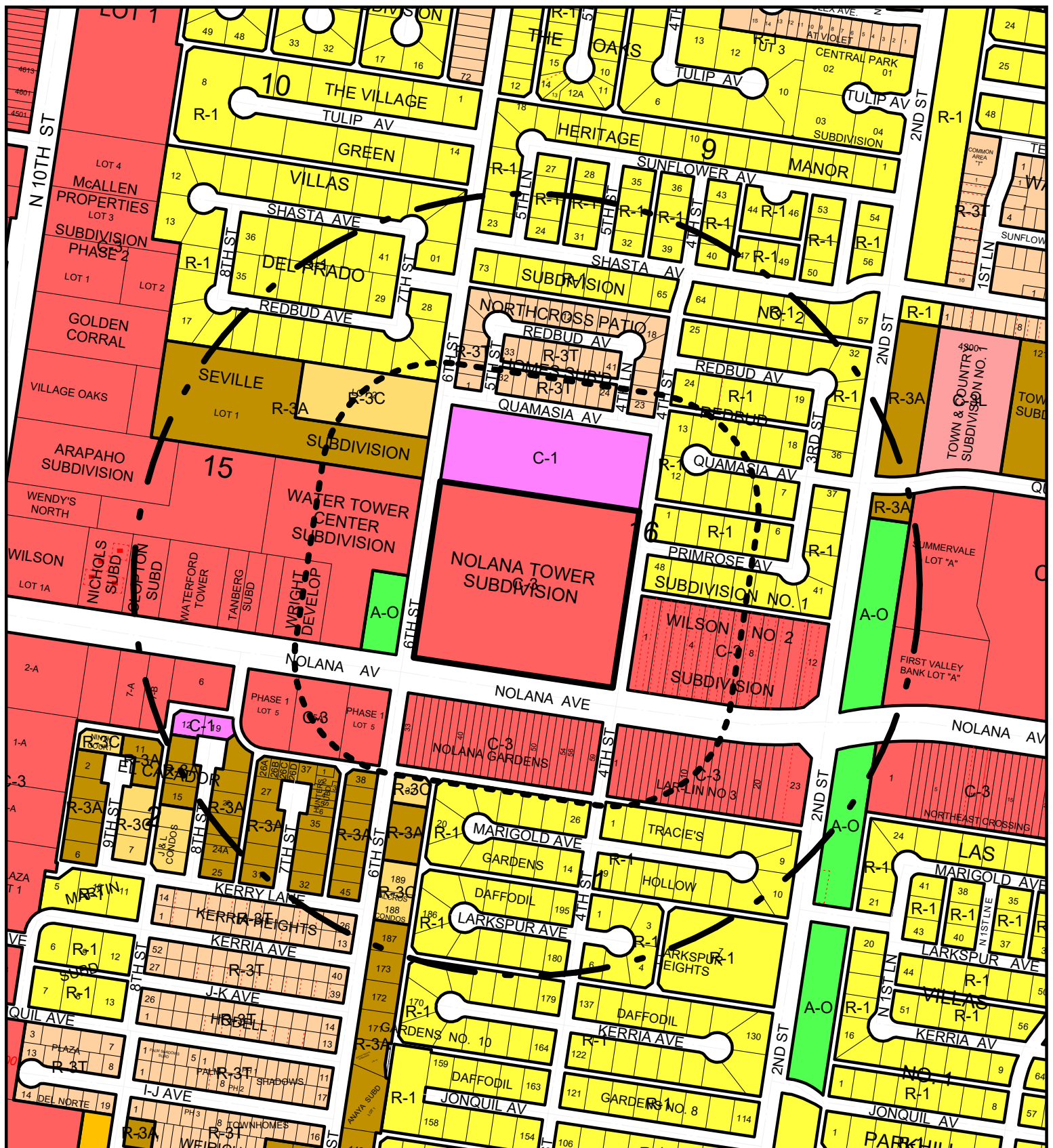
properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility as much as possible of the site from a public street;

- f) The abovementioned business must make provision 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 department as part of the building permit review.

**RECOMMENDATION:**

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





# **CITY OF McALLEN** PLANNING DEPARTMENT

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

**AREA MAP**



**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-1</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-2</b> (NEIGHBORHOOD COMMERCIAL)	<b>C-4</b> (COMMERCIAL INDUSTRIAL)	<b>(SPECIAL DISTRICT)</b>

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.mcalen.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**

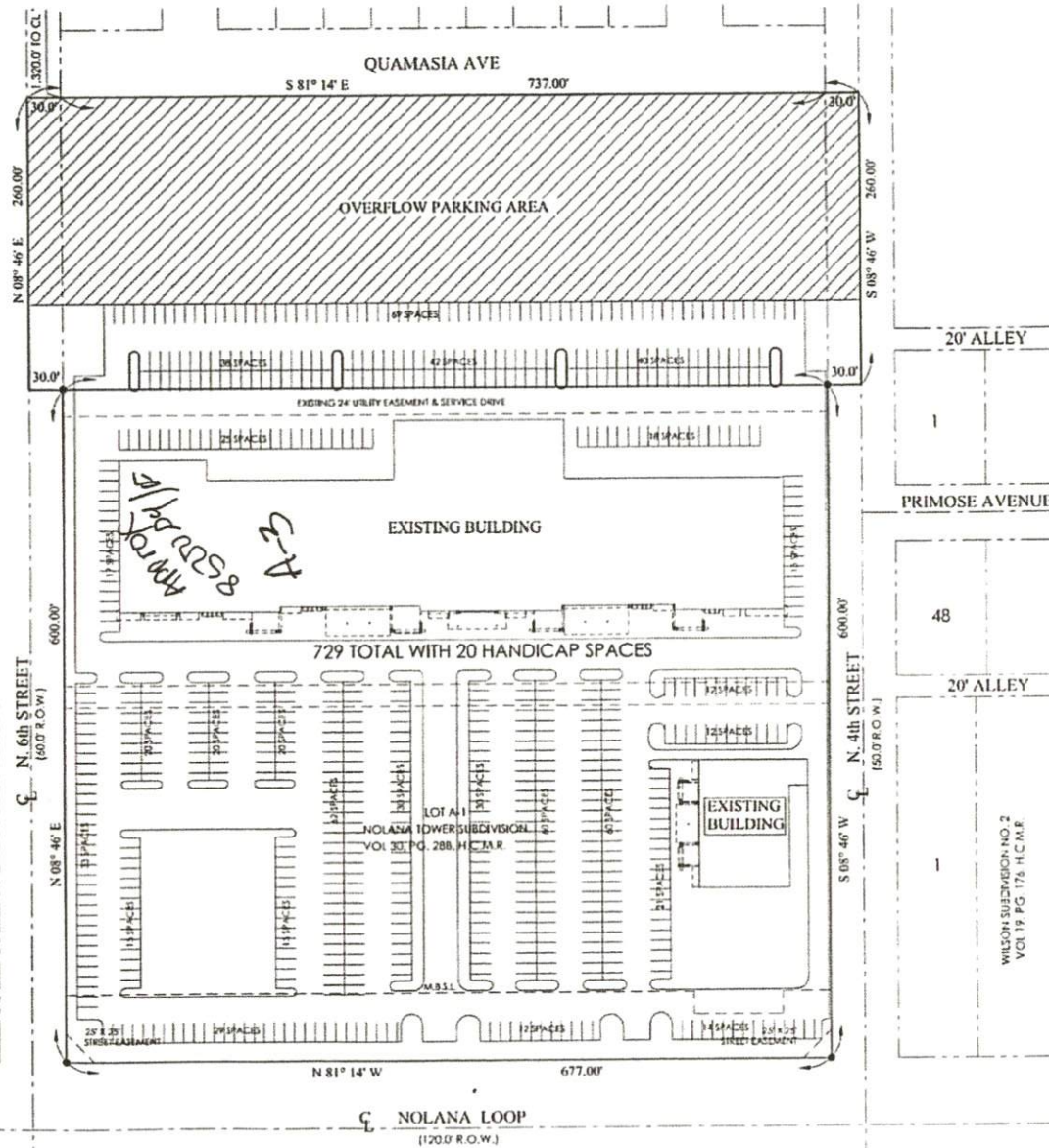


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2  
↑

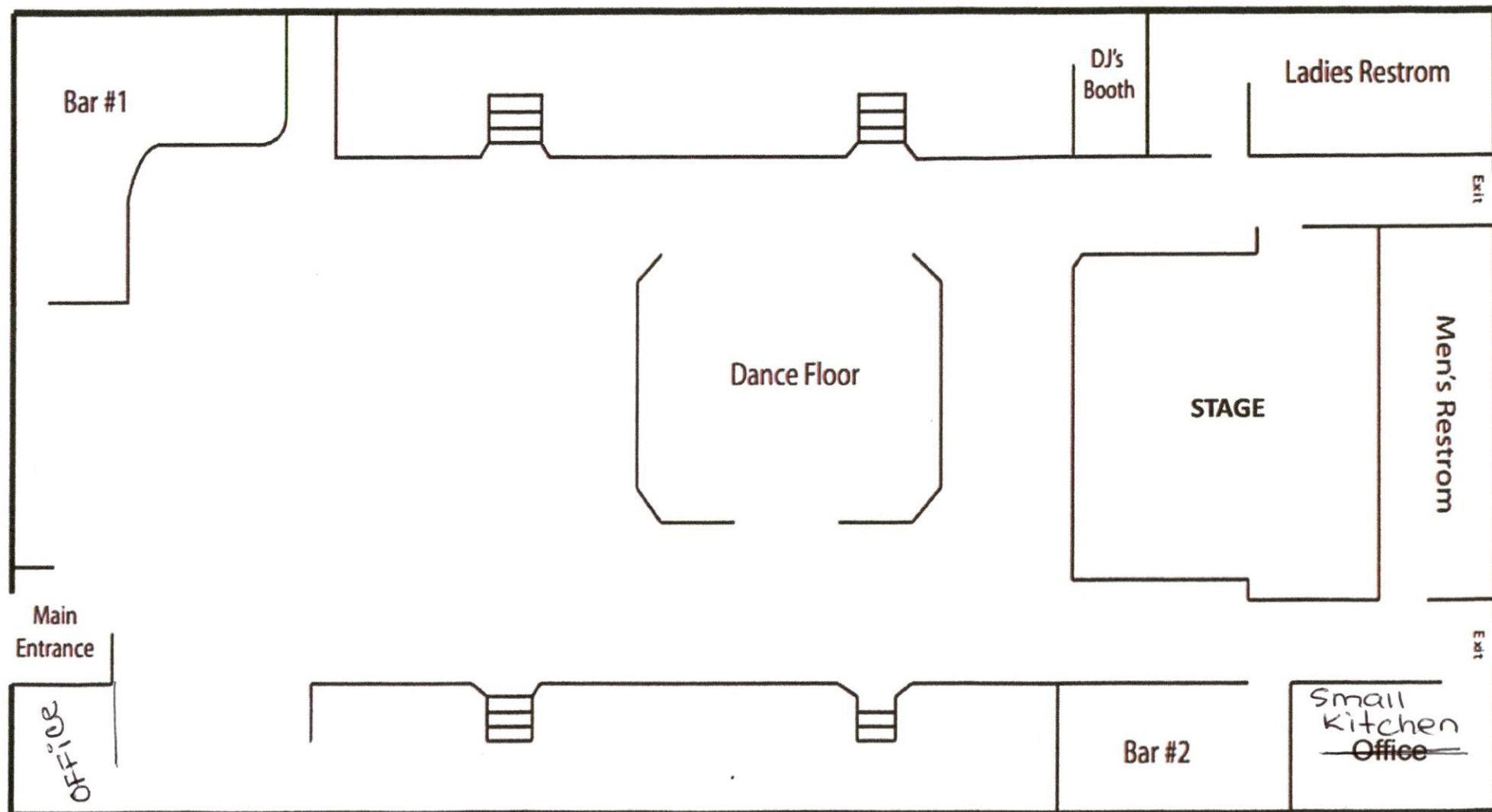
LOT 1A, SECTION 11  
HIDALGO CANAL CO. SUBDIVISION  
VOL. 0, PG. 177, H.C.D.R.



RESUBDIVISION  
VOL. 19, PG. 121, H.C.M.R.

WILSON SUBDIVISION NO. 2  
VOL. 19, PG. 175, H.C.M.R.





Guillermo Vazquez

I Guillermo Vazquez state  
 The following changes were made  
 where office use to be a small kitchen was created.  
 and office was made at front of building.







Front Parking



Rear Parking



RETAIL			RESTAURANT/BAR			OFFICE		
Urban Signature	A1	10068	Krab Kings	A2	2440	Chanin	H2	6584
SOTA	D	2340	Los Rieles	A3	6080	Kemfer	LM	7020
ProNails	F	2340	DaiTung	BC	4616			
Vacant	IJK	7020	Kumori	E	3220			
Vacant	QR	3880	Eddy's	G	14875			
			Rockwell	H1	4814			
			Suerte Bar	N1-N2	6520			
			La Jaiba	O	4630			
			76 Bar & Kitchen	ST	4851			
			Callejon De Los Mil	U	8139			
			Crazy Buffet	*	9800			
	TOTAL:	25648		TOTAL:	69985		TOTAL:	13604
	/400+3	68 Parking		/100	700 Parking		/200+3	72 Parking

Total Provided:	729		
Total Required:	840		Deficient 111 Parking





# Incident Analysis Report

## Summary

**Print Date/Time:** 05/07/2021 09:16  
**Login ID:** mcpd7004  
**Incident Type:** All  
**Call Source:** All

**From Date:** 05/07/2020 00:01  
**To Date:** 05/07/2021 09:00

McAllen Police Department  
**ORI Number:** TX1080800  
**Officer ID:** All  
**Location:** 400 NOLANA AVE A3, MCALLEN

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

# Planning Department

## Memo

**TO:** Planning and Zoning Commission

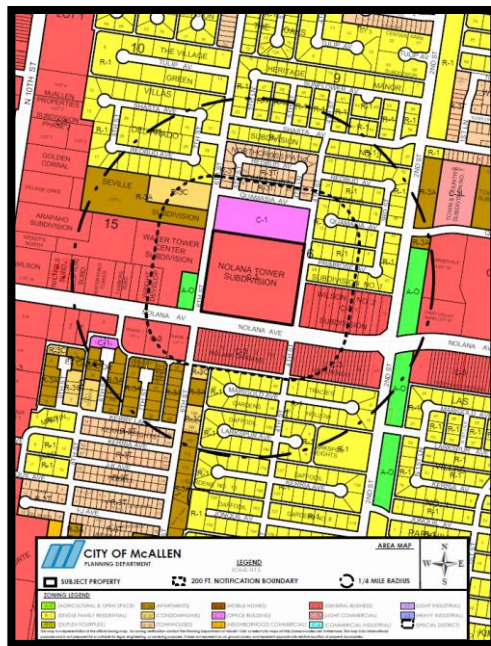
**FROM:** Planning Staff

**DATE:** May 12, 2022

**SUBJECT: 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)**

### BRIEF DESCRIPTION:

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. 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.



**HISTORY:**

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.

**REQUEST/ANALYSIS:**

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:

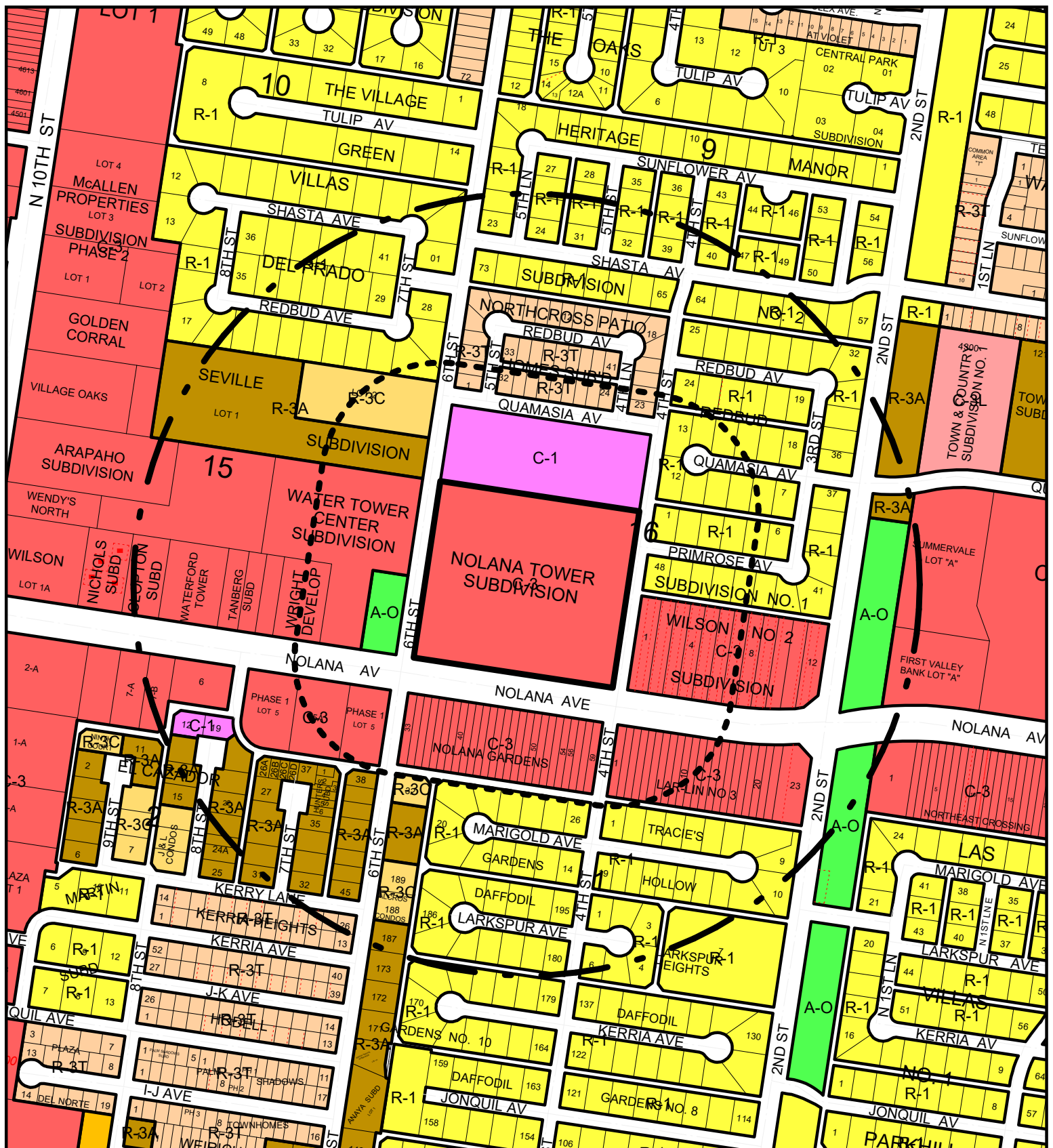
- a) The property line of the lot of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be 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 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 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.

**RECOMMENDATION:**

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



# **CITY OF McALLEN** PLANNING DEPARTMENT

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

**AREA MAP**



**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**

## **ZONING LEGEND**

<b>A-O</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-1</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-2</b> (NEIGHBORHOOD COMMERCIAL)	<b>C-4</b> (COMMERCIAL INDUSTRIAL)	<b>S</b> (SPECIAL DISTRICT)

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**CITY OF McALLEN**  
PLANNING DEPARTMENT

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



**SUBJECT PROPERTY**



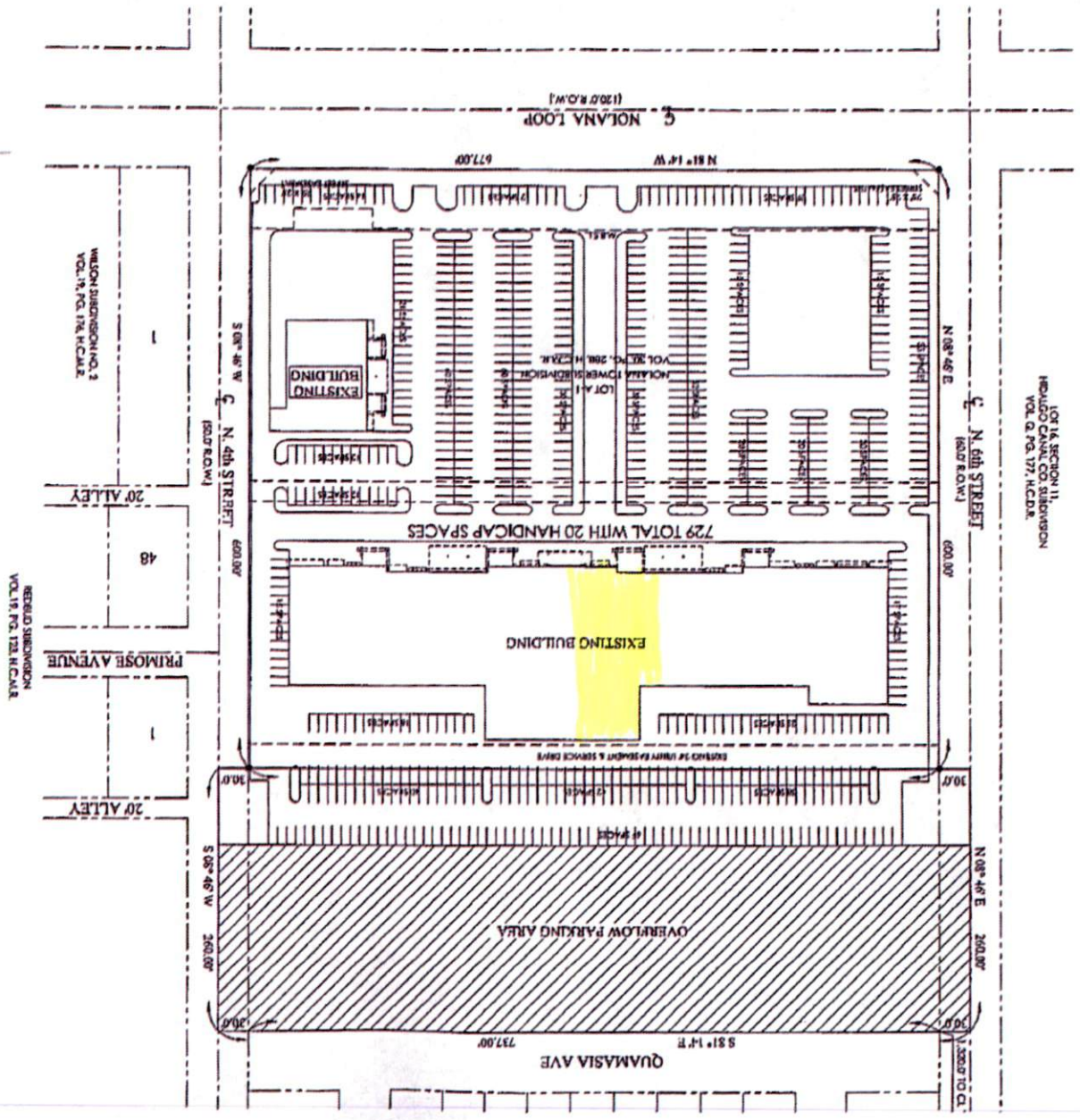
**200' NOTIFICATION BOUNDARY**



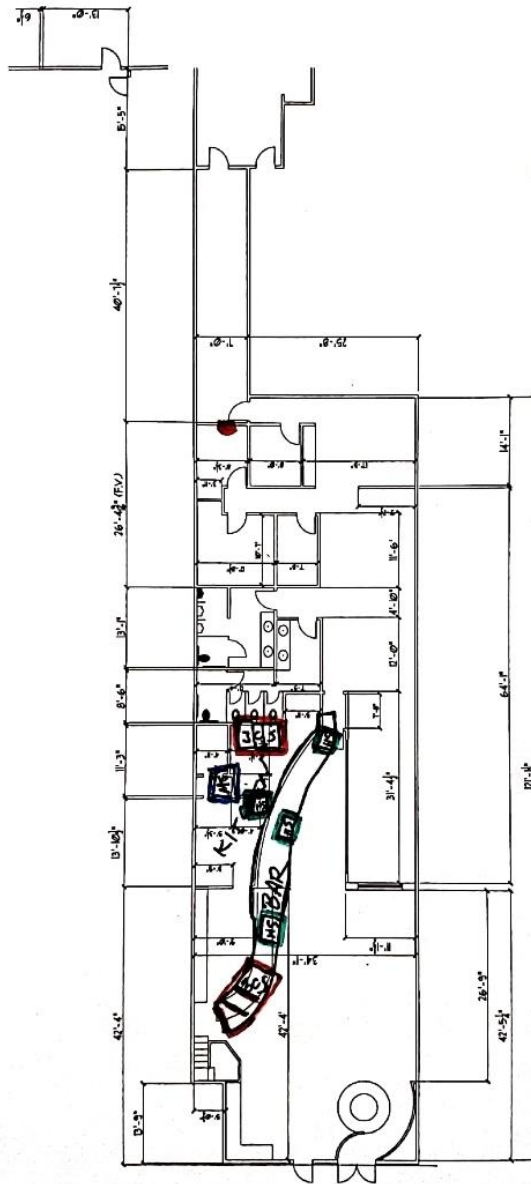
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Prop: 50 Parking







- 3CS 3 COMPARTMENT SINK
- MS MOP SINK
- HS HAND SINK

**M. PALACIOS & SONS**  
GENERAL CONTRACTING  
1899 N. CADE PHOENIX, TX (602) 212-1788

PROJECT  
**THE ROCKWELL**  
BRICK PIZZA & TAP HOUSE  
RESTAURANT & BAR  
RENOVATIONS  
400 W. HOLMAN AVENUE - SUITE H1  
MESA, AZ 85204

SHEET STATUS	
NO.	DATE
1	4.2.18
2	4.20.18
3	
4	
5	
6	
7	
8	
9	
10	

CONTRACT NO.  
  
SHEET NO.  
**R2**





Front Parking





Rear Parking



RETAIL			RESTAURANT/BAR			OFFICE		
Urban Signature	A1	10068	Krab Kings	A2	2440	Chanin	H2	6584
SOTA	D	2340	Los Rieles	A3	6080	Kemfer	LM	7020
ProNails	F	2340	DaiTung	BC	4616			
Vacant	IJK	7020	Kumori	E	3220			
Vacant	QR	3880	Eddy's	G	14875			
			Rockwell	H1	4814			
			Suerte Bar	N1-N2	6520			
			La Jaiba	O	4630			
			76 Bar & Kitchen	ST	4851			
			Callejon De Los Mil	U	8139			
			Crazy Buffet	*	9800			
	TOTAL:	25648		TOTAL:	69985		TOTAL:	13604
	/400+3	68 Parking		/100	700 Parking		/200+3	72 Parking

Total Provided:	729		
Total Required:	840		Deficient 111 Parking



# Incident Analysis Report

## Summary

**Print Date/Time:** 05/07/2021 09:20  
**Login ID:** mcpd7004  
**Incident Type:** All  
**Call Source:** All

**From Date:** 05/07/2020 00:01  
**To Date:** 05/07/2021 09:00

McAllen Police Department  
**ORI Number:** TX1080800  
**Officer ID:** All  
**Location:** 400 NOLANA AVE H1, MCALLEN

Incident Date/Time	Incident Number	Incident Type	Location
07/18/2020 00:09	2020-00048208	Police Services	400 NOLANA AVE H1
07/29/2020 21:58	2020-00051307	Police Services	400 NOLANA AVE H1
08/15/2020 02:10	2020-00055184	Domestic Disturbance	400 NOLANA AVE H1
08/18/2020 22:53	2020-00056118	Police Services	400 NOLANA AVE H1
09/04/2020 23:14	2020-00060607	Police Services	400 NOLANA AVE H1
09/09/2020 23:51	2020-00061758	Domestic Disturbance	400 NOLANA AVE H1
10/25/2020 23:34	2020-00072957	Domestic Disturbance	400 NOLANA AVE H1
12/09/2020 01:05	2020-00083926	Domestic Disturbance	400 NOLANA AVE H1
01/27/2021 20:04	2021-00006489	Alarm Burglary	400 NOLANA AVE H1

**Total Matches:** 9

# Planning Department

## Memo

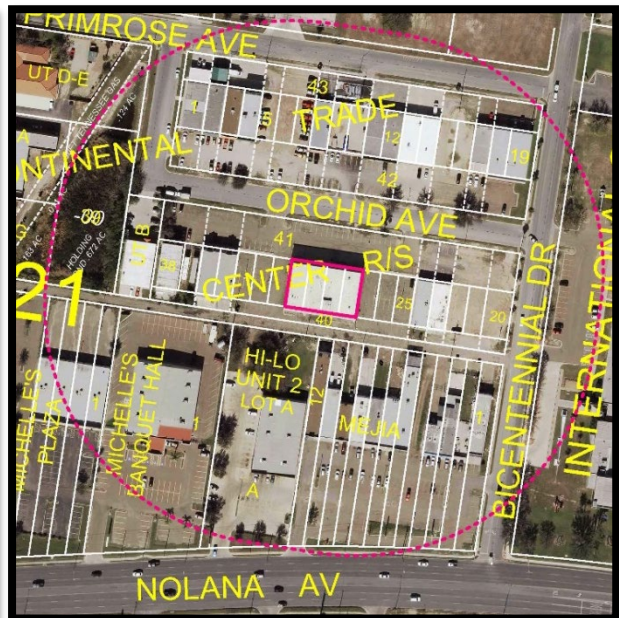
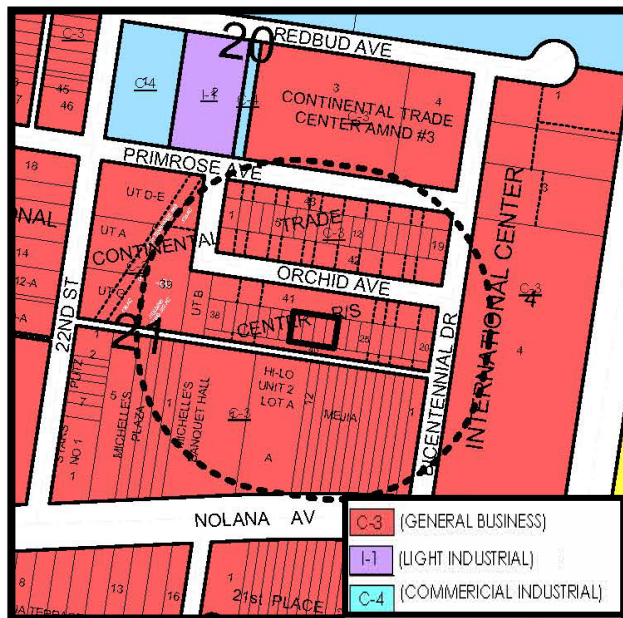
**TO:** Planning and Zoning Commission

**DATE:** May 13, 2021

**SUBJECT: 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)**

### BRIEF DESCRIPTION:

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.



### HISTORY:

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.

### **REQUEST/ANALYSIS:**

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.

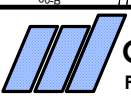
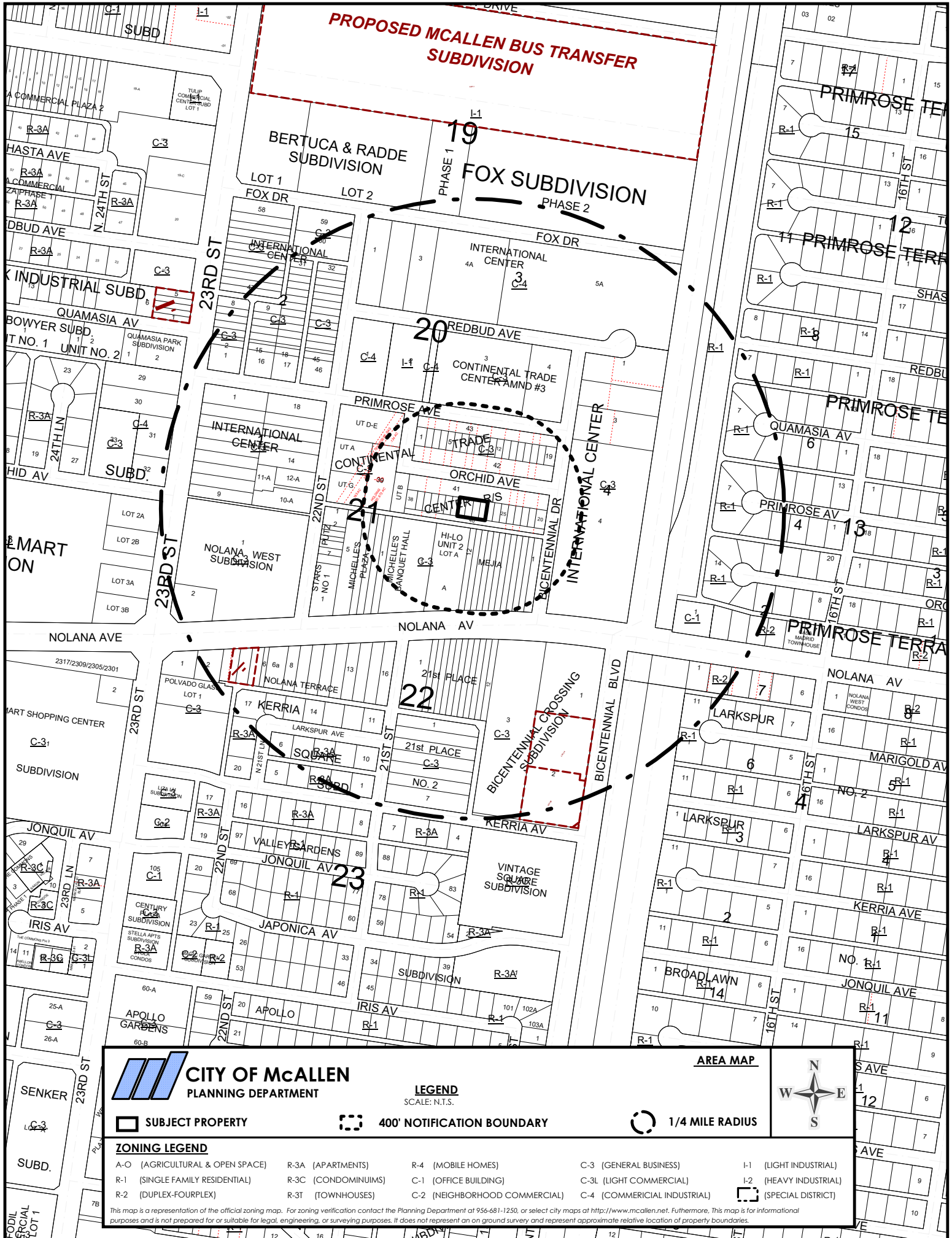
The Fire Department inspection is pending. The Health Department has inspected the establishment, and the property is in compliance. The police activity report is attached, which indicates service calls from May 2020 to present. The Planning Department has not received any calls in opposition to the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

- a) The property line of the lot of any of the above mentioned businesses must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of publicly owned property, the International Museum of Arts & Science (IMAS);
- b) The abovementioned businesses must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The property is near Nolana Ave and has direct access to Orchid avenue, and does not generate traffic into residential area;
- c) The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. 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.
- d) The abovementioned businesses must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;

- e) The abovementioned businesses should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility as much as possible of the site from a public street;
- f) The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- g) The abovementioned businesses shall restrict the number of persons within the building to those allowed by the planning and zoning commission at the time of permit issuance, after having taken into account the recommendations of the fire marshal, building official and director of planning. The occupancy load for this establishment will be established by the Building department as part of the building permit review.

**RECOMMENDATION:**

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



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

**SUBJECT PROPERTY**

**400' NOTIFICATION BOUNDARY**

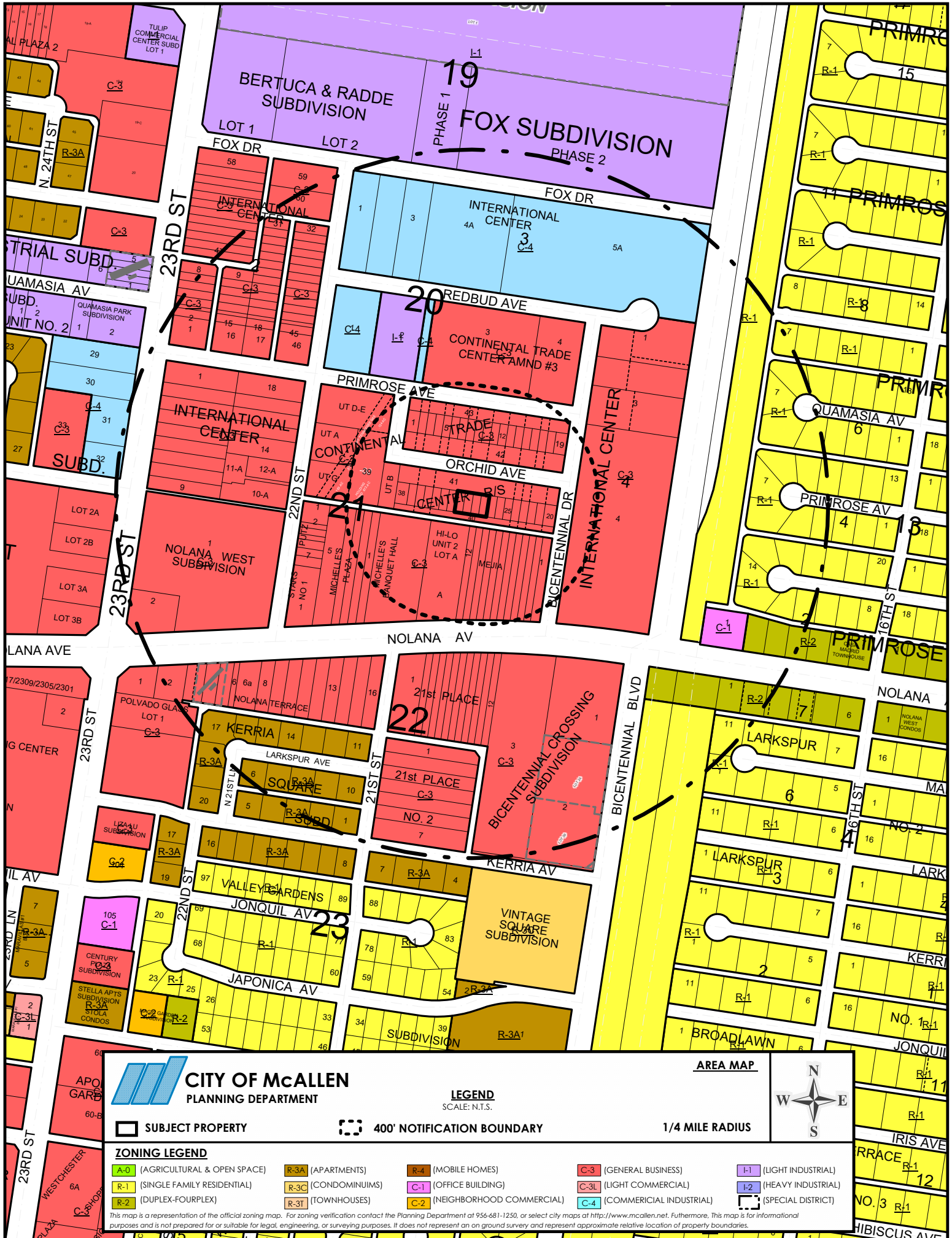
**1/4 MILE RADIUS**



**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

400' NOTIFICATION BOUNDARY

1/4 MILE RADIUS

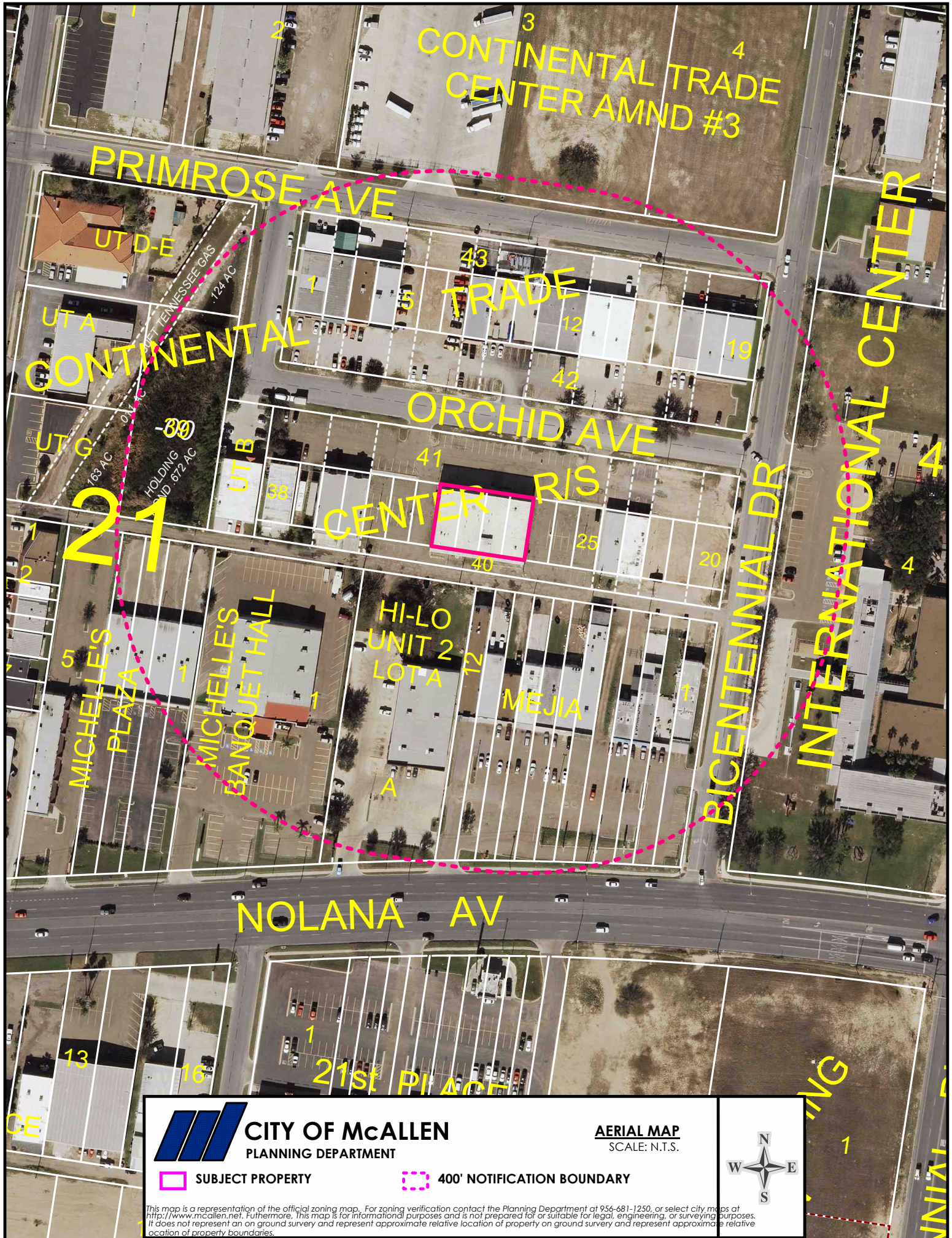


### ZONING LEGEND

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)

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**CITY OF McALLEN**  
PLANNING DEPARTMENT

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



**SUBJECT PROPERTY**



**400' NOTIFICATION BOUNDARY**



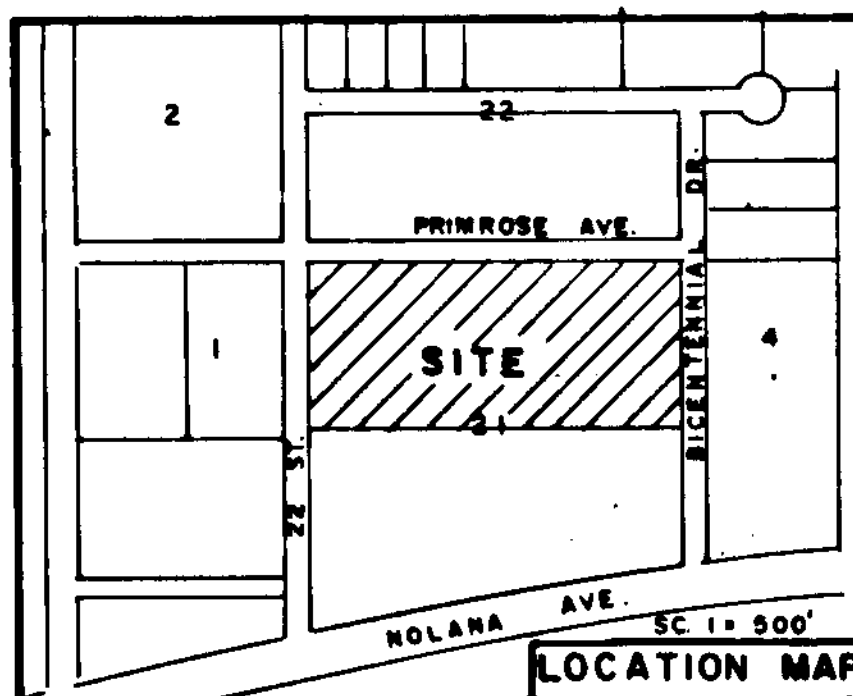
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Recorded in Book 23 Page 156B  
of the map records of Hidalgo  
County, Texas  
Melden and Hunt, Inc.  
County Surveyors

SCALE 1" = 100'

CONTINENTAL TRADE CENTER  
SUBDIVISION



STATE OF TEXAS  
COUNTY OF HIDALGO

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERE-  
TO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT DEDICATES TO THE USE  
OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASE-  
MENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN  
EXPRESSED.

Ernie Tuchscherer  
ERNIE TUCHSCHERER (OWNER)

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED  
ERNIE TUCHSCHERER, 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  
EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 25th DAY OF October  
A.D. 1983

Jack Headley  
JACK HEADLEY, Notary Public  
HIDALGO COUNTY, TEXAS

APPROVAL BY WATER DISTRICT

THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 1  
ON THIS 29th DAY OF September A.D. 1983

HIDALGO COUNTY IRRIGATION DISTRICT NO. 1  
WILL NOT BE RESPONSIBLE FOR DRAINAGE OR  
DELIVERY OF WATER TO ANY LOT IN THIS  
SUBDIVISION IF DESIRED, THIS WILL NOT  
BE AT DISTRICT EXPENSE.

W. J. Zife  
PRESIDENT  
Leah J. Zife  
SECRETARY

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.

W. J. Zife  
MAYOR, CITY OF MCALLEN

THIS PLAT OF CONTINENTAL TRADE CENTER SUBDIVISION HAS BEEN  
SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF  
MCALLEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION  
DATED THIS 15th DAY OF Feb. A.D. 1983

John W. Zife  
CHAIRMAN

STATE OF TEXAS  
COUNTY OF HIDALGO

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM  
AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

Joe Korman  
REGISTERED PROFESSIONAL ENGINEER

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 25th DAY OF October  
A.D. 1983

Jack Headley  
JACK HEADLEY, Notary Public  
HIDALGO COUNTY, TEXAS

CHECKED FOR DRAINAGE  
BY: W. J. Zife

APPROVED  
FOR RECORDING  
Hidalgo Co. Right of Way Dept.  
by Lois Walker  
Date Nov. 14, 1983

NOTES

1. MINIMUM FLOOR ELEV. 18" TOP OF CURB
2. LOT 39 SHALL BE USED AS A HOLDING POND AND SHALL BE MAINTAINED IN GOOD CONDITION BY THE DEVELOPER.
3. NO BUILDING PERMITS SHALL BE ISSUED FOR LOT 39 UNLESS APPROVED BY THE CITY ENGINEER.
4. A 4' SIDEWALK WILL BE BUILT BY DEVELOPER ALONG BICENTENNIAL, PRIMROSE & 22ND ST.
5. MAINTENANCE OF LOTS 40, 41, 42, & 43 TO BE USED FOR COMMON AREA AS PARKING, LANDSCAPING, ACCESS, ETC. SHALL BE THE RESPONSIBILITY OF OWNERS, NOT THE CITY OF MCALLEN.
6. FOR PURPOSE OF COMPLYING WITH ACCESS REQUIREMENTS TO THE PUBLIC STREETS OF THE SUBDIVISION ORDINANCE, THE ACCESS TO ADJOINING STREETS OF LOTS 1 THRU 19 ACROSS LOT 42 & LOT 20 THRU 38 ACROSS LOT 41 SHALL BE DEEMED TO COMPLY WITH THE PROVISION OF THE SUBDIVISION ORDINANCE.
7. 10'X10' CORNER CLIPS EASEMENT AT STREETS INTERSECTIONS AND STREET & ALLEY INTERSECTIONS

RESUBDIVISION OF  
CONTINENTAL TRADE CENTER SUBDIVISION

BEING A RESUBDIVISION OF LOTS 5, 6, 7, 8, & 9 OF CONTINENTAL TRADE CENTER  
SUBDIVISION AS RECORDED IN VOLUME 22, PAGE 161 OF THE MAP OF RECORDS  
OF HIDALGO COUNTY, TEXAS OUT OF LOT 21, BLOCK 1 C.E. HAMMOND SUBDIVISION,  
HIDALGO COUNTY, TEXAS. (9.41 ACRES MORE OR LESS.)

C.E. HAMMONDS SUBD.  
LOT 21 BLK. 1

FILED  
NOV 15 1983  
Lois Walker  
CLERK

3-9-83  
2-19-83  
12-27-82  
11-8-82  
REVISED 10-27-82

VOL. 23 PG 156-B

NORTH 21 ST STREET



Residential • Commercial

2807 N. Silverado Cir. Apt. E  
Mission, Texas 78574  
956.573.9557

All Designs contained in these Drawings are property of TREVIÑO DRAFT DESIGNS. Any use of this material or reproduction of these drawings is expressly prohibited except as TREVIÑO DRAFT DESIGNS may otherwise agree in writing.

REVISIONS	DATE

EXISTING PARKING: 75  
PARKING SPACES

LAMP POST

EXISTING  
LAMP POST

LIVING

1ST FLOOR 9,680 SQ. FT.

2ND FLOOR 3,727 SQ. FT.

TOTAL 13,407 SQ. FT.

Actual use.

16567

First floor

915

Second floor

total  
7482

ALLEY



1 EXISTING SITE PLAN  
SCALE: 3/32" = 1'-0"

AS-BUILT  
2012 ORCHID AVE.  
MCALLEN, TEXAS

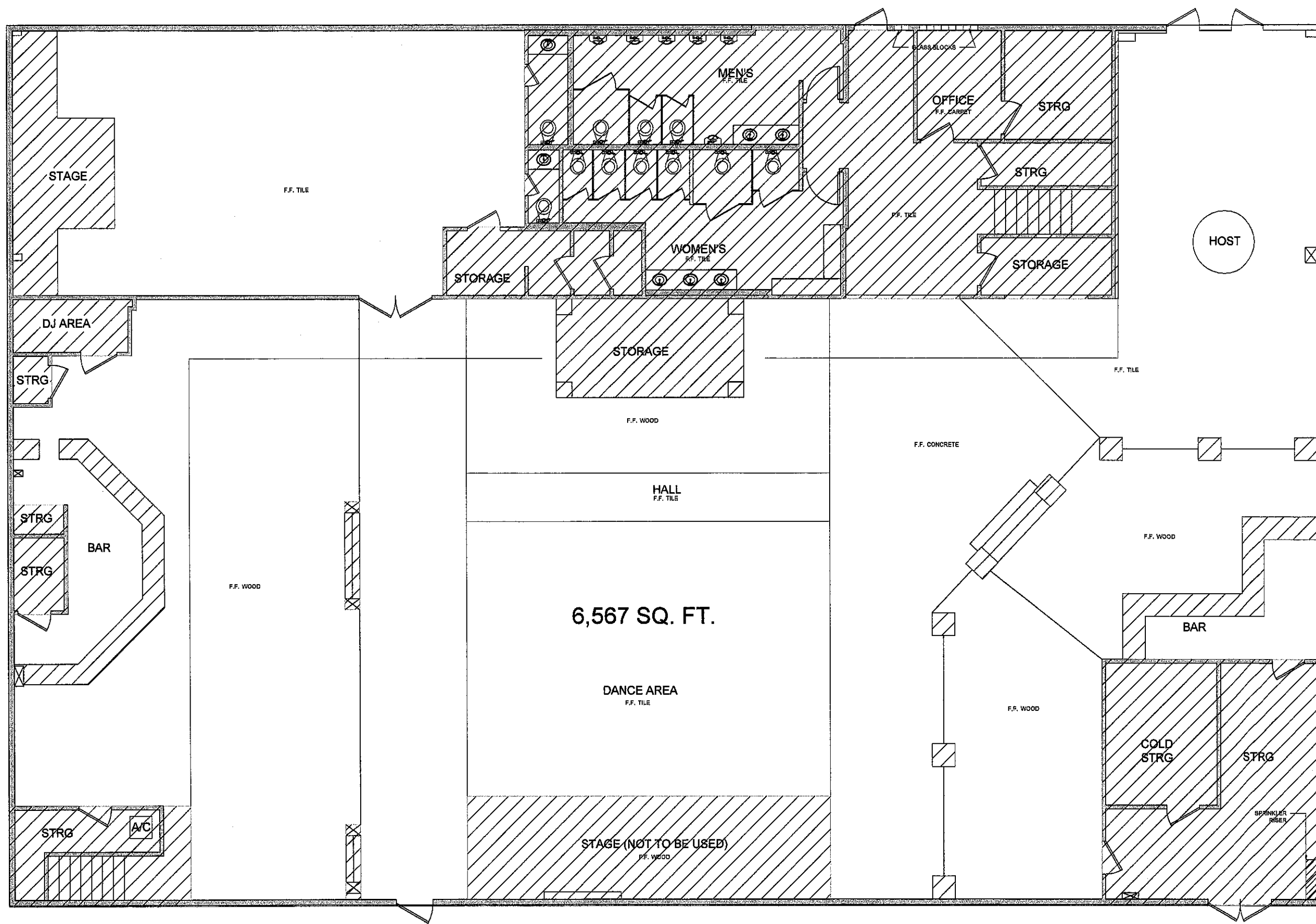
SHEET CONTENT:
EXISTING SITE PLAN
PROJECT No.:
21.7.04
DATE:
4-7-2021
DRAWN BY:
J.T.
CHECKED BY:
J.T.
SHEET No.:

D-1.0

**AS-BUILT**  
**2012 ORCHID AVE.**  
**MCALLEN, TEXAS**

SHEET CONTENT:
AREA TO BE USED
PROJECT No.: 21.7.04
DATE: 4-7-2021
DRAWN BY: J.T.
CHECKED BY: J.T.
SHEET No.:

## D-2.2



1 1ST FLOOR  
SCALE: 1/4" = 1' - 0"

Areas shaded will Not be used, Storage and Restroom





Residential ■ Commercial

2807 N. Silverado Cir. Apt. E  
Mission, Texas 78574  
956.573.9557

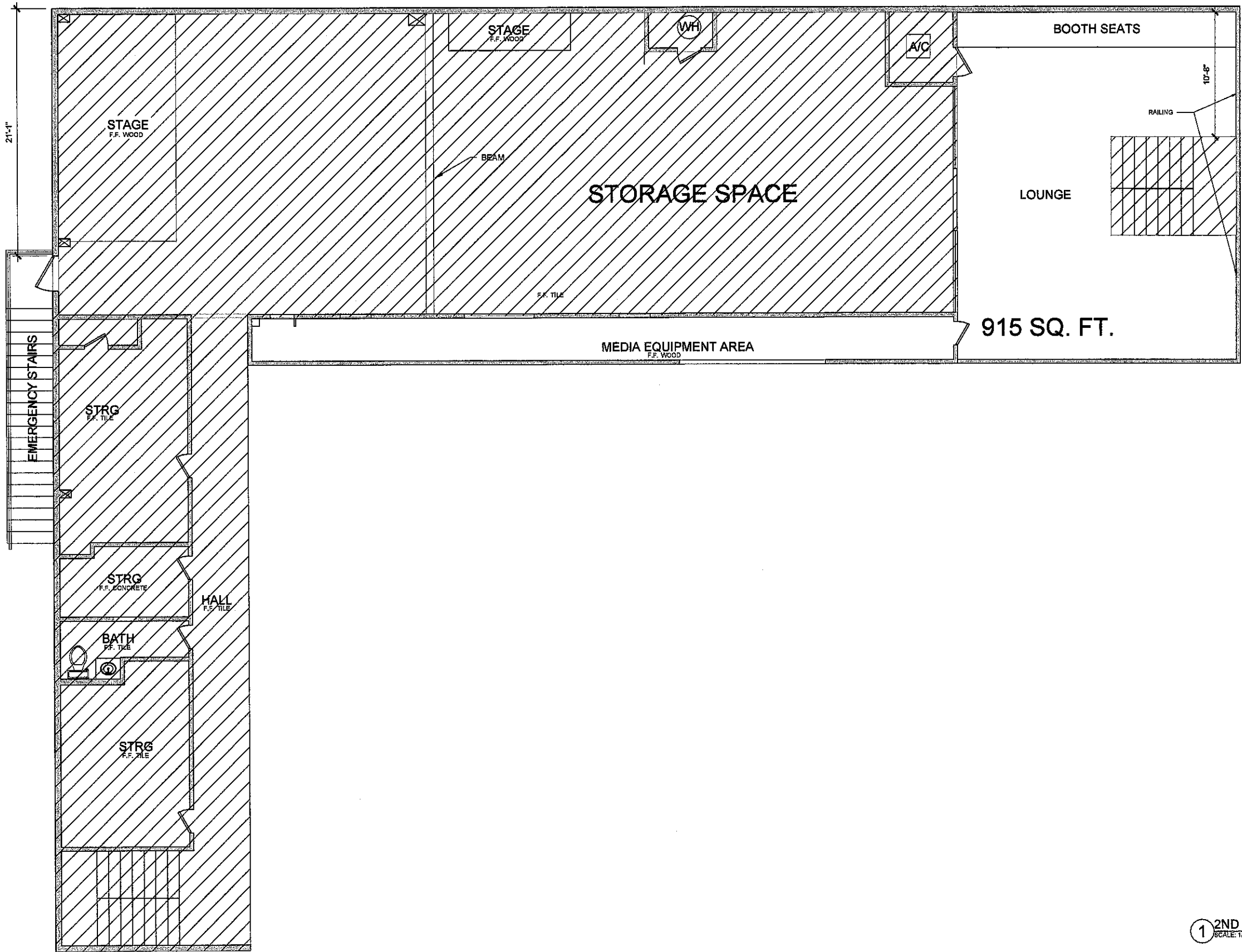
All Designs contained in these Drawings are  
property of TREVINO DRAFT DESIGNS.  
Any use of this material or reproduction of  
these drawings is expressly prohibited except  
as TREVINO DRAFT DESIGNS may  
otherwise agree in writing.

REVISIONS	DATE

**AS-BUILT**  
2012 ORCHID AVE.  
MCALLEN, TEXAS

SHEET CONTENT:
AREA TO BE USED
PROJECT No.:
21.7.04
DATE:
4-7-2021
DRAWN BY:
J.T.
CHECKED BY:
J.T.
SHEET No.:

**D-2.3**



**1 2ND FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

shaded Areas will Not be used, storage and Restroom.



# Incident Analysis Report

## Summary

**Print Date/Time:** 05/10/2021 10:34  
**Login ID:** mcpd7004  
**Incident Type:** All  
**Call Source:** All

**From Date:** 05/10/2020 00:01  
**To Date:** 05/10/2021 10:00

McAllen Police Department  
**ORI Number:** TX1080800  
**Officer ID:** All  
**Location:** 2021 ORCHID AVE, MCALLEN

Incident Date/Time	Incident Number	Incident Type	Location
06/10/2020 09:31	2020-00039066	Lost/Found Property	2021 ORCHID AVE

**Total Matches:** 1





NOTICE  
BAR  
FOR  
THIS PROPERTY  
CUP2021-0045



## Memo

**TO:** Planning and Zoning Commission

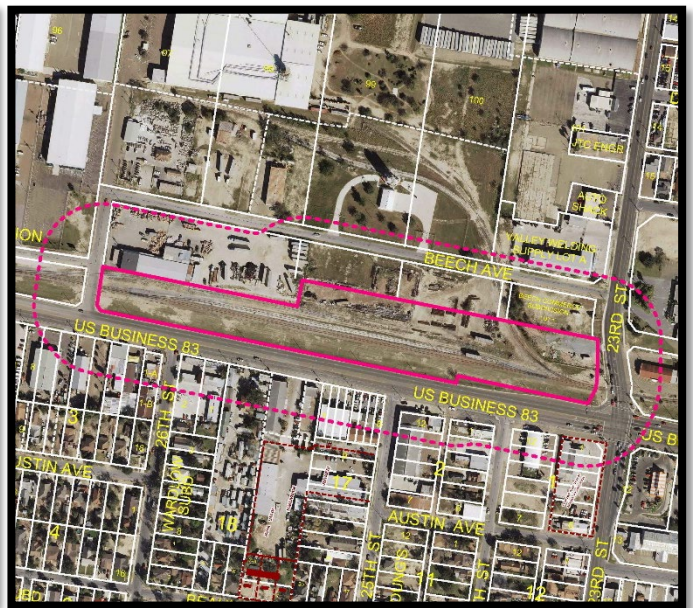
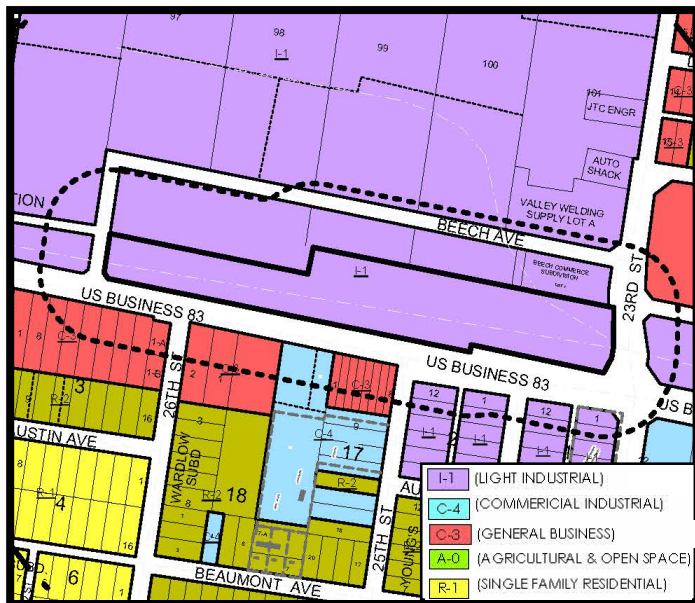
**FROM:** Planning Staff

**DATE:** May 13, 2021

**SUBJECT:** 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 23<sup>RD</sup> ST. WESTWARD OUT OF C.E. HAMMOND SUBDIVISION, HIDALGO COUNTY, TEXAS; 189 N 23<sup>RD</sup> STREET. (CUP2021-0046)

### BRIEF DESCRIPTION:

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.

### PROPOSAL:

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:

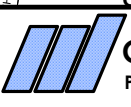
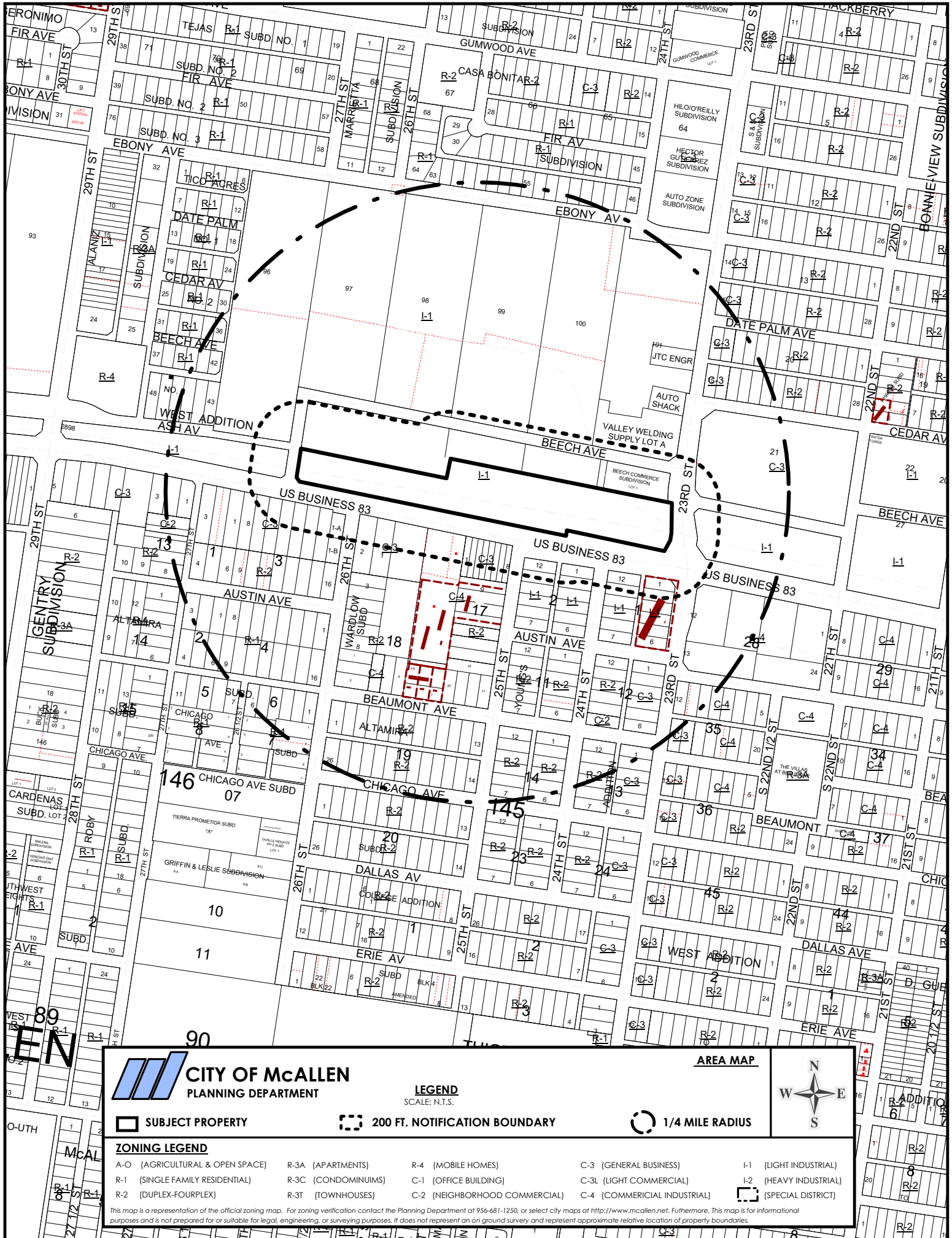
- a. Maximum height of pole or tower structure of 80 feet within commercial zones or within 200 feet of an existing residential structure;
  - The applicant is not locating within a commercial zone;
- b. Maximum height of pole or tower structure of 120 feet within industrial zones for measuring distance purposes, the leasehold interest area boundary or compound area boundary, whichever is greater shall be utilized;
  - 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;
  - 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.

**RECOMMENDATION:**

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



# CITY OF McALLEN

## PLANNING DEPARTMENT

### LEGEND

SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

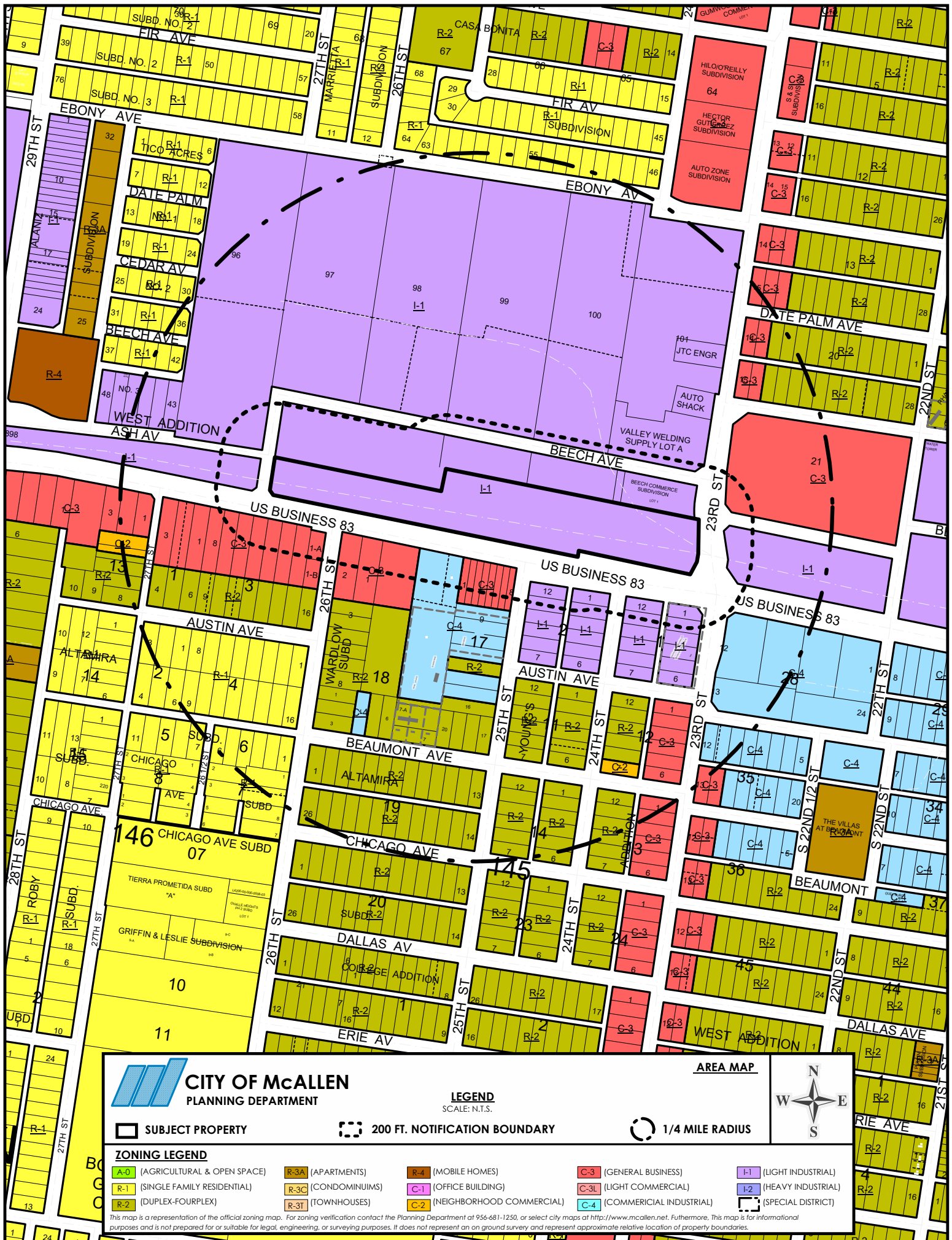
1/4 MILE RADIUS



### ZONING LEGEND

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

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# CITY OF McALLEN PLANNING DEPARTMENT

LEGEND  
SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

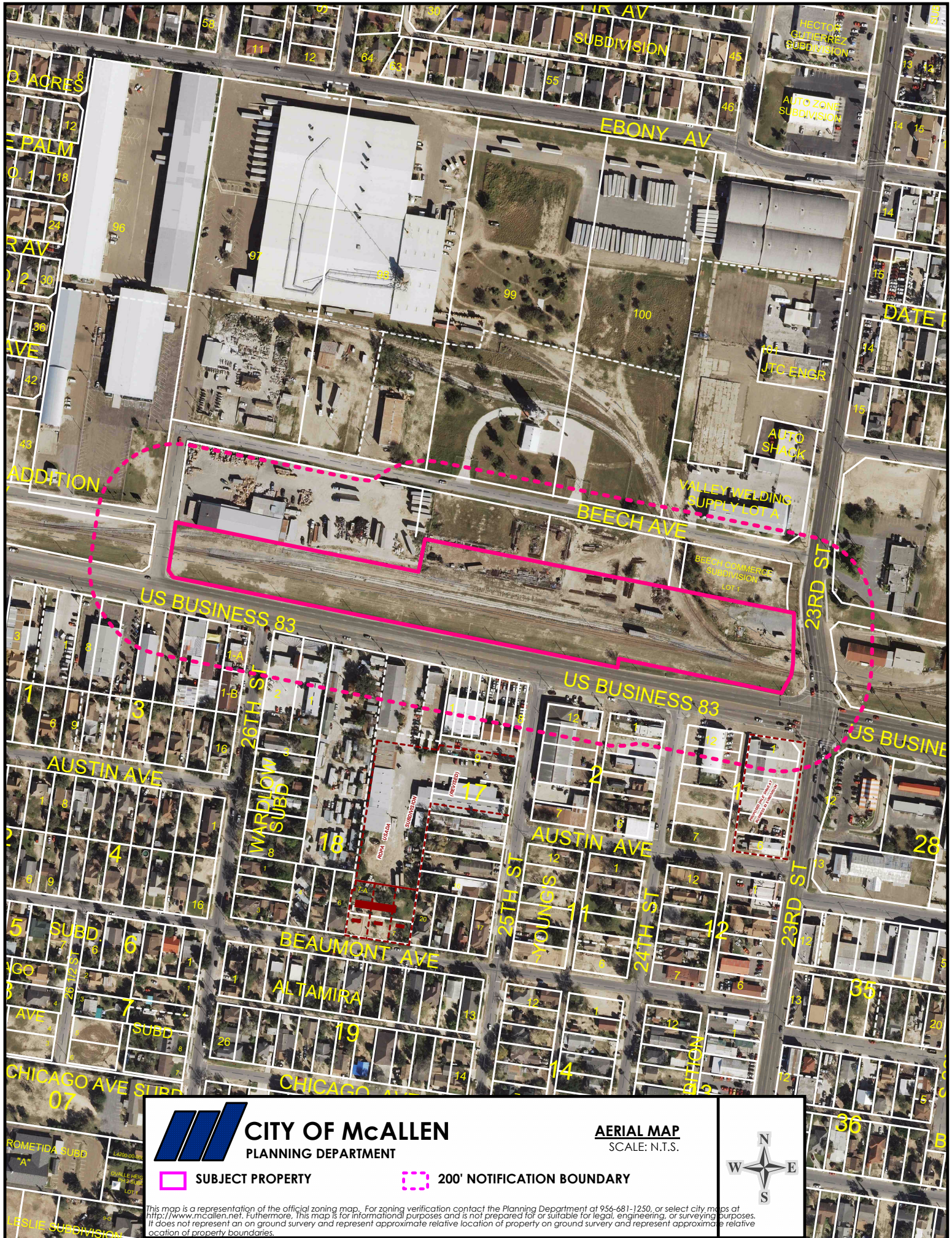


## ZONING LEGEND

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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GENERAL NOTES:

1. ALL BEARINGS ARE GRID BEARINGS AND ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (4205), NAD83. LATITUDE AND LONGITUDE FROM GNSS OBSERVATIONS USING THE TEXAS VRS NETWORK FOR CORRECTIONS. ALL DISTANCES ARE REPRESENTED IN GRID VALUES, MEASURED IN U.S. SURVEY FEET, AND ARE BASED ON SAID HORIZONTAL DATUM.
2. FOR ADDITIONAL INFORMATION, SEE LEGAL DESCRIPTION, MADE IN CONJUNCTION WITH AND CONSIDERED AN INTEGRAL PART OF THIS PLAT.
3. THIS PLAT AND DESCRIPTION WERE PREPARED FOR THE PURPOSES OF CREATING A LEASE AREA, A 25' UTILITY & ACCESS CORRIDOR AND ARE NOT INTENDED FOR USE AS A PROPERTY BOUNDARY SURVEY.

FLOODPLAIN NOTE:

THE LEASE TRACT DEPICTED HEREON LIES WITHIN UNSHADED ZONE C DESIGNATED AS AREAS OF MINIMAL FLOODING, ACCORDING TO FEMA FIRM PANEL MAP NUMBER 4803430005C, EFFECTIVE DATE: NOVEMBER 02, 1982.

ABSTRACTOR'S CERTIFICATE:

NOT RECEIVED.

RESTRICTIONS:

NOT RECEIVED.

CORRIDORS:

NOT RECEIVED.

(OTHER):

NOT RECEIVED.

25' WIDE ACCESS & UTILITY CORRIDOR DESCRIPTION:

BEING A DESCRIPTION FOR A 25' WIDE ACCESS & UTILITY CORRIDOR LOCATED IN THE A. GUTIERREZ SURVEY, SECTION 63, ABSTRACT NO. 34, AND BEING PART OF THE MISSOURI PACIFIC COMPANY TRACT, REFERENCED IN A FINAL MAP, STATE OF TEXAS STATE HIGHWAY DEPARTMENT; PLAN OF PROPOSED RIGHT OF WAY PROJECT HIDALGO COUNTY LOOP 374, DESCRIBED IN VOLUME 999, PAGE 1142, PROJECT NO. RW-8021-1-19, SHEET 13, TXDOT OFFICIAL PUBLIC RECORDS, HIDALGO COUNTY, TEXAS, ALSO BEING DESCRIBED IN VOLUME 1, PAGE 8, MAP RECORDS, HIDALGO COUNTY, TEXAS, SAID LEASE AREA BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

COMMENCING AT A 5/8" REBAR WITH YELLOW CAP FOUND AT THE NORTHWEST CORNER OF A CALLED LOT 1, MAP OF BEECH COMMERCE, DESCRIBED IN INSTRUMENT NO. 2737291, OFFICIAL PUBLIC RECORDS, HIDALGO COUNTY; SAME BEING ON THE SOUTH RIGHT OF WAY LINE OF BEECH AVE.(55' RIGHT OF WAY);

THENCE, OVER AND ACROSS SAID LOT 1 AND MISSOURI PACIFIC COMPANY TRACT THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

- 1) SOUTH 33°45'09" EAST, A DISTANCE OF 179.09 FEET TO THE POINT OF BEGINNING;
- 2) SOUTH 72°16'27" EAST, A DISTANCE OF 81.02 FEET TO A CALCULATED POINT,
- 3) SOUTH 79°50'12" EAST, A DISTANCE OF 98.60 FEET TO A CALCULATED POINT,
- 4) SOUTH 02°31'30" EAST, ON THE WEST MARGIN OF N. 23RD ST. (RIGHT OF WAY VARIES), A DISTANCE OF 25.63 FEET TO A CALCULATED POINT,
- 5) NORTH 79°50'12" WEST, A DISTANCE OF 105.88 FEET TO A CALCULATED POINT,
- 6) NORTH 72°16'27" WEST, A DISTANCE OF 79.82 FEET TO A CALCULATED POINT, AND
- 7) NORTH 11°14'05" EAST, A DISTANCE OF 25.16 FEET TO TO THE POINT OF BEGINNING.
- CONTAINING 0.10 ACRE, OR 4,566.45 SQUARE FEET, MORE OR LESS.

LEASE AREA DESCRIPTION:

BEING A DESCRIPTION FOR A LEASE AREA LOCATED IN THE A. GUTIERREZ SURVEY, SECTION 63, ABSTRACT NO. 34, AND BEING PART OF THE MISSOURI PACIFIC COMPANY TRACT, REFERENCED IN A FINAL MAP, STATE OF TEXAS STATE HIGHWAY DEPARTMENT; PLAN OF PROPOSED RIGHT OF WAY PROJECT HIDALGO COUNTY LOOP 374, DESCRIBED IN VOLUME 999, PAGE 1142, PROJECT NO. RW-8021-1-19, SHEET 13, TXDOT OFFICIAL PUBLIC RECORDS, HIDALGO COUNTY, TEXAS, ALSO BEING DESCRIBED IN VOLUME 1, PAGE 8, MAP RECORDS, HIDALGO COUNTY, TEXAS, SAID LEASE AREA BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

COMMENCING AT A 5/8" REBAR WITH YELLOW CAP FOUND AT THE NORTHWEST CORNER OF A CALLED LOT 1, MAP OF BEECH COMMERCE, DESCRIBED IN INSTRUMENT NO. 2737291, OFFICIAL PUBLIC RECORDS, HIDALGO COUNTY; SAME BEING ON THE SOUTH RIGHT OF WAY LINE OF BEECH AVE.(55' RIGHT OF WAY);

THENCE, OVER AND ACROSS SAID LOT 1 AND MISSOURI PACIFIC COMPANY TRACT THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

- 1) SOUTH 02°31'48" EAST, A DISTANCE OF 126.62 FEET TO THE POINT OF BEGINNING;
- 2) SOUTH 78°33'52" EAST, OFFSET FROM THE COMMON LINE OF SAID LOT 1 AND SAID MISSOURI PACIFIC COMPANY TRACT, AND RUNNING ALONG AN EXISTING FENCELINE, A DISTANCE OF 96.48 FEET TO A CALCULATED POINT,
- 3) SOUTH 11°14'05" WEST, A DISTANCE OF 28.51 FEET TO A CALCULATED POINT,
- 4) SOUTH 53°28'27" WEST, A DISTANCE OF 43.59 FEET TO A CALCULATED POINT, AND
- 5) NORTH 36°28'18" WEST, A DISTANCE OF 90.82 FEET TO TO THE POINT OF BEGINNING
- CONTAINING 0.08 ACRE, OR 3,354.46 SQUARE FEET, MORE OR LESS.



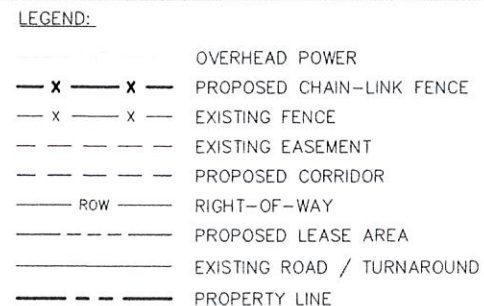
*Manuel E. Fernandez*  
01-05-21  
MANUEL E. FERNANDEZ  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6603  
STATE OF TEXAS

4801 Southwest Parkway Building Two, Suite 100 Austin Texas, 78735 Ofc: 512.447.0575 Fax: 512.326.3029 email: Info@sam.biz Texas Firm Registration No. 10064300			
8521 MERIDIAN DRIVE RALEIGH, NC 27816 PHONE: (919)-766-1012 FAX: (919)-766-1031			
REV	DATE	DESCRIPTION	BY
SITE NUMBER: TXC002 - MCALLEN			
SITE ADDRESS N 23RD ST, MCALLEN, TEXAS			
SHEET NAME SITE EXHIBIT AND DESCRIPTION			
SHEET NUMBER 1 OF 2			

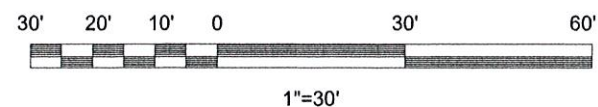


1. THIS PLAN IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
2. NO SIGNIFICANT NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
3. THE FACILITY IS UNMANNED AND NOT INTENDED FOR HUMAN HABITATION, THERE IS NO HANDICAP ACCESS REQUIRED.
4. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
5. UTILITIES TO BE CONFIRMED DURING SITE VISIT.
6. SITE PLAN DEVELOPED FROM SURVEY PERFORMED BY SAM DATED DECEMBER 14, 2020.
7. SITE LOCATION IS LOCATED IN ZONE B ACCORDING TO FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 480343 0005 C DATED NOVEMBER 2, 1982.

OWNER: UNION PACIFIC  
ZONING: C-3L  
LAND USE: A - ACTIVE  
PARCEL NUMBER: N/A  
LATITUDE: 26° 12' 24.758"  
LONGITUDE: 98° 14' 45.204"

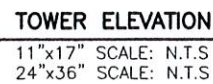


11"x17" SCALE: 1" = 30'  
24"x36" SCALE: 1" = 15'



C-1.1





PREPARED BY:

**FDH** **INFRASTRUCTURE** <sup>®</sup>  
**SERVICES**

ENGINEERING INNOVATION

**6521 MERIDIEN DRIVE**  
**RALEIGH, NC 27616**  
**PHONE: (919)-755-1012**  
**FAX: (919)-755-1031**

PRELIMINARY

DRAWN BY:	KLJK
CHECKED BY:	JRB

[illegible]

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. REPRODUCTION OR CAUSING TO BE REPRODUCED THE WHOLE OR ANY PART OF THESE DRAWINGS WITHOUT THE PERMISSION OF FDH INFRASTRUCTURE SERVICES IS PROHIBITED.

SITE NAME:  
MCALLEN

SITE LOCATION:  
N 26.206877°  
W 98.245890°

SITE NUMBER:  
TXC002

SHEET TITLE  
COMPOUND DETAILS

SHEET NUMBER

C-2





RIO VALLEY  
SWITCHING CO.  
(956) 971-9111  
FM 1926  
RRMP 34.00  
DOT 448 844C

FOG N

NOTICE  
PERSONAL  
WIRELESS FACILITY  
FOR  
THIS PROPERTY  
CUP2021-0046



# Planning Department

## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

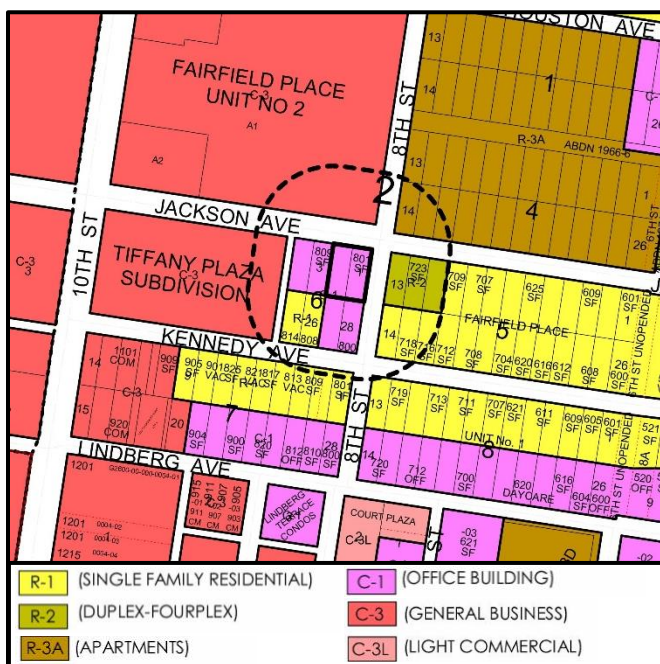
**DATE:** May 13, 2021

**SUBJECT:** 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)

### BRIEF DESCRIPTION:

The subject property is located on the southwest corner of Jackson Avenue and South 8<sup>th</sup> Street. It has 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 is requesting a conditional use permit for a single-family dwelling for the subject property in order to build a new house.

The property is zoned C-1 (office building) District. The adjacent zoning is 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 include single-family residences, apartments, Tiffany Plaza, Vantage Bank, and Central Marketplace Plaza. A single-family dwelling is allowed in C-1 District with a conditional use permit and in compliance with requirements.





**SUMMARY/ANALYSIS:**

The applicant is 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 depicts that the proposed house will include 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 has not been submitted. A CUP application for a single-family dwelling for the subject property was submitted on April 12, 2021. The Fire Department has conducted the necessary inspection, which shows that the property complies with applicable code requirements.

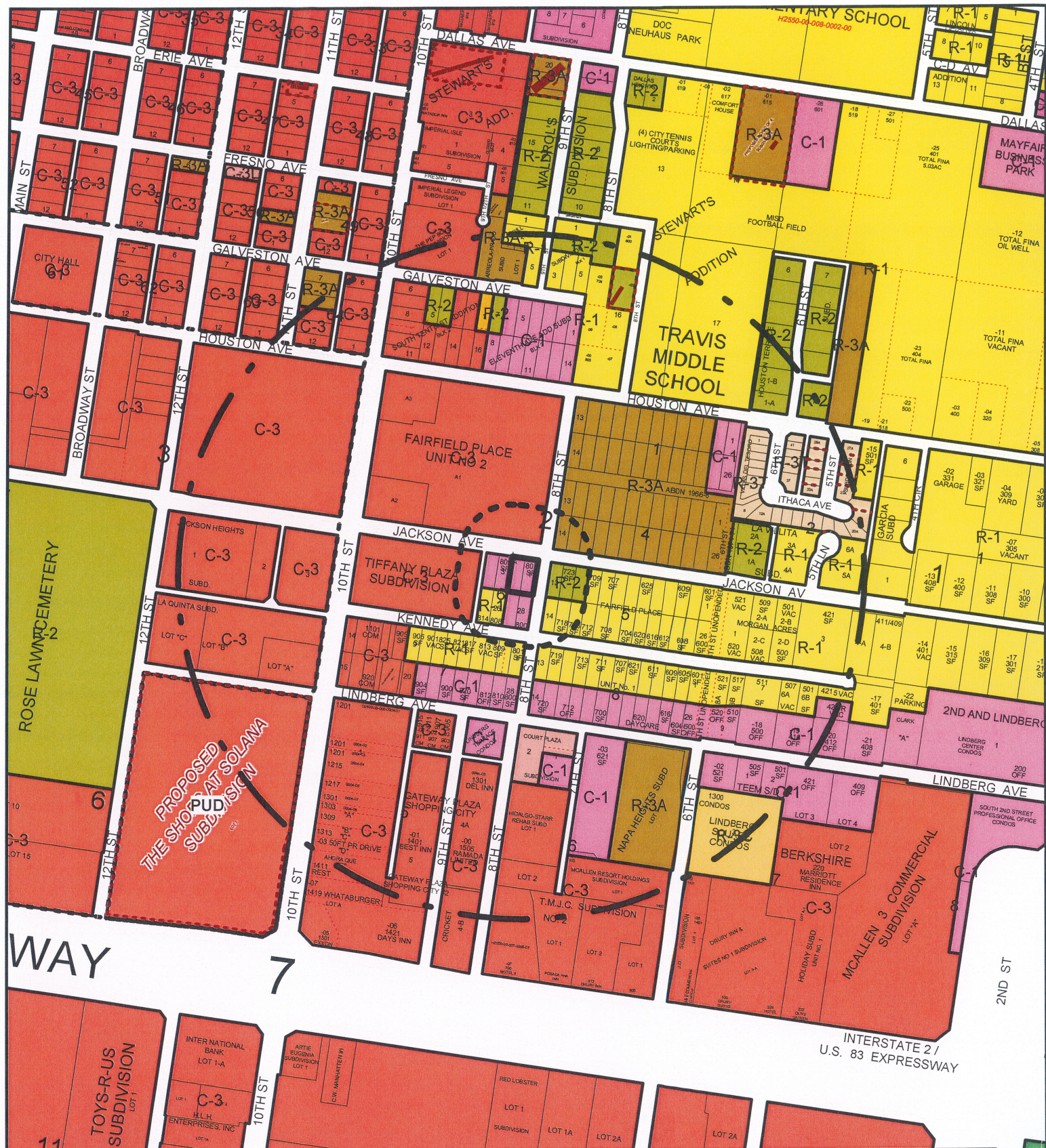
The proposed residence must comply with the following requirements:

- 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 may 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 is 13,500 sq. ft.

**RECOMMENDATION:**

Staff recommends 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.





# **CITY OF McALLEN** PLANNING DEPARTMENT

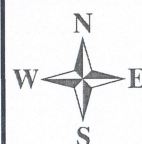
**LEGEND**  
SCALE: N.T.S.

## **AREA MAP**

**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**

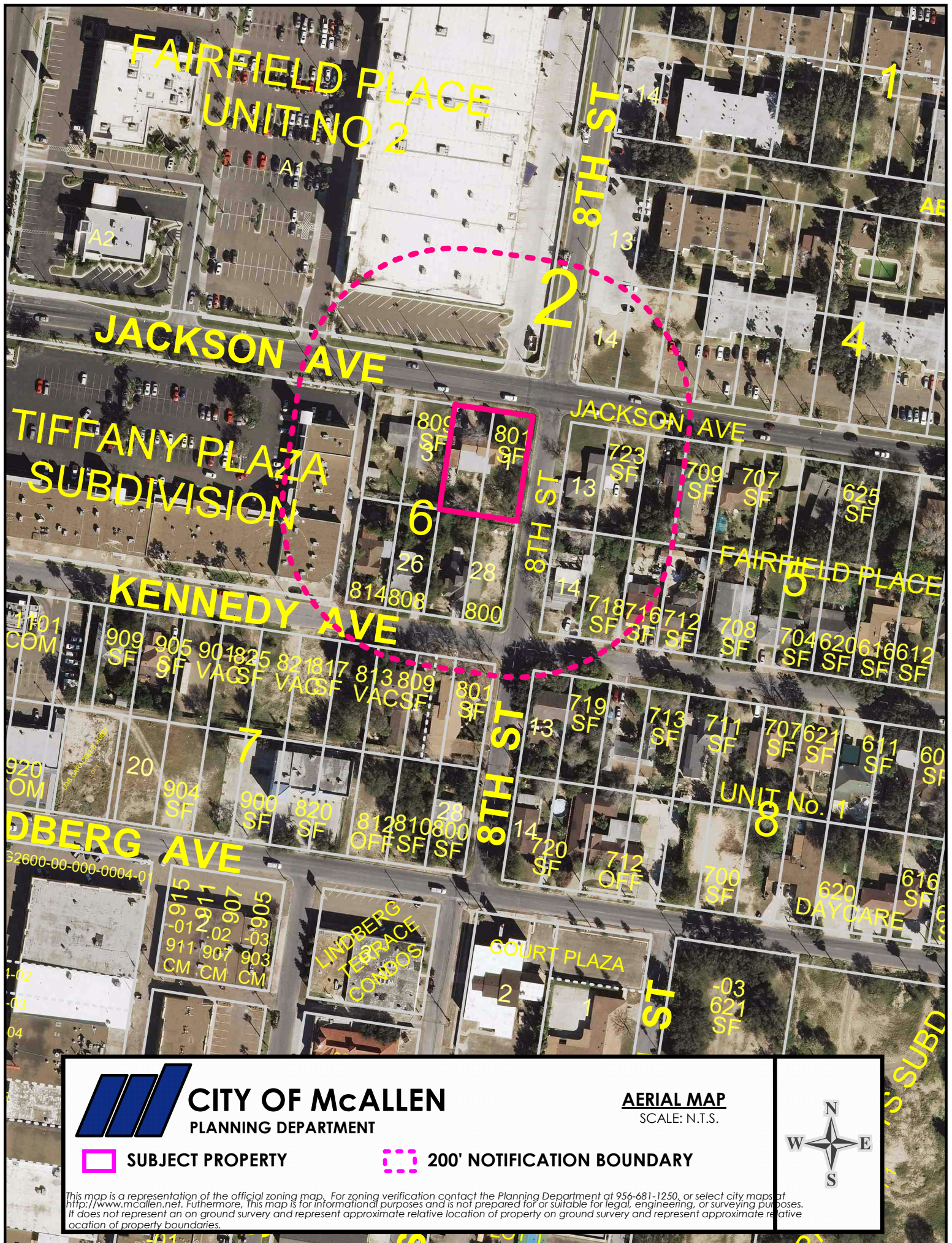


## **ZONING LEGEND**

<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-1</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-2</b> (NEIGHBORHOOD COMMERCIAL)	<b>C-4</b> (COMMERCIAL INDUSTRIAL)	<b>(SPECIAL DISTRICT)</b>

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1230, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

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



**SUBJECT PROPERTY**



**200' NOTIFICATION BOUNDARY**



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





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THESE PLANS. IT IS THE RESPONSIBILITY  
OF THE PURCHASER OF THESE PLANS  
TO PERFORM THE FOLLOWING.  
CONTRACTOR MUST:

- \* VERIFY ALL DIMENSIONS PRIOR TO ANY CONSTRUCTION OR SITE PREP.
- \* VERIFY COMPLIANCE WITH CITY ORDINANCE CODES & RESTRICTIONS WHERE STRUCTURE IS TO BE BUILT.
- \* VERIFY COMPLIANCE WITH ALL SUBDIVISION REQUIREMENTS.
- \* PLANS INDICATE LOCATION ONLY. ENGINEERING ASPECTS SHOULD INCORPORATE ACTUAL SITE CONDITIONS.

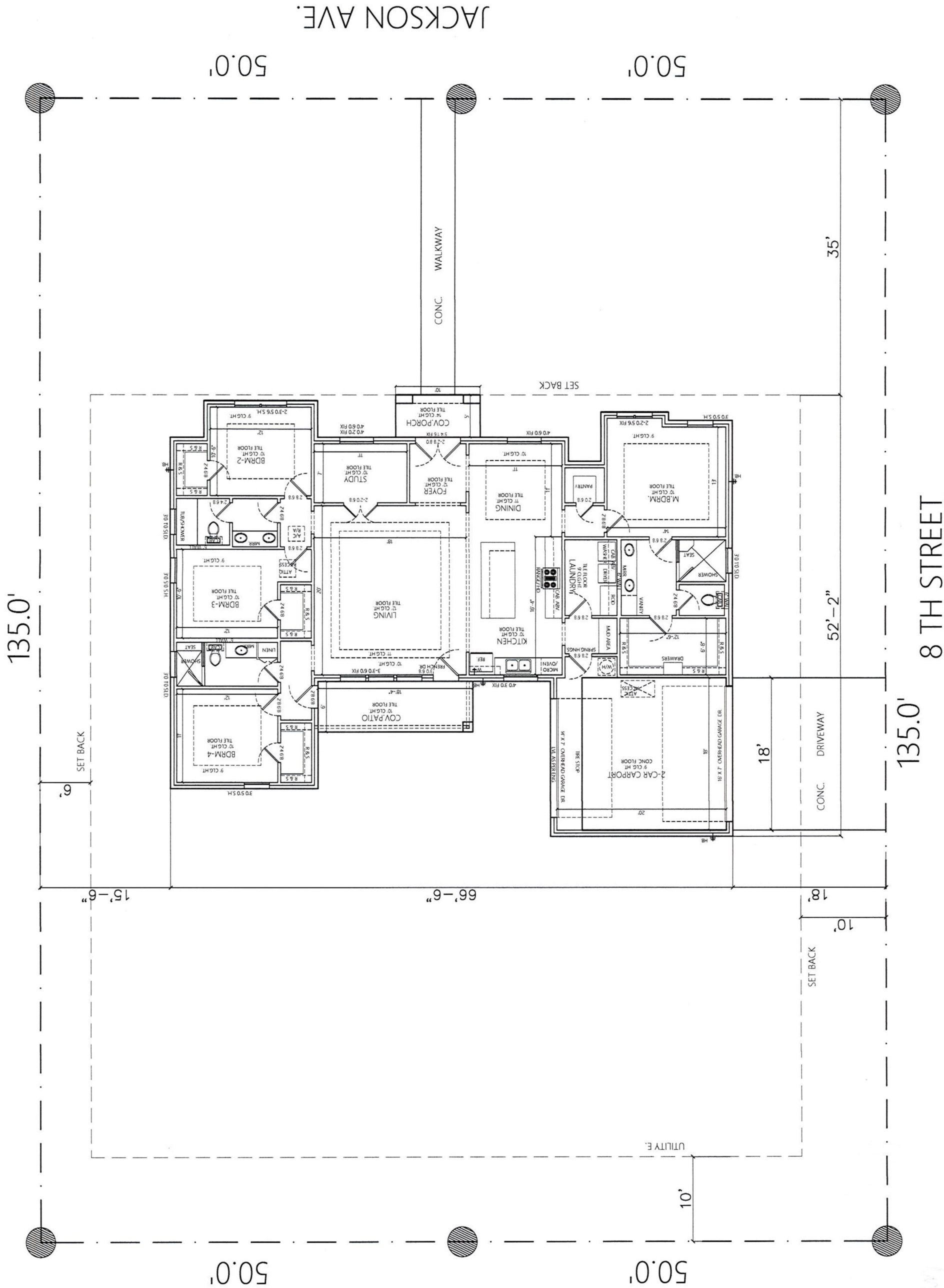
DATE: 4/7/2021  
OWNER: JUAN JOSE MORALES  
EDITH RUVALCABA  
SITE: LOTS NO.1 & 2  
FIERFIELD  
MCALLEN, TEXAS

LIVING :	2,202.0' SF
GARAGE :	420.0' SF
PORCH :	50.0' SF
PATIO :	100.0' SF
<hr/>	
TOTAL AREA :	2,772.0' SF

WWW.MACUSTOMPLANS.COM

SHEET No.: 4 of 6

M/A CUSTOM PLANS  
 PROVIDES A PLAN SERVICE ONLY, AND  
 RETAINS SOLE PROPRIETORSHIP OF ALL  
 PLANS, CONSTRUCTION DOCUMENTS,  
 & ORIGINAL DESIGNS.



INITIALED BY BUYER: ----- SELLER: -----

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NOTICE  
SINGLE FAMILY  
DWELLING  
FOR  
THIS PROPERTY  
CUP2021-0042



## Planning Department

### Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

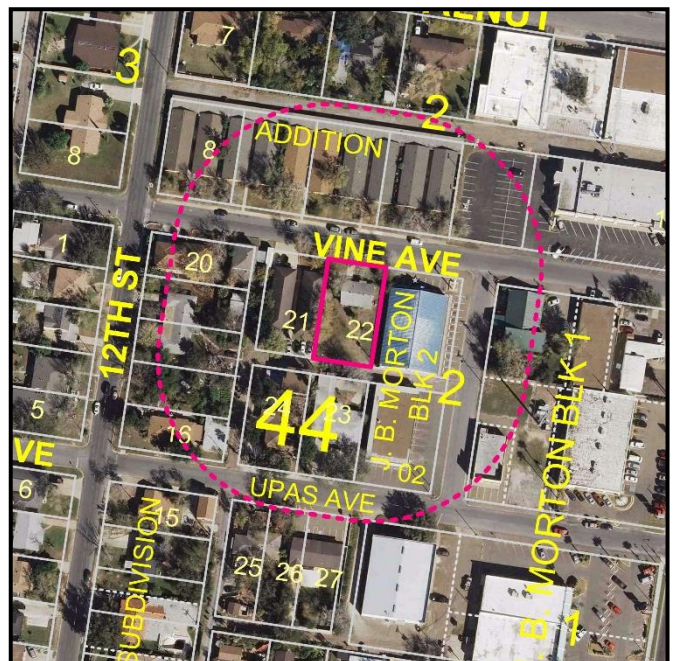
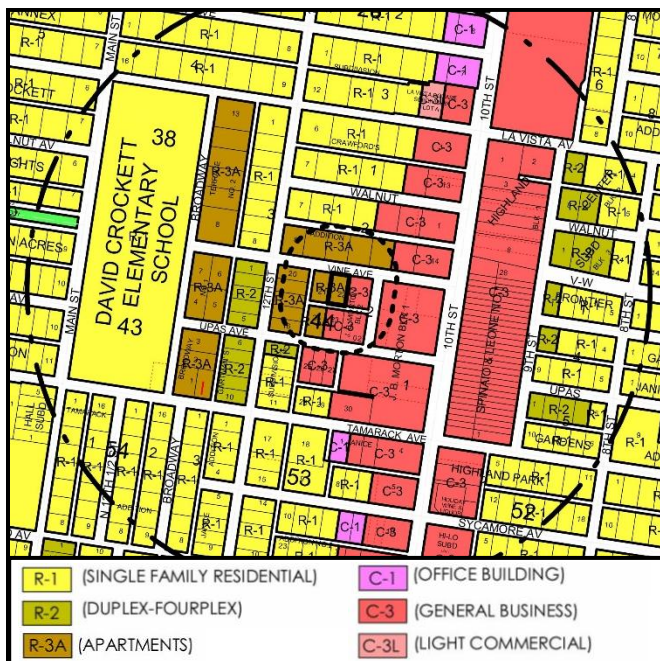
**DATE:** May 13, 2021

**SUBJECT: 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)**

**LOCATION:** The property is located on the south side of Vine Avenue, 235.4 ft. east of North 12<sup>th</sup> Street. The tract has 75.4 ft. of frontage along Vine Avenue with a depth of 130 ft. for a lot size of 9,802 sq. ft.

**PROPOSAL:** The applicant is requesting 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 has not been submitted.

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



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

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

DEVELOPMENT TRENDS: The development trend for this area along Vine Avenue is commercial, and multifamily residential.

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

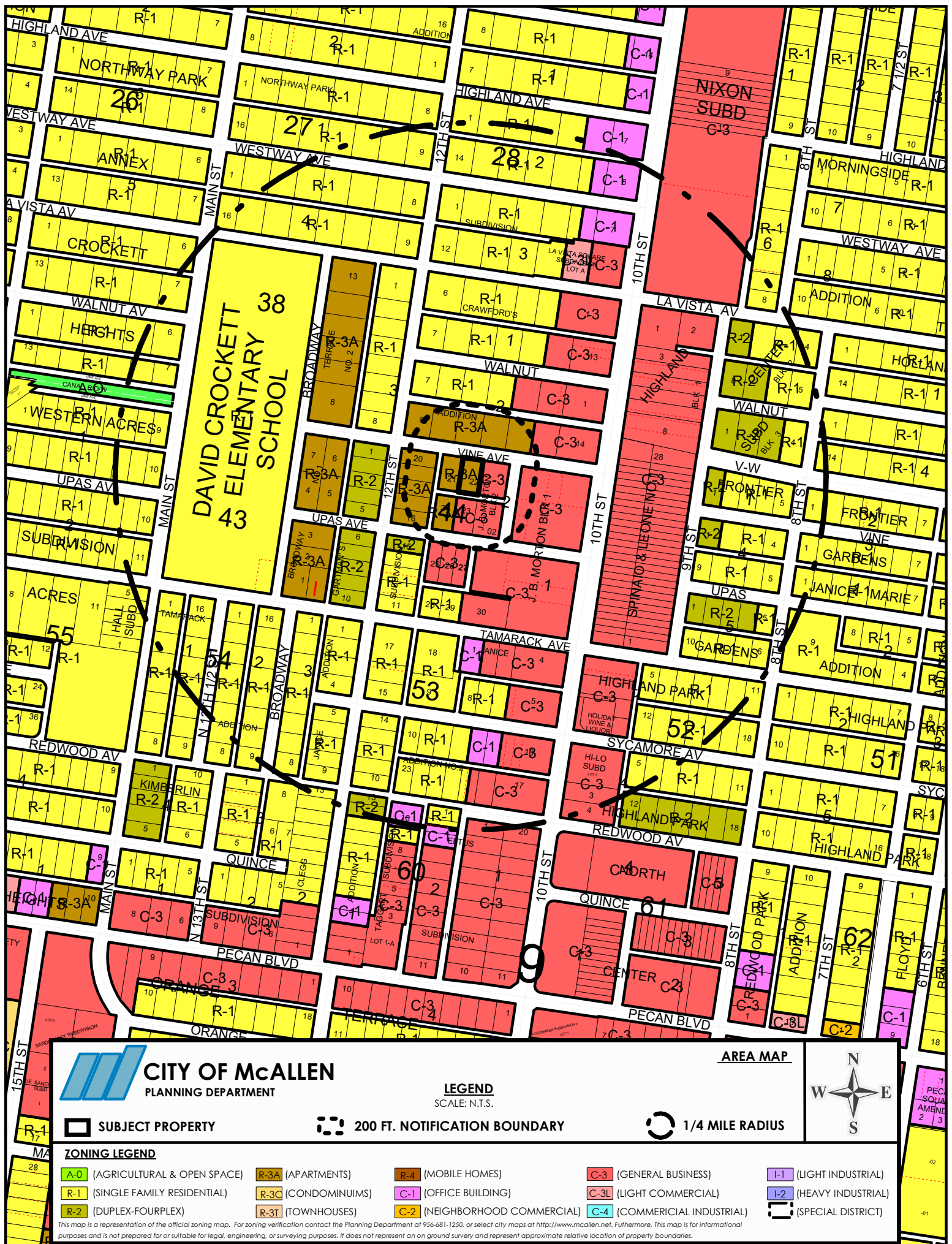
ANALYSIS: The requested zoning does not conform to the Auto Urban Single Family land use designation; however, C-1 (office building) District is the least intense zone among the commercial districts, so it can provide a transition from properties zoned C-3 (general business) District on the east to the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

If the rezoning is approved, more parking spaces will be required for the subject property prior to building permit issuance. Section 138-395 of the Zoning Ordinance requires 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 requires a buffer to be provided where a nonresidential use has 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.

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



# CITY OF McALLEN

PLANNING DEPARTMENT

## LEGEND

SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

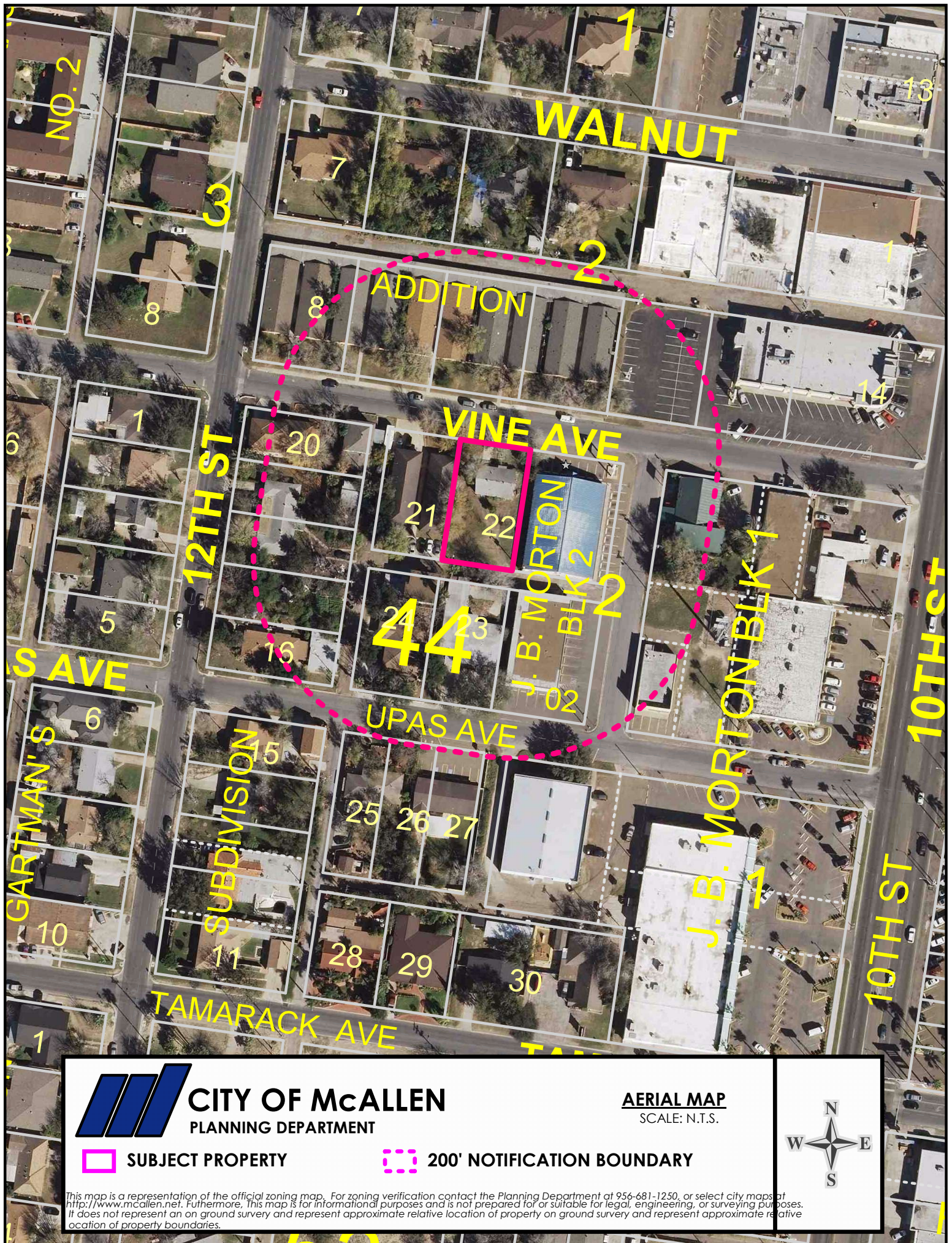


### ZONING LEGEND

<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-1</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-2</b> (NEIGHBORHOOD COMMERCIAL)	<b>C-4</b> (COMMERCIAL INDUSTRIAL)	<b>S</b> (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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N



WALNUT

VINE AVE

12TH ST

AVE

10TH ST

VE



**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: MARCH 8, 2021

**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



**NOTICE  
REZONING  
FOR  
THIS PROPERTY  
REZ2021-0024**

 CITY OF MCALLEN PLANNING DEPT.  
956-681-1250  
WWW.MCALLEN.NET





## Planning Department

### Memo

**TO:** Planning and Zoning Commission

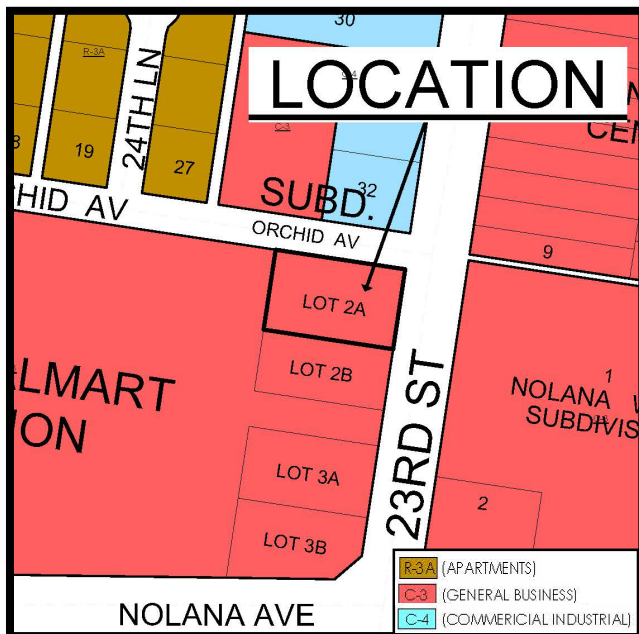
**FROM:** Planning Staff

**DATE:** March 13, 2021

**SUBJECT: REVISED SITE PLAN APPROVAL FOR LOT 2A, NOLANA WAL-MART SUBDIVISION LOTS 2A & 2B, 4017 N. 23<sup>RD</sup> STREET. (SPR2021-0015)**

**LOCATION:** 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.

**PROPOSAL:** 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.



**ANALYSIS:** 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



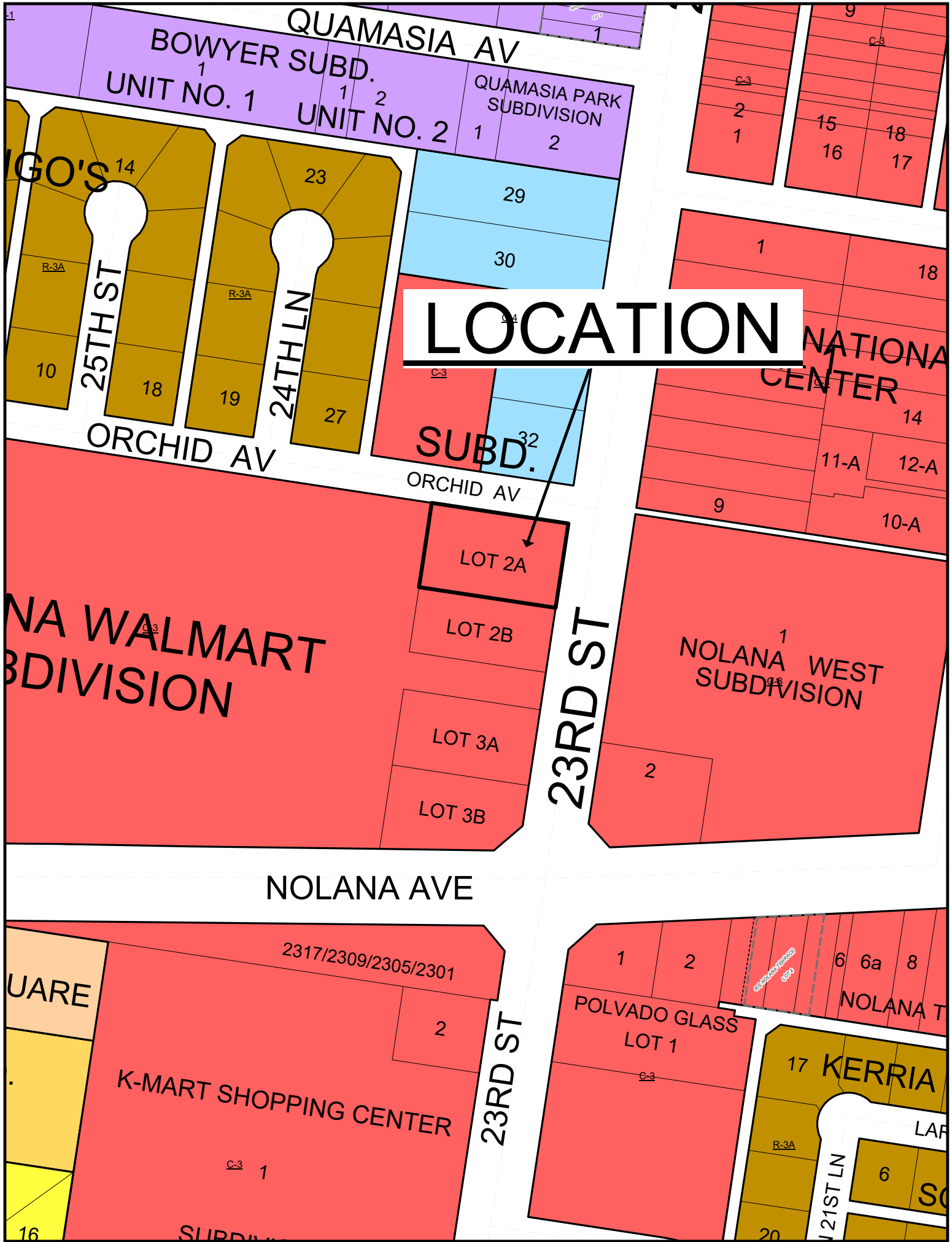
and are provided on site. Two of the provided parking spaces must be accessible, one which must be van accessible with an 8 ft. wide aisle. As per original site plan approved on September 1, 1992: the required landscaping for the lot was 2,675 sq. ft. Must maintain existing Landscaping any Dead grass, 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.

**RECOMMENDATION:**

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





LOCATION

SUBD.

ORCHID AV

LOT 2A

LOT 2B

LOT 3A

LOT 3B

23RD ST

NOLANA AVE

2317/2309/2305/2301

2

K-MART SHOPPING CENTER

C-3 1

POLVADO GLASS  
LOT 1

C-3

17 KERRIA

LAP

6

SC

21ST LN

20

R-3A

6 6a 8

NOLANA T

1

2

9

11-A

12-A

10-A

14

18

1

15

16

18

17

C-3

C-3

2

1

29

30

C-3

32

14

23

18

19

27

25TH ST

24TH LN

ORCHID AV

GO'S

10

R-3A

R-3A

UARE

16

SUBD.



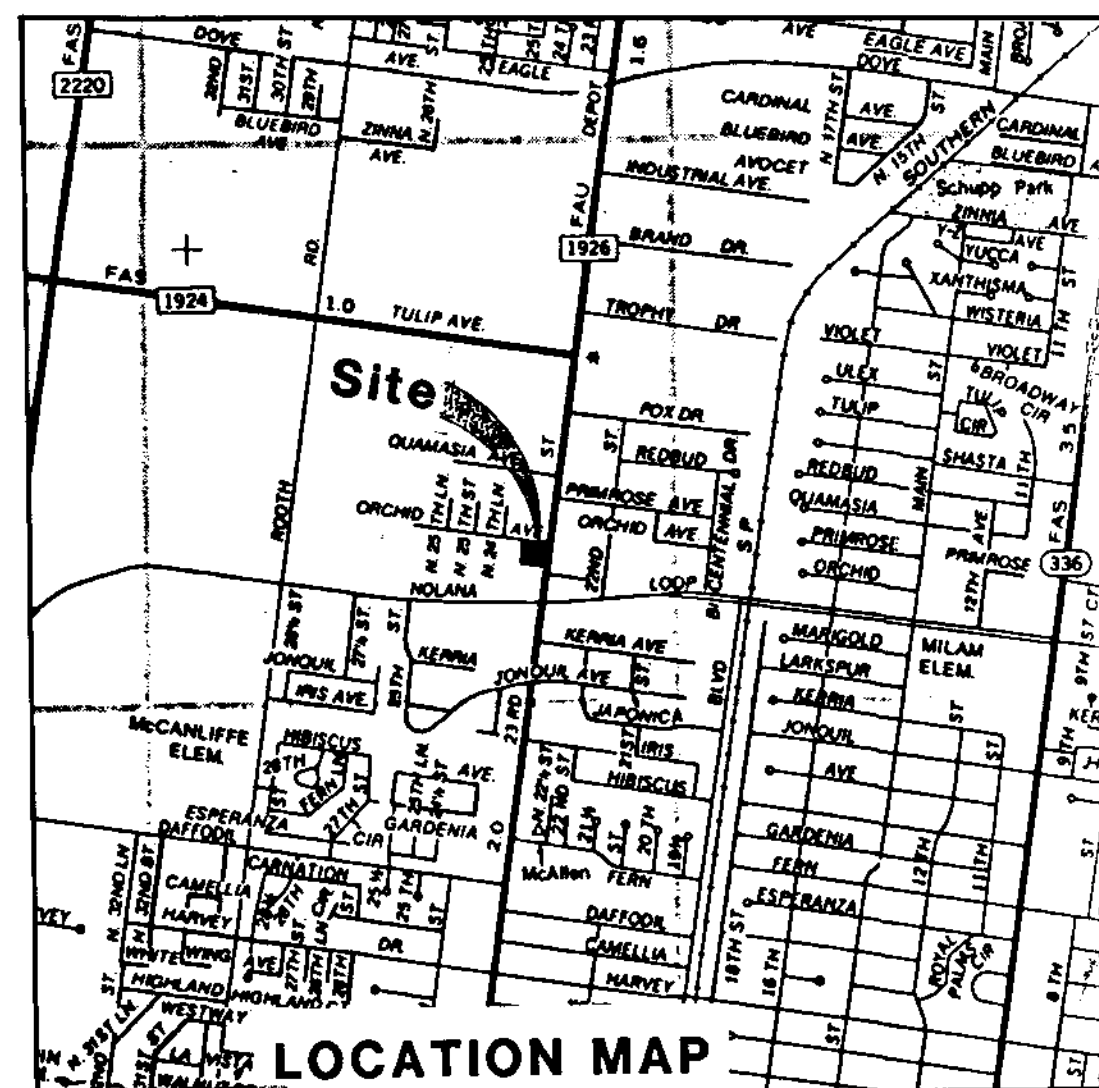
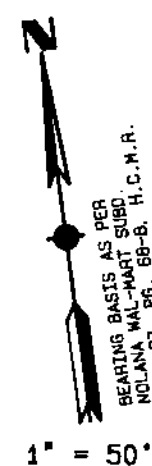
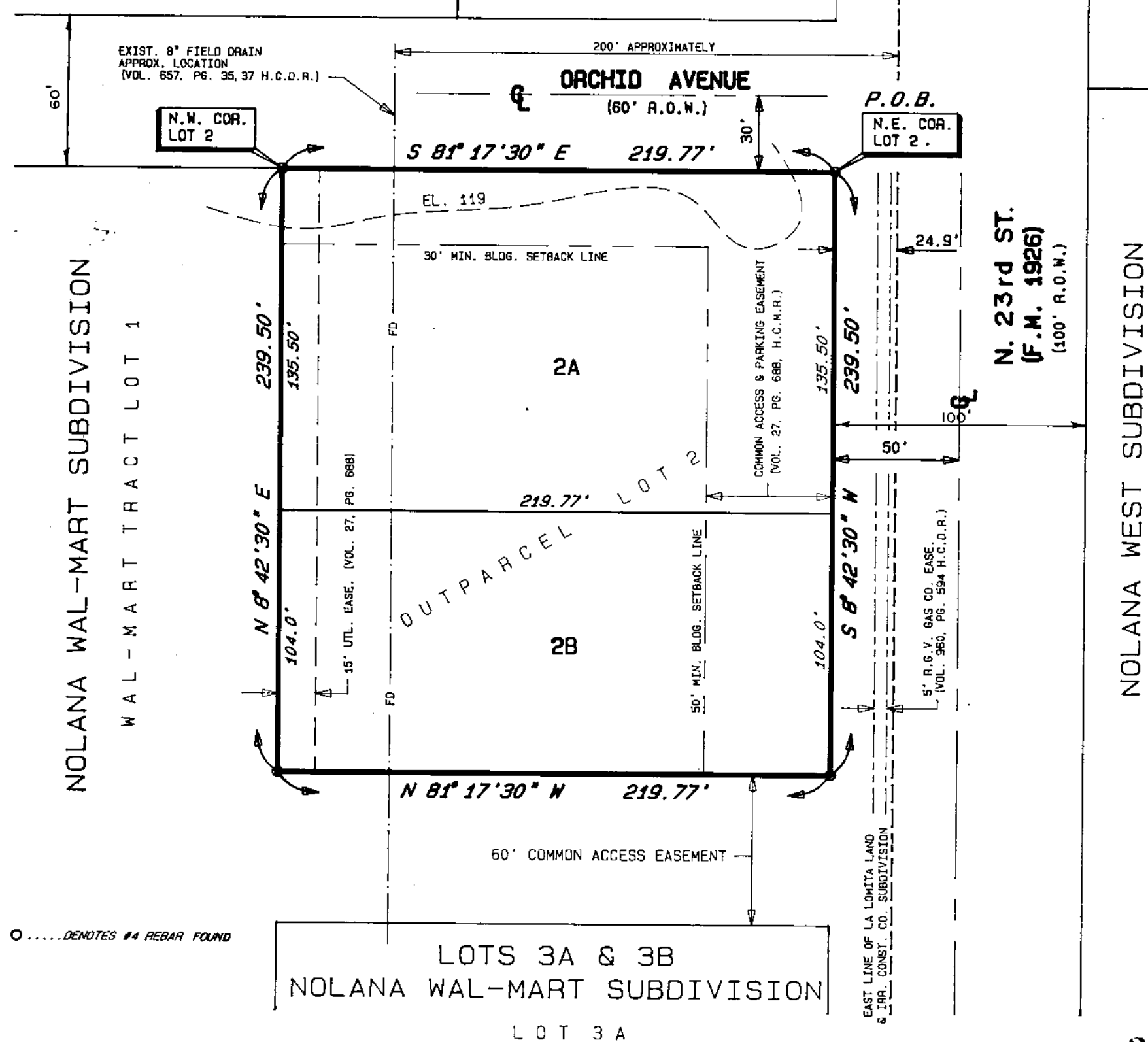


# LOCATION





LOTS 31-33  
TRIGO'S SUBDIVISION



MAP OF  
LOTS 2A AND 2B  
NOLANA WAL-MART SUBDIVISION

BEING A RESUBDIVISION OF ALL OF LOT 2,  
OUT OF NOLANA WAL-MART SUBDIVISION AS RECORDED  
IN VOL. 27, PG. 688 H.C.M.R.,  
CITY OF McALLEN, HIDALGO COUNTY, TEXAS  
(CONTAINING 1.208 ACRES)

STATE OF TEXAS  
COUNTY OF HIDALGO:

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN OF THIS PLAT AND DESIGNATED HEREIN AS LOT 2A AND 2B NOLANA WAL-MART 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 I WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IN 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 HEREON OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

PATRICK E. PEERY  
ASST. VICE-PRESIDENT REAL ESTATE  
701 S. WALTON BLVD.  
BENTONVILLE, AR 72718

STATE OF ARKANSAS  
COUNTY OF BENTON:

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED PATRICK E. PEERY KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 4 DAY OF Nov 1992

NOTARY PUBLIC COUNTY OF BENTON, ARKANSAS

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

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.

MAYOR, CITY OF McALLEN

NOTES:

1. SETBACKS  
FRONT - N. 23rd ST. (50 FEET), ORCHID AVE. (30 FEET)  
REAR - LOTS 2A & 2B (15 FEET)  
COMMON SIDE - LOTS 2A & 2B (AS PER ZONING ORDINANCE OR APPROVED SITE PLAN WHICHEVER IS HIGHER.)  
SOUTH SIDE LOT 2B - (10 FEET)
2. MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION FOR ALL BUILDING IMPROVEMENTS IS: ELEV. 121.00
3. ANTICIPATED HIGH WATER CREATED BY A 100 YEAR STORM IS ELEV. 119.50 AND THE SUBDIVISION IS IN ZONE "B" ON FEMA'S FLOOD INSURANCE RATE MAP.  
COMMUNITY-PANEL NO. 480343 0005 C  
MAP REVISED NOV. 2, 1982
4. BENCH MARK: SQUARE CUT ON TOP OF TYPE "A" INLET  
SOUTH SIDE OF ORCHID AVE. AND 25TH LANE. EL. = 118.00
5. SITE PLAN APPROVAL BY THE PLANNING & ZONING COMMISSION REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT.
6. DEVELOPER SHALL BE REQUIRED TO SUBMIT ENGINEERED DETENTION PLAN FOR APPROVAL PRIOR TO APPLICATION FOR BUILDING PERMIT.
7. A 4 FT. SIDEWALK SHALL BE REQUIRED ALONG THE WEST SIDE OF N. 23RD STREET AND THE SOUTH SIDE OF ORCHID AVENUE.
8. 6' BUFFER REQUIRED ALONG NORTH BOUNDARY OF PLAT AS MAY BE APPLICABLE.
9. 24 FT. FIRE LANE DEDICATED AS PER APPROVED SITE PLAN.
10. 25 FT. x 25 FT. CORNER CLIP EASEMENT DEDICATED BY THIS PLAT AT ALL STREET INTERSECTIONS.

11. NO CURB CUT ALLOWED ON 23rd ST. FOR LOT 2B.  
ONE CURB CUT, RIGHT TURN ENTRANCE AND RIGHT TURN EXIT ONLY, ALLOWED AT THE NORTH END OF LOT 2A AS PER APPROVED BY DETAILS BY THE PLANNING & ZONING COMMISSION AND THE CITY OF McALLEN.
12. LOT 2A & 2B REQUIRED DETENTION = 15,030 C.F. AND HAS BEEN PROVIDED FOR, BY EXIST. NOLANA WAL-MART DETENTION PONDS.

STATE OF TEXAS  
COUNTY OF HIDALGO:

I, THE UNDERSIGNED, FRED L. KURTH, A REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS MADE AND IS PREPARED FROM AN ACTUAL SURVEY ON THE PROPERTY, MADE UNDER MY SUPERVISION ON THE GROUND, AND FURTHER CERTIFY THAT ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

FRED L. KURTH R.P.E. #54151  
SURVEYED: 06/23/92, PREPARED: 07/23/92  
T-325, P.B. 43 / JOB NO. 92127

I, FRED L. KURTH, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THIS SUBDIVISION PLAT CONTAINS THE POTABLE AND SEWER SERVICE FACILITIES PLANS OF THE IMPROVEMENTS TO BE CONSTRUCTED AND FULLY COMPLETED AND OPERABLE BY Jan. 1, 1993 I FURTHER CERTIFY THAT THESE FACILITIES ARE IN COMPLIANCE WITH THE MODEL RULES ADOPTED UNDER SECTION 16.343, TEXAS WATER CODE.

ENGINEER

THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION NO. 1 ON THIS

12 DAY OF Nov 1992

SECRETARY

PRESIDENT

NOTE:  
HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 WILL NOT BE RESPONSIBLE FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION.

CHECKED BY: *[Signature]*



MELDEN & HUNT INC.  
CONSULTING ENGINEERS & SURVEYORS  
203 S. 10TH  
EDINBURG, TEXAS 78530  
(512) 381-0981 / FAX (512) 381-1839

APPROVED FOR RECORDING

BY

COMMISSIONERS' COURT

This the 8th day of Dec 1992

WILLIAM "BILLY" LEO, County Clerk

Hidalgo County, Texas

By *[Signature]* Deputy

METES AND BOUNDS DESCRIPTION

A tract of land containing 1.208 acres, situated in Hidalgo County, Texas and also being all of LOT 2, NOLANA WAL-MART SUBDIVISION (Deed Reference: Volume 27, Page 68-B, H.C.M.R.) and said 1.208 acres also being more particularly described as follows:

BEGINNING on a # 4 rebar found on the northeast corner of said lot 2 and the west right-of-way line of 23 rd. Street (F.M. 1926), for the northeast corner of this tract;

THENCE, S 8° 42' 30" W, along the west line of said 23 rd Street, a distance of 239.50 feet to a # 4 rebar found on the southeast corner of said Lot 2, for the southeast corner of this tract;

THENCE, N 81° 17' 30" W, along the south line of said Lot 2, a distance of 219.77 feet, to a # 4 rebar found on the southwest corner of said Lot 2, for the southwest corner of this tract;

THENCE, N 8° 42' 30" W, along the west line of said Lot 2, a distance of 239.50 feet to a # 4 rebar found on the south right-of-way line of Orchid Avenue and the northwest corner of said lot 2, for the northwest corner of this tract;

THENCE, S 81° 17' 30" E along the south line of said Orchid Avenue and the north line of said Lot 2, a distance of 219.77 feet to the POINT OF BEGINNING, containing 1.208 acres of land, more or less.

*[Signature]*



# EXTERIOR LIGHTING

COMPLETE SITE LTG PACKAGE PROVIDED BY "SLB",  
SECURITY LIGHTING SYSTEMS, 1-800-544-4848  
CONTACT MR. STEVE FRIEDMAN, AS FOLLOWS:

## POLES:

3 POLES TOTAL, SQUARE, WHITE

## LUMINAIRES:

SA - 1 REQ'D 1000W SPOT LIGHT FIXTURE  
SEE SHT. E-1 FOR MORE INFO.

K - 9 REQ'D FIXTURES AT 400 WATTS EACH  
4-FIX FOR GRAD, 3-FIX FOR TRFL.  
2-FIX FOR 45' DBL. SEE SHT. E-1 FOR  
MORE INFO.

## BASES:

3 TAPERED STEEL BASES, WHITE, COMPLETE,  
FINISHED. USED AS FORMS, INCLUDES TEMPLATES  
AND ANCHOR BOLTS. (POLE MTD. ON 2' HIGH BASE)

KIM LIGHTING AFL3-1000W-120/DB-P W/BI-DB-P (2 REQ'D)  
100 WATT, METALLIC HALIDE T1 - DOUBLE ENDED,  
OSRAM HQI-TS150-DARK BRONZE- VERTICAL FLOOD LTG  
(DIE CAST ALUMINUM) LIGHT "H" GROUND MOUNTED.

# GENERAL NOTES

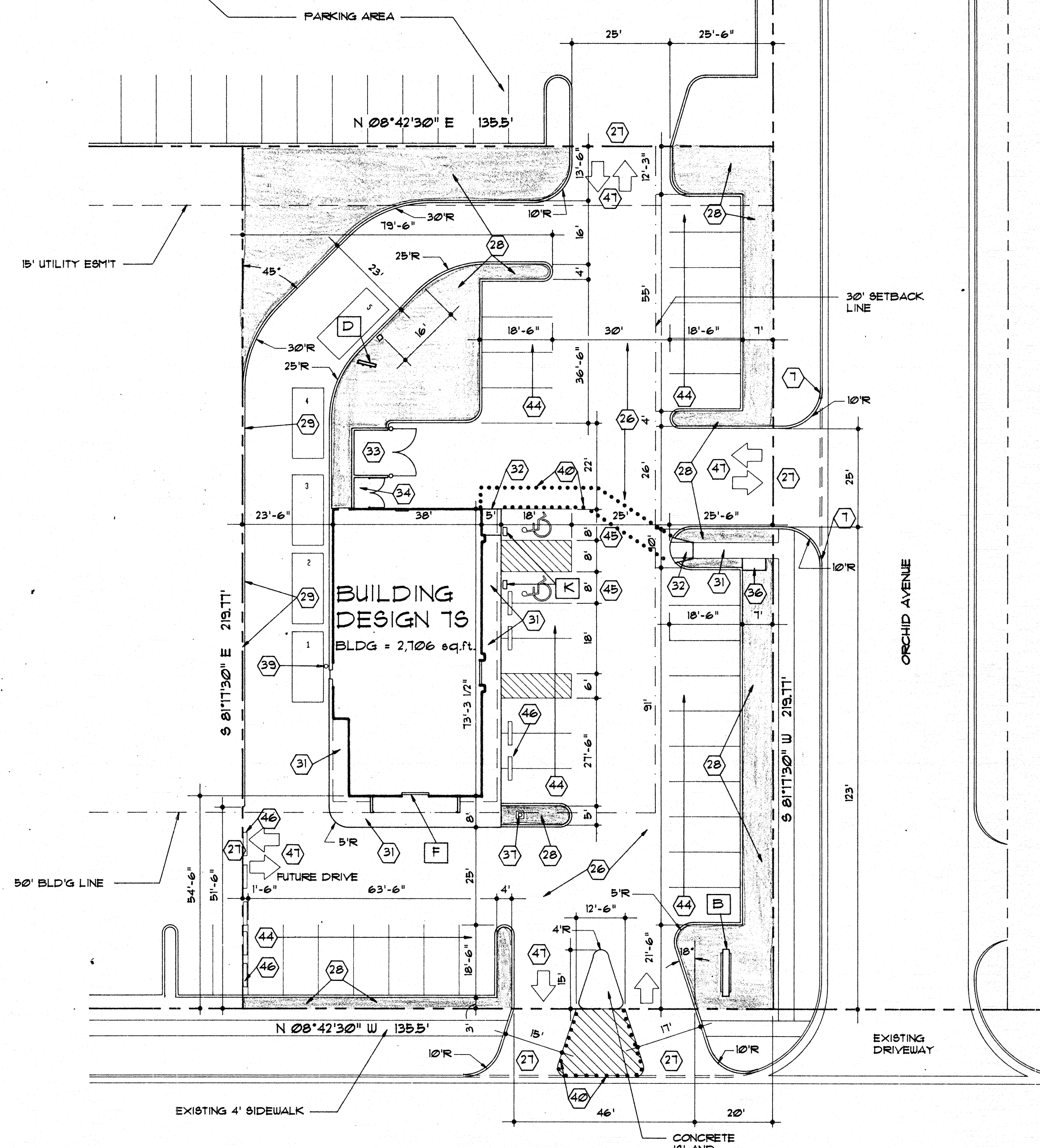
- REMOVE EXISTING ASPHALT, CONCRETE PADS, APRONS BUILDINGS, OR ANY OTHER ITEMS NECESSARY TO CONSTRUCT NEW BUILDING
- ALL PARKING STRIPES, DRIVE-THRU STRIPING AND ARROWS, SHALL BE PAINTED YELLOW AND SHALL BE 4" WIDE.
- FLAGPOLE SHALL BE FROM UNITED FLAG AND BANNER, GARRISON-TYPE POLE, W/ALUMINUM HARDWARE AND 30' HIGH.
- SIGNAGE SHOWN ON THIS PLAN IS PROPOSED ONLY AND IS TO BE VERIFIED BY A SIGNAGE SURVEY.
- ELECTRICAL CONTRACTOR SHALL VERIFY ALL POWER AND TELEPHONE REQUIREMENTS AND EQUIPMENT PRIOR TO ANY INSTALLATIONS.
- ELECTRICAL CONTRACTOR TO VERIFY TYPE SERVICE UG. OR OVERHEAD.
- SIGNAGE TO BE INSTALLED BY SIGNAGE CONTR. VERIFY EXACT LOCATIONS, LOADS AND WIRING REQUIREMENTS PRIOR TO ANY INSTALLATIONS.
- ELECTRICAL CONTRACTOR SHALL PROVIDED ALL CONDUIT, WIRING AND CONNECTIONS FOR SIGNAGE AND PARKING LOT LIGHTS.
- PLUMBING CONTRACTOR SHALL VERIFY SANITARY SEWER AND WATER LOCATIONS, DEPTH AND REGULATIONS AS PER CITY CODE PRIOR TO ANY INSTALLATIONS.
- GENERAL CONTRACTOR SHALL VERIFY WITH SOUND CONTRACTOR ANY OTHER REQUIREMENTS NOT SHOWN ON THIS PLAN.
- ALL EXTERIOR SIGNAGE (EXCEPT WHERE NOTED OTHERWISE) AND PARKING LOT LIGHTING SHALL BE CONTROLLED BY AN EMS SYSTEM SEE ELEC. DRAWINGS FOR MORE INFORMATION.

# UTILITY PLAN

SCALE: 1" = 20'-0"

# SITE REFERENCE NOTES

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>1. EXISTING 8" x 16" WATER LINE</li> <li>2. EXISTING 6", 8" x 12" SANITARY SEWER</li> <li>3. EXISTING OH. ELEC. W/ P. POLES</li> <li>4. CONTR. TO CONNECT TO EXIST. UTILITIES</li> <li>5. EXISTING GAS LINE</li> <li>6. EXIST. TO BE REMOVED AND/OR RELOCATED</li> <li>7. REPLACE OR RESTORE CURBING TO MATCH EXIST. CURBING AS REQUIRED</li> <li>8. WATER METER</li> <li>9. 1-1/4" WATER SERVICE LINE</li> <li>10. MAIN WATER SHUT-OFF IN C.I. BOX W/COVER</li> <li>11. 4" SANITARY SEWER LINE</li> <li>12. GREASE TRAP</li> <li>13. 2-WAY CLEANOUT</li> <li>14. EXISTING SAN. SUR. MANHOLE COVER</li> <li>15. EXISTING GAS RISER</li> <li>16. EXIST. SW. BELL BURIED TELEPHONE CABLE</li> <li>17. ELEC. ENTRANCE 120/240 3 PHASE</li> <li>18. ELEC. ENTRANCE 120/208 3 PHASE</li> <li>19. EXISTING 8" FIELD DRAIN LINE</li> <li>20. 3/4" C. 120 V. ELECTRIC SERVICE TO MENU BD.</li> <li>21. 1" CABLE ELECTRIC SERVICE FOR VEHICLE DETECTOR</li> <li>22. EXISTING FIRE HYDRANT</li> <li>23. TELEPHONE SERVICE LINE</li> </ul> | <ul style="list-style-type: none"> <li>24. EXIST. 18" STM. SUR. LINE</li> <li>25. EXISTING STM. SUR. INLET</li> <li>26. CONCRETE PAVING</li> <li>27. NEW PAVING TO BE COMPATIBLE WITH EXIST. GRADES</li> <li>28. LANDSCAPED AREA WITH 6" CURB</li> <li>29. 6" CONCRETE CURB</li> <li>30. SAMPLING WELL (SEE SHT. P-1 FOR DTL)</li> <li>31. CONCRETE SIDEWALK AREA</li> <li>32. CURB RAMP (MAX SLOPE 1:12)</li> <li>33. DUMPSTER ENCLOSURE</li> <li>34. GREASE TANK ENCLOSURE</li> <li>35. AREA LIGHTS W/ POLE 4 BASE</li> <li>36. CONCRETE PAD FOR PHONE PEDESTAL</li> <li>37. FLAG POLE</li> <li>38. GROUND MTD. FLAG POLE LIGHT</li> <li>39. GUARD POST AT D/T WINDOW-YELLOW</li> <li>40. RAISED DOME</li> <li>41. 30" PARKING STALL</li> <li>42. 45" PARKING STALL</li> <li>43. 60" PARKING STALL</li> <li>44. 90" PARKING STALL</li> <li>45. DISABLED PARKING STALL</li> <li>46. PRECAST CONC. CAR BARRIER-YELLOW</li> <li>47. DIRECTIONAL ARROWS</li> </ul> |
|--|--|



F.M. 1926 - 23RD

# SITE PLAN

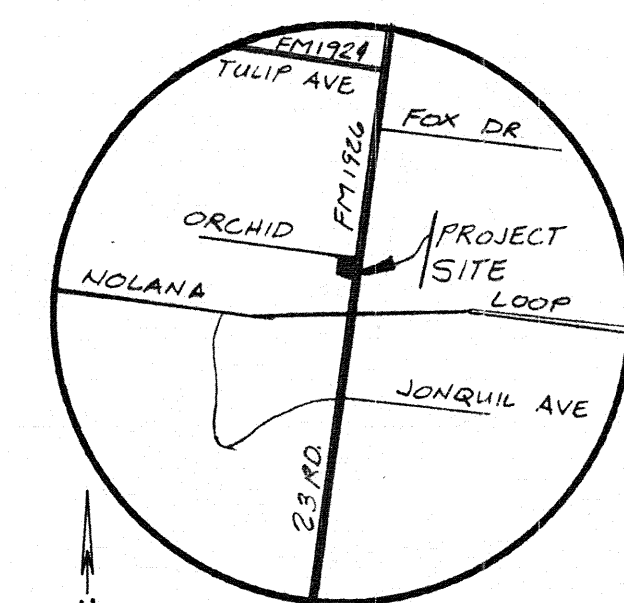
SCALE: 1" = 20'-0"

# STANDARD SIGNAGE

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>A 11' x 15' 8' x 12'</li> <li>B 13'-6" x 12' 1' x 10'</li> <li>C 7'-6" x 6'-8" 4' x 5'-6"</li> <li>D 5'-2 3/8" x 4'-2 1/8"</li> <li>E 5'-8" x 5'</li> <li>F 4'-1" x 5'</li> <li>G 2' x 1'-4"</li> <li>H 2' x 1'-4"</li> <li>I 2' x 1'-4"</li> <li>J SPECIAL</li> <li>K 12' x 18"</li> </ul> | <ul style="list-style-type: none"> <li>D/F PYLON WITH D/F "24 HRS SERVICE"</li> <li>D/F PYLON WITH D/F "24 HRS SERVICE"</li> <li>D/F PYLON WITH D/F "24 HRS SERVICE"</li> <li>OUTDOOR MENU BOARD</li> <li>WALL SIGN</li> <li>SINGLE FACE "FLYING W" LOGO</li> <li>ENTER SIGN</li> <li>EXIT SIGN</li> <li>DRIVE-THRU SIGN (4' HIGH)</li> <li>D/F PYLON WITH "24 HRS/DRIVE-THRU/BREAKFAST", NOT TO EXCEED 25' HIGH AND 12 SQ. FT. PER SIDE.</li> <li>DISABLED SIGNAGE - SIGNS SHALL BE LOCATED SO THEY CANNOT BE OBLICURED BY A VEHICLE PARKED IN THE SPACE.</li> </ul> |
|--|---|

# SITE DATA

LOT SQFT. = 29,119  
PARKS = 34  
CAR STACK = 5  
LANDSCAPE AREA = 5,551



# VICINITY MAP

N.T.S.

# RECEIVED

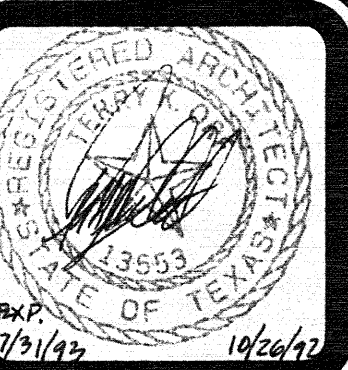
By Liliana Garza at 9:28 am, Apr 09, 2021

# LEGAL DESCRIPTION

A TRACT OF LAND CONTAINING 0.684 OF ONE ACRE (29,119.0 sq. ft.) IN HIDALGO COUNTY, TEXAS AND ALSO BEING A PART OR PORTION OF OUTPARCEL LOT 2, NOLANA WAL-MART SUBDIVISION (DEED REF. VOL. 27, PG. 68-B, HCMR) AND SAID 0.684 OF ONE ACRE (29,119.0 sq. ft.) OF LAND.

REVISIONS:	SYN.	DATE	DESCRIPTION	BY

PROJECT:  
**BUILDING DESIGN TS**  
FM 1926 & ORCHID AVE.  
MC ALLEN, TEXAS



**WHATABURGER.**  
CONSTRUCTION DIVISION  
4500 PARKDALE DRIVE  
CORPUS CHRISTI, TEXAS  
512-879-0650 ZIP 78411

THIS DRAWING IS THE PROPERTY OF WHATABURGER, INC. CORPUS CHRISTI, TEXAS AND MAY NOT BE USED OR BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN CONSENT OF WHATABURGER, INC.

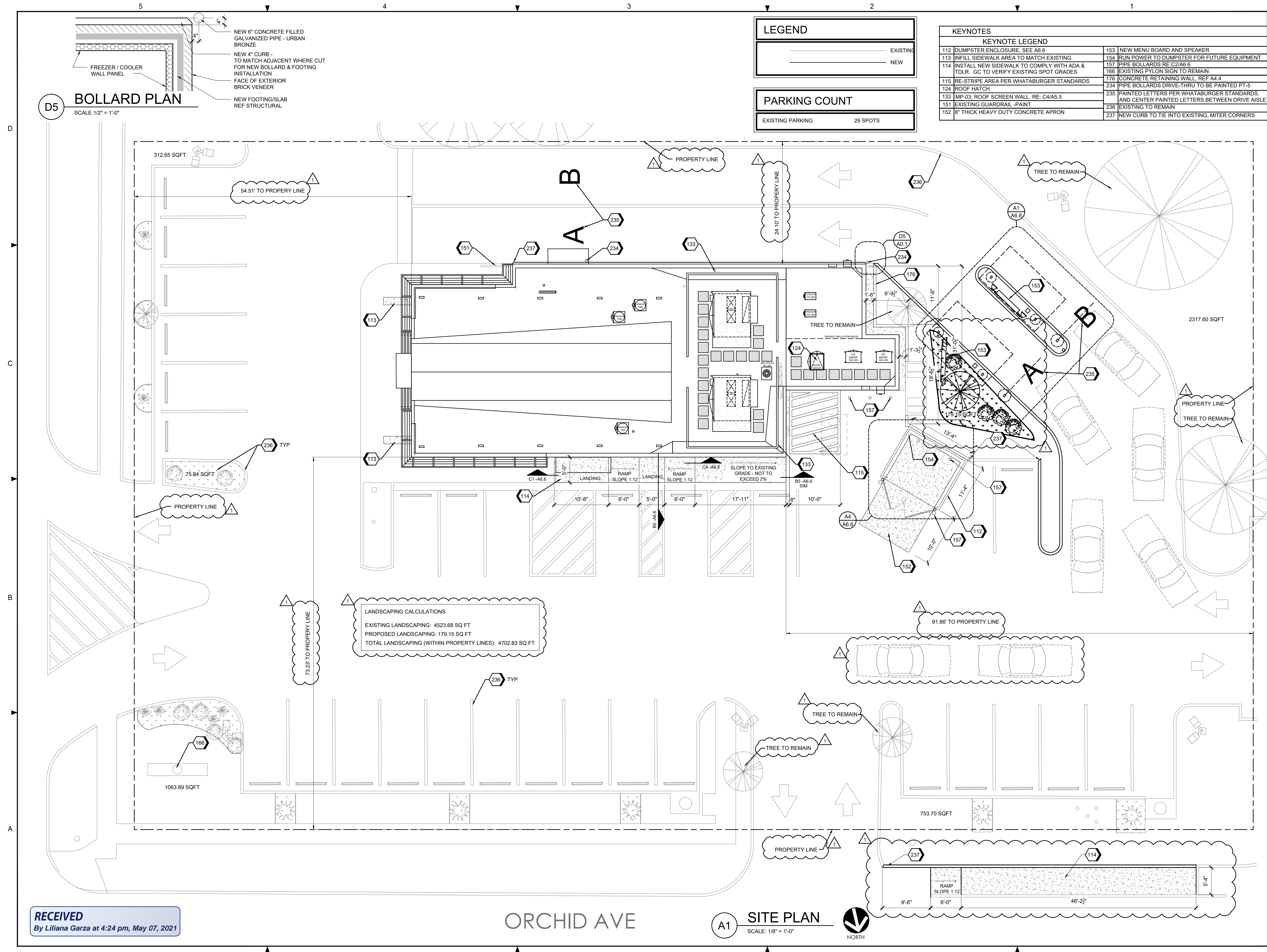
SHEET TITLE:  
**SITE AND UTILITY PLAN**

UNIT NO: 584  
DATE: 10-19-92  
SCALE: 1"=20'  
DRAWN BY: MEH  
APPROVED BY:

SHEET NO:  
**SP-1**  
OF







**LEGEND**

EXISTING

NEW

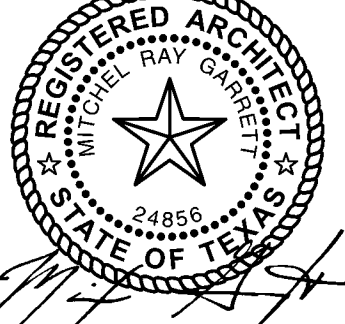
**PARKING COUNT**

EXISTING PARKING29 SPOTS

KEYNOTES			
KEYNOTE LEGEND			
112	DUMPSTER ENCLOSURE - SEE A6.6	153	NEW MENU BOARD AND SPEAKER
113	INFILL SIDEWALK AREA TO MATCH EXISTING	154	RUN POWER TO DUMPSTER FOR FUTURE EQUIPMENT
114	INSTALL NEW SIDEWALK TO COMPLY WITH ADA & TOLR. GC TO VERIFY EXISTING SPOT GRADES	157	PIPE BOLLARDS RE: A4.4
115	RE-STRIPE AREA PER WHATABURGER STANDARDS	166	EXISTING PYLON SIGN TO REMAIN
124	ROOF HATCH	176	CONCRETE RETAINING WALL, REF A4.4
133	MP-03: ROOF SCREEN WALL, RE: C4/A5.5	234	PIPE BOLLARDS DRIVE-THRU TO BE PAINTED PT-5
151	EXISTING GUARDRAIL -PAINT	235	PAINTED LETTERS PER WHATABURGER STANDARDS, AND CENTER PAINTED LETTERS BETWEEN DRIVE AISLE
152	8" THICK HEAVY DUTY CONCRETE APRON	236	EXISTING TO REMAIN
		237	NEW CURB TO TIE INTO EXISTING, MITER CORNERS

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© SGA Design Group

**SGA Design Group, P.C.**  
1437 South Boulder, Suite 550  
Tulsa, Oklahoma 74119.3609  
p: 918.587.8600  
f: 918.587.8601  
www.sgadesigngroup.com



REV	DESCRIPTION	DATE
1	REV1	05/07/21

**4017 23 rd ST**  
**# 584**  
McALLEN, TX 78504



Project No.:	2064508
Client Project No.:	584
Drawing Title:	SITE PLAN
Date:	03/22/21
Designed: WB	Phase: SUPER REMODEL "A"
Drawn: AB	Drawing No.:
Checked: MG	VGH
	A0.1

**BOLLARD PLAN**

SCALE 1/2" = 1'-0"

NEW 6" CONCRETE FILLED GALVANIZED PIPE - URBAN BRONZE

NEW 4" CURB - TO MATCH ADJACENT WHERE CUT FOR NEW BOLLARD & FOOTING INSTALLATION

FACE OF EXTERIOR BRICK VENEER

NEW FOOTING/SLAB REF STRUCTURAL

**LANDSCAPING CALCULATIONS**

EXISTING LANDSCAPING: 4523.68 SQ FT

PROPOSED LANDSCAPING: 179.15 SQ FT

TOTAL LANDSCAPING (WITHIN PROPERTY LINES): 4702.83 SQ FT

**RECEIVED**

By Liliana Garza at 4:24 pm, May 07, 2021

ORCHID AVE

**SITE PLAN**

SCALE: 1/8" = 1'-0"





SUB2020-0041



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)

<b>Project Description</b>	<p>Subdivision Name <u>Santoy Subdivision</u></p> <p>Location <u>3321 W. US Highway 83, McAllen, TX</u></p> <p>City Address or Block Number <u>3321 W. US Highway 83, McAllen, TX</u></p> <p>Number of lots <u>1</u> Gross acres <u>1.27</u> Net acres <u>1.27</u></p> <p>Existing Zoning <u>C3</u> Proposed _____ Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____</p> <p>Existing Land Use <u>comm.</u> Proposed Land Use <u>comm.</u> 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 Exempt Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Estimated Rollback tax due <u>N/A</u></p> <p>Parcel No. <u>204813 88</u> Tax Dept. Review _____</p> <p>Legal Description <u>A 1.27 acre portion of L. 2 and 3, King's Highway Subdivision</u></p>
<b>Owner</b>	<p>Name <u>Juan Santoy</u> Phone <u>956-212-7121</u></p> <p>Address <u>2436 Carianna Avenue</u></p> <p>City <u>Mission</u> State <u>Texas</u> Zip <u>78572</u></p> <p>E-mail <u>JFSantoy@gmail.com</u></p>
<b>Developer</b>	<p>Name <u>same as owner</u> Phone _____</p> <p>Address _____</p> <p>City _____ State _____ Zip _____</p> <p>Contact Person _____</p> <p>E-mail _____</p>
<b>Engineer</b>	<p>Name <u>Spoor Engineering Consultants, Inc.</u> Phone <u>956-683-1000</u></p> <p>Address <u>202 So. 4th Street</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u></p> <p>Contact Person <u>Steve Spoor, P.E.</u></p> <p>E-mail <u>SEC@SpoorEng.com</u></p>
<b>Surveyor</b>	<p>Name <u>Paul Pena</u> Phone <u>956-682-8812</u></p> <p>Address <u>1001 Whitewing Avenue</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u></p>

RECEIVED

JUN 17 2020

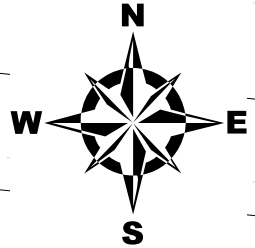
8:41:10pm

Act # 721478 pd \$225-



# LOCATION

ASH AVE



US BUSINESS 83

35TH ST

PABLO'S SUBDIVISION  
LOT 1

PROPOSED SANTOY  
SUBDIVISION  
LOT 1

LOT 1

84

5

BLK 1

1

PROPOSED AUSTIN

(DATE)

PROPOSED  
SUBDIVISION

36

12

LOT 2

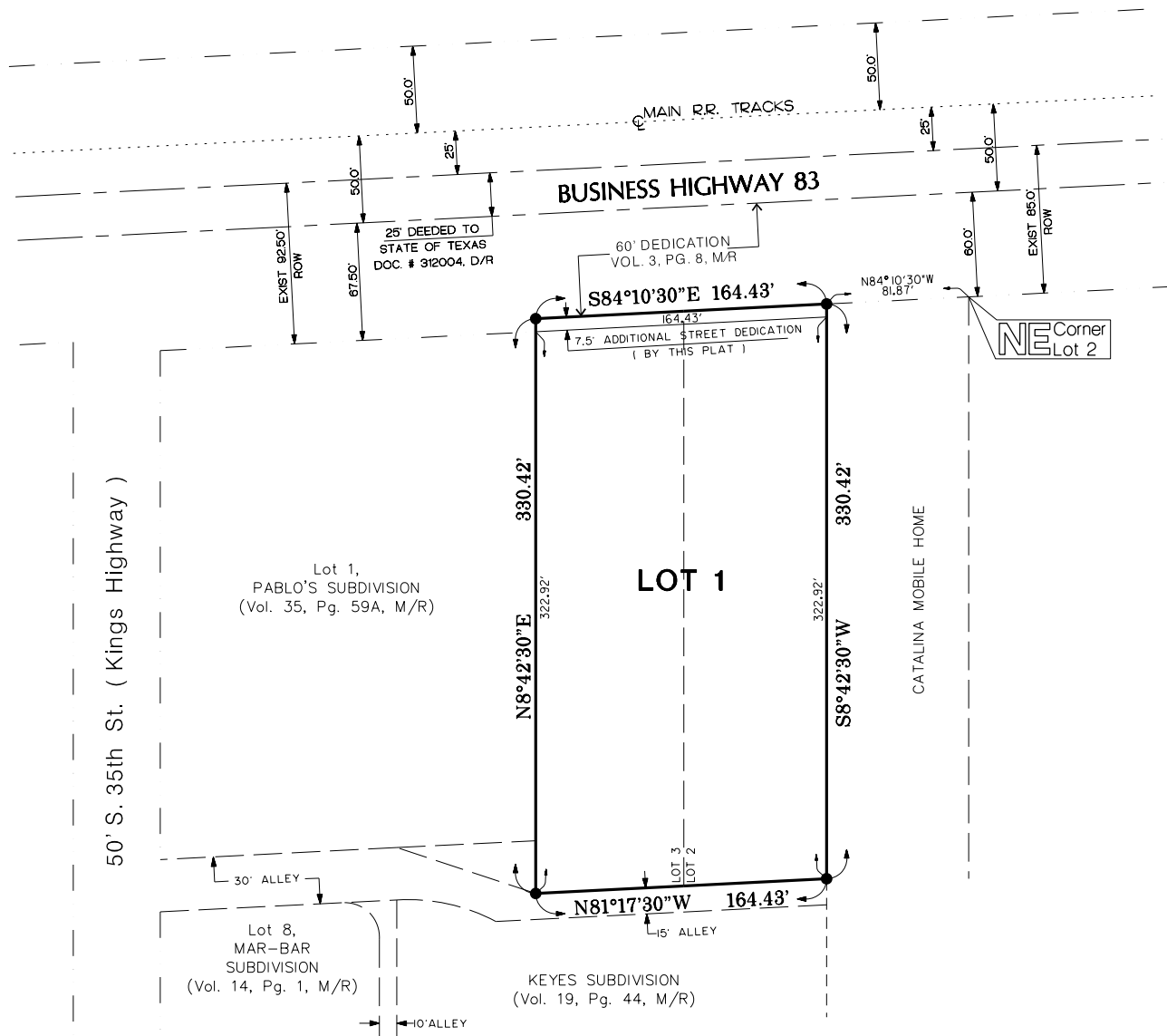
TRAILER PARK 5 SUBDIVISION

1

33RD ST

WILSON SUBD.  
PID





# MAP OF SANTOY SUBDIVISION

*McAllen, Texas*

Being a Subdivision of a 1.27 Ac. Tract of Land  
Out of Lots 2 and 3, Kings Hiway Subdivision,  
Hidalgo County, Texas, according to plat record in  
Vol. 3, Pg. 8, Map Records, Map Records,  
Hidalgo County, Texas.

**RECEIVED**

By Nikki Marie Cavazos at 11:42 am, Jun 22, 2020

RECEIVED VIA EMAIL 06/17/2020 AT 4:23 PM





# City of McAllen

## SUBDIVISION PLAT REVIEW

Reviewed On: 5/13/2021

<b>SUBDIVISION NAME: SANTOY</b>	
<b>REQUIREMENTS</b>	
<b>STREETS AND RIGHT-OF-WAYS</b>	
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	Compliance
Paving _____ Curb & gutter _____	Applied
* 800 ft. Block Length	Compliance
* 600 ft. Maximum Cul-de-Sac	Compliance
<b>ALLEYS</b>	
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.	Compliance
<b>SETBACKS</b>	
* Front: 50 ft. or greater for approved site plan or easement	Applied
* Rear: In accordance with the Zoning Ordinance or greater for approved site plan, or easements.	Compliance
* Sides: In accordance with the Zoning Ordinance or greater for approved site plan, or easements.	Compliance
* Corner	NA
* Garage	NA
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
<b>SIDEWALKS</b>	
* 5 ft. wide minimum sidewalk required on U.S. Highway 83	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	Compliance
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses	Compliance
*Perimeter buffers must be built at time of Subdivision Improvements.	Required
<b>NOTES</b>	
* No curb cut, access, or lot frontage permitted along	NA
* Site plan must be approved by the Planning and other Development Departments prior to building permit issuance.	Required



<ul style="list-style-type: none"> <li>* Common Areas, Private Streets, services drives, etc. must be maintained by the lot owners and not the City of McAllen</li> <li>**Note required on plat regarding maintenance of service drives to be done by owner and not City of McAllen</li> <li>* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.</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>* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording.</li> </ul>	Required
	Applied
	NA
	NA
<b>LOT REQUIREMENTS</b>	
<ul style="list-style-type: none"> <li>* Lots fronting public streets</li> <li>* Minimum lot width and lot area</li> </ul>	Compliance
	Compliance
<b>ZONING/CUP</b>	
<ul style="list-style-type: none"> <li>* Existing: C-3 Proposed: C-3</li> <li>* Rezoning Needed Before Final Approval</li> </ul>	Compliance
	NA
<b>PARKS</b>	
<ul style="list-style-type: none"> <li>* Land dedication in lieu of fee</li> <li>* Park Fee of \$700 per dwelling unit/lot to be paid prior to recording</li> <li>* Pending review by the Parkland Dedication Advisory Board and CC.</li> </ul>	NA
	NA
	NA
<b>TRAFFIC</b>	
<ul style="list-style-type: none"> <li>* Trip Generation to determine if TIA is required, prior to final plat. Per Traffic Department, Trip Generation has been approved.</li> <li>* Traffic Impact Analysis (TIA) required prior to final plat.</li> </ul>	Completed
	NA
<b>COMMENTS</b>	
<p>Comments:</p> <ul style="list-style-type: none"> <li>**Must comply with City's Access Management Policy</li> <li>**Provide site plan for review</li> <li>***Property will need to be rezoned before final approval</li> <li>****Show centerline along West Business Highway 83 and show total ROW after accounting for dedication</li> <li>*****Service drive required for commercial properties, revise plat as needed prior to final.</li> <li>*****Show legal description for triangular property located adjacent to southwest corner of subdivision, clarify/revise as needed.</li> <li>*****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&amp;Z Board, at the February 16, 2021 meeting, and was approved by City Commission at the meeting of April 26, 2021.</li> </ul>	Applied
<b>RECOMMENDATION</b>	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN FINAL FORM, SUBJECT TO CONDITIONS NOTED.	Applied



# LOCATION

ASH AVE

US BUSINESS 83



35TH ST

PABLOS SUBDIVISION  
LOT 1

PROPOSED SANTOY  
SUBDIVISION  
LOT 1

LOT 1

1ST TRAILER PARK 5 SUBDIVISION

33RD ST

INSON SUBD  
PID

PROPOSED AUSTIN  
SUBDIVISION  
LOT 1  
LOT 2  
LOT 3  
LOT 4  
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LOT 100

PRIVATE



Sub2021-0046



City of McAllen  
Planning Department  
APPLICATION FOR

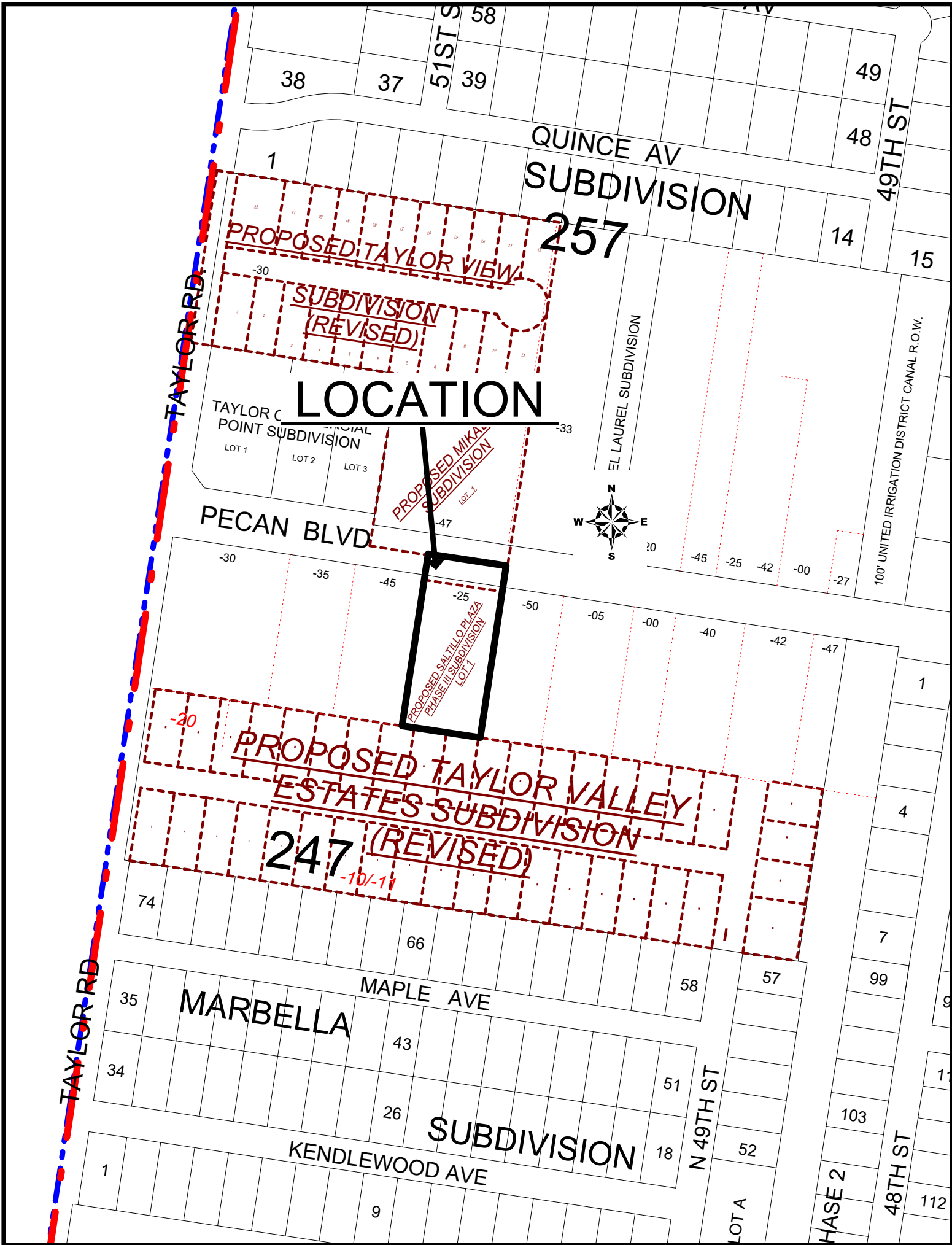
SUBDIVISION PLAT REVIEW

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>Saltillo Plaza Phase III Subdivision</u></p> <p>Location <u>South side of Pecan Blvd-515.0' (1/2) East of Taylor Rd.</u></p> <p>City Address or Block Number <u>5001 PECAN BLVD</u></p> <p>Number of lots <u>1</u> Gross acres <u>1.136</u> Net acres <u>0.998</u></p> <p>Existing Zoning <u>C3</u> Proposed <u>C3</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>Plaza</u> Irrigation District # <u>UID</u></p> <p>Residential Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Commercial Replat Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> ETJ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Agricultural Tax Exempt Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Estimated Rollback tax due <u>0</u></p> <p>Parcel No. <u>489006</u> Tax Dept. Review _____</p> <p>Legal Description <u>Approx 1.136 acres out of lot 247, John H. Sham</u></p>
Owner	<p>Name <u>Juan Gaytan Jr</u> Phone <u>C/o (956) 381-0981</u></p> <p>Address <u>1700 N. Taylor Road</u></p> <p>City <u>McAllen</u> State <u>Tx</u> Zip <u>78504</u></p> <p>E-mail <u>C/o ruben@meldenandhunt.com</u></p>
Developer	<p>Name <u>Saltillo Developers LLC</u> Phone <u>(956) 655-2393</u></p> <p>Address <u>1804 N. 23rd St.</u></p> <p>City <u>McAllen</u> State <u>Tx</u> Zip <u>78501</u></p> <p>Contact Person <u>roberto garza</u></p> <p>E-mail <u>robertog@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. Mc Intyre St.</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. Mc Intyre St.</u></p> <p>City <u>Edinburg</u> State <u>Tx</u> Zip <u>78541</u></p>







QUINCE AV  
SUBDIVISION  
257

PROPOSED TAYLOR VIEW  
SUBDIVISION  
(REVISED)

LOCATION

TAYLOR C  
POINT SUBDIVISION  
LOT 1 LOT 2 LOT 3

PROPOSED MIKA  
SUBDIVISION  
LOT 1

PECAN BLVD

PROPOSED SALTILLO PLAZA  
PHASE III SUBDIVISION  
LOT 1

PROPOSED TAYLOR VALLEY  
ESTATES SUBDIVISION  
247 (REVISED)

MARBELLA

MAPLE AVE

SUBDIVISION

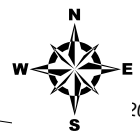
KENDLEWOOD AVE

N 49TH ST

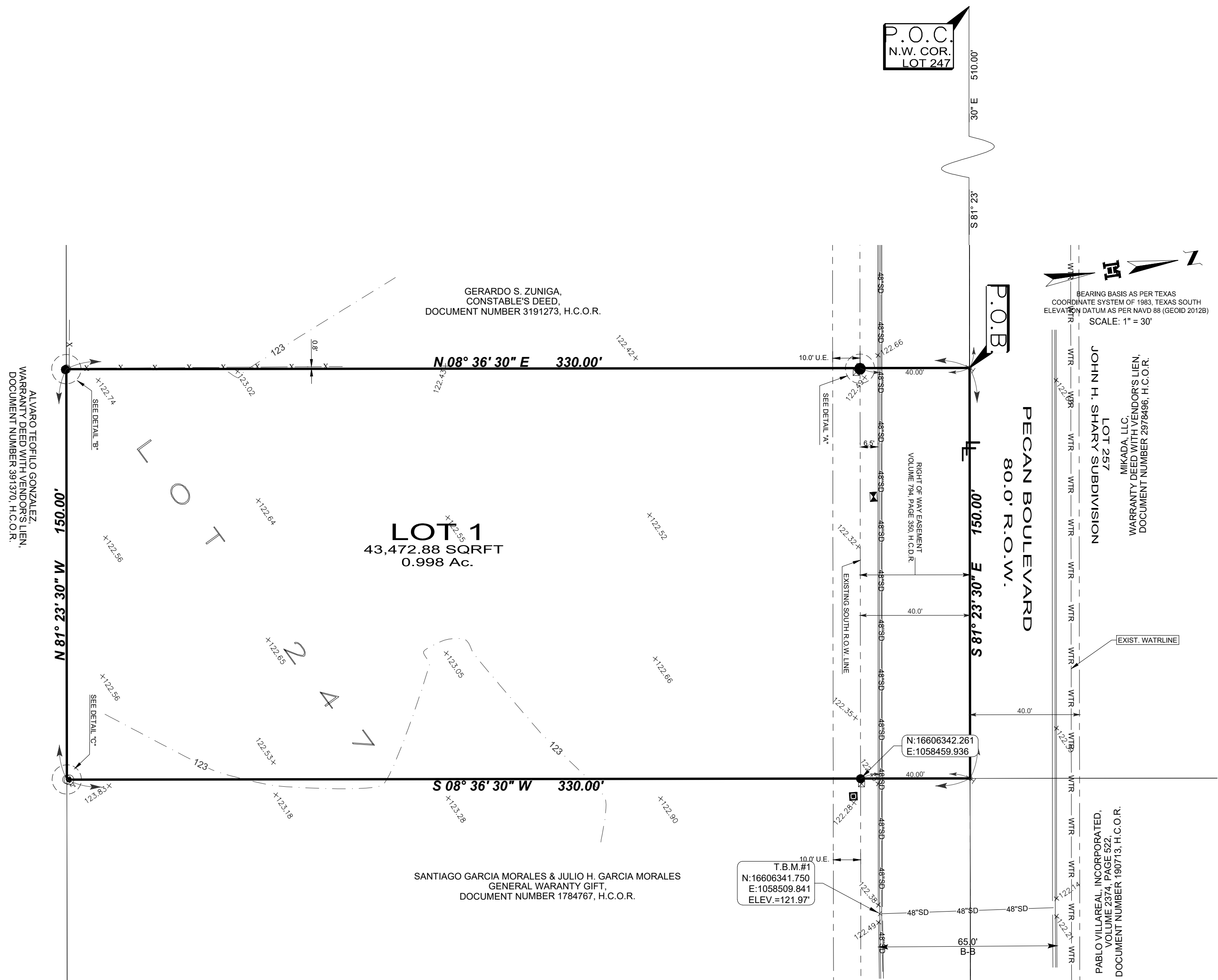
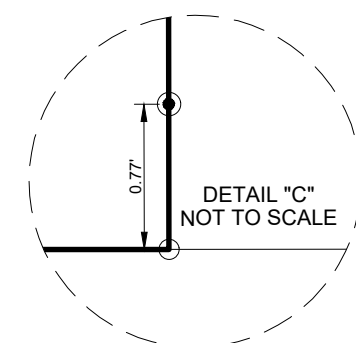
48TH ST

HASE 2

LOT A







PLAT OF  
***SALTILLO PLAZA PHASE III***  
***SUBDIVISION***

BEING A SUBDIVISION OF 1.136 ACRES SITUATED IN THE CITY OF MCALLEN, HIDALGO  
COUNTY, TEXAS, BEING A PART OR PORTION OUT OF LOT 247, JOHN H. SHARY  
SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1,  
PAGE 17, HIDALGO COUNTY MAP RECORDS





# City of McAllen

## SUBDIVISION PLAT REVIEW

Reviewed On: 5/10/2021

### SUBDIVISION NAME: SALTILLO PLAZA PHASE III SUBDIVISION

#### REQUIREMENTS

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

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 \_\_\_\_\_  
\* 800 ft. Block Length.  
\*\*Subdivision Ordinance: Section 134-118  
\* 600 ft. Maximum Cul-de-Sac.  
\*\*Subdivision Ordinance: Section 134-105

Non-compliance

Applied

NA

NA

##### ALLEYS

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

Non-compliance

##### SETBACKS

\* 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  
\* Corner:  
\*\*Zoning Ordinance: Section 138-356  
\* Garage.  
\*\*Zoning Ordinance: Section 138-356  
\*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN

Applied

Applied

Applied

NA

NA

Applied

##### 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.

Non-compliance

Applied

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

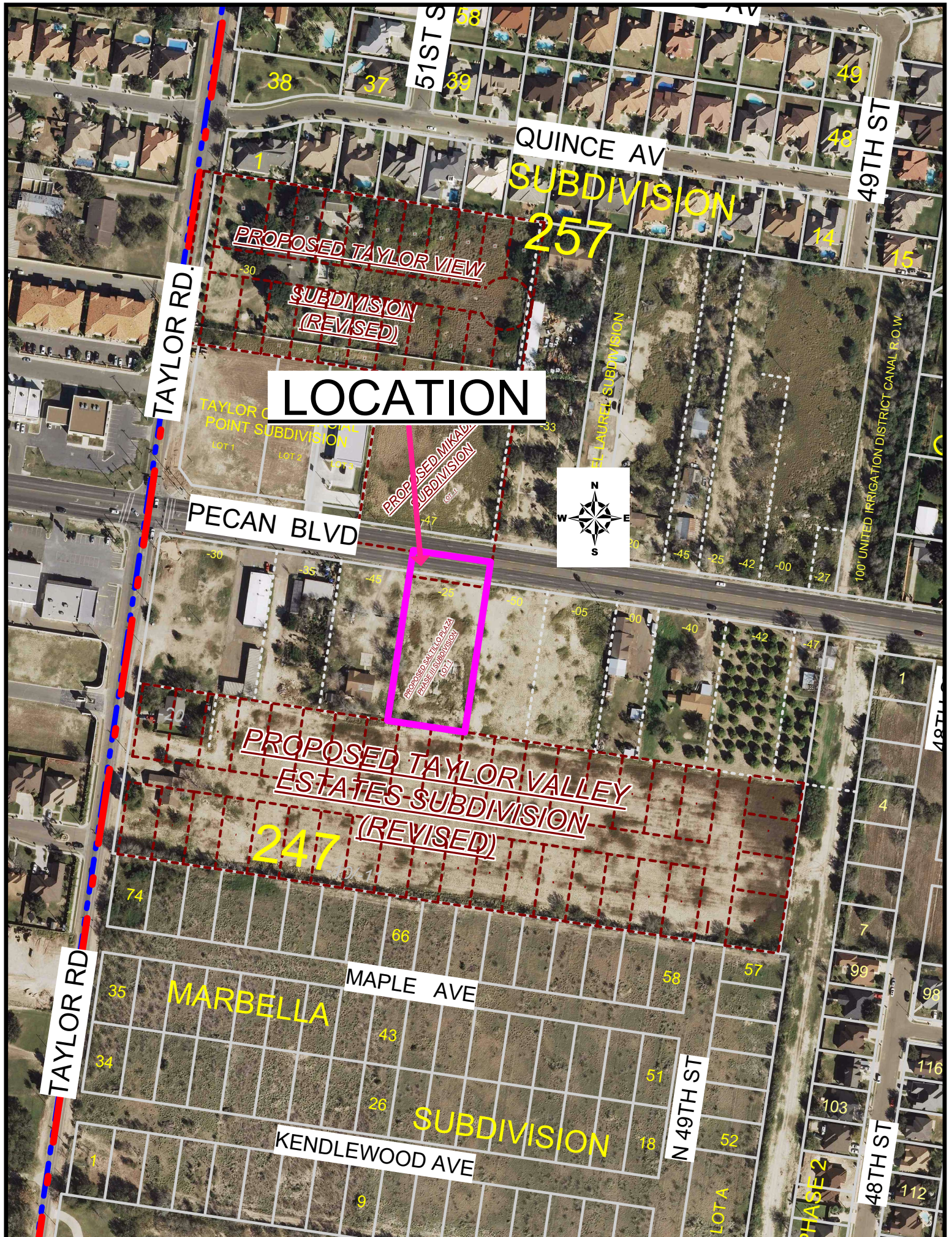


BUFFERS	
<ul style="list-style-type: none"> <li>* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses.</li> <li>**Plat note must be added prior to final.</li> <li>**Landscaping Ordinance: Section 110-46</li> </ul>	Non-compliance
<ul style="list-style-type: none"> <li>* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses and along south property line.</li> <li>**Plat note must be added prior to final.</li> <li>**Landscaping Ordinance: Section 110-46</li> </ul>	Non-compliance
<ul style="list-style-type: none"> <li>*Perimeter buffers must be built at time of Subdivision Improvements.</li> </ul>	Applied
NOTES	
<ul style="list-style-type: none"> <li>* No curb cut, access, or lot frontage permitted along.</li> <li>****City's Access Management Policy</li> </ul>	NA
<ul style="list-style-type: none"> <li>* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.</li> <li>**Please remove plat note #7 since plat note is not required.</li> </ul>	Applied
<ul style="list-style-type: none"> <li>* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.</li> </ul>	Required
<ul style="list-style-type: none"> <li>* Common Areas, any private streets/drives must be maintained by the lot owners and not the City of McAllen</li> </ul>	Required
<ul style="list-style-type: none"> <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>**Section 110-72 applies if private subdivision is proposed.</li> <li>**Landscaping Ordinance: Section 110-72</li> <li>**Subdivision Ordinance: Section 134-168</li> </ul>	NA
<ul style="list-style-type: none"> <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>	NA
LOT REQUIREMENTS	
<ul style="list-style-type: none"> <li>* Minimum lot width and lot area.</li> <li>**Zoning Ordinance: 138-1</li> </ul>	Compliance
<ul style="list-style-type: none"> <li>* Lots fronting public streets.</li> <li>**Zoning Ordinance: Section. 138-356</li> </ul>	Compliance
ZONING/CUP	
<ul style="list-style-type: none"> <li>* Existing: C-3 Proposed: Commercial</li> <li>**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.</li> <li>**Zoning Ordinance: Article V</li> </ul>	TBD
<ul style="list-style-type: none"> <li>* Rezoning Needed Before Final Approval</li> <li>**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.</li> <li>**Zoning Ordinance: Article V</li> </ul>	TBD



<b>PARKS</b>	
* Land dedication in lieu of fee. Parks Department requirements do not apply to commercial properties.	NA
* Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Parks Department requirements do not apply to commercial properties.	NA
* Pending review by the Parkland Dedication Advisory Board and CC. Parks Department requirements do not apply to commercial properties.	NA
<b>TRAFFIC</b>	
* As per Traffic Department, Trip Generation will be reviewed to determine if a TIA is required prior to final.	Applied
* As per Traffic Department, Trip Generation will be reviewed to determine if a TIA is required prior to final.	TBD
<b>COMMENTS</b>	
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.	Applied
<b>RECOMMENDATION</b>	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, AND DRAINAGE AND UTILITIES APPROVALS.	Applied





51ST ST

QUINCE AV

49TH ST

SUBDIVISION  
257

TAYLOR RD

PROPOSED TAYLOR VIEW  
SUBDIVISION  
(REVISED)

LOCATION

PECAN BLVD



PROPOSED MIKAEL  
SUBDIVISION

PROPOSED SALT FLAT  
PHASE II SUBDIVISION

PROPOSED TAYLOR VALLEY  
ESTATES SUBDIVISION  
(REVISED)  
247

TAYLOR RD

MARBELLA

MAPLE AVE

SUBDIVISION

N 49TH ST

KENDLEWOOD AVE

48TH ST

PHASE 2



SUB2021-0047

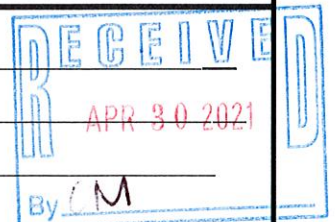


City of McAllen  
Planning Department

APPLICATION FOR  
SUBDIVISION PLAT REVIEW

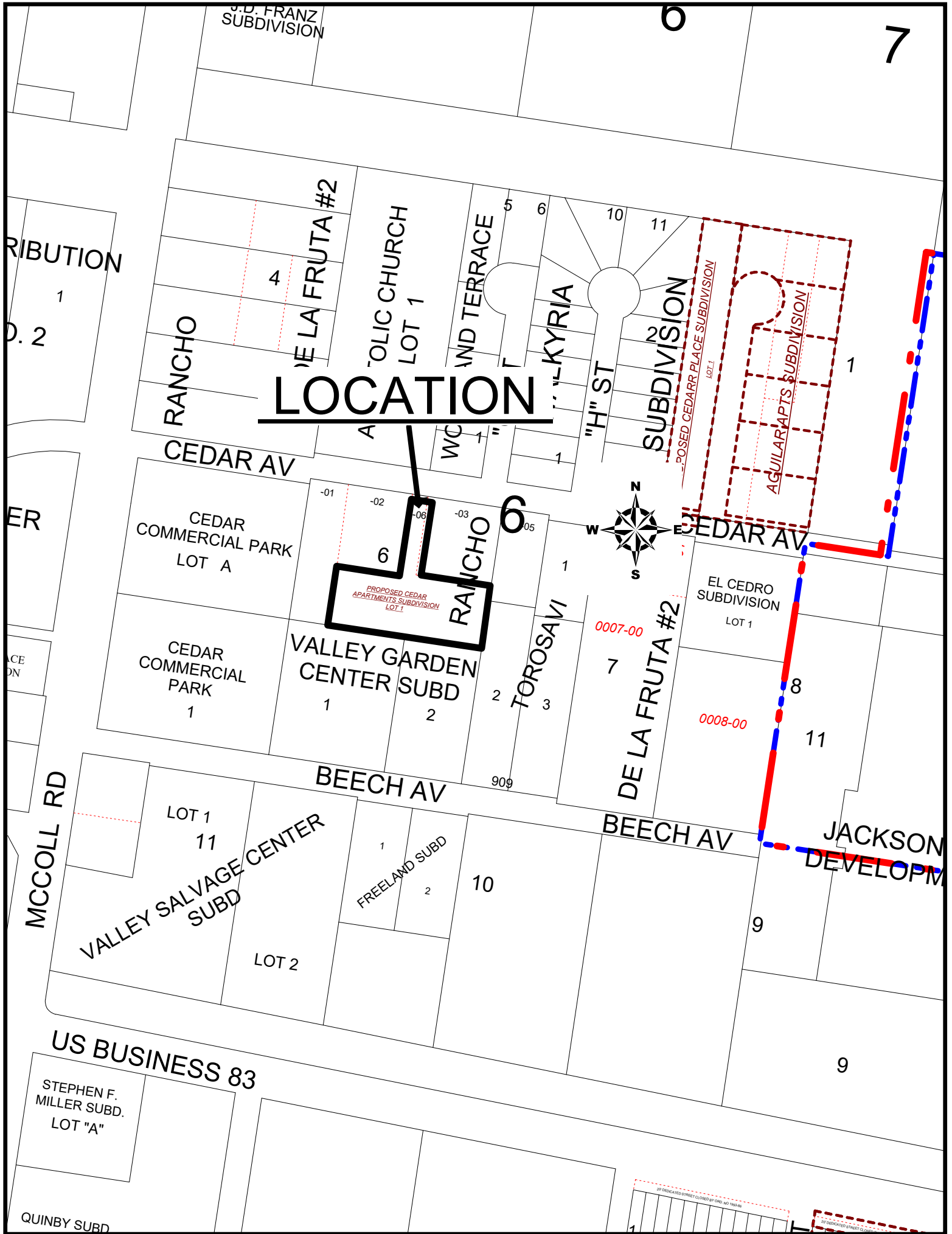
311 North 15<sup>th</sup> Street  
McAllen, TX 78501  
P. O. Box 220  
McAllen, TX 78505-0220  
(956) 681-1250  
(956) 681-1279 (fax)

Project Description	<p>Subdivision Name <u>Cedar Apartments Subdivision</u></p> <p>Location <u>Aproximately 600' East of N. McColl/E. Cedar Ave intersection</u></p> <p>City Address or Block Number <u>816 E. CEDAR AVE</u></p> <p>Number of lots <u>1</u> Gross acres <u>.936</u> Net acres <u>.903</u></p> <p>Existing Zoning <u>R-3A</u> Proposed <u>R-3A</u> Rezoning Applied For <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____</p> <p>Existing Land Use _____ Proposed Land Use _____ Irrigation District # _____</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 type="checkbox"/></p> <p>Agricultural Tax Exempt Yes <input type="checkbox"/> No <input type="checkbox"/> Estimated Rollback tax due _____</p> <p>Parcel No. _____ Tax Dept. Review _____</p> <p>Legal Description <u>Being 0.963 Acres out of Lot 6, Rancho De La Fruta Subdivision No. 2, Recorded in</u> <u>Volume 1, Page 34, Map Records Hidalgo County, Texas</u></p>
Owner	<p>Name <u>GGC Group, LLC</u> Phone <u>956-600-8628</u></p> <p>Address <u>309 N. Mockingbird Ave</u></p> <p>City <u>Mission</u> State <u>Texas</u> Zip <u>78572</u></p> <p>E-mail <u>J.gastelum@gastelumind.com</u></p>
Developer	<p>Name <u>GGC Group, LLC</u> Phone <u>956-600-8628</u></p> <p>Address <u>309 N. Mockingbird Ave</u></p> <p>City <u>Mission</u> State <u>Texas</u> Zip <u>78572</u></p> <p>Contact Person <u>Juan Gastelum</u></p> <p>E-mail <u>J.gastelum@gastelumind.com</u></p>
Engineer	<p>Name <u>M2 Engineering, PLLC</u> Phone <u>956-600-8628</u></p> <p>Address <u>1810 E. Griffin Parkway</u></p> <p>City <u>Mission</u> State <u>Texas</u> Zip <u>78572</u></p> <p>Contact Person <u>Hector Moreno</u></p> <p>E-mail <u>hector@m2-engineers.com</u></p>
Surveyor	<p>Name <u>Carrizales Land Surveying, LLC</u> Phone <u>512-470-1489</u></p> <p>Address <u>4807 Gondola Ave.</u></p> <p>City <u>Edinburg</u> State <u>Texas</u> Zip <u>78542</u></p>





# LOCATION





GENERAL PLAT NOTES & RESTRICTIONS

- FLOOD ZONE STATEMENT:  
FLOOD ZONE DESIGNATION: ZONE "B" (MEDIUM SHADED)  
ZONE "B" AREAS (MEDIUM SHADE), AREAS DETERMINED TO BE BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR, OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ON (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD, ACCORDING TO COMMUNITY-PANEL NO. 48343-0008-C, MAP REVISED-NOVEMBER 2, 1982.
- SETBACKS:  
FRONT: 10.00 FEET.  
REAR: 15.00 FEET OR EASEMENT WHICHEVER IS GREATER.  
SIDE: 4.00 FEET OR EASEMENT WHICHEVER IS GREATER.  
GARAGE: 18.00 FEET EXCEPT WHERE GREATER SETBACK IS REQUIRED, GREATER SETBACK APPLIES.
- NO MORE THAN ONE-SINGLE FAMILY DETACHED DWELLING SHALL BE LOCATED ON THE LOT. THIS MUST BE STRUTTED ON ALL DEEDS AND CONTRACTS FOR DEEDS. APPLICATIONS FOR CONSTRUCTION ARE REQUIRED PRIOR TO OCCUPANCY OF THE LOT. THERE SHALL BE NO OTHER USE THAN RESIDENTIAL.
- MINIMUM FINISHED FLOOR ELEVATION SHALL BE 2' ABOVE THE CENTER LINE OF STREET OR 2' ABOVE NATURAL GROUND AND NO LOWER THAN THE HIGHEST FINISH FLOOR IN THE SURROUNDING NEIGHBORING PROPERTY, WHICHEVER IS GREATER. ELEVATION CERTIFICATE WILL BE REQUIRED.
- THE FOLLOWING BENCHMARKS ARE IDENTIFIED ON THE FACE OF THE PLAT AND ON THE ATTACHED ENGINEERING PLANS:  
ON-SITE B.M. NO. 1--
- IN ACCORDANCE WITH THE HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 AND HIDALGO COUNTY REQUIREMENTS, THIS DEVELOPMENT WILL BE REQUIRED TO DETAIN A TOTAL OF 0.00 CUBIC-Feet OR 0.00 ACRE-Feet OF STORM WATER RUNOFF. RUNOFF WILL BE DETAINED IN DETENTION GREEN AREAS IN THE LOT.
- NO STRUCTURE SHALL BE PERMITTED OVER ANY EASEMENT. EASEMENTS SHALL BE KEPT CLEAR OF BUILDINGS, SHEDS, SHRUBS TREES, AND OTHER PLANTINGS (EXCEPT LOW, LESS THAN 18 INCHES MATURE HEIGHT, GROUND COVER, GRASS, OR FLOWERS) AND OTHER OBSTRUCTIONS THAT WOULD INTERFERE WITH THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.
- THE LOT SHALL HAVE A POST DEVELOPMENT FINISHED GRADE FROM THE CENTER OF THE LOT TO THE CURB AND/OR ROADSIDE DITCH AT A 0.25 % SLOPE TO ACCOMPLISH POSITIVE DRAINAGE. THIS IS IN ACCORDANCE WITH HIDALGO COUNTY SUBDIVISION RULES APPENDIX 3.1.4.1.
- A 5 FOOT WIDE MINIMUM SIDEWALK REQUIRED ON CEDAR ROAD
- A 5 FOOT GRAZING BUFFER REQUIRED FROM ADJACENT BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL OR INDUSTRIAL ZONES/USES. PERMITTED BUFFERS MUST BE BUILT AT THE TIME OF SUBDIVISION IMPROVEMENTS.
- AN ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, WILL BE REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS.
- 8 FT. MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL, ZONES/USES.

STATE OF TEXAS  
COUNTY OF HIDALGO

OWNER'S DEDICATION, CERTIFICATION, AND ATTESTATION

I, GSC GROUP, LLC, SUBDIVIDER, AS OWNER OF THE 0.963 ACRE TRACT OF LAND ENCOMPASSED WITHIN THE PROPOSED CEDAR APARTMENTS SUBDIVISION, HEREBY SUBMIT THE LAND AS SHOWN IN THIS SUBDIVISION PLAT AND DEDICATE TO PUBLIC USE THE STREETS AND EASEMENTS SHOWN HEREON.

I CERTIFY THAT I HAVE COMPLIED THE REQUIREMENTS OF TEXAS LOCAL GOVERNMENT CODE 232.032 AND SECTION 134-61 (01/03) OF THE SUBDIVISION ORDINANCE, THAT:

- THE WATER QUALITY AND CONNECTIONS TO THE LOTS MEET, OR WILL MEET THE MINIMUM STATE STANDARDS;
- SEWER CONNECTIONS TO THE LOTS OR SEPTIC TANKS MEET OR WILL MEET THE MINIMUM REQUIREMENTS OF STATE STANDARDS;
- ELECTRICAL CONNECTIONS PROVIDED TO THE LOTS MEET OR WILL MEET THE MINIMUM STATE STANDARDS; AND
- GAS CONNECTIONS, IF AVAILABLE, PROVIDED TO THE LOTS MEET OR WILL MEET THE MINIMUM STATE STANDARDS.

I ATTEST THAT THE MATTERS ASSERTED IN THIS PLAT ARE TRUE AND COMPLETE.

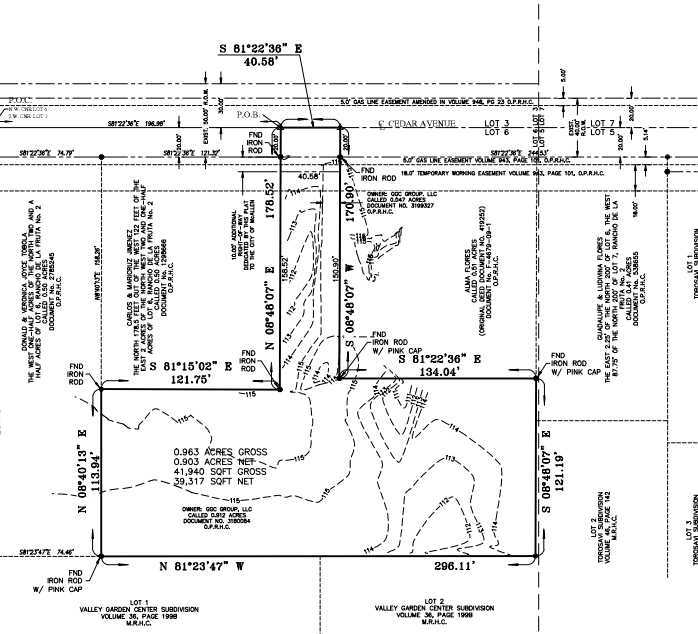
GSC GROUP, LLC  
308 N. MOCKINGBIRD AVENUE  
MISSION, TEXAS 78172

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JUAN CASTELLAN, 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 GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

NOTARY PUBLIC, HIDALGO COUNTY, TEXAS

DATE MY COMMISSION EXPIRES \_\_\_\_\_



HIDALGO COUNTY IRRIGATION DISTRICT NO. 2

THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT NO. 2 ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

SUBJECT TO RIGHTS OF WAY/EASEMENTS AS PER RECORD(S) VOLUME \_\_\_\_\_

PAGE \_\_\_\_\_ VOLUME \_\_\_\_\_ PAGE \_\_\_\_\_ MAP RECORDS VOLUME 16 PAGE 5, VOLUME 0  
PAGE 63

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION, TREES, FENCES, AND BUILDINGS) SHALL BE PLACED UPON HIDALGO COUNTY IRRIGATION DISTRICT #2 RIGHTS OF WAY OR EASEMENTS.

PRESIDENT \_\_\_\_\_ ATTEST \_\_\_\_\_ SECRETARY \_\_\_\_\_

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 CERTIFICATE

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 NO. 49.21(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

PAUL E. SEIN, P.E., C.F.M.  
GENERAL MANAGER

STATE OF TEXAS  
CITY OF McALLEN  
PLANNING AND ZONING COMMISSION

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

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

CHAIRMAN OF PLANNING AND ZONING COMMISSION \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF HIDALGO

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

EMIGDIO "MIGUEL" SALINAS, P.E.  
LICENSED PROFESSIONAL ENGINEER NO. 107703  
FIRM REGISTERED NO. 17-125445



STATE OF TEXAS  
CITY OF McALLEN  
MAYOR APPROVAL

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.

MAYOR, CITY OF McALLEN \_\_\_\_\_ DATE: \_\_\_\_\_

ATTESTED BY: \_\_\_\_\_

CITY SECRETARY \_\_\_\_\_ DATE: \_\_\_\_\_

RECEIVED

By Claudia Mariscal at 10:05 am, May 05, 2021



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

INSTRUMENT NUMBER \_\_\_\_\_

OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

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

PRINCIPAL CONTACTS	NAME	ADDRESS	PHONE(S)
OWNER	JUAN CASTELLAN	308 N. MOCKINGBIRD AVE., MISSION, TX 78172	(956) 475-7948
ENGINEER	EMIGDIO SALINAS, P.E.	PO BOX 5089 - McALLEN, TX 78501	(956) 480-8628
SUBDIVIDER	MANUEL CARREZALES	R.P.L.S. 4807 CONDELA AVE. - McALLEN, TX 78542	(956) 567-2167

METES AND BOUNDS DESCRIPTION

BEING 0.963 ACRES OUT OF LOT 6, RANCHO DE LA FRUTA SUBDIVISION NO. 2, RECORDED IN VOLUME 1, PAGE 34, MAP RECORDS HIDALGO COUNTY, TEXAS. SAID 0.963 ACRES BEING COMPOSED BY THE FOLLOWING TWO (2) TRACTS:

- A CALLED 0.941 ACRES OUT OF THE LOT 6, RANCHO DE LA FRUTA SUBDIVISION NO. 2, RECORDED IN VOLUME 1, PAGE 34, MAP RECORDS HIDALGO COUNTY, TEXAS, BY A GENERAL WARRANTY DEED FROM ALMA FLORES TO GSC GROUP, LLC, DATED MARCH 3, 2021, RECORDED IN DOCUMENT NO. 3189327, OFFICIAL PUBLIC RECORDS HIDALGO COUNTY, TEXAS.
- A CALLED 0.022 ACRES OUT OF THE LOT 6, RANCHO DE LA FRUTA SUBDIVISION NO. 2, RECORDED IN VOLUME 1, PAGE 34, MAP RECORDS HIDALGO COUNTY, TEXAS, BY A WARRANTY DEED FROM JESSE FLORES AND TRINIDAD MORA TO GSC GROUP, LLC, DATED DECEMBER 10, 2020, RECORDED IN DOCUMENT NO. 318004, OFFICIAL PUBLIC RECORDS HIDALGO COUNTY, TEXAS.

SAID 0.963 ACRES AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT A CALCULATED POINT THE NORTHWEST CORNER OF THE SAID LOT 6, SAME BEING THE SOUTHWEST CORNER OF LOT 3, OF THE SAID RANCHO DE LA FRUTA SUBDIVISION NO. 2.

THENCE, S81°22'36" E, ALONG THE SOUTH LINE OF THE SAID LOT 3, SAME BEING THE NORTH LINE OF THE SAID LOT 6, SAME BEING THE CENTER LINE OF CEDAR AVENUE, A DISTANCE OF 194.80 FEET TO A CALCULATED POINT FOR AN EXTENSION CORNER OF THE HEREIN DESCRIBED TRACT AND THE POINT OF BEGINNING.

THENCE, S81°22'36" E, ALONG THE SOUTH LINE OF THE SAID LOT 3, SAME BEING THE NORTH LINE OF THE SAID LOT 6, SAME BEING THE CENTER LINE OF CEDAR AVENUE, A DISTANCE OF 40.58 FEET TO A CALCULATED POINT FOR AN EXTENSION CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE, S08°48'07" W, ALONG THE WEST LINE OF A CALLED 0.51 ACRE TRACT CONVEYED TO ALMA FLORES, INVOICE DEGREE RECORDED IN DOCUMENT NO. 1-4479-081, OFFICIAL PUBLIC RECORDS HIDALGO COUNTY, TEXAS, SAME BEING THE EAST LINE OF THE SAID 0.963 ACRE TRACT, PASSING AT 50.1 FEET AN IRON ROD FOUND ON THE SOUTH RIGHT-OF-WAY LINE OF CEDAR AVENUE, CONTINUING FOR A TOTAL DISTANCE OF 120.10 FEET TO AN IRON ROD WITH A PINE CAP FOUND, THE SOUTHWEST CORNER OF THE SAID ALMA FLORES TRACT, FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE, S81°22'36" E, ALONG THE SOUTH LINE OF THE SAID ALMA FLORES TRACT, SAME BEING THE NORTH LINE OF THE SAID 0.963 ACRE TRACT, A DISTANCE OF 134.61 FEET TO AN IRON ROD WITH A PINE CAP FOUND ON THE SOUTH RIGHT-OF-WAY LINE OF CEDAR AVENUE, CONTINUING FOR A TOTAL DISTANCE OF 120.10 FEET TO AN IRON ROD WITH A PINE CAP FOUND, THE SOUTHWEST CORNER OF THE SAID ALMA FLORES TRACT, FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE, S08°48'07" W, ALONG THE WEST LINE OF A CALLED 0.51 ACRE TRACT, SAME BEING THE WEST LINE OF LOT 3, TOROJA SUBDIVISION, RECORDED IN VOLUME 142, SAME BEING THE EAST LINE OF THE SAID 0.963 ACRE TRACT, A DISTANCE OF 131.19 FEET TO AN EXTENSION CORNER OF THE SAID LOT 3, TOROJA SUBDIVISION, SAME BEING A POINT ON THE NORTH LINE OF VALLEY GARDEN CENTER SUBDIVISION RECORDED IN VOLUME 34, PAGE 1984, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT.

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# City of McAllen

## SUBDIVISION PLAT REVIEW

Reviewed On: 5/10/2021

### SUBDIVISION NAME: CEDAR APARTMENTS SUBDIVISION

#### REQUIREMENTS

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

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

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

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

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

Non-compliance

NA

NA

NA

##### ALLEYS

ROW: 20 ft. Paving: 16 ft.  
\*Alley/service drive easement required for commercial properties  
\*\*Subdivision Ordinance: Section 134-106

Applied

##### SETBACKS

\* 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

\* Corner:  
\*\*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

Non-compliance

Applied

Applied

NA

Applied

Applied

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



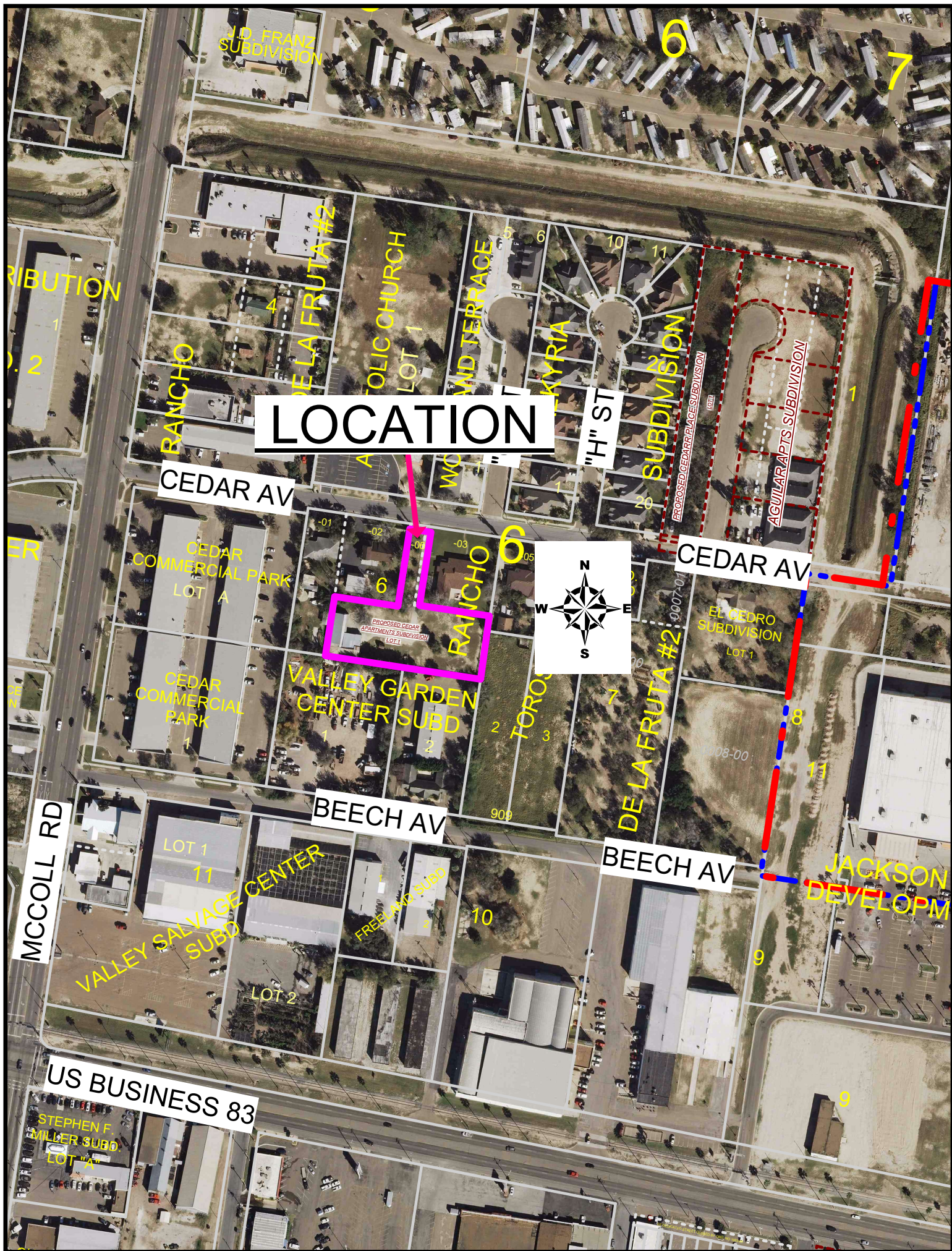
SIDEWALKS	
<ul style="list-style-type: none"> <li>* 4 ft. wide minimum sidewalk required on East Cedar Avenue.</li> <li>**Please clarify if a 5 ft. sidewalk is proposed prior to final as shown on plat note #9</li> <li>***Revise street name to East Cedar Avenue wherever is applicable.</li> <li>****Subdivision Ordinance: Section 134-120</li> <li>* Perimeter sidewalks must be built or money escrowed if not built at this time.</li> </ul>	Non-compliance
	Applied
BUFFERS	
<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>**Please revise plat note #10 as shown above prior to final.</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>	Non-compliance
	Applied
	Applied
NOTES	
<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>* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.</li> <li>* Common Areas, any private streets/drives, detention and common areas must be maintained by the lot owners and not the City of McAllen</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>**Section 110-72 applies if private subdivision is proposed.</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>	NA Required Required Required Applied Applied
LOT REQUIREMENTS	
<ul style="list-style-type: none"> <li>* Minimum lot width and lot area.</li> <li>**Zoning Ordinance: 138-1</li> <li>* Lots fronting public streets.</li> <li>**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.</li> <li>***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.</li> <li>**Zoning Ordinance: Section. 138-356</li> </ul>	Applied Non-compliance



<b>ZONING/CUP</b>	
* Existing: R-3A Proposed: R-3A **Zoning Ordinance: Article V	Complete
* Rezoning Needed Before Final Approval. **Zoning Ordinance: Article V	NA
<b>PARKS</b>	
* 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.	TBD
* 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.	TBD
* 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.	TBD
<b>TRAFFIC</b>	
* As per Traffic Department, Trip Generation to determine if TIA is required, prior to final plat.	Non-compliance
* As per Traffic Department, Trip Generation to determine if TIA is required, prior to final plat.	TBD
<b>COMMENTS</b>	
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.	Applied
<b>RECOMMENDATION</b>	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, AND UTILITIES AND DRAINAGE APPROVALS.	Applied

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







E2300-00-001-0017-06

SUB2021-0052



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

Subdivision Name SALKINDER PLAZA SUBDIVISION  
 Location 420 ft (0.08 miles) South of Northgate on West side of 10th St.  
 City Address or Block Number 8909 N. 10th St. McAllen, TX 78504  
 Number of lots 1 Gross acres 2.07 Net acres 2.07  
 Existing Zoning C-3L Proposed C-3L Rezoning Applied For ☐ Yes ☒ No Date \_\_\_\_\_  
 Existing Land Use Commercial Proposed Land Use Commercial Irrigation District # 2  
 Residential Replat Yes ☐ No ☒ Commercial Replat Yes ☐ No ☒ ETJ Yes ☒ No ☐  
 Agricultural Tax Exempt Yes ☐ No ☐ Estimated Rollback tax due -0-  
 Parcel No. \_\_\_\_\_ Tax Dept. Review Guerra  
 Legal Description A 2.07-acre Tract, more or less, being all the East 5.31-acres out of Lot 17, Ebony Heights Citrus Groves Unit No. 1 Subdivision, map or plat thereof recorded in Volume 5, Page 39, Map Records of Hidalgo County, Texas, Save and Except the North 420.00 feet, being located on the West side of North 10th Street (SH 336) and approximately 420.00 feet South of Northgate Road.

Owner

Name Sonia Salkinder Phone 956-358-1212  
 Address 4900 N. 10th Street  
 City McAllen State TX Zip 78501  
 E-mail mlopez@nuevavistaconstruction.com

Developer

Name Urban City Developers, LLC Phone 956-358-1212  
 Address 4501 Expressway 83, Suite 10  
 City McAllen State TX Zip 78502  
 Contact Person Marco A. Lopez  
 E-mail mlopez@urbancitytx.com

Engineer

Name Iden I. Trevino Phone 956-283-8847  
 Address 200 S. 10th St. Ste. 1303  
 City McAllen State TX Zip 78501  
 Contact Person Iden I. Trevino, Karime Farachala  
 E-mail ident@trevinoengineering.com, karime@trevinoengineering.com

Surveyor

Name Homero L. Gutierrez Phone 956-369-0988  
 Address P.O. Box 548  
 City McAllen State TX Zip 78505



RCT#791280✓



# LOCATION

PROPOSED SALKINDER  
PLAZA SUBDIVISION  
LOT 1

N 10TH ST

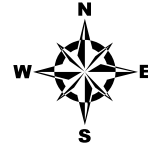
NACCU SUBDIVISION

PROPOSED NACCU  
SUBDIVISION

HEIGHT

STARRY  
SUBD.  
LOT 1 LOT 2

NORTHGATE LN



SORRENTO TRAIL ON

N 9TH ST

NORTHGATE LANE SUBD

DELGADO S/D  
LOT 1

2

SPANISH

FRONTERA RD

GRAYSON

OAKS

TH ST

DESAI SUBD  
LOT 1

LOT 1

NORTHGATE ACRES  
SUBDIVISION

LOT 2

1221

1201

NORTHGATE ESTATES  
UNIT 2

LOT 1

LOT 2

LA HACIENDA

LOT 1

17

-08

-07

3

-05

-06

-03

-01

-02

FASHION

73A

37

19

3

9

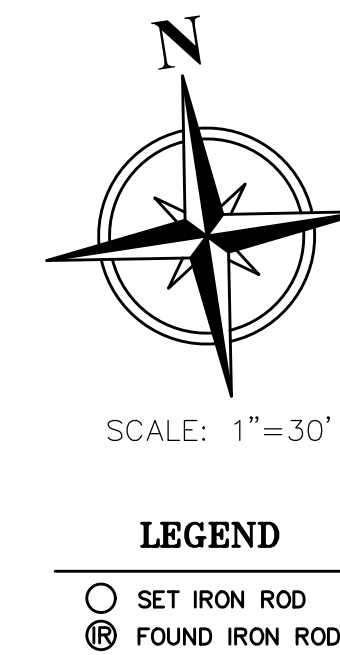
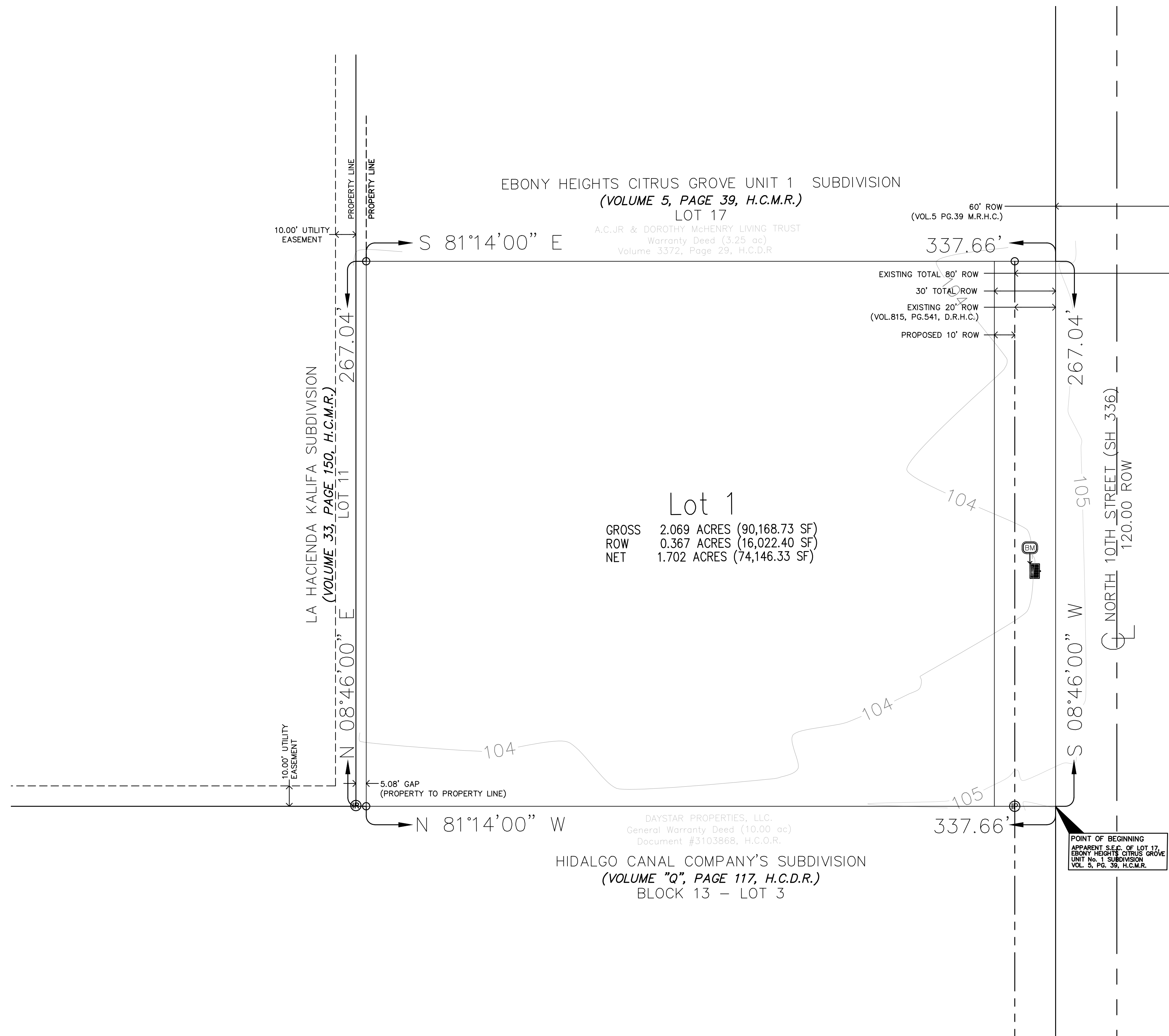
10

27

28

A





## SALKINDER PLAZA SUBDIVISION

A 2.07 ACRE TRACT MORE OR LESS, BEING ALL THE EAST  
5.31-ACRES OF LOT 17, EBONY HEIGHTS CITRUS GROVES UNIT  
No. 1 SUBDIVISION, CITY OF MCALLEN, HIDALGO COUNTY  
TEXAS, VOLUME 5, PAGE 39, H.C.M.R.

DATE OF PREPARATION: APRIL 21, 2021



**TREVIÑO ENGINEERING**

FIRM No. F-7906

TEL No. (956) 283-8847

200 S. 10th St. Ste. 1303

McAllen, Texas 78501

ident@trevinoengineering.com





# City of McAllen

## SUBDIVISION PLAT REVIEW

Reviewed On: 5/14/2021

<b>SUBDIVISION NAME: SALKINDER PLAZA SUBDIVISION</b>	
<b>REQUIREMENTS</b>	
<b>STREETS AND RIGHT-OF-WAYS</b>	
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	Non-compliance
Paving _____ Curb & gutter _____	Applied
Paving _____ Curb & gutter _____	Applied
* 800 ft. Block Length **Subdivision Ordinance: Section 134-118	NA
* 600 ft. Maximum Cul-de-Sac **Subdivision Ordinance: Section 134-105	NA
<b>ALLEYS</b>	
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	Non-compliance
<b>SETBACKS</b>	
* Front: 60 ft. or greater for easements or approved site plan **Revise plat as noted above ***Zoning Ordinance: Section 138-356	Non-compliance
* 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	Non-compliance
* 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	Non-compliance
* Corner **Zoning Ordinance: Section 138-356	NA
* Garage **Zoning Ordinance: Section 138-356	NA
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
<b>SIDEWALKS</b>	
* 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	Applied
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied



BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses **Landscaping Ordinance: Section 110-46	Applied
* 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
NOTES	
* No curb cut, access, or lot frontage permitted along **Access Management Policy	NA
* Site plan must be approved by the Planning and other development departments prior to building permit issuance.	Applied
* Common areas, private service drives, etc. must be maintained by the lot owners and not the City of McAllen	Required
* Common areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	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	NA
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **Subdivision Ordinance: Section 110-72	NA
LOT REQUIREMENTS	
* Lots fronting public streets **Zoning Ordinance: Section 138-356	Compliance
* Minimum lot width and lot area **Zoning Ordinance: 138-1	Compliance
ZONING/CUP	
* 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	Non-compliance
* Rezoning Needed Before Final Approval **Zoning Ordinance: Article V	TBD
PARKS	
* Land dedication in lieu of fee	NA
* Park Fee of \$700 per dwelling unit/lot to be paid prior to recording	NA
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
TRAFFIC	
* Trip Generation to determine if TIA is required per Traffic Department, prior to final plat.	Non-compliance
* Traffic Impact Analysis (TIA) required prior to final plat.	TBD



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



# LOCATION





**Memo**

**TO:** Planning & Zoning Commission  
**FROM:** Edgar I. Garcia, AICP, CNU-A  
**DATE:** May 13, 2021  
**SUBJECT:** City Commission Actions on May 10, 2021

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**REZONING:**

1. Rezone from C-3 District to R-3A District: 4.34 acres out of Lot 2, Block 7, Steele and Pershing Subdivisions; 4601 N McColl
  - Planning and Zoning Commission recommended approval
  - City Commission approved as recommended

**CONDITIONAL USE PERMITS:**

1. Request of Adrian Gutierrez on behalf of Ministerio Pan De Vida, for a Conditional Use Permit, for five years, for an Institutional Use (Church): Lot 8, Block 18, Hammond Addition Subdivision; 2029 Date Palm Ave
  - Planning and Zoning Commission disapproved with a favorable recommendation
  - City Commission approved as recommended