

## **AGENDA**

### **PLANNING & ZONING COMMISSION REGULAR MEETING TUESDAY, NOVEMBER 2, 2021 - 3:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR**

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 from the meeting on October 21, 2021

#### **2) PUBLIC HEARING**

##### **a) CONDITIONAL USE PERMITS:**

1. Request of Rene Solano for a Conditional Use Permit, for one year, for a bar service at office, at Lot 2, Block 24, Ewing's Addition Subdivision, Hidalgo County, Texas; 813 North Main Street, Suite 213. **(CUP2021-0140)**
2. Request of T. Lynn Tompkins Jr. for a Conditional Use Permit, for life of the use, for a grade-school playground, at Lot 1, S.T.V.T #1 Subdivision, Hidalgo County, Texas; 2400 Daffodil Avenue. **(CUP2021-0151)**
3. Request of Joe Averill Jr. for a Conditional Use Permit, for life of the use, for a guest house, at Lot 10, Block 14, Broadlawn Terrace No. 3 Subdivision, Hidalgo County, Texas; 1712 Iris Avenue. **(CUP2021-0153)**
4. Request of Jessica Aguilar for a Conditional Use Permit, for one year, for a bar and grill, at Lot A-1, Nolana Tower Subdivision, Hidalgo County, Texas; 400 Nolana Avenue, Suite N-1 and N-2. **(CUP2021-0154)**
5. Request of Captain Adolph Aguirre for a Conditional Use Permit, for life of the use, for a multi-purpose warehouse, at Lot "H", Stroud-Hunter Subdivision, Hidalgo County, Texas; 2220 Pecan Boulevard. **(CUP2021-0156)**
6. Request of Monica Alvarez on behalf of Iglesia Tierra Fertil, for a Conditional Use Permit, for one year, for an Institutional Use (Church) at Lot 18, Ivory Palm Estates Subdivision, Hidalgo County, Texas; 3511 North Ware Road. **(CUP2021-0142)**

7. Request of Jorge Barrera, for one year, for an Institutional Use (Church) at Lot 2, Fire-Check Subdivision Phase I, Hidalgo County, Texas, 3750 Gardenia Avenue, Suite B. **(CUP2020-0149)**
8. Request of Jhossep J Gil Martinez for a Conditional Use Permit, for one year, for a Bar at Lot 3, North Park Village Phase II Subdivision, Hidalgo County, Texas, 1200 Wisconsin Road, Suite 360. **(CUP2021-0152) WITHDRAWN**
9. Request of Mark Denton Corbitt, for a Conditional Use Permit, for life of the use, for a Planned Unit Development (PUD) at the 10 acres out of Lot 3, Section 233, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas; 2401 Russell Road. **(CUP2021-0155)**

**b) REZONING:**

1. Rezone from C-4 (commercial industrial) District to R-1 (single-family residential) District: 5.0 acres out of Lot 482, John H. Shary Subdivision, Hidalgo County, Texas; 7031 Mile 7 Road. **(REZ2021-0063)**
2. Initial zoning to R-1 (single-family residential) District: the West 10 acres of Lot 452, John H. Shary Subdivision, Hidalgo County, Texas; 7100 Mile 6 Road. **(REZ2021-0060)**
3. Initial zoning to R-3T (multifamily residential townhouse) District: the North 5 acres of Lot 209, Pride O' Texas Subdivision, Hidalgo County, Texas; 8804 North Ware Road. **(REZ2021-0061)**
4. Rezone from R-1 (single-family residential) District to R-2 (duplex-fourplex residential) District: 0.544 acres out of Lot 1, Resubdivision of Lots 15 and 16, Block 2, Hammond's Subdivision, Hidalgo County, Texas; 1500 North Bentsen Road. **(REZ2021-0062)**
5. Initial zoning to R-3A (multifamily residential apartment) District: 26.97 acres out of Lot 45-11, West Addition to Sharyland Subdivision, Hidalgo County, Texas; 9600 North Bryan Road. **(REZ2021-0064)**
6. Rezone from R-1 (single family) District to R-3A (multifamily apartments) District: 19.137 acres consisting of 2.476 acres out of Lot 7 E.M Card Survey No.1 Subdivision and 16.661 acres out of Lot 14, Section 279, Texas-Mexican Railway Company's Survey Subdivision, Hidalgo County, Texas; 2400 Oxford Avenue. **(REZ2021-0051)(TABLED ON 9/21/2021 & REMAINED TABLED ON 10/5/2021 and 10/21/2021)**

**3) SUBDIVISIONS:**

- a) AEP James Rowe Substation Subdivision Lot 1(Non-Habitable), 1621 North Ware Road, P. Todd Ireland **(SUB2021-0085)(REVISED PRELIMINARY)STP**



#### **4) INFORMATION ONLY:**

- a)** City Commission Actions: October 25, 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, October 21, 2021 at 3:31p.m. in the McAllen City Hall, 1300 Houston Avenue City Commission Chambers 3<sup>rd</sup> Floor.

<b>Present:</b>	<b>Daniel Santos</b> <b>Michael Fallek</b> <b>Jose Saldana</b> <b>Marco Suarez</b> <b>Emilio Santos Jr.</b>	<b>Chairperson</b> <b>Vice-Chairperson</b> <b>Member</b> <b>Member</b> <b>Member</b>
<b>Absent:</b>	<b>Michael Hovar</b> <b>Gabriel Kamel</b>	<b>Member</b> <b>Member</b>
<b>Staff Present:</b>	<b>Isaac Tawil</b> <b>Austin Stevenson</b> <b>Michelle Rivera</b> <b>Edgar Garcia</b> <b>Luis Mora</b> <b>Rodrigo Sanchez</b> <b>Omar Sotelo</b> <b>Jose Humberto De La Garza</b> <b>Liliana Garza</b> <b>Kaveh Forghanparast II</b> <b>Hebert Camacho</b> <b>Katia Sanchez</b> <b>Porfirio Hernandez</b> <b>Jacob Salazar</b> <b>Magda Ramirez</b>	<b>City Attorney</b> <b>Assistant City Attorney</b> <b>Assistant City Manager</b> <b>Planning Director</b> <b>Planning Deputy Director</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>Planner I</b> <b>Planning Technician II</b> <b>Planning Technician I</b> <b>Administrative Assistant</b>

**CALL TO ORDER- Vice Chairperson Michael Fallek**

**PLEDGE OF ALLEGIANCE**

**INVOCATION- Marco Suarez**

**1) MINUTES:**

- a) Minutes for Regular Meeting held on October 5, 2021 and October 12, 2021(Special Meeting)

The minutes for the regular meeting held on October 5, 2021 and Special meeting held on October 12, 2021 were approved as submitted by Mr. Marco Suarez. Seconding the motion was Mr. Daniel Santos which carried unanimously with 5 members present and voting.

## 2) PUBLIC HEARING:

### a) CONDITIONAL USE PERMITS

- 1) Request of Rosalinda Rossow, for a Conditional Use Permit, for one year, for a Vape Shop at Lot 1A, Wilson Subdivision, Hidalgo County, Texas, 4000 North 10th Street. **(CUP2021-0132)**

Ms. Liliana Garza stated that the property is located on the northeast corner of the intersection of North 10th Street and Nolana Avenue. The subject property is zoned C-3 (general business) District. There is C-3 district zoning to the north, south, east, and west. A Vape shop is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.

The applicant is proposing to operate a retail Vape shop out of an approximate 1,350 sq. ft. lease space, which is part of a multi-tenant commercial building. The proposed days and hours of operation are Monday through Sunday from 11:00 a.m. to 11:00 p.m. The commercial plaza is a mixture of retail and vacant suites the proposed 1,350 sq. ft. Vape shop requires 4 parking spaces, there are a total of 103 parking spaces provided as part of a common parking area.

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

- 1) The property line of the lot of any of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of a residential zone to the northeast;
- 2) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The subject property has frontage along North 10th Street and Nolana Avenue 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 1,350 sq. ft. smoke shop requires 4 parking spaces, there are 101 total parking spaces provided on the submitted site plan;
- 4) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;

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

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

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

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

Vice Chairperson Michael Fallek asked if there was anyone present in opposition of the proposed conditional use permit, there were none.

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

- 2) Request Veronica Garza, for a Conditional Use Permit, for one year, for a Home Occupation (Day Care) at Lot 14, Mira-Bella Park II Subdivision, Hidalgo County, Texas; 7926 North 28th Lane. **(CUP2021-0133)**

Ms. Liliana Garza stated that the property is located on the east side of North 28th Lane, 178 ft. east of North 29th Street, and is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions, and it is surrounded by single-family residences. A day care is allowed in an R-1 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 on May 5, 2009. The Conditional Use Permit expired on May 5, 2010 and was not renewed. The applicant applied once again in 2019 and was approved by Planning and Zoning, however, the permit was never issued as Health Department was pending. The same applicant is once again applying for a Conditional Use Permit.

#### SUMMARY/ANALYSIS:

Currently there is a single-family residential home on the property. The applicant is proposing to operate a day care facility from the existing residence. The proposed hours of operation are from 7:00 AM to 6:00 PM Monday through Friday.

The Fire Department has inspected the location, and found the place to be in compliance. The Health Department is pending inspection. The proposed use shall meet all the minimum standards

and applicable ordinances. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions on the permit. The occupation may not be operational until the issuance of the certificate. The business must comply with requirements set forth in Section 138-118(8) of the Zoning Ordinance and other specific requirements as follows:

1. Meet the requirements of the Department of Human Services;
2. Provide a fenced in area for outside play of children. A fenced area is provided on site;
3. Provide paved area adjacent to street for pickup and delivery of children. The existing driveway and garage accommodate the required two parking spaces needed for residential home and required space for the pick-up and drop off of the children;
4. Area used for the day care facility should be clearly secondary to the use of the structure;
5. Person who applies for permit must reside at location for which the permit is granted. The applicant lives in the residence;
6. There shall be no more than two (2) day care facilities within 600 ft. of each other as measured over the shortest distance of street right-of-way between the facilities. There is no other day care within 600 ft.;
7. No more than one day-care shall be located on a dead-end street or cul-de-sac; North 28th Lane is in a cul-de-sac street; no other daycare exists on this street;
8. Day care facilities shall not be located on a half street or a street that is accessed by a half street; North 28th Lane is not a half street or a street accessed by a half street;
9. Day care facilities that care for more than 12 children shall not be permitted in a residential zoning district. The applicant is proposing to care for up to 12 children;
10. No signs are permitted; No signs are proposed;
11. No more than one additional employee that does not reside on the premises is permitted. The applicant is proposing no additional employees; and
12. The property owner shall sign the application or the applicant shall provide a letter of authorization from the property owner.

Staff recommends approval of the request, for one year, subject to compliance with Section 138-118(8) of the Zoning Ordinance, Health, and Fire Department Requirements.

Vice Chairperson Michael Fallek asked if there was anyone present in opposition of the proposed conditional use permit, there were none.

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

- 3) Request of Gustavo Pineda, for a Conditional Use Permit, for one year, for a Vape Shop at Lot 1, Martinez Subdivision Unit 2, Hidalgo County, Texas, 1900 South 23rd Street. **(CUP2021-0134)**

Ms. Liliana Garza stated that the property is located on the southwest corner of the intersection of South 23<sup>rd</sup> Street and Colbath Road. The subject property is zoned C-4 (commercial industrial) District. There is C-3 (general business) district zoning to the north and east, A-O (agriculture and open space) District to the south, and R-2 (duplex-fourplex) District to the west. A Vape shop is allowed in a C-4 District with a Conditional Use Permit and in compliance with requirements.

The applicant is proposing to operate a retail vape shop out of an approximate 1950 sq. ft. lease space, which is part of a multi-tenant commercial building. The proposed days and hours of operation are 24 hours and 7 days a week. The commercial plaza is a mixture of retail and vacant suites, the proposed 1,950 sq. ft. smoke shop requires 5, parking spaces, there are a total of 206 parking spaces provided as part of a common parking area.

The Fire Department has failed the inspection due to the establishment not having power and must comply with Code requirements prior to occupancy. The Planning Department has not received calls regarding the proposed use as a vape shop. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The establishment must comply with requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of a residential zone;
- 2) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The subject property has frontage along South 23<sup>rd</sup> 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 1,950 sq. ft. smoke shop requires 5 parking spaces, there are 206 total parking spaces provided on the submitted site plan;
- 4) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;
- 5) The abovementioned business should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the

orientation of the building such that it provides maximum visibility as much as possible of the site from a public street;

- 6) The abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- 7) The abovementioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Director of Planning. The occupancy load for this establishment will be established by the Building and Inspections Department as part of the building permit review process.

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

Vice Chairperson Michael Fallek asked if there was anyone present in opposition of the proposed conditional use permit, there were none.

After a brief discussion, Mr. Daniel Santos moved to disapprove with favorable recommendation. Mr. Marco Suarez seconded the motion, which was disapproved with five members present and voting.

- 4) Request of Gustavo Pineda, for a Conditional Use Permit, for one year, for a Vape Shop at Lot A, Walmart Subdivision, Hidalgo County, Texas, 2901 North 23rd Street. **(CUP2021-0135)**

Ms. Liliana Garza stated that the property is located on the northwest corner of the intersection of North 23rd Street and Harvey Drive. The subject property is zoned C-3 (general business) District. There is C-3 district zoning to the north and south, R-1 (single-family residential) District to the east and west, C-3L (light commercial) District to the east, C-1 (office building) District to the east, and A-O (agriculture and open space) District to the north. A Vape shop is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.

The applicant is proposing to operate a retail vape shop out of an approximate 2496 sq. ft. lease space, which is part of a multi-tenant commercial building. The proposed days and hours of operation are 24 hours 7 days a week. The commercial plaza is a mixture of retail and vacant suites. The proposed 2496 sq. ft. smoke shop requires 7 parking spaces, there are a total of 481 parking spaces provided as part of a common parking area.

The Fire Department has inspected the proposed location and the property is in compliance with applicable code requirements. The Planning Department has not received any calls regarding the proposed use as a Vape shop. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The establishment must comply with requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas,

and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of a residential zone;

2) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The subject property has frontage along North 23rd Street;

3) The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. The proposed 2496 sq. ft. smoke shop requires 7 parking spaces, there are 481 total parking spaces provided on the submitted site plan;

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

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

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

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

**RECOMMENDATION:**

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

The property is located on the northwest corner of the intersection of North 23rd Street and Harvey Drive. The subject property is zoned C-3 (general business) District. There is C-3 district zoning to the north and south, R-1 (single-family residential) District to the east and west, C-3L (light commercial) District to the east, C-1 (office building) District to the east, and A-O (agriculture and open space) District to the north. A Vape shop is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.

Vice Chairperson Michael Fallek asked if there was anyone present in opposition of the proposed conditional use permit.



Ms. Maria Carmen Farias, who resides at 2224 Whitewing McAllen, had concerns regarding accidents, traffic issues, and the safety for children.

Mr. Louis Urrabazo(Operations), 13201 NW Fay, Houston, who spoke on behalf of Gustavo Pineda(applicant), addressed Ms. Farias concerns.

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

- 5) Request of Juan C. Cancino, for a Conditional Use Permit, for one year, for a Bar at Lot 3, Lone Star National Bank Subdivision, Hidalgo County, Texas, 500 East Nolana Avenue. **(CUP2021-0138)**

Ms. Liliana Garza stated that the property is located on the south side of Nolana Avenue, approximately 635 ft. west of North McColl Road and is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. Surrounding land uses include retail, offices, multi-family apartments and vacant land. A bar is allowed in a C-3 zone with a conditional use permit.

The initial conditional use permit for a bar was approved by the City Commission on May 29, 2007 with a variance to the distance requirement. The permit was renewed annually by the same applicant until 2018. A new applicant applied the following year and the last permit was approved by City Commission on August 13, 2019. There is now a new applicant; therefore, the conditional use permit has to be presented before the Planning and Zoning Commission.

The applicant is proposing to operate a bar and grill, 5A Ronda Cantina, from the approximately 8,900 sq. ft. building. The hours of operation are from 11:00 A.M. to 2:00 A.M. daily.

The Fire Department has conducted an initial inspection, but a follow up inspection is still pending. The Health Department inspected the establishment, and location is in compliance. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

1. The property line of the lot of any of the above mentioned businesses must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. from the nearest residence and residentially zoned property;
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment is located on a major arterial, East Nolana Avenue, and does not generate traffic into residential areas;
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage and use of the building, 89 parking spaces are required and 126 are

provided. Parking lot has to be clear of potholes and well striped.

4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties. An 8 ft. wall is provided;
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
7. The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director.

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

Vice Chairperson Michael Fallek asked if there was anyone present in opposition of the proposed conditional use permit, there were none.

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

- 6) Request of Arturo Ortega, for a Conditional Use Permit, for one year, for an Event Center at Lot 1, Nolana Heights Subdivision, Hidalgo County, Texas, 601 East Nolana Avenue. **(CUP2021-0143)**

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

The initial Conditional Use Permit for a bar was approved in April of 1999 and was renewed annually until 2005. The bar was closed and a new application was submitted and approved for a dancehall in May of 2008 and was been renewed annually until 2016. The last approval for a dancehall was on November 12, 2018 by City Commission with a variance to the distance requirement. There is now a new applicant; therefore, the conditional use permit has to be presented before the Planning and Zoning Commission.

The new applicant is proposing to operate an event center from the existing building, approximately 9,325 sq. ft. The hours of operation are from 12:00 P.M. to 1:00 A.M. daily.

The Fire Department has inspected the establishment, and location is in compliance. The Health

Department is pending inspection. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

1. The property line of the lot of any of the above mentioned businesses must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. from the nearest residentially zoned property and a church (First United Methodist);
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 East Nolana Avenue and North McColl Road and does not generate traffic into residential areas;
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage and use of the building, 94 parking spaces are required and 136 are provided on lot, which has common access easements to the north and west. Parking lot has to be clear of potholes and well striped.
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
7. The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director.

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

Vice Chairperson Michael Fallek asked if there was anyone present in opposition of the proposed conditional use permit, there were none.

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

- 7) Request of Lizeth Padilla on behalf of Devida Lash Academy, for a Conditional Use Permit for 3 years, for an Institutional Use (eyelash extension academy) at Lots 10 and 11, The District at McAllen Phase II Subdivision, Hidalgo County, Texas; 3400 North McColl Road, Suite A. **(CUP2021-0137)**.

Ms. Katia Sanchez stated that the subject property is located along the east side of McColl Road, south of East Jonquil Avenue. The subject property zoned C-3 (general business) District, and the adjacent zoning is I-2 (commercial-industrial) District to the north, R-3A (multifamily apartment) District to the east and west, and C-3 (general business) District to the south. The property is located within the District at McAllen Phase II Subdivision and is part of La Plaza Del Sol commercial plaza. Surrounding land uses include Aristeo Milano Beauty, Premier Endodontics, and D1 Texas Realty. An institutional use is permitted in a C-3 District with a conditional use permit and in compliance with requirements.

The application for Devida Lash Academy for a conditional use permit request was submitted to the Planning Department on September 14, 2021.

The 14,347 square feet building will consist of a clinic work area, theory classroom, drinking fountain facilities, and two restrooms as shown on the submitted floor plan. The applicant proposes to operate Devida Lash Academy, Monday through Saturday from 8:00 a.m. to 9:00 p.m. As per the zoning ordinance, Section 138-395 (4), the property requires 10 parking spaces.

The Fire Department has conducted the necessary inspection for this property and compliance is pending. 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.

Staff has not received any calls with concerns or complaints of 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:

- 1) 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 McColl Road.
- 2) 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, especially those in adjacent residential areas, by providing additional on-site parking. Based on the use of the building, 10 parking spaces are required. Currently there are 78 shared parking spaces.
- 3) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties by providing, when necessary, fences, hedges or reorientation of entrances and exits under the vegetation ordinance.
- 4) 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;

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

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

Staff recommends approval of the Conditional Use Permit request.

Vice Chairperson Michael Fallek asked if there was anyone present in opposition of the proposed conditional use permit, there were none.

Being no discussion, Mr. Jose Saldana moved to approved with conditions noted. Mr. Emilio Santos Jr. seconded the motion, which was approved with five members present and voting.

- 8) Request of Victor Sebastian Haddad for a Conditional Use Permit, for one year, for a Bar at Lot 3, North Park Village Phase 2 Subdivision, Hidalgo County, Texas, 1200 Wisconsin Road. **(CUP2021-0148)**

Mr. Kaveh Forghanparast stated that the property was located at the east side of North 10th Street and was zoned C-3 (general business) District. The adjacent zoning was C-3 to the west and south, R-3A (multifamily residential) District to the south, A-O (agriculture and open space) District to the North, and R-1 (single family residential) District to the west and north. Surrounding land uses included retail stores, offices, restaurants, Trenton Crossing III, single family residences, and vacant land. A bar and lounge is allowed in a C-3 zone with a Conditional Use Permit and in compliance with the requirements.

The applicant was proposing to operate the 1,950 sq. ft. building for a bar. The hours of operation will be Monday to Sunday, from 5:00 p.m. to 2:00a.m..

The Fire Department had inspected the establishment and once construction is complete, it will need to comply with fire code requirements. Staff has not received any calls in opposition to the request. The establishment must comply with the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is within 400 ft. of a residential area;
- 2) The abovementioned businesses must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The establishment has access to North 10<sup>th</sup> Street;

- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Currently, there is a multi-tenant commercial plaza on the property. Based on the current uses, including the bar, 20 parking spaces are required; 566 spaces are 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 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 taking into account the recommendations of the Fire Marshal, Building Official, and Planning Director. 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(4) of the Zoning Ordinance.

Vice Chairperson Michael Fallek asked if there was anyone present in opposition of the proposed conditional use permit.

Citizen, David Degroot, 1401 Duke Avenue, had concerns regarding noise issues. He reached out to the developer and was able to come into an agreement and is currently not in opposition.

Citizen, Margarita Olivarez, 1309 Fulerton Avenue, had concerns regarding noise, safety issues and criminal activity.

Applicant, Victor Sebastian Haddad, addressed the concerns of the citizens in opposition.

After a lengthy discussion, Mr. Marco Suarez moved to disapprove with a favorable recommendation. Mr. Daniel Santos seconded the motion, which was disapproved with five members present and voting.

- 9) Request of Ricardo Vega, for a Conditional Use Permit, for one year, for a Picture Venue and Event Area at Lot 78, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas, 6712 North Bentsen Road. **(CUP2021-0129)**

Mr. Kaveh Forghanparast stated that the property is located on the east side of North Bentsen Road and is zoned R-1 (general business) District. The adjacent zoning is R-1 (single family residential) District to north, west, and south, and A-O (agriculture and open space) District to the east.

Surrounding land uses includes single-family residences, and vacant land. An event center is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

The new applicant is proposing to operate an picture venue and event area from the existing property, approximately 8 ½ acre property. 5 acres are proposed for the picture venue and event area and 3 ½ acres are proposed for the parking area. The hours of operation are from 9:00 A.M. to 8:00 P.M. daily.

The Fire Department has inspected the establishment, and location is approved to continue with the Conditional Use Permit application. The Health Department is states that the establishment must obtain health permits for any food sales provide restrooms for public and trash receptacles. Staff has received an email and a petition in opposition of 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:

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 establishment is within 400 ft. of a residential area;
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 North Bentsen Road and does not generate traffic into residential areas;
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage and use of the picture venue and event area, 1,525 parking spaces are required and 0 are provided with City standards. A 3 ½ acre tract is proposed for the parking area. On-site parking will need to be paved and striped and be clear of potholes to comply with City standards;
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
7. The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director.

Staff recommends disapproval of the request based on noncompliance with the conditional use on

an R-1 (single family residential) District, requirement #1 (distance) and #3 (parking) of Section 138-118(4), and Section 138-400 (off-street parking standards) of the Zoning Ordinance.

Vice Chairperson Michael Fallek asked if there was anyone present in opposition of the proposed conditional use permit.

Citizen, Rene Reyna Jr., 6920 Bentsen Road, had concerns are traffic, dust issues due to the parking lot being made of dirt and not caliche.

Citizen Erika Guerra (66 North 20<sup>th</sup> Bentsen Road) had concerns regarding privacy, damages to the property, traffic, livestock that roam into her property, and dust issues.

Applicant, Ricardo Vega and Melinda Martinez, addressed the concerns to the citizens in opposition and board members questions.

City Manager, Michelle Rivera, also addressed and clarified to the applicant and the board regarding Special Permits and Conditional Use Permits for this request.

After a lengthy discussion, Mr. Daniel Santos moved to disapprove with a favorable recommendation and with additional conditions added; 1) Parking 2) Set hours of operations between 9a.m. -9p.m. 3) Secured Fencing. Mr. Emilio Santos Jr. seconded the motion, which was disapproved with four members present and voting and one, Mr. Marco Suarez against the voting.

- 10) Request of Norma S. Pimentel on behalf of Catholic Charities of the Rio Grande Valley for a Conditional Use Permit, for life of use, for an institutional use (respite center) at the Northwest 12.81 acres out of Lot 10, Section 7, excluding 2.63 acres, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas; 1801 South 10th Street. **(CUP2021-0121)(TABLED SINCE 9/7/2021)WITHDRAWN**

Vice Chairperson Mr. Michael Fallek announced this item as withdrawn. No action was taken.

**b) REZONING:**

- 1) Rezone from R-1 (single family) District to R-3A (multifamily apartments) District: 19.137 acres consisting of 2.476 acres out of Lot 7 E.M Card Survey No.1 Subdivision and 16.661 acres out of Lot 14, Section 279, Texas-Mexican Railway Company's Survey Subdivision, Hidalgo County, Texas; 2400 Oxford Avenue. **(REZ2021-0051)(TABLED ON 9/21/2021 & REMAINED TABLED ON 10/5/2021)**

Mr. Hebert Camacho requested to remove the tabled item. Mr. Jose Saldana motioned to remove and Mr. Emilio Santos Jr. seconded the motion with five members present and voting.

Applicant, Kelly Vela (Melden & Hunt), requested for the item to remain tabled. Vice Chairman Michael Fallek requested to move to Item 2b2 while research was being done to see if item 2b can



be tabled again.

City Assistant City Attorney, Austin Stevenson addressed the board that the item can remain tabled.

Vice Chairperson Michael Fallek asked if there was anyone present in opposition of the proposed rezoning.

Citizen/HOA Vice President, Shawn Jackson's (9401 N. 22<sup>nd</sup> Lane), concerns were transit population, traffic safety, crime, insurance inflation, noise, and landscape of the area. She stated she had a petition letter in which was provided to the board members.

Mr. Marco Suarez moved to re-table and Mr. Jose Saldana seconded the motion, which was approved with four members present and voting.

- 2) Rezoning from R-1 (single-family residential) District to R-3A (multifamily residential apartment) District: 7.28 acres out of Lot 2, Block 8, A.J. McColl Subdivision, Hidalgo County, Texas; 2200 South Jackson Road. **(REZ2021-0015)**

Mr. Kaveh Forghanparast stated that the property is an interior tract located 546.01 ft. west of South Jackson Road, 567.40 ft. north of Yuma Avenue. The submitted survey depicts that another lot, labeled as Tract 1, which is not included in the rezoning request, will provide access to South Jackson Road for the subject property.

The applicant is requesting to rezone the property to R-3A (multifamily residential apartments) District in order to construct apartments. A feasibility plan submitted by the applicant is included in the packet.

The adjacent zoning is R-1 (single-family residential) District to the east and south, R-2 (duplex-fourplex residential) District to the northeast, C-3 (general business) District to the LAND USE: The subject property is currently vacant. Surrounding land uses include single-family residences, apartments, condominiums, RV parks, commercial and medical plazas, and vacant land.

Foresight McAllen Comprehensive Plan designates the future land use for this property as Auto Urban Single Family and Urban Multifamily which are comparable to R-1 to R-3 Districts. The development trend for this area along South Jackson Road is residential and commercial.

The tract was zoned A-O (agricultural and open space) District during comprehensive zoning in 1979. The City Commission approved a rezoning request to R-1 (single-family residential) District on September 27, 2004. There has been no other rezoning request for the subject property since then.

The City Commission approved a rezoning request to R-3A for the adjacent property to the southwest, located at 901 East Yuma Avenue, on November 9, 2015. A rezoning request to R-3C for the same property was approved on June 13, 2016.

The requested zoning conforms to the Urban Multifamily land use designation. It is also a lesser intense zone than the current C-3 (general business) District. The rezoning request provides opportunities for a variety of housing types throughout the city that responds to the residents' economic and social lifestyles.

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

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

Staff recommends approval of the rezoning request to R-3A (multifamily residential apartment) District north and east, and R-3C (multifamily residential condominium) District to the southwest.

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

**Chairperson Daniel Santos left the meeting at 4:56p.m.**

Vice Chairperson Michael Fallek proceeded to Item 2b1.

- 3) Rezoning from R-1 (single-family residential) District to C-3 (general business) District: 0.97 acres out of Lot 11, Section 12, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas; 1009 Jay Avenue.  
**(REZ2021-0055)**

Mr. Kaveh Forghanparast stated that the property was located on the south side of Jay Avenue, 319.20 ft. west of North 10th Street. The tract had 128 ft. of frontage along Jay Avenue with a depth of 330 ft., for a lot size of 0.97 acres.

The applicant was requesting to rezone the property to C-3 (general business) District for commercial use. A submitted site plan depicts that it will be part of a larger commercial development at the southwest corner of North 10th Street and Jay Avenue, for which a subdivision plat had not been submitted.

The adjacent zoning was C-3 (general business) District to the south, east, and northeast, R-3A (multifamily residential) District to the north and northwest, and R-1 (single-family residential) District to the west and southwest.

The property was currently vacant. Surrounding land uses included single-family residences, Valencia Apartments, Breakaway Cycling Boutique, Valley Land Title Co, Tenth at Jay Street Shopping Plaza, Top 10 Plaza, Falcon International Bank, Affordable Attic Self Storage, and vacant land.

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

The development trend for this area along Jay Avenue was residential and commercial.

The subject property was zoned R-1 (single-family residential) District and the eastern portion of the larger tract was zoned C-3 (general business) District upon comprehensive zoning in 1979. Two rezoning requests to C-3 District for the subject property was withdrawn in 2009 and 2018. There has been no other rezoning request for the subject property since then.

The requested zoning does not conform to the Auto Urban Single Family land use designation as indicated on the Foresight McAllen Comprehensive Plan. However, it was adjacent to properties zoned C-3 District to the east and south. The proposed zone will be part of a larger commercial development that fronts North 10th Street, according to the submitted site plan.

A recorded subdivision plat and approved site plan are required prior to building permit issuance. A masonry screen eight feet in height shall be required where a commercial, industrial or multifamily use has a side or rear property line in common with a single family use or zone.

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

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

Vice Chairperson Michael Fallek asked if there was anyone present in opposition of the proposed Rezone request.

Citizen Steve Widnick(1105 Jay Avenue) had concerns regarding the devaluating of properties, encroachment, safety, traffic.

Citizen Don Drefke(1101 Jay Avenue) had concerns regarding drainage and pavement.

Applicant Kelly Vela(Melden & Hunt), addressed the citizens concerns.

After a brief discussion, Mr. Marco Suarez moved to approve. Mr. Emilio Santos Jr. seconded the motion, then retracted his motion and motion failed. After another short discussion, Mr. Marco Suarez moved to disapprove. Mr. Emilio Santos Jr. seconded the motion which was disapproved with four members present and voting.

- 4) Rezoning from R-2 (duplex-fourplex residential) District to C-3 (general business) District: Lot 15, Block 3, West Addition to McAllen Subdivision, Hidalgo County, Texas; 2236 Fresno Avenue. **(REZ2021-0056)**

Mr. Kaveh Forghanparast stated that the property was located on the north side of Fresno Avenue, 95.65 ft. east of South 23rd Street as per the subdivision plat. The tract had 50 ft. of frontage along Fresno Avenue with a depth of 150 ft. according to the subdivision plat, for a lot size of 7,500 sq. ft.

The applicant was requesting to rezone the property to C-3 (general business) District in order to

build a parking lot for the commercial property to the south of the subject property, known as Sol Plaza, at 601 South 23rd Street. A submitted site plan proposing 15 parking spaces for the subject property was included in the packet.

The adjacent zoning was a C-3 (general business) District to the west and south, and R-2 (duplex-fourplex residential) District to the north and east.

There was a house on the subject property proposed to be demolished. Surrounding land uses included Sol Plaza, Palacios auto service, Iglesia Bautista Monte Horeb church, car lots, single-family residences and vacant land.

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

The development trend for this area along Fresno Avenue was residential and commercial.

The subject property was zoned R-2 (duplex-fourplex residential) District during comprehensive zoning in 1979. There has been no other rezoning request for the subject property since then.

The City Commission approved a rezoning request to C-3 District for the adjacent property to the south on April 24, 1995.

The requested zoning does not conform to the Urban Single Family land use designation as indicated on the Foresight McAllen Comprehensive Plan. However, it was adjacent to properties zoned C-3 District to the west and south.

If the rezoning is approved, a buffer shall be provided where a nonresidential use had a side or rear area property line in common with any residential use or zone.

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

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

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

Being no discussion, Mr. Marco Suarez moved to approve and Mr. Emilio Santos Jr. seconded the motion, which was approved with four members present and voting.

- 5) Rezoning from C3 (general business) District to R-3T (multifamily residential townhouse) District: 13.0 acres out of Lot 7, Section 13, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas; 8220 North 10th Street. **(REZ2021-0059)**

Ms. Katia Sanchez stated that the property is located on the east side of North 10th Street, south of Frontera Road. The tract is an interior tract and has 595.10 feet with a depth of 951.57, for a lot size of 13.00 acres.

The applicant is requesting to rezone the property to R-3T (multifamily residential townhouse) District in order to construct townhomes. A feasibility plan has not been submitted. The subject property must undergo the process to subdivide.

The adjacent zoning is C-3 (general business) District to the west, A-O (agricultural-open space) District to the south, and R-1 (single-family residences) District to the north and east.

The subject property is currently used for agricultural purposes. Surrounding land uses include Best Buy, Wallbangers Burger Bar, and First Community Bank.

The Foresight McAllen Comprehensive Plan designates the future land use for this property as suburban residential and auto urban single-family districts.

The development trend for this area along North 10th Road is commercial and residential.

The property was initially zoned A-O (agricultural and open space) District upon annexation in 1989. Two rezoning requests to R-1 (single family residential) District on adjacent tracts were approved in 1998 and 1999 and single family residences were constructed. Six rezoning requests for C-3 (general business) District for tracts fronting along 10th Street to the east and south were approved between 1993 and 2009 and commercial businesses were constructed.

The requested zoning does conform to the Suburban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan. It follows the residential rezoning trend for the area.

The 10th Street commercial corridor along the east side of 10th Street in McAllen ends at Hobbs Drive that is the city limit line for the City of Edinburg. 10th Street is designated as a principal arterial with 120 feet of right-of-way and is currently constructed with 4 travel lanes, and left turn lane and shoulders.

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

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

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

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

Being no discussion, Mr. Marco Suarez moved to approve. Mr. Emilio Santos Jr. seconded the motion, which was approved with four members present and voting.

- 6) Rezoning from C3 (general business) District to R-3T (multifamily residential townhouse) District: 10.809 acres out of Lot 2, Block 8,

Steele and Pershing Subdivision, Hidalgo County, Texas; 3901 North McColl Road. **(REZ2021-0057)**

Ms. Katia Sanchez stated that the property is located on the west side of North McColl Road, south of Nolana Avenue. The tract has 396 feet of frontage along North McColl Road with a depth of 1,189, for a lot size of 10.809 acres.

The applicant is requesting to rezone the property to R-3T (multifamily residential townhouse) District in order to construct townhomes. A feasibility plan has not been submitted. A preliminary plat for the subject property under the name of Nolana Estates Subdivision was submitted on September 27, 2021 and is undergoing the review process.

The adjacent zoning is C-3 (general business) District to the north, east, and northwest, C-2 (neighborhood commercial) District to the northeast, C-4 (commercial industrial) District to the east, R-3A District to the south, A-O (agricultural-open space) District to the northwest and west.

LAND USE: The subject property is currently vacant. Surrounding land uses include Lone Star National Bank, Starbucks, L&F Distributors Corporate Office, and El Rincon apartment complex.

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

The development trend for this area along North McColl Road is general business.

The property was zoned A-O (agricultural and open space) District during comprehensive zoning in May 1979. A rezoning request for the subject property to rezone from A-O (agricultural and open space) District to C-3 (general business) District, was approved in April 2001. The adjacent property to the south was rezoned R-3A (multifamily residential apartments) District in May 2000.

The requested zoning does not conform to the Auto Urban Commercial land use designation as indicated on the Foresight McAllen Comprehensive Plan. However, it follows the multifamily rezoning trend for the area to the south along North McColl Road.

The proposed rezoning for the subject property allows for less density than the R-3A District and is more compatible with the adjacent R-1 District to the west.

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

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

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

Vice Chairperson Michael Fallek 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 and Mr. Marco Suarez seconded the motion, which was approved with four members present and voting.

### 3) SUBDIVISION:

- a) Nolana Estates Subdivision, 3901 North McColl Road, Fred Loya Insurance **(SUB2021-0112)(PRELIMINARY)M&H**

Mr. Beto De la Garza stated that North McColl Road: Dedication required for 60 ft. from centerline for 120 ft. total ROW Paving: By the state Curb & gutter: By the state. Label centerline, total ROW and ROW on both sides of centerline to establish ROW dedication requirements prior to final. Remove pavement shown on plat prior to final. COM Thoroughfare Plan. Internal Streets: 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides. Monies must be escrowed if improvements are not built prior to recording. Street names will be assigned prior to final. Provide gate details prior to final for staff to review. ROW might have to be increased at gate sections. Provide radius for knuckles prior to final. Subdivision Ordinance: Section 134-105 Paving, curb & gutter. 800 ft. Block Length: Surrounding properties already developed, internal block length are complying. Subdivision Ordinance: Section 134-118. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Public Works Department might require dumpster easements or alley to provide waste collection service prior to final. Front: 10 ft. or greater for easements. Zoning Ordinance: Section 138-356. Rear: In accordance with Zoning Ordinance or greater for easements. Revise plat note #3 as shown above prior to final. Zoning Ordinance: Section 138-356 Interior Sides: In accordance with Zoning Ordinance or greater for easements. Revise plat note #3 prior to final as shown above. 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. Revise plat note #3 as shown above prior to final. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site Plan. 5 ft. wide minimum sidewalk required on North McColl Road and 4 ft. sidewalk required along both sides of all interior streets. 5 ft. sidewalk as per Engineering Department. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. Plat note must be added prior to final plat review. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along North McColl Road. Must comply with City's Access Management Policy prior to final. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Common/Detention Areas, any private streets/drives, gate areas, etc. 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. HOA will be recorded

simultaneously with plat. Subdivision Ordinance: Section 110-72. Minimum lot width and lot area. Rezoning to R-3T must be finalized and approved prior to final plat review to verify compliance with lot widths requirement. Zoning Ordinance: Section. 138-356. Lots fronting public streets. Zoning Ordinance: 138-. Existing: C-3 Proposed: R-3T. Rezoning will be presented before P&Z on October 21, 2021 and before CC on November 8, 2021 for consideration. Zoning Ordinance: Article V. Rezoning Needed Before Final Approval Rezoning will be presented before P&Z on October 21, 2021 and before CC on November 8, 2021 for consideration. Zoning Ordinance: Article V. Land dedication in lieu of fee. As per Parks Department, Park Land Advisory Board review is required prior to final. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Pending review by the Parkland Dedication Advisory Board and CC. As per Parks Department, Park Land Advisory Board review is required prior to final. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Comments: Must comply with City's Access Management Policy. Rezoning must be finalized prior to final plat review. Clarify if subdivision is proposed to be public or private prior to final to finalized requirements. Submit gate details for staff to review prior to final plat review. Please revise references of "Outparcel A" and "Outparcel B" to either Detention or Common Areas prior to final. Plat notes 11, 13, 14 must be revised accordingly.

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

Being no discussion, Mr. Emilio Santos Jr. moved to approve in preliminary form. Mr. Jose Saldana seconded the motion, which was approved with four members present and voting.

- b) Go Car Wash Subdivision, 2913 Nolana Avenue, Said A. Shuaib/Hasan H. Mohammed **(SUB2021-0111)(PRELIMINARY)M&H**

Mr. Beto De La Garza stated that Nolana Avenue: 60 ft. dedication from centerline for 120 ft. of total ROW Paving: 65 ft. Curb & gutter: Both sides. Monies must be escrowed if improvements are required prior to final. COM Thoroughfare Plan. Paving, curb & gutter. 800 ft. Block Length: Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac: A paved temporary turnaround will be required on the west end of both E/W Access Easements proposed. Subdivision Ordinance: Section 134-105. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Provide site plan indicating how "access easements" will connect to adjacent properties prior to final. A paved temporary turnaround will be required on the west end of both E/W Access Easements proposed. Front: Proposing 60 ft. or greater for easements, approved site plan, or in line with existing structures. Plat note #3 will have to be revised as shown above prior to final. Zoning Ordinance: Section 138-356. Rear: In Accordance with the Zoning Ordinance or greater for easements or approved site plan. 5 ft. setback required from any proposed service drives. Revise plat note #3 as shown above prior to final. Zoning Ordinance: Section 138-356. Interior Sides: In Accordance with the Zoning Ordinance or greater for easements or approved site plan. Revise plat note #3 as shown above prior to final. All setbacks are subject to increase for easements or approved site plan. 5 ft. wide minimum sidewalk required on Nolana Avenue. 5 ft. sidewalk requirements as per Engineering Department. Subdivision Ordinance: Section 134-120 Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family



residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along Nolana Avenue. Plat note must be added prior to final. Must comply with City's Access Management Policy. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Remove plat note since requirements is not needed as a plat note. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Common Areas, any private streets/drives, temporary turnarounds, must be maintained by the lot owners and not the City of McAllen. Existing: C-3 Proposed: C-3. Zoning Ordinance: Article V. Minimum lot width and lot area. Zoning Ordinance: Section. 138-356. Lots fronting public streets. Zoning Ordinance: 138-1. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Comments: Must comply with City's Access Management Policy. A paved temporary turnaround will be required on the west end of both E/W Service Access Easements proposed. Service drives and temporary paved turnarounds will be private and maintained by property owners and not the City of McAllen; and they will be used to provide City services.

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

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

- c) G.A. Beauty & Barber Plaza Subdivision, 4401 Buddy Owens Boulevard, Guadalupe C. Rayon, **(SUB2021-0107)**  
**(PRELIMINARY)RDE**

Ms. Beto De La Garza stated that Buddy Owens Boulevard (FM 1924): 10 ft. dedication for 60 ft. from centerline for 120 ft. of total ROW Paving: By the state Curb & gutter: By the state. Provide copies of documents SWSC Easement (Vol. 1243, Pg. 763) and Document #2194123 located on Buddy Owens for staff to review prior to final. Include "(FM 1924)" on all references to Buddy Owens Boulevard. COM Thoroughfare Plan North Bentsen Road: 10 ft. dedication for 50 ft. from centerline for 100 ft. total ROW Paving: 65 ft. Curb & gutter: Both sides Monies must be escrowed if improvements are not built prior to recording. Provide copy of the document #1010486 shown within North Bentsen Road. COM Thoroughfare Plan. Paving, Curb & gutter. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Alley location and extension will be reviewed prior to final plat with staff. Plat note #13 to be clarified prior to final since plat is showing alley along west and south property line. 20 ft. by 20 ft. clip required at street/alley intersections. Please clarify if alley will also be used as an easement. If this is the case, private service drive and utility easement might be required instead of alley. Front: Buddy Owens Boulevard (FM 1924): 60 ft. or greater for easements or approved site plan; or in line with existing structures. North Bentsen Road: 50 ft. or greater for easements or approved site plan; or in line with existing structures. Plat note #2 must be revised as shown above. Zoning Ordinance: Section 138-356. Rear: In accordance with Zoning Ordinance or greater for easements or approved site plan. 5 ft. setback from alley/service drive required. Zoning Ordinance: Section 138-356. Interior Sides: In accordance with Zoning Ordinance or greater for easements or approved site plan. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on North Bentsen Road and 5 ft. sidewalk

required along Buddy Owens Boulevard (FM 1924). Plat note #8 to be revised prior to final as shown above. Sidewalk requirements for North Bentsen Road might increase to 5 ft. prior to final subject to Engineering Department requirements. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along North Bentsen Road and Buddy Owens Boulevard (FM1924) proposed. Please clarify if this will be proposed. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Clarify plat note #10 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 Buddy Owens Boulevard (FM 1924). Access Variance might be required prior to final plat. Site plan must be approved by the Planning and Development Departments prior to building permit issuance. Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc. Common Areas, any private streets/drives, private alleys 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: C-3 Zoning Ordinance: Article V. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Traffic Impact Analysis (TIA) required prior to final plat. Comments: Must comply with City's Access Management Policy Provide copies of documents SWSC Easement (Vol. 1243, Pg. 763) and Document #2194123 located on Buddy Owens for staff to review prior to final.

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

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

- d) Versailles Estates Subdivision, 7018 Mile 6 Road, La Flor Del Valle Enterprises, LP. **(SUB2021-0113)(PRELIMINARY)SAMES**

Mr. Beto De la Garza stated that Mile 6 Road: 30 ft. dedication required for 50 ft. from centerline for 100 ft. total ROW Paving: 65 ft. Curb & gutter: Both sides Monies must be escrowed if improvements are not constructed prior to recording. Label ROW on both sides of centerline and total ROW after accounting for ROW dedication to verify ROW dedication requirements prior to final. COM Thoroughfare Plan Internal Street (proposed Versailles Avenue): 50 ft. Paving: 32 ft. Curb & gutter: Both sides. Monies must be escrowed if improvements are not built prior to recording. Cul-de-sac length exceeds 600 ft. and plat will have to be revised to comply with requirements prior to final. If a cul-de-sac length variance is requested and approved, approval subject to widening the paving to 40 ft. Internal street might have to be looped to the east and west to connect with North Glasscock Road and property to the west Street name will be established prior to final plat. Subdivision Ordinance: Section 134-105. E/W 1/4 Collector Road along North Property Line: 30-35 ft. dedication for 60-70 ft. total ROW Paving: 40-44 ft. Curb & gutter: Both sides. Monies must be escrowed if improvements are not built prior to recording. Plat layout must be revised to comply with ROW dedication requirements prior to final. Please show total dimensions for drain ditch along north property line. Please clarify if drain ditch is included within

the subdivision boundaries since it appears to be a separate lot. If that is the case, lot is landlocked and subdivision layout must be modified prior to final to give frontage to this lot. Please label gap between drain ditch and 50 ft. ROW to Magic Valley prior to final. Property to the north of Lots 19 & 20 must be labeled prior to final. Subdivision Ordinance: Section 134-105. Proposed layout exceeds 800 ft. without stub out streets to east and west. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac. Cul-de-sac length exceeds 600 ft. (cul-de-sac on north end) and plat will have to be revised to comply with requirements prior to final. If a cul-de-sac length variance is requested and approved, approval subject to widening the paving to 40 ft. Clarify Cul-de-sac proposed in front of Lots 12 & 27 prior to final. Internal street might have to be looped to the east and west to connect with North Glasscock Road and property to the west. Subdivision Ordinance: Section 134-105. Front: 25 ft. or greater for easements. Revise plat note #2 as shown above prior to final. Zoning Ordinance: Section 138-356. Rear: 10 ft. or greater for easements. Revise plat note #2 as shown above prior to final. Zoning Ordinance: Section 138-356. Internal Sides: 6 ft. or greater for easements. Revise plat note #2 as shown above prior to final. Zoning Ordinance: Section 138-356. Corner: 10 ft. or greater for easements. Add to plat note #2 as shown above prior to final. Zoning Ordinance: Section 138-356. Garage: 18 ft. except where greater setback is required; greater setback applies. Add to plat note #2 as shown above prior to final. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on 6 Mile road and both sides of all internal streets. 5 ft. sidewalk requirement might be triggered by Engineering Department prior to final plat review. Plat note #15 must be revised prior to final as shown above. Subdivision Ordinance: Section 134-120. Perimeter sidewalks must be built or money escrowed if not built at this time. 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along 6 Mile Road. Plat note must be added prior to final as shown above. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Plat note must be added prior to final as shown above. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. No curb cut, access, or lot frontage permitted along 6 Mile Road. Plat note #19 might have to be revised prior to recording. 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. Section 110-72 applies if subdivision is proposed to be public. 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. HOA will be recorded simultaneously with plat. Subdivision Ordinance: Section 110-72. Minimum lot width and lot area. Lots 1 & 38 do not comply with the minimum 54 ft. of width required for corner lots. Please revise lot layout prior to final to comply with requirements. Lots 18-21 do not comply with the minimum 50 ft. of frontage to a street. Please revise lot layout prior to final to comply with requirements. Verify that all lots comply with minimum front and area requirements prior to final. Zoning Ordinance: Section. 138-356. Lots fronting public streets. Property north of Lots 19 & 20 appears to be landlocked. Please label all lots and revise lot layout to comply with requirements prior to final. Zoning Ordinance: 138-1. Existing: ETJ Proposed: Single-family. If annexation and initial zoning are requested, processes must be finalized prior to final plat review. Zoning Ordinance: Article Rezoning Needed Before Final Approval. If annexation and initial zoning are requested, processes

must be finalized prior to final plat review. Zoning Ordinance: Article V Land dedication in lieu of fee. Park Department's requirements will apply only if property is annexed. Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Park Department's requirements will apply only if property is annexed. Pending review by the Parkland Dedication Advisory Board and CC. Park Department's requirements will apply only if property is annexed. As per Traffic Dept., TG waived for 38 single-family residences and no TIA required. Comments: Must comply with City's Access Management Policy Lots designated for detention must be labeled as detention/common areas with a lot # or letter on plat prior to final to establish final requirements. If annexation and initial zoning are proposed, they must be finalized prior to final plat review. Please clarify if drain ditch is included within the subdivision boundaries since it appears to be a separate lot. If that is the case, lot is landlocked and subdivision layout must be modified prior to final to give frontage to this lot. Please clarify if plat is proposed to be public or private prior to final. If private subdivision is proposed, a 2nd Access will be required as per Subdivision Ordinance if 30 or more lots are proposed. Submit gate details for staff to review prior to final if applicable. Revise signature blocks to comply with McAllen's Subdivision Ordinance requirements. As per Fire Dept., 2nd Access will be required based on number of lots proposed.

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

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

e) Pueblo Alegre Subdivision, 719 North 23rd Street, Maribel Trevino **(SUB2021-0116)(PRELIMINARY)SE**

Mr. Beto De la Garza stated that North 23rd Street (FM 1926): 30 ft. dedication for 50 ft. from centerline for 100 ft. total ROW. Paving: By the state Curb & gutter: By the state. Show centerline, ROW on both sides, and ROW from centerline to verify if any additional dedication will be required prior to final. Please clarify "54 ROW from centerline reference" prior to final. COM Thoroughfare Plan North 24th Street: 10 ft. dedication for 30 ft. from centerline for 60 ft. total ROW Paving: 40 ft. Curb & gutter: Both sides Monies must be escrowed if improvements are not built prior to recording. Label centerline to establish ROW dedication requirements prior to final. Subdivision Ordinance: Section 138-105. Paving, curb & gutter. ROW: 20 ft. Paving: 16 ft. Alley/service drive easement required for commercial properties. Subdivision Ordinance: Section 134-106 Front: North 23rd Street: 50 ft. or greater for easements, approved site plan, or in line with existing structures. North 24th Street: 30 ft. or greater for easements, approved site plan, or in line with existing structures. Please revise plat note #3 as shown above prior to final. Zoning Ordinance: Section 138-356. Rear: In accordance with the Zoning Ordinance, greater for easements or approved site plan. Please revise plat note #3 as shown above prior to final. Zoning Ordinance: Section 138-356. Interior Sides: In accordance with the Zoning Ordinance, greater for easements or approved site plan. Please revise plat note #3 as shown above prior to final. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on North 24th Street and 5 ft. sidewalk along North 23rd Street. Please revise plat note as shown above prior to final. 5 ft. sidewalk requirement as per Engineering Department. Sidewalk requirement for North 24th Street subject to be increased to 5 ft. prior to final by Engineering Department. 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 North 24th Street. Please add plat note #4 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. Please add plat note #4 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 North 24th Street. Please add plat note as shown above prior to final. Must comply with 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, any private streets/drives, etc. 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: C-3. Zoning Ordinance: Article V. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. Must comply with City's Access Management Policy. Plat notes #1 and #12 are not required. Clarify if existing building will remain or if it will be demolished prior to final. If existing building will remain, please provide site plan of existing building to adjust requirements accordingly. Please revise signature blocks to comply with City of McAllen Subdivision Ordinance requirements.

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

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

- f) The Villas on Freddy Phase II, 1500 Freddy Gonzalez Road, Aaron Aguirre **(SUB2020-0039)(REVISED PRELIMINARY)M&H**

Mr. Beto De la Garza stated that Freddy Gonzalez Road - 20 ft. ROW dedication, for 50 ft. from center line for 100 ft. ROW Paving: 65 ft. Curb & gutter: both sides. Must escrow monies if improvements are not constructed prior to recording. N. 17th Street (Private), Xavier Ave. (Private), Zurich Ave. (Private) and N. 13th St. (Private): 30 ft. ROW Paving 30 ft. Curb & gutter both sides Variance request for 30 ft. ROW width, and 30 ft. paving back to back approved by City Commission on May 13, 2019. Fire Lanes and HOA enforcement of no parking on the streets per Fire Department requirements. Bicentennial Boulevard - Proposed 25 ft. additional ROW for 150.50-150.87 ft. total ROW Engineer to clarify if improvements have been built and ROW has been acquired or dedicated. Paving: By the state Curb & gutter: Both sides 800 ft. Block Length Variance request to the 800 ft. block length requirement approved by City Commission at the May 13, 2019 meeting. Front: LOTS 20 SHALL BE 23 FEET (FRONTING SOUTH), LOTS 139-162 SHALL BE 10 FEET (FRONTING EAST), LOTS 163-192 SHALL BE 23 FEET (FRONTING EAST) Engineer to clarify if previously approved setbacks will be applied or if new setbacks will be proposed prior to final. Zoning Ordinance: Section 138-356. Rear: LOT 120 SHALL BE 10 FEET (NORTH), LOTS 139-162 SHALL BE 23 FEET (GARAGE WEST), LOTS 163-192 SHALL BE 10 FEET (WEST). Plat note #3 to be revised prior to final. Zoning Ordinance: Section 138-356. Interior sides:

LOT 120 SHALL BE 3 FEET EAST SIDE AND 7 FEET WEST SIDE, LOTS 139-162 SHALL BE 7 FEET SOUTH SIDE AND 3 FEET NORTH SIDE, LOTS 163-192 SHALL BE 3 FEET NORTH SIDE AND 7 FEET SOUTH SIDE, Plat note #3 to be revised prior to final. Engineer to clarify if setbacks will be modified prior to final plat. Zoning Ordinance: Section 138-356. Side Corner: 5 FEET, OR GREATER FOR EASEMENTS. Garage: 23 ft. except where greater setback is required, greater setbacks applies. Garage setback proposed so vehicles don't overlap over the sidewalks. Based on meetings engineer/developer and staff, garage setbacks provided to increase to assure vehicles don't overhang over the sidewalks, prior to recording. Engineer to clarify if previously approved setbacks will be applied or if new setbacks will be proposed prior to final. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on Freddy Gonzalez Rd., Bicentennial Blvd. and both sides of all interior streets; however Engineer submitted a Walking Trails plan for the interior street which provides for sidewalks along the front of each unit. Sidewalks are located along some streets, while others are within common areas. Variance request for sidewalk requirement approved by City Commission on May 13, 2019 as per Walking Trails Plan for the interior streets, etc. 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 Freddy Gonzalez Rd. and Bicentennial Blvd. 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. Required No curb cut, access, or lot frontage permitted along Freddy Gonzalez Rd. and/or Bicentennial Blvd. Common Areas, Private Streets must be maintained by the lot owners and not the City of McAllen Compliance Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. Land dedication in lieu of fee\* Land dedication in lieu of fee. Park Land Dedication Advisory Board approved a variance for land dedication in lieu of fees at the meeting held on September 19, 2019. City Commission approved the variance to waive fees due to 3.9 acres of green space allocation at the meeting of October 28, 2019. Park Fee of \$700 to be paid prior to recording. Land dedication in lieu of fee. Park Land Dedication Advisory Board approved a variance for land dedication in lieu of fees at the meeting held on September 19, 2019. City Commission approved the variance to waive fees due to 3.9 acres of green space allocation at the meeting of October 28, 2019. Pending review by the Parkland Dedication Advisory Board and CC. Land dedication in lieu of fee Park Land Dedication Advisory Board approved a variance for land dedication in lieu of fees at the meeting held on September 19, 2019. City Commission approved the variance to waive fees due to 3.9 acres of green space allocation at the meeting of October 28, 2019. Trip Generation to determine if TIA is required, prior to final plat. Per Traffic Department Trip generation has been approved. Must comply with City's Access Management Policy. Gate detail must be submitted and approved, prior to recording previously approved, The Villas on Freddy II, is splitting into two new phases: The Villas on Freddy Phase II and Phase III. Must comply with overall Master Plan requirements. The Villas on Freddy Phase II was approved in Final form at the P&Z meeting of July 7, 2020 and a 6-month extension on September 21, 2021. Setbacks will have to be shown on plat note #3 as previously approved for TVOF II prior to final. If any changes are proposed, variance might be required.

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

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

- g) The Villas on Freddy Phase III Subdivision, 10320 North 13th Street,  
The Villas on Freddy **(SUB2021-0115)(PRELIMINARY)M&H**

Mr. Beto De la Garza stated that North 13th Street (Private): 30 ft. ROW Paving: 30 ft. Curb & gutter: Both sides. Variance request for 30 ft. ROW width, and 30 ft. paving back to back approved by City Commission on May 13, 2019. Fire Lanes and HOA enforcement of no parking on the streets per Fire Department requirements. Subdivision Ordinance: Section 134-105. Zurich Avenue (Private): 30 ft. Paving: 30 ft. Curb & gutter: Both sides. Variance request for 30 ft. ROW width, and 30 ft. paving back to back approved by City Commission on May 13, 2019. Fire Lanes and HOA enforcement of no parking on the streets per Fire Department requirements. Subdivision Ordinance: Section 134-105. Paving, curb & gutter. 800 ft. Block Length variance approved by City Commission on May 13, 2019 will be applied to this phase. Subdivision Ordinance: Section 134-118. 600 ft. Maximum Cul-de-Sac. Temporary turnarounds might be required for any applicable streets. Subdivision Ordinance: Section 134-105. Front: LOTS 96-100 SHALL BE 23 FEET (FRONTING WEST), LOTS 101-120 SHALL BE 23 FEET (FRONTING SOUTH), LOTS 121-138 SHALL BE 10 FEET (FRONTING SOUTH), Lot 96 to be included prior to final. Engineer to clarify if previously approved setbacks will be applied or if new setbacks will be proposed prior to final. Zoning Ordinance: Section 138-356. Rear: LOTS 96-100 SHALL BE 10 FEET (EAST), LOTS 101-120 SHALL BE 10 FEET (EAST), LOTS 121-138 SHALL BE 23 FEET (SOUTH), Plat note #3 to be revised prior to final. Lot 96 to be included prior to final. Zoning Ordinance: Section 138-356. Interior sides: LOTS 96-100 SHALL BE 3 FEET NORTH SIDE AND 7 FEET SOUTH SIDE, LOTS 101-120 SHALL BE 3 FEET EAST SIDE AND 7 FEET WEST SIDE. LOTS 121-138 SHALL BE 3 FEET WEST SIDE AND 7 FEET EAST SIDE. Plat note #3 to be revised prior to final. Lot 96 to be included prior to final. Zoning Ordinance: Section 138-356. Corner: 5 ft. or greater for easements. Zoning Ordinance: Section 138-356. Garage: 23 ft. except where greater setback is required, greater setbacks applies. Garage setback proposed so vehicles don't overlap over the sidewalks. Based on meetings engineer/developer and staff, garage setbacks provided to increase to assure vehicles don't overhang over the sidewalks, prior to recording. Engineer to clarify if previously approved setbacks will be applied or if new setbacks will be proposed prior to final. Zoning Ordinance: Section 138-356. All setbacks are subject to increase for easements or approved site plan. 4 ft. wide minimum sidewalk required on Freddy Gonzalez Rd., Bicentennial Blvd. Interior sidewalks shall be installed at Building Permit stage as per Sidewalks and Trail Plan. Variance request for sidewalk requirement approved by City Commission on May 13, 2019 as per Walking Trails Plan for the interior streets, etc. 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. Landscaping Ordinance: Section 110-46. 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. Landscaping Ordinance: Section 110-46. Perimeter buffers must be built at time of Subdivision Improvements. Common Areas, any private streets/drives, gate 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 subdivision is proposed to be public. 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. HOA Document will be required to be recorded along subdivision plat. Minimum lot width and lot area - All lots must be minimum 20 ft. wide and corner lot must be minimum 24 ft. wide in R-3T district. Zoning Ordinance: Section. 138-356. Lots fronting public streets. Zoning Ordinance: 138-1. Existing: R-3T Proposed: R-3T. Zoning Ordinance: Article V. Land dedication in lieu of fee. Park Land Dedication Advisory Board approved a variance for land dedication in lieu of fees at the meeting held on September 19, 2019. City Commission approved the variance to waive fees due to 3.9 acres of green space allocation at the meeting of October 28, 2019. Trip Generation to determine if TIA is required, prior to final plat. As per Traffic Department, TIA approved for masterplan honored. Traffic Impact Analysis (TIA) required prior to final plat. As per Traffic Department, TIA approved for masterplan honored. Comments: Must comply with City's Access Management Policy. Previously approved, The Villas on Freddy II, is splitting into two new phases: The Villas on Freddy Phase II and Phase III. Must comply with overall Master Plan requirements. The Villas on Freddy Phase II was approved in Final form at the P&Z meeting of July 7, 2020 and a 6-month extension on September 21, 2021. Setbacks will have to be shown on plat note #3 as previously approved for TVOF II prior to final. If any changes are proposed, variance might be required.

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

Being no discussion, Mr. Jose Saldana moved to approve in preliminary form. Mr. Emilio Santos Jr. seconded the motion, which was approved with four members present and voting.

#### **ADJOURNMENT:**

There being no further business to come before the Planning & Zoning Commission, Mr. Jose Saldana adjourned the meeting at 5:34p.m. and Mr. Marco Suarez seconded the motion, which carried unanimously with four members present and voting.

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Vice Chairperson, Michael Fallek

ATTEST: \_\_\_\_\_  
Magda Ramirez, Administrative Assistant



## Planning Department

### Memo

**TO:** Planning and Zoning Commission

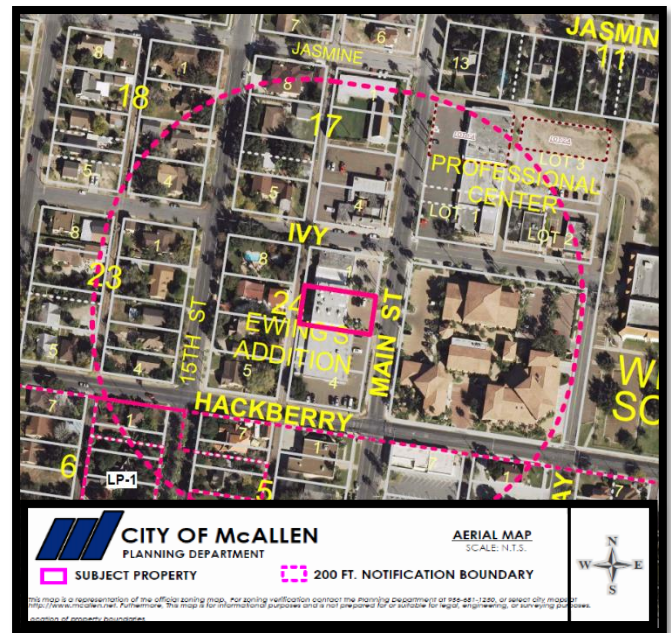
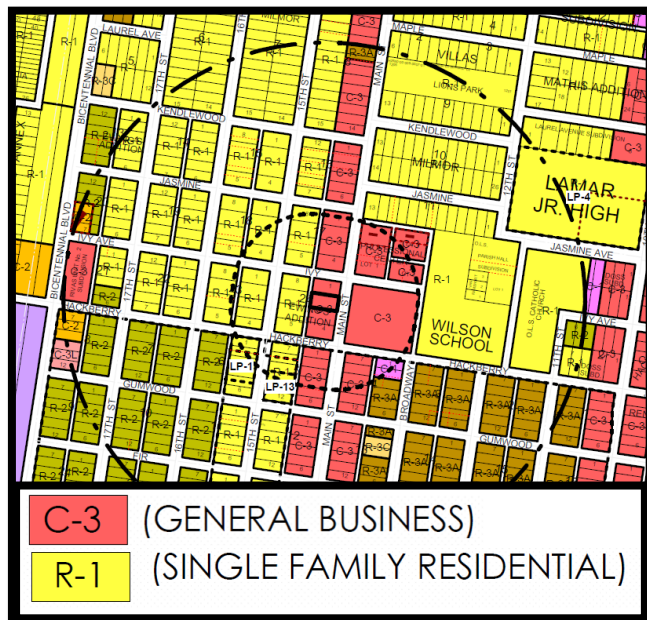
**FROM:** Planning Staff

**DATE:** October 26, 2021

**SUBJECT:** Request of Rene Solano for a Conditional Use Permit, for one year, for a bar service at office, at Lot 2, Block 24, Ewing's Addition Subdivision, Hidalgo County, Texas; 813 North Main Street, Suite 213. (CUP2021-0140)

#### BRIEF DESCRIPTION:

The subject property is located north of Hackberry Avenue, along the west side of Main Street. The property is zoned C-3 (general business) District. Adjacent zoning is C-3 (general business) District to the north, east, and south; R-1 (single-family residential) District to the west. The subject property is located at Via Executive Suites. Surrounding land uses include Roosevelt's at 7, Art Village, and single-family residences.



#### REQUEST/ANALYSIS:

According to the applicant, the 72 square feet of office space will be used solely for business operation purposes such as scheduling events and appointments for the applicants' alcoholic beverage catering business. The subject property will serve as an office and business address as required for the Texas Alcoholic Beverage Commission license. The Conditional Use Permit will allow the applicant to apply for the TABC license.

There are 19 common parking spaces for Via Executive Suites, one of which is reserved for disabled persons, as shown on the submitted site plan. The proposed use requires four parking spaces.

The Fire Department and Health Department has conducted the necessary inspection for this proposed use. It is compliant 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.

Staff has not received any calls with concerns or complaints of 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:

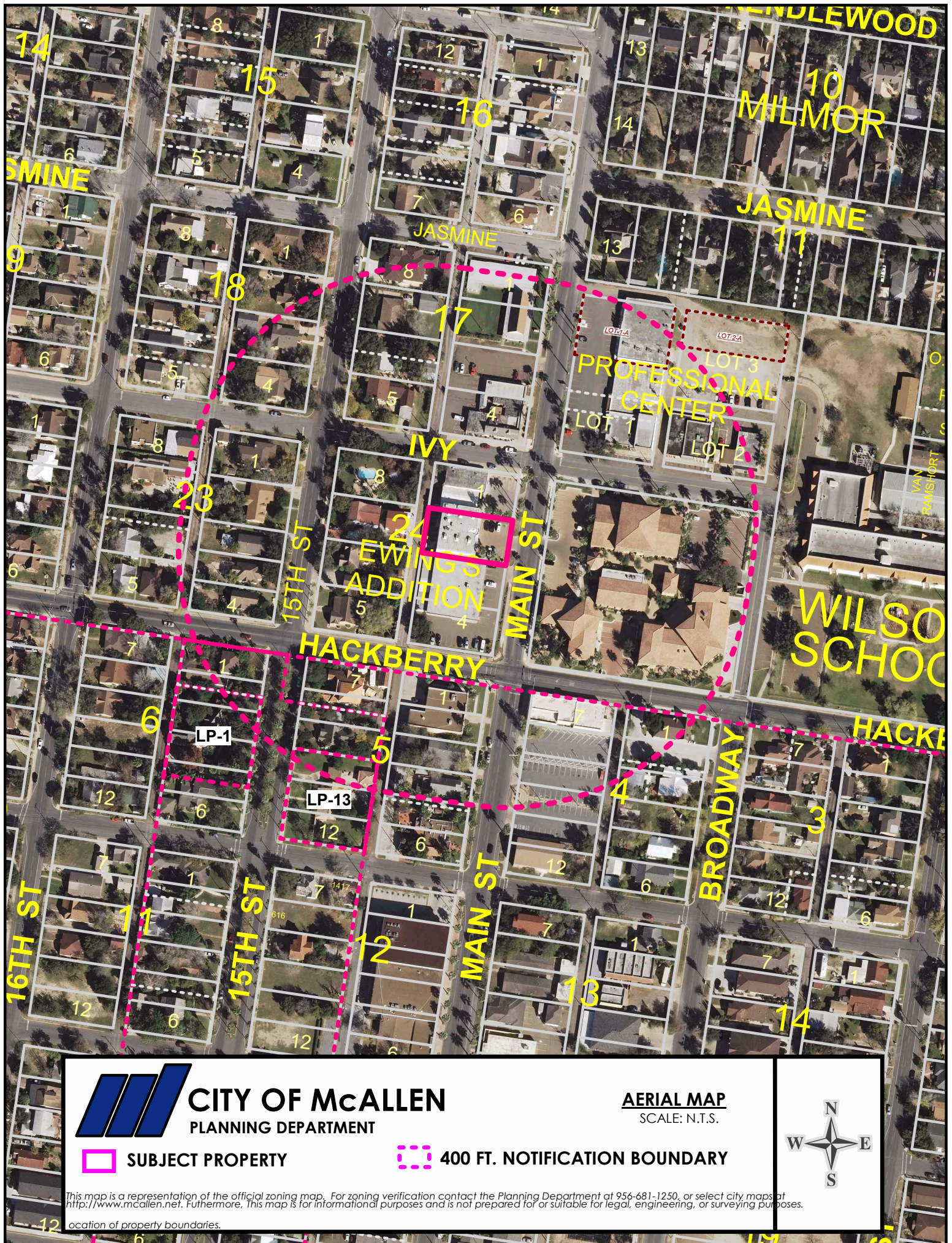
- 1) The property line of the lot of any of the abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is within 400 feet of single-family residences and a church;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has direct access to Main Street;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional on-site parking. Currently there is a multi-tenant commercial building on the property and is comprised of office spaces. 19 parking spaces are provided on the common parking area in the front and rear of the building. For the 19 parking spaces of the common parking area, 1 accessible parking spaces are required and are provided on site. Based on the use of the building, 4 parking spaces are required. Parking spaces are provided on site during the applicable hours of operation for this business;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties by providing, when necessary, fences, hedges or reorientation of entrances and exits under the vegetation ordinance;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director.

**RECOMMENDATION:**

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







**CITY OF McALLEN**  
PLANNING DEPARTMENT

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



**SUBJECT PROPERTY**



**400 FT. NOTIFICATION BOUNDARY**

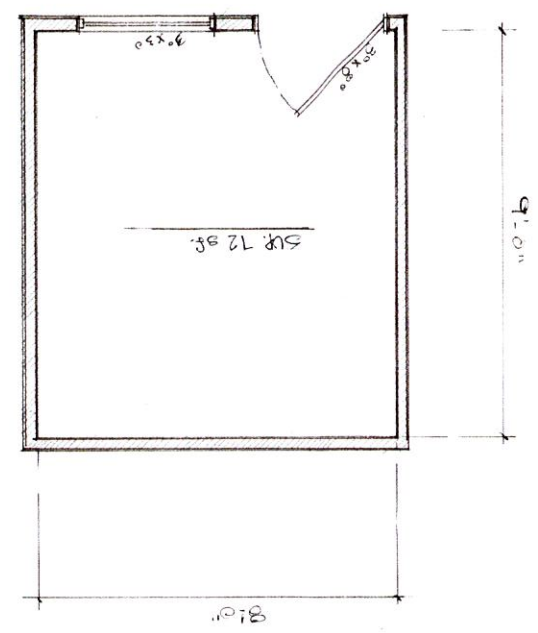


This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes.



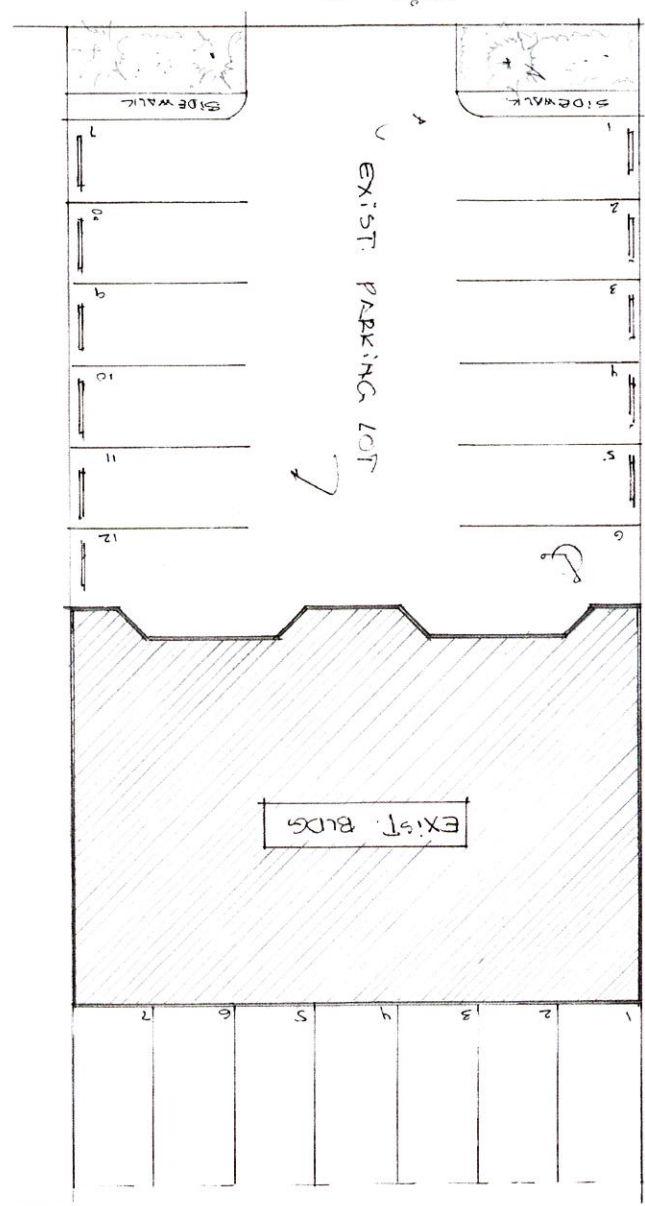
SOLID PRODUCTIONS  
SUITE 213, MC ALLEN TX.

FLOOR PLAN & 1/2" = 1'-0" OFFICE



SITE PLAN

813 NTE MAIN ST  
MC ALLEN TX  
SC/20



Initial:           

SEP 20 2021

ENTERED

KODAL DESIGN'S  
(956) 345 0612  
MC ALLEN TX

FOR:  
SOLID PRODUCTIONS  
RENE SOLANO

DATE  
9/11/21









# Planning Department

## Memo

**TO:** Planning and Zoning Commission

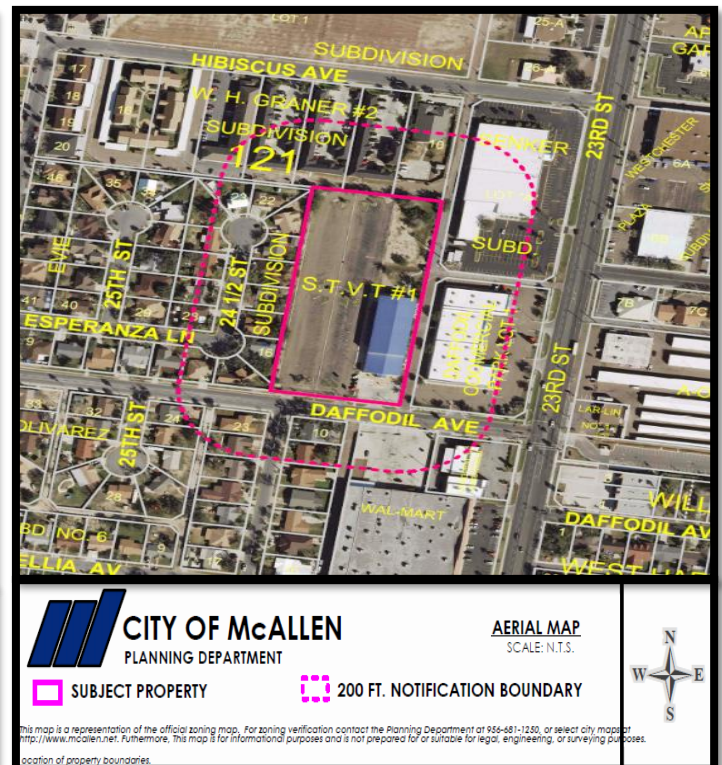
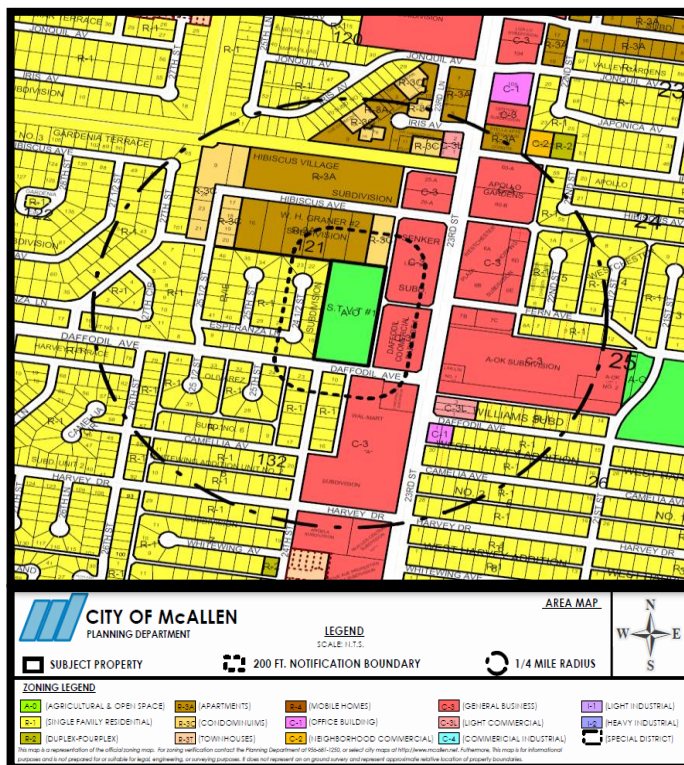
**FROM:** Planning Staff

**DATE:** October 27, 2021

**SUBJECT:** Request of T. Lynn Tompkins Jr. for a Conditional Use Permit, for life of the use, for a grade-school playground, at Lot 1, S.T.V.T #1 Subdivision, Hidalgo County, Texas; 2400 Daffodil Avenue. (CUP2021-0151)

### BRIEF DESCRIPTION:

The subject property is located along the north side of Daffodil Avenue, west of 23<sup>rd</sup> Street. The subject property is zoned A-O (agricultural-open space) District, and the adjacent zoning is R-3A (multifamily residential apartment) District and R-3C (multifamily residential condominium) District to the north, C-3 (general business) District to the east, C-3 (general business) District and R-1 (single-family residential) District to the south, and R-1 (single-family residential) District to the west. Surrounding land uses include single-family residences, RGV Smiles, and Puig Obstetrics and Gynecology. An institutional use is permitted in an A-O (agricultural-open space) District with a conditional use permit and in compliance with requirements.



**HISTORY:**

The initial conditional use permit was approved by City Commission on October, 9, 1995 for a parking facility for non-residential uses. A conditional use permit for an institutional use for an educational institution, for life of the use, was approved by City Commission on March 22, 2021. The application for the conditional use permit for a grade-school playground at an educational institution, for life of the use, was submitted to the Planning Department on September 20, 2021.

**REQUEST/ANALYSIS:**

A new applicant is proposing to continue to utilize the two-story building on the property for an institutional use. A change in ownership requires a conditional use permit. The two story building will consist of 25 classrooms and 19 offices. Based on 5 parking spaces per classroom, 125 parking spaces are required. And based on 1.5 parking spaces per office, 29 parking spaces are required. The total parking spaces required is 154, and 231 spaces are provided on the existing parking facility. Should the number of offices and classrooms increase, then additional parking will be required.

The applicant is proposing to add a playground to the academic institution which will be placed at the rear of the subject property as per the submitted site plan. The playground will provide a place designated for students to use recreationally.

The Planning Department has received one phone call in opposition to the Conditional Use Permit request. The stated concern was the noise from the speakers used during recreational activities and physical education exercises.

The Fire Department is pending inspection of the site. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to other 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 has direct access to Daffodil Avenue.
2. The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on the number of classrooms and offices, 154 parking spaces are required; and 231 are provided on site, 7 of which are accessible;
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 determined by the Fire Marshal and Building Official at the time of permit issuance;

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

**RECOMMENDATION:**

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



2+2  
11.2.21  
CC-11-22.21

CUP 2021-0151

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

Permit No. \_\_\_\_\_

\* New \*

## INSTITUTIONAL USES

### CONDITIONAL USE PERMIT APPLICATION

(Please print or type)

Application Date 09 / 20 / 2021

T. Lynn Tompkins, Jr., Vice President, Construction & Real Estate  
PHONE NO: 469 525-8128

Applicant (first) (initial) (last)

1301 Waters Ridge Drive, Lewisville, Texas 75057

Mailing Address (city) (state) (zip)

Responsive Education Solutions  
PHONE NO: 469 525-8128

Property Owner (first) (initial) (last)

1301 Waters Ridge Drive, Lewisville, Texas 75057

Mailing Address (city) (state) (zip)

2400 DEERPOLE AVE

Property Location (street address)

S.T.V.T #1 LOT 1

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

EDUCATION.

Current use of property

EDUCATION.

Proposed use of property

TERM OF PERMIT: 1 YEAR ☒ MORE THAN 1 YEAR (requires City Commission approval)

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

Scale, north arrow, legal description of property

Location and height of all structures

Setback from property lines and between structures

Proposed changes and uses

Landscaping and fencing of yard

Off-street parking and loading

Driveway location & design

Location, type, height and lighting of all signs

T. Lynn Tompkins, Jr.

(Applicant signature)

09/20/2021

(date)

T. Lynn Tompkins, Jr.

(Property owner signature)

09/20/2021

(date)

#### GENERAL INFORMATION

**NOTIFICATION AND PUBLIC HEARING:** Property owners within 200' of the subject property shall be notified within at least 10 working days of the Planning and Zoning Commission public hearing. Upon considering the recommendation of the Director of Planning, the Planning and Zoning Commission shall approve or disapprove the application.

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

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

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

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

#### DEFINITIONS

**Institutional -** A nonprofit organization or building, public or private, for the benefit of the public; or educational facilities, churches, temples, hospitals, clubs, fire stations, police stations, libraries, museums, city offices, etc.

Institutional Use - Pg. 1 - REVISED 10/16

FOR OFFICIAL USE ONLY

APPLICATION FILING FEE:

☐ \$300.00 One Year ☐ \$150.00 APPEAL ☒ \$500.00 Life of the Use  
cash/check # \_\_\_\_\_ Amount paid \_\_\_\_\_

ZONING DISTRICT REQUIREMENTS

REQUIRED ZONING DISTRICT: A-O TO I-2

CURRENT ZONING DISTRICT:

REZONING REQUIRED: NO

AGRICULTURE YES, attach rezoning application

SETBACKS: FRONT \_\_\_\_\_ SIDE \_\_\_\_\_ REAR \_\_\_\_\_

CRANE MAXIMUM HEIGHT: \_\_\_\_\_

MINIMUM LOT SIZE: \_\_\_\_\_

CONDITIONAL USE REQUIREMENTS

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

GENERAL REQUIREMENTS:

1. No form of pollution shall emanate beyond the immediate property line of the permitted use.
2. Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use.

SPECIFIC REQUIREMENTS:

1. The 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.
2. The proposed use shall comply with the Off-street Parking and Loading Ordinance and make provisions to prevent the use of street parking especially in residential areas.
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 \_\_\_\_\_.
7. Sides adjacent to a residentially zoned or used property shall be screened by a 6' opaque fence.

DEPARTMENTAL REQUIREMENTS

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

CITY BOARD REQUIREMENTS

PLANNING & ZONING COMMISSION DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ 1 YEAR \_\_\_\_\_ OTHER \_\_\_\_\_  
REQUIRED CONDITIONS: \_\_\_\_\_

CITY COMMISSION DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ 1 YEAR \_\_\_\_\_ OTHER \_\_\_\_\_  
REQUIRED CONDITIONS: \_\_\_\_\_

ACKNOWLEDGEMENT AND AGREEMENT TO CONDITIONS

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

[Signature]  
(Applicant signature)

09/20/2021  
(date)

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

\_\_\_\_\_  
City Manager (or Agent)

\_\_\_\_\_  
(date)









**CITY OF McALLEN**  
PLANNING DEPARTMENT

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



**SUBJECT PROPERTY**



**200 FT. 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.



QUEST COLLEGIATE  
ACADEMY - McALLEN

**HIDELL**  
ASSOCIATES  
ARCHITECTS

**MEP ENGINEER**  
BASHARKHAH ENGINEERING  
13101 PRESTON ROAD SUITE 601  
DALLAS, TEXAS 75240  
PHONE: (214) 659-9015  
EMAIL: LLane@beiteexas.com

ISSUE FOR CONSTRUCTION

ENLARGED DEMO PLAN & SITE PLAN

## ASI NO. 4 - 9.21.2021

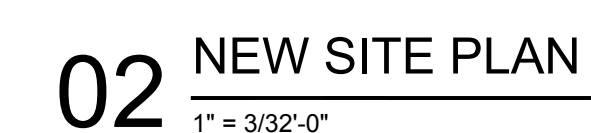
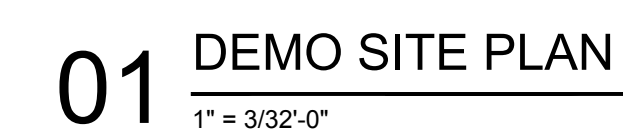
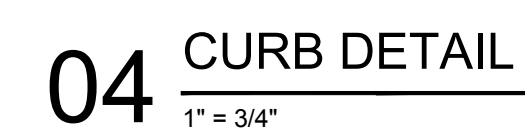
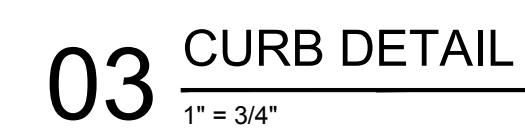
Issue Date: 06.25.2021

Drawn By: RM

Checked By:

SHEET NO.

A101





[illegible]

NOV 04 2002



P.O. BOX 3293  
EDINBURG, TEXAS 78540

TEL (956) 383-2984  
FAX (956) 383-3738







# Planning Department

## Memo

**TO:** Planning and Zoning Commission

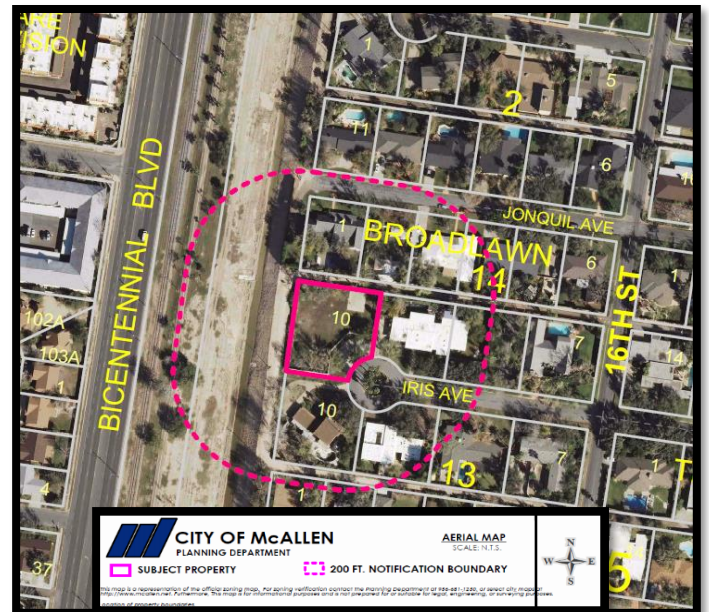
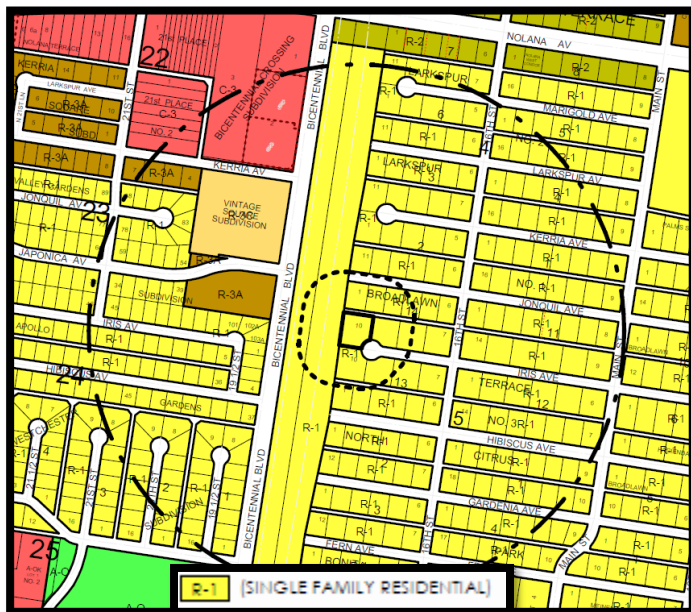
**FROM:** Planning Staff

**DATE:** October 20, 2021

**SUBJECT:** Request of Joe Averill Jr. for a Conditional Use Permit, for life of the use, for a guest house, at Lot 10, Block 14, Broadlawn Terrace No. 3 Subdivision, Hidalgo County, Texas; 1712 Iris Avenue. (CUP2021-0153)

### BRIEF DESCRIPTION:

The subject property is located on a cul-de-sac at the end of Iris Avenue, between Bicentennial Boulevard and 16<sup>th</sup> street. The property is zoned R-1 (single-family residential) District. A guest house is permitted in an R-1 (single-family residential) District with a Conditional Use Permit. The adjacent zoning is R-1 (single-family residential) District in all directions. Surrounding land uses are single-family residences.



### HISTORY:

According to the Hidalgo County Appraisal District, the 5,967 square foot main house was built in 2014. Broadlawn Terrace No. 3 Subdivision was recorded on March 03, 1960. The applicant submitted an application for a Conditional Use Permit, for a guest house, on October 05, 2021. An application with the Building Department was submitted on December 29, 2020.

**REQUEST/ANALYSIS:**

The exterior of the proposed building would be constructed of 4-inch concrete block. The proposed interior square footage of the guest house is 1,200, which includes two bathrooms, one bedroom, and a gaming room.

Staff has received one phone call regarding what a guest house is, but no calls with concern or complaints of the request.

The guest house must meet the requirements set forth in Section 138-118(a)(5) of the Zoning Ordinance and specific requirements as follows:

- 1) Only one guest house shall be permitted on the property;
- 2) The proposed use shall comply with setback requirements. The proposed structure's setbacks are in compliance;
- 3) The proposed use shall be connected to the same utilities as the primary residence;
- 4) Lot size must be a minimum 8,000 square feet. According to the Hidalgo County Appraisal District, the lot size is 23,102 square feet;
- 5) Separate driveways or garages for the proposed use shall not be permitted. Applicant is not proposing an independent driveway for the proposed guesthouse;
- 6) The proposed use shall not be rented;
- 7) The permit shall be revoked if money is ever paid for rent or utility expenses are shared with the proposed use.

**RECOMMENDATION:**

Staff recommends approval of the request, for life of the use, subject to compliance with requirements from Section 138-118(a)(5) of the Zoning Ordinance, and Fire Department requirements.

















Conditional Use Permit request on February 10, 2020 for one year. The applicant submitted a new Conditional Use Permit application on October 04, 2021, since the previously issued Conditional Use Permit lapsed.

**REQUEST/ANALYSIS:**

The 4,080 square feet two-floor building will consist of a dining area, three restrooms, conference room, kitchen, server area room, two storage rooms, two offices, and a main bar as shown on the submitted floor plan. The applicant will operate Suerte bar and grill daily from 12:00 p.m. to 2:00 a.m. As per the zoning ordinance, Section 138-395 (14), the business requires 41 parking spaces which does comply with the parking requirement.

The Fire Department and Health 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.

Staff has not received any calls with concerns or complaints of 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:

- 1) The property line of those businesses having late hours (after 10:00 p.m.) must be at least 400 ft. 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. The establishment is within 400 ft. of the residential zones and uses, and a water tower; however, staff has not received any complaints from the residents;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has direct access to Nolana Avenue, North 4<sup>th</sup> Street, and North 6<sup>th</sup> Street. The existing gates on North 4<sup>th</sup> Street need to be closed as required from other Conditional Use Permits in this commercial plaza;
- 3) The 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, especially those in adjacent residential areas, by providing additional on-site parking. Currently there is a multi-tenant commercial building on the property. The shopping center is a mixture of office, retail, vacant suites, restaurants, a children's event center, and bars. 729 parking spaces are provided on the common parking area in the front and rear of the building. For the 729 parking spaces of the common parking area, 15 accessible parking spaces are required and are provided on site. Based on the square footage of the building, 41 parking spaces are required. Parking spaces are provided on site during the applicable hours of operation for this business;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties by providing, when necessary, fences, hedges or reorientation of entrances and exits under the vegetation ordinance;

- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director.

**RECOMMENDATION:**

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

PN2-11.2.21  
CC-11.22.21



CITY OF McALLEN, TEXAS

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

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

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

Permit No. \_\_\_\_\_

CUP2021-0154

CONDITIONAL USE PERMIT APPLICATION

(Please print or type)

Application Date 10/4/21  
Jessica Aguilar  
Applicant (first) (initial) (last)

(956) 566-5113  
PHONE NO. (956) 212-5649

Mailing Address (city) (state) (zip)

CHN Group LTD

EMAIL

Property Owner (first) (initial) (last)

400 W. Nolana Ave Ste H 2 McAllen TX 78504

PHONE NO.

(956) 687-3333

Mailing Address (city) (state) (zip)

400 W Nolana Ave Ste N1-N2

EMAIL

Property Location (street address)

Nolana Tower Lot A-1

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

(subdivision)

(block)

(lot)

Restaurant/Bar & Grill

Restaurant Bar & Grill

Current use of property

Proposed use of property

TERM OF PERMIT: ☒ 1 YEAR

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

DAYS AND HOURS OF OPERATION: \_\_\_\_\_

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

Scale, north arrow, legal description of property

Location and height of all structures

Setback from property lines and between structures

Proposed changes and uses

Landscaping and fencing of yard

Off-street parking and loading

Driveway location & design

Location, type, height and lighting of all signs

(Applicant signature)

Jessica Aguilar

(date)

10/4/21

(Property owner signature)

(date)

10/

**GENERAL INFORMATION**

**NOTIFICATION AND PUBLIC HEARING:** Property owners within 400' of the subject property shall be notified within at least 10 working days of the Planning and Zoning Commission public hearing. Upon considering the recommendation of the Director of Planning, the Planning and Zoning Commission shall approve or disapprove the application.

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

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

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

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

Case Number: \_\_\_\_\_

☐ Routed

P&Z meeting: \_\_\_\_\_

☐ Scanned

Receipt No.: \_\_\_\_\_

Initial: OK

**DEFINITIONS**

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

ENTERED

OCT 06 2021

ENTERED



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

Vape Shop- An establishment whose primary activity is the retail sale of products and equipment for vaping.

Liquor Store- An establishment whose primary activity is the retail sale of alcoholic beverages that are sold for off premise consumption.

..... FOR OFFICIAL USE ONLY .....

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

#### ZONING DISTRICT REQUIREMENTS

REQUIRED ZONING DISTRICT: C-3, C-4,  
REQUIRED ZONING DISTRICT (LIQUOR STORE ONLY): C-3L  
REZONING REQUIRED: \_\_\_\_\_ NO  
SETBACKS: FRONT \_\_\_\_\_ SIDE \_\_\_\_\_ REAR \_\_\_\_\_  
MINIMUM LOT SIZE: \_\_\_\_\_

CURRENT ZONING DISTRICT:  
\_\_\_\_\_ YES, attach rezoning application  
MAXIMUM HEIGHT: \_\_\_\_\_

#### CONDITIONAL USE REQUIREMENTS

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

#### GENERAL REQUIREMENTS:

1. No form of pollution shall emanate beyond the immediate property line of the permitted use.
2. Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use.

#### SPECIFIC REQUIREMENTS:

1. The property line of the lot of any of the abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m.  
**Requirement:** \_\_\_\_\_
2. The abovementioned businesses must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or all such traffic to exit into and disrupt residential areas.  
**Requirement:** \_\_\_\_\_
3. The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking.  
**Requirement:** \_\_\_\_\_
4. The abovementioned businesses must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances  
**Requirement:** \_\_\_\_\_
5. The abovementioned businesses should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street. **Requirement:** \_\_\_\_\_
6. The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.  
**Requirement:** \_\_\_\_\_
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. **Requirement:** \_\_\_\_\_

#### DEPARTMENTAL REQUIREMENTS

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

#### CITY BOARD REQUIREMENTS

PLANNING & ZONING COMMISSION DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ APPROVED \_\_\_\_ DISAPPROVED \_\_\_\_ 1 YEAR \_\_\_\_ OTHER \_\_\_\_  
REQUIRED CONDITIONS: \_\_\_\_\_

CITY COMMISSION DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ APPROVED \_\_\_\_ DISAPPROVED \_\_\_\_ 1 YEAR \_\_\_\_ OTHER \_\_\_\_  
REQUIRED CONDITIONS: \_\_\_\_\_

#### ACKNOWLEDGEMENT AND AGREEMENT TO CONDITIONS

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

\_\_\_\_\_  
(Applicant signature)

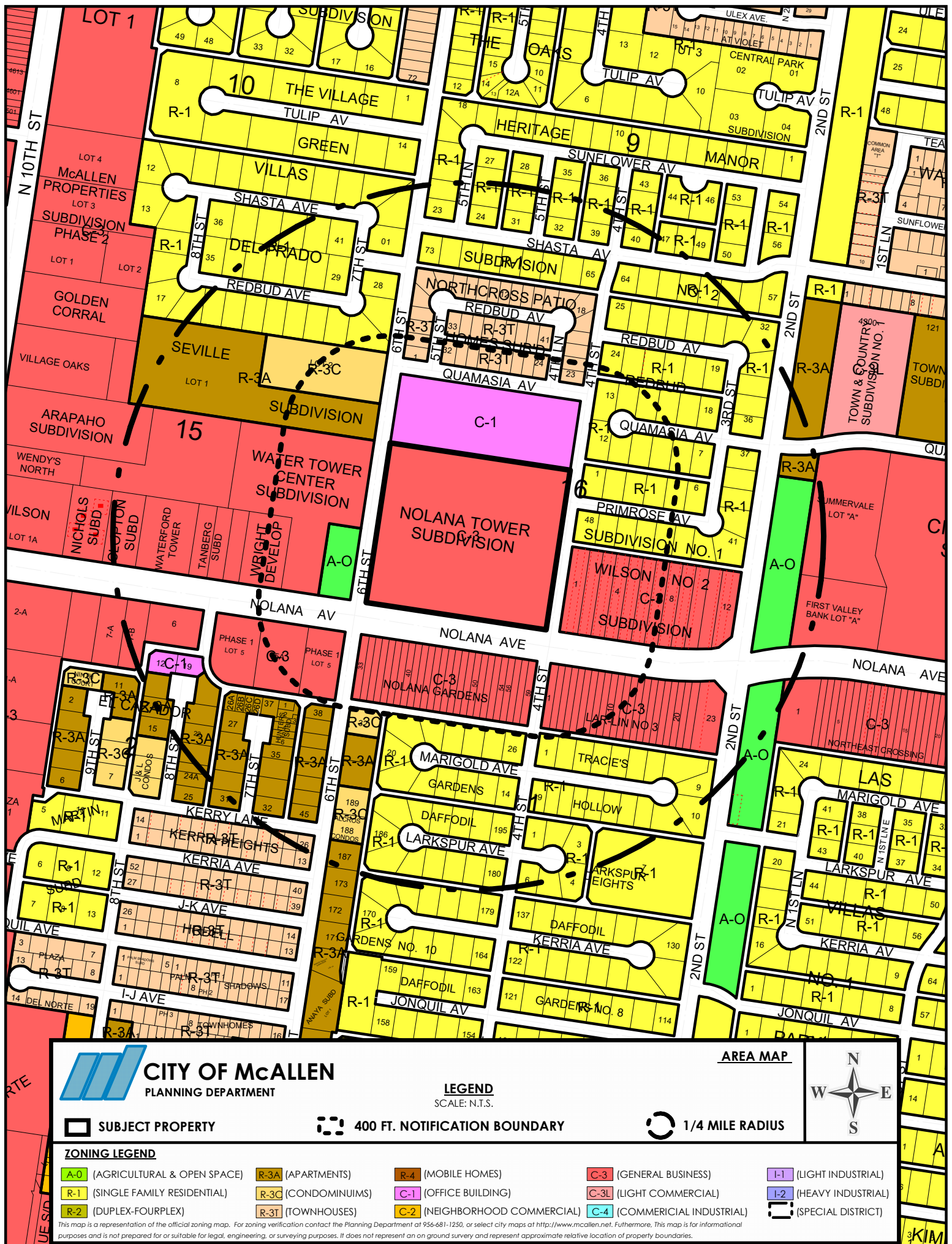
\_\_\_\_\_  
(date)

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

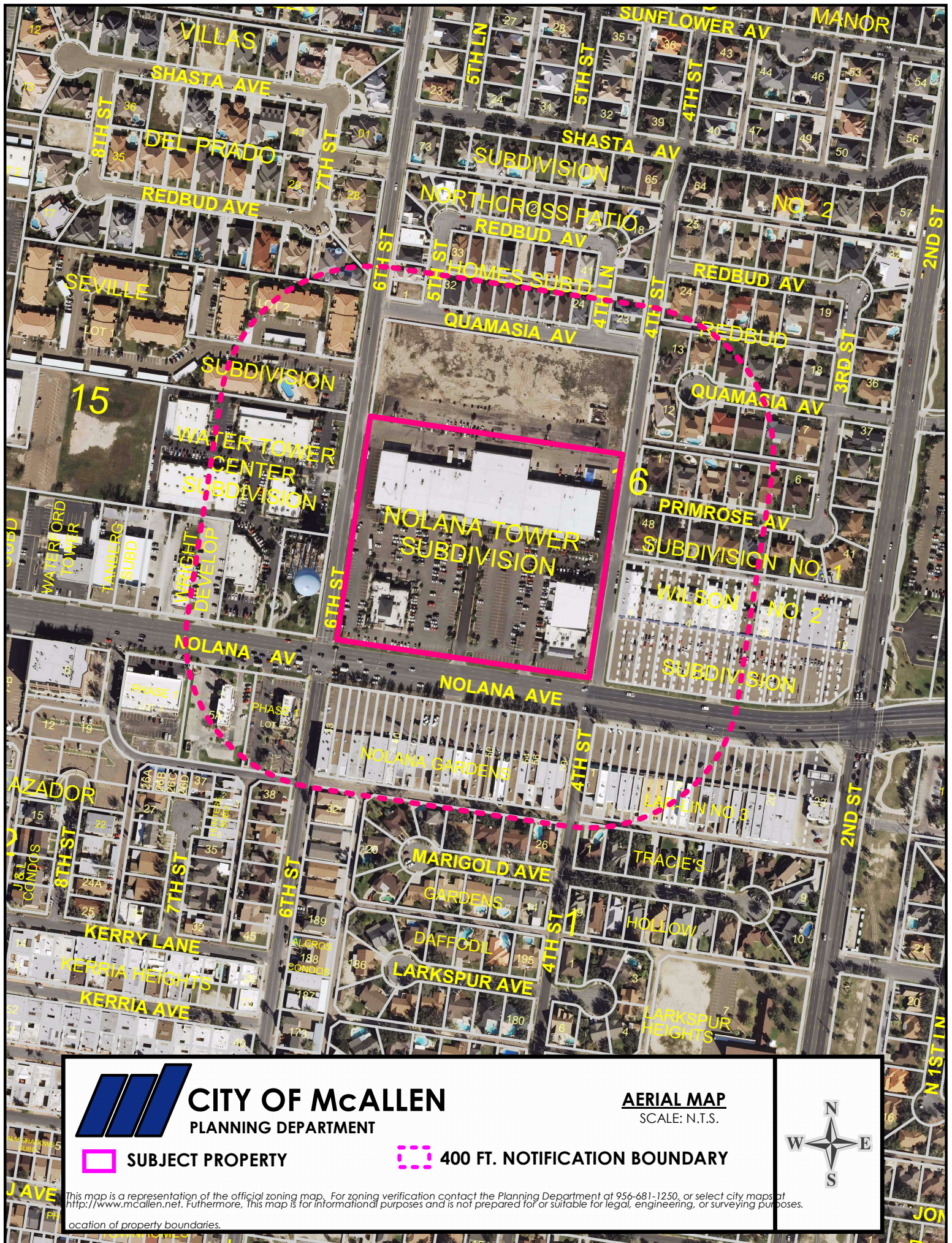
\_\_\_\_\_  
City Manager (or Agent)

\_\_\_\_\_  
(date)









**CITY OF McALLEN**  
PLANNING DEPARTMENT

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



**SUBJECT PROPERTY**



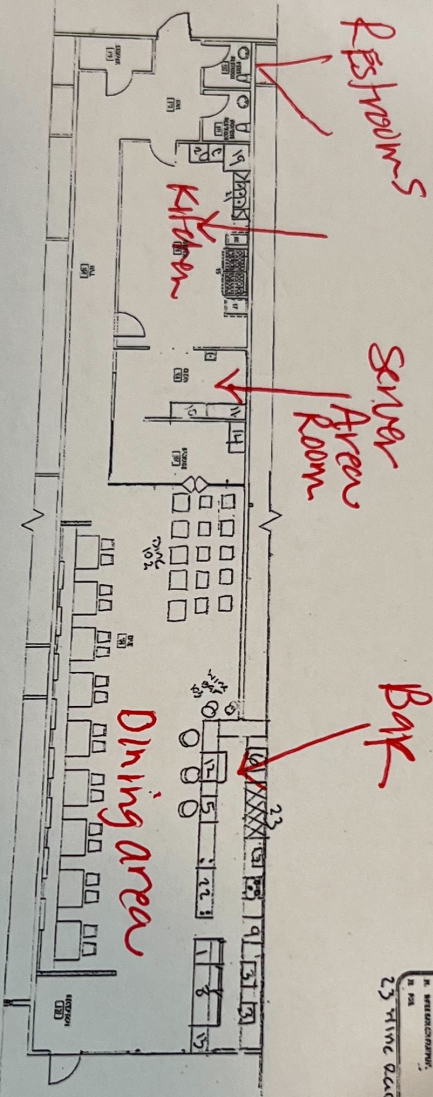
**400 FT. NOTIFICATION BOUNDARY**



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.



400 Nolana Ste. N1



CMM 2017-0898  
REVISED FLOOR PLAN

1 Floor Plan Layout  
Scale: 3/16" = 1'-0"

EQUIPMENT SCHEDULE

1	25	TIME	BACK
2	30	TIME	BACK
3	35	TIME	BACK
4	40	TIME	BACK
5	45	TIME	BACK
6	50	TIME	BACK
7	55	TIME	BACK
8	60	TIME	BACK
9	65	TIME	BACK
10	70	TIME	BACK
11	75	TIME	BACK
12	80	TIME	BACK
13	85	TIME	BACK
14	90	TIME	BACK
15	95	TIME	BACK
16	100	TIME	BACK
17	105	TIME	BACK
18	110	TIME	BACK
19	115	TIME	BACK
20	120	TIME	BACK
21	125	TIME	BACK
22	130	TIME	BACK
23	135	TIME	BACK
24	140	TIME	BACK
25	145	TIME	BACK

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES. 2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AUTHORITIES. 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE AND BONDING. 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES AND SERVICES. 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MATERIALS AND SUPPLIES. 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LABOR AND SUBCONTRACTORS. 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EQUIPMENT AND TOOLS. 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TRANSPORTATION AND LOGISTICS. 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COMMUNICATIONS AND RECORDS. 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SAFETY AND SECURITY MEASURES. 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENVIRONMENTAL PROTECTION MEASURES. 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY QUALITY CONTROL MEASURES. 13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SCHEDULING AND TIMELINE MEASURES. 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY BUDGET AND COST MEASURES. 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RISK MANAGEMENT MEASURES. 16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COMPLIANCE MEASURES. 17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REPORTING MEASURES. 18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY DOCUMENTATION MEASURES. 19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ARCHIVING MEASURES. 20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY DISPOSAL MEASURES. 21. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECYCLING MEASURES. 22. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY WASTE MANAGEMENT MEASURES. 23. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EMERGENCY PREPAREDNESS MEASURES. 24. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY BUSINESS CONTINUITY MEASURES. 25. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CRISIS MANAGEMENT MEASURES.

AREA SCHEDULE

AREA	SCHEDULE
RESTROOM	1719
KITCHEN	1719
SERVER AREA	1719
DINING AREA	1719
BAR	1719

WALL LEGEND

_____	DATE
_____	TIME
_____	NAME
_____	ADDRESS

PERMIT PURPOSES ONLY - NOT FOR CONSTRUCTION

NOMA

LA CUCINA  
FOOD CORP.

MCALLEN, TEXAS

USA

D1.0

INFORMATION ON THIS SHEET IS  
FOR INFORMATION ONLY. IT IS NOT  
TO BE USED FOR CONSTRUCTION  
OR FOR ANY OTHER PURPOSE  
WITHOUT THE WRITTEN CONSENT  
OF NOMA DESIGN STUDIO.

JOB #: 1719  
PHASE: CD  
DATE: 07.03.2017  
DRAWN BY: AC  
CHECKED BY: CC

400 W. Nolana N1



[illegible]

450 Nolana Avenue  
Ste N2

She N.

Sten-2

ENTERED

OCT 06 2021

**Initial:**

JK

RECEIVED  
DEC 19 2019  
BX 1268:44am



**Suerte**  
BAR & GRILL



**R Life**

400 N-1



400 N-2



FIRE LANE PARKING PROHIBITED

FIRE LANE PARKING PROHIBITED



**NOTICE  
BAR  
FOR  
THIS PROPERTY  
CUP2021-0154**

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





## Memo

**TO:** Planning and Zoning Commission

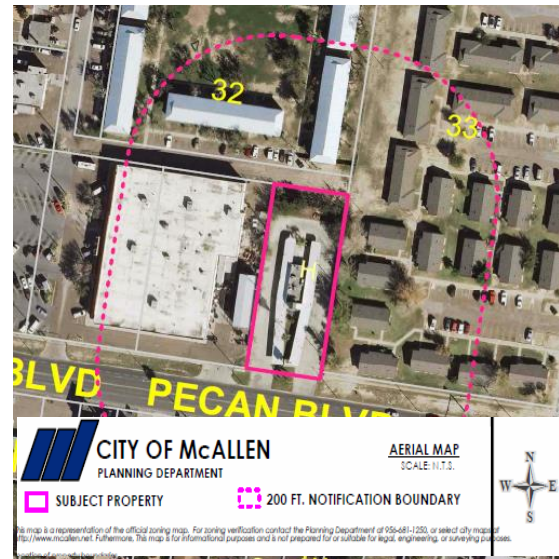
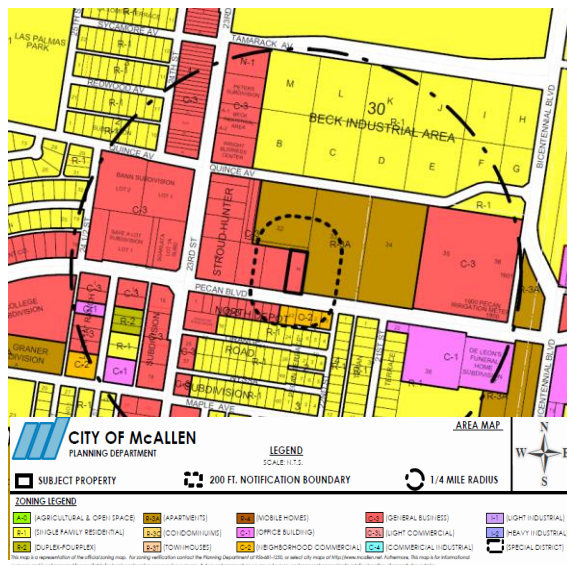
**FROM:** Planning Staff

**DATE:** October 26, 2021

**SUBJECT:** Request of Captain Adolph Aguirre for a Conditional Use Permit, for life of the use, for a multi-purpose warehouse, at Lot "H", Stroud-Hunter Subdivision, Hidalgo County, Texas; 2220 Pecan Boulevard. (CUP2021-0156)

### BRIEF DESCRIPTION:

The subject property is located on the north side of Pecan Boulevard, east of 23<sup>rd</sup> Street. The property is zoned C-3 (general business) District. The adjacent zoning is R-3A (multi-family residential apartment) District to the north and east, C-2 (neighborhood commercial) District to the south, and C-3 (general business) District to the south and west. Surrounding land uses include Salvation Army, Taurus, and multi-family residences. An institutional use is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.



### HISTORY:

The applicant submitted the application for the Conditional Use Permit request on October 8, 2021.

### REQUEST/ANALYSIS:

The applicant is proposing to add a 9,968 square feet storage warehouse on the subject property, with ten parking spaces (two reserved for disabled people) as shown on the submitted site plan. According to the applicant the storage warehouse will store

holiday and parade items owned by the Salvation Army, clothing donations, and disaster relief supplies. The multi-purpose warehouse will serve is dedicated as a storage building to the main Salvation Army operations adjacent to the subject property.

The Planning Department has not received any phone calls or emails in opposition of the Conditional Use Permit request.

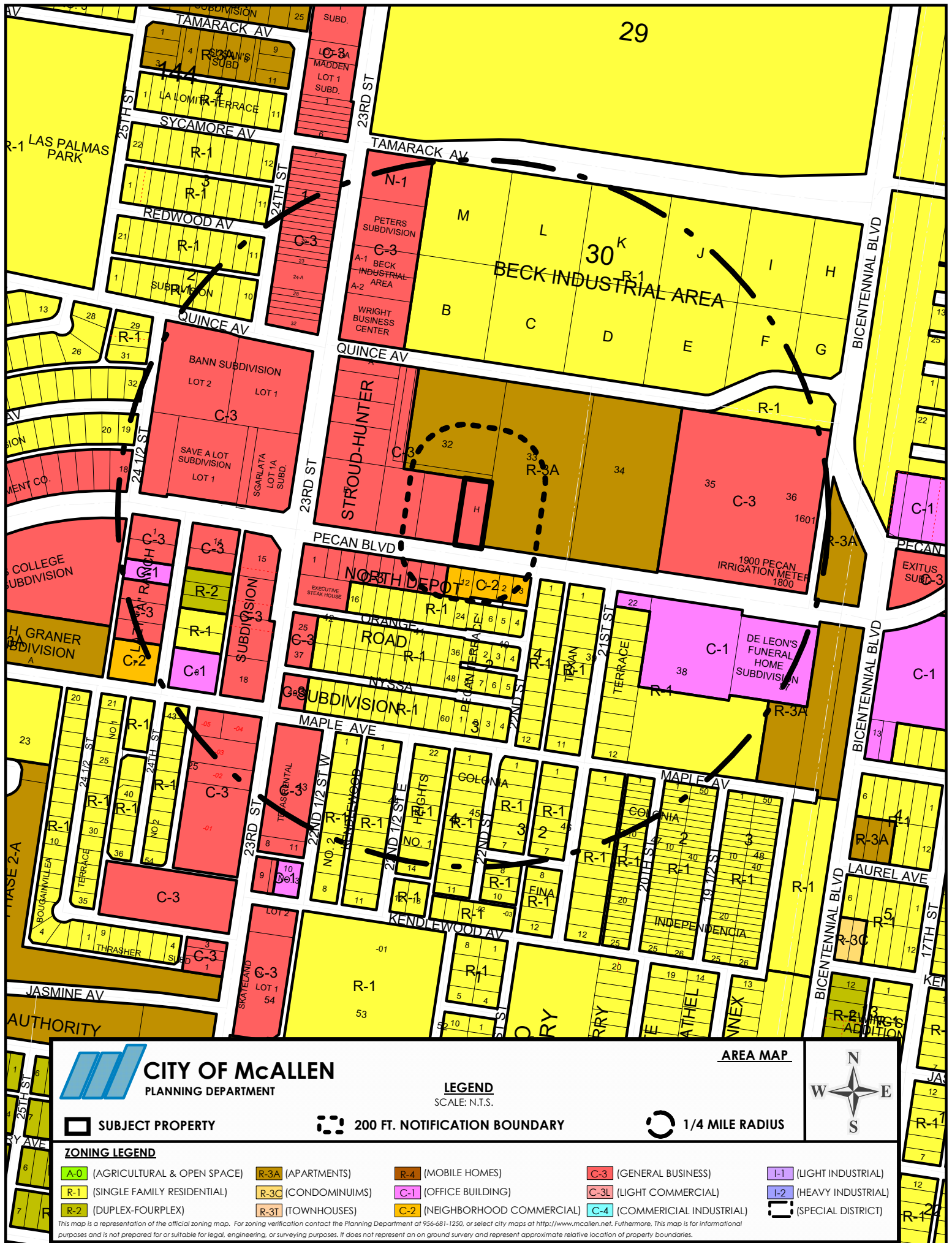
The Fire Department inspection is pending. The proposed use must also comply with the zoning ordinance and specific requirements as follows:

- 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. This property is located at the intersection of North 23rd Street and Pecan Boulevard, both principal arterials.
- 2) The proposed use shall comply with the off- street parking and loading ordinance, and make provisions to prevent the use of street parking especially in residential areas. Approximately 194 parking spaces are shown.
- 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. A cedar fence and landscaped strip are on the north side of the property; however, as there is a firewall and sidewalk along the north property line, a buffer fence may be unnecessary.
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of 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 that set by the Fire Marshal ' s office.
- 7) Sides adjacent to a residentially zoned or used property shall be screened by a 6 ft. opaque fence. A cedar fence is proposed on the portion of the property adjacent to the R-3A zone.

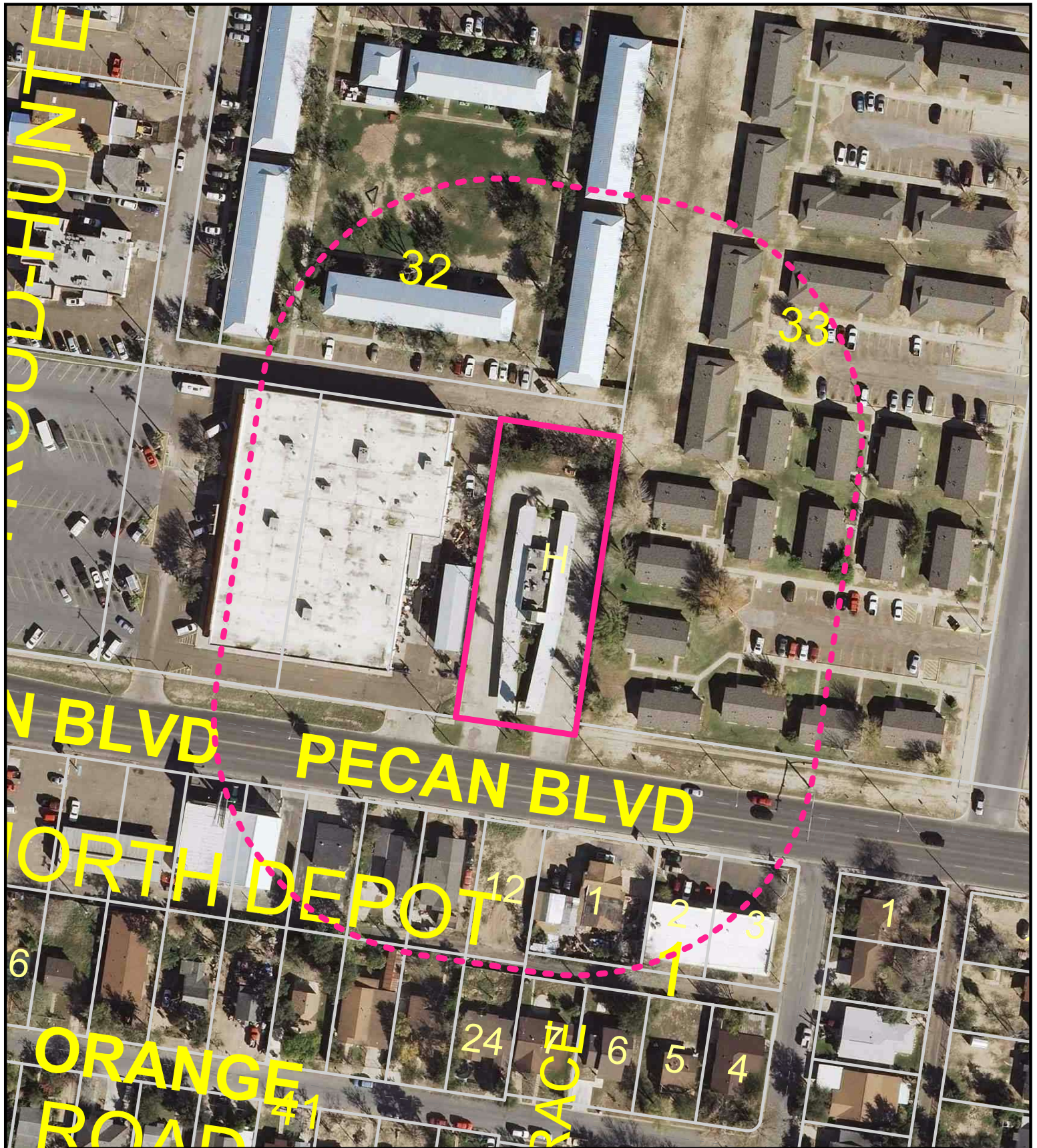
**RECOMMENDATION:**

Staff recommends approval of the request, for life of the use, subject to compliance with applicable Section 138-118 of Zoning Ordinance, Building Permit, and Fire Department requirements.









**CITY OF McALLEN**  
PLANNING DEPARTMENT

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



**SUBJECT PROPERTY**



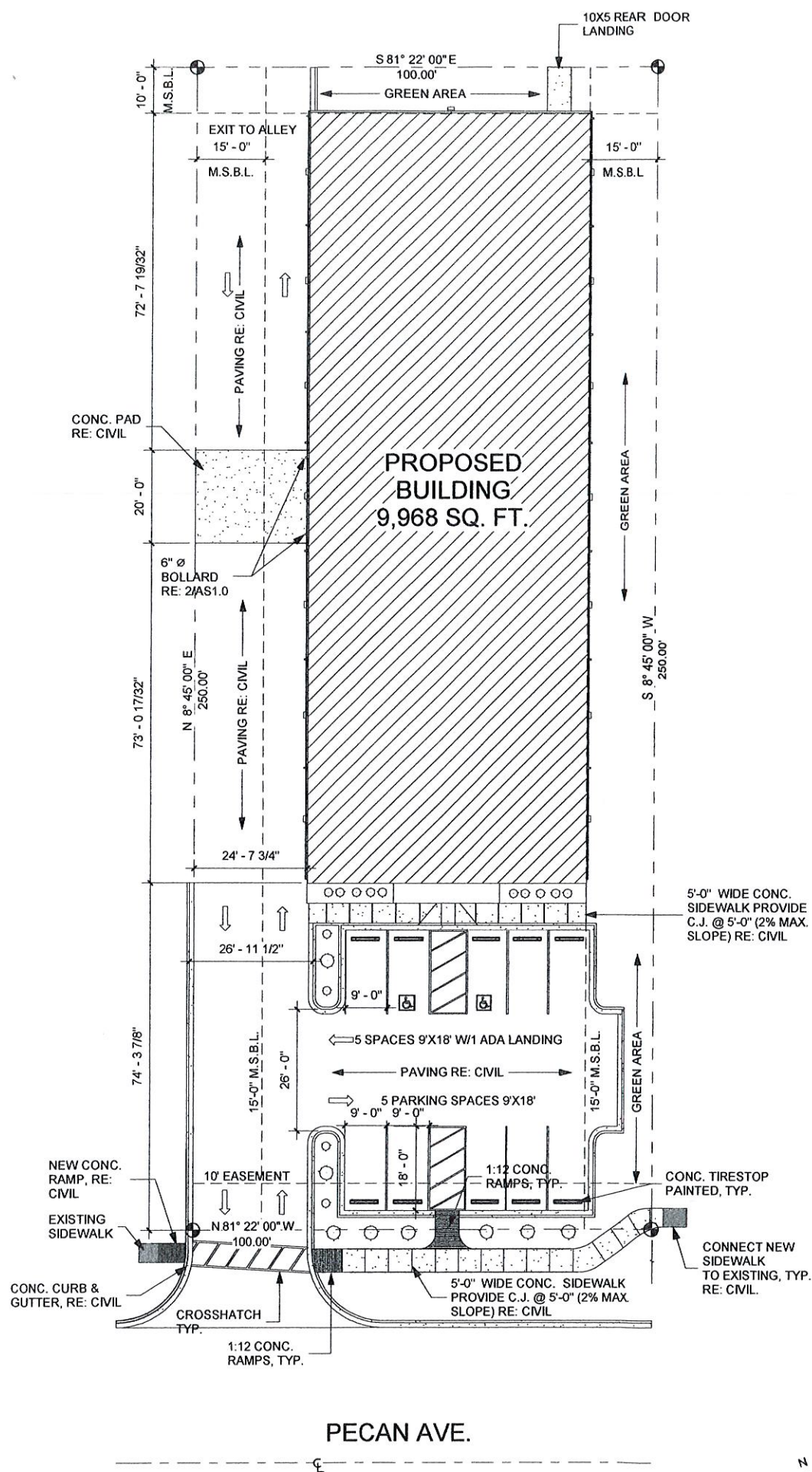
**200 FT. NOTIFICATION BOUNDARY**



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location of property boundaries.

TEXAN





① SITE PLAN  
1" = 20'-0"



SK 02

Project name: THE SALVATION ARMY MULTI-PURPOSE WAREHOUSE

Address: 2220 PECAN BLVD. MCALLEN, TX. 78501

Date: 09/28/21

Project number: 220019

LEGAL DESCRIPTION: STROUD-HUNTER LOT H

OVERALL BUILDING HEIGHT: 25' - 0"

MILNET  
ARCHITECTURAL  
SERVICES  
P.O. BOX 888-888  
MCALLEN, TX 78501  
Email: milnet@milnet.net





 **THE SALVATION ARMY**  
**MULTI-PURPOSE WAREHOUSE**  
2220 Pecan Avenue, McAllen, TX 78501

**BOARD MEMBERS**

Suresh Manasingham	Chair	CGG
Gregory Keller	Vice-Chair	WILNET
Capt. Adolph Aguirre	Com. Officer	STRUCTURAL SERVICES
Maggie Pena	Op. Admin.	

NOTICE  
INSTITUTIONAL  
USE  
THIS PROPERTY  
CUP2021-0156





# Planning Department

## Memo

**TO:** Planning and Zoning Commission

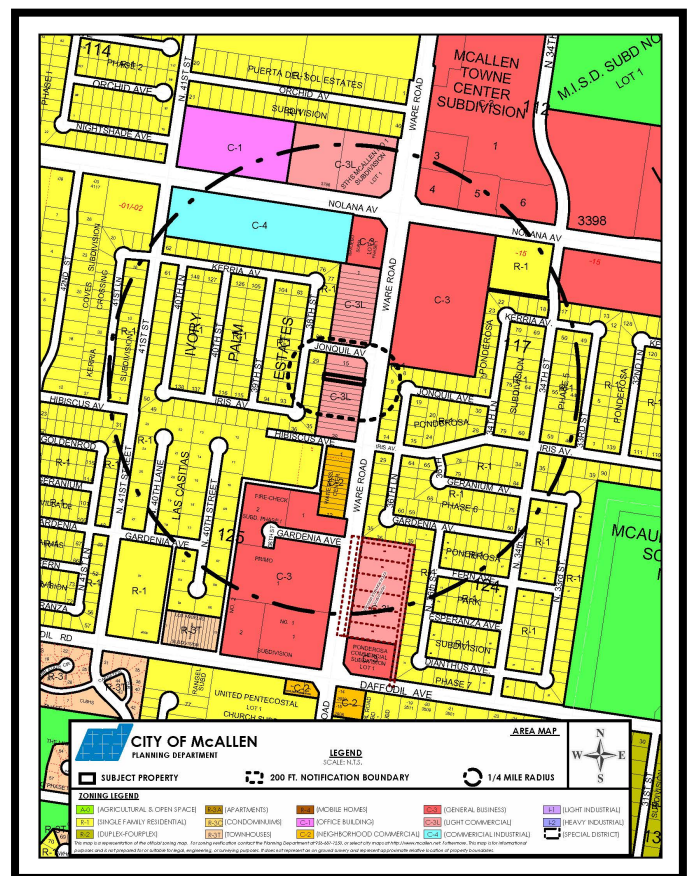
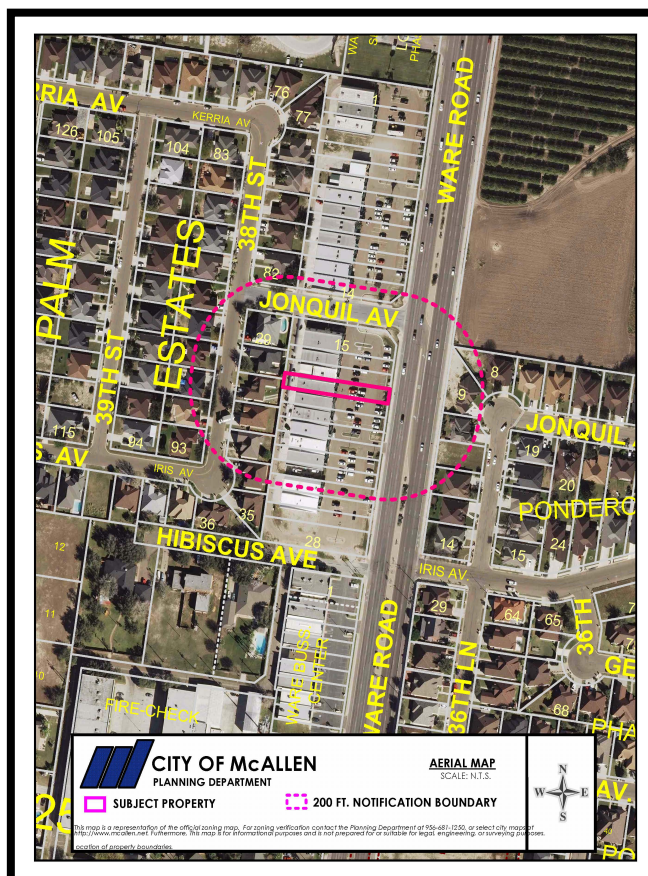
**FROM:** Planning Staff

**DATE:** October 28, 2021

**SUBJECT: REQUEST OF MONICA ALVAREZ ON BEHALF OF IGLESIA TIERRA FERTIL, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR AN INSTITUTIONAL USE (CHURCH) AT LOT 18, IVORY PALM ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 3511 NORTH WARE ROAD. (CUP2021-0142)**

### BRIEF DESCRIPTION:

The property is located on the Westside of North Ware Road, approximately 120 feet south of Jonquil Avenue. The property is zoned C-3L (light commercial) District. The adjacent zoning is R-1 (single-family residential) District to the east and west, and C-3L District to the north, and south. An institutional use (church) is permitted in a C-3L District with a conditional use permit and in compliance with requirements.



**REQUEST/ANALYSIS:**

The applicant, (Iglesia Tierra Fertil) is proposing to operate a church out of an approximate 2,400 sq. ft. lease space (according to Hidalgo County Appraisal District), which is part of a multi-tenant commercial building. The commercial building is a mixture of offices, retail establishments and restaurants. The lease space consists of a classroom, two restrooms, closet, kitchen and a main auditorium as shown on the submitted site plan. The applicant is proposing a seating arrangement of 60 chairs in the auditorium. The proposed days and hours for worship services will be Wednesday from 7:00 p.m. to 9:00 p.m. and Sundays from at 10:00 a.m. to 1:00 p.m.

Based on the 60 seats in the main auditorium, 15 parking spaces are required. There are 114 parking spaces provided on site as part of a common parking area of the existing commercial development. The parking availability for the other businesses does not interfere with the church's required parking based on the hours of operation for the majority of the businesses.

The Fire Department has inspected the lease space, and is pending compliance with safety codes and regulations. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to other 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 fronts and has access to North Ware Road.
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on a seating capacity of 60 persons in the main auditorium, 15 parking spaces are required; 114 parking spaces are provided on site. The parking spaces are part of the existing commercial development.
- 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 used properties shall be screened by a 6 ft. opaque fence. A 6 ft. opaque fence is required on the west side and one is provided.

**RECOMMENDATION:**

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



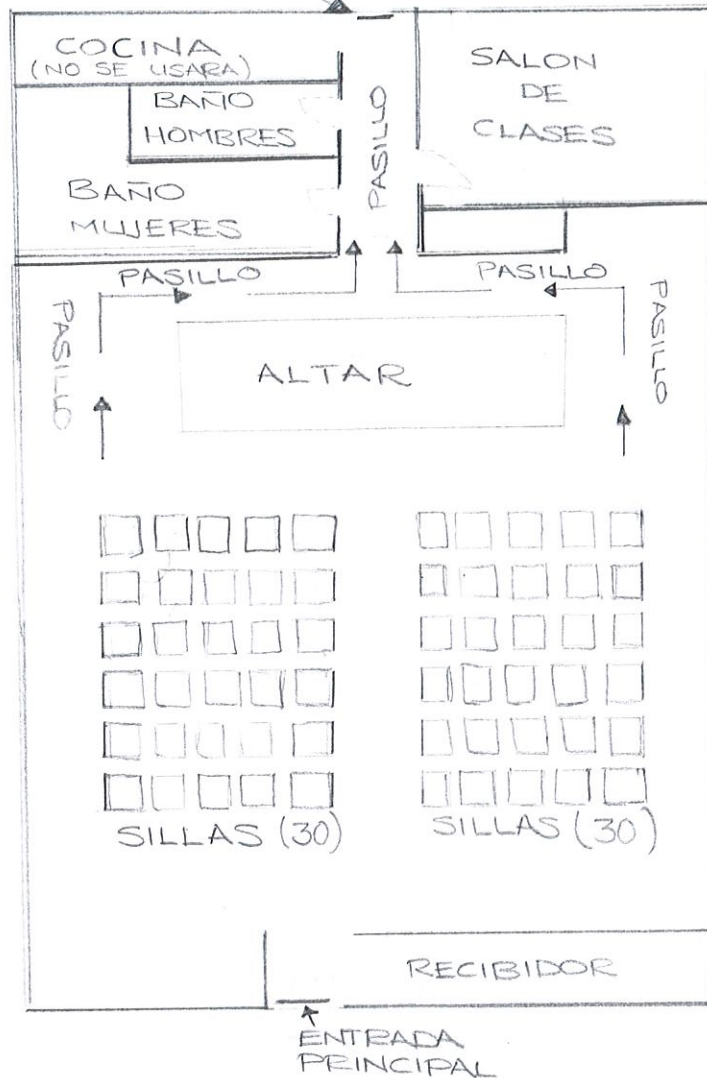
# Iglesia Tierra Fertil

3511 N Ware Rd McAllen TX 78501

956-414-9454

PUERTA  
TRACERA

## Floor Plan

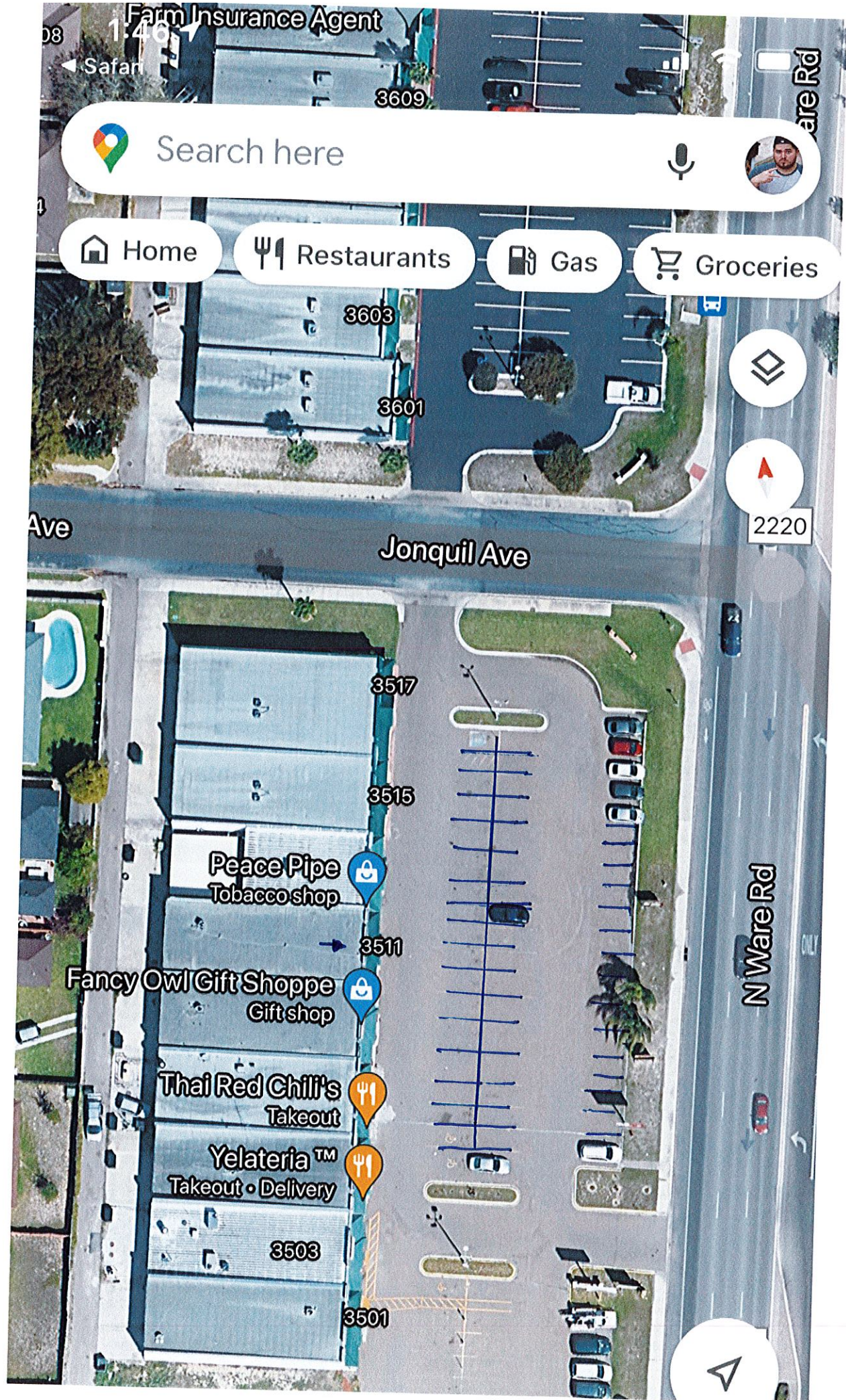


### \* NOTAS IMPORTANTES \*

- LOS SERVICIOS DE ENTRE SEMANA, SERAN DE 7:00 P.M. EN ADELANTE
- Y DOMINGOS POR LA MAÑANA, 10:00 a.m
- EN ESOS HORARIOS EL ESTACIONAMIENTO ESTA SOLO, NADIE MAS ABRE SUS LOCALES.

ESTACIONAMIENTO





1.46 Farm Insurance Agent

Safari

3609

Ware Rd



Search here



Home



Restaurants



Gas



Groceries

3603

3601



2220

Ave

Jonquil Ave

3517

3515

Peace Pipe  
Tobacco shop



3511

Fancy Owl Gift Shoppe  
Gift shop



Thai Red Chili's  
Takeout



Yelateria™  
Takeout • Delivery



3503

3501

N Ware Rd





## IVORY PALM ESTATES

A SUBDIVISION OF 30.114 ACRES OF LAND BEING 0.114 OF AN ACRE OUT OF LOT 115, AND THE SOUTH 30.00 ACRES OF LOT 116, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 24, PAGES 67 AND 68, DEED RECORDS, HIDALGO COUNTY, TEXAS, AND ACCORDING TO WARRANTY DEED WITH VENDOR'S LIEN RECORDED UNDER COUNTY CLERK'S DOCUMENT NO. 526433, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS, AND QUITCLAIM AND GRANT OF EASEMENT RECORDED UNDER COUNTY CLERK'S DOCUMENT NO. 526435, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

## METER AND BOUNDS

A 30.114 ACRE TRACT OF LAND BEING 0.114 OF AN ACRE OUT OF LOT 115, AND THE SOUTH 30.00 ACRES OF LOT 116, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 24, PAGES 67 & 68, DEED RECORDS, HIDALGO COUNTY, TEXAS, AND ACCORDING TO WARRANTY DEED WITH VENDOR'S LIEN RECORDED UNDER COUNTY CLERK'S DOCUMENT NO. 526433, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS, AND QUITCLAIM AND GRANT OF EASEMENT RECORDED UNDER COUNTY CLERK'S DOCUMENT NO. 526435, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A COTTON PICKER SPINDLE SET WITHIN THE R.O.W. OF WARE ROAD (F.M. 2220) FOR THE SOUTHEAST CORNER OF LOT 116, THE NORTHEAST CORNER OF LOT 125, AND THE SOUTHEAST CORNER OF THIS TRACT.

THENCE: N 81°17'30"E, ALONG THE SOUTH LINE OF LOTS 115 AND 116, AND THE NORTH LINE OF LOTS 125 AND 126, PASSING AT 0.50 OF A FOOT THE CENTERLINE OF WARE ROAD, PASSING A 1/2" IRON ROD 24" IN LENGTH SET AT 40.50 FEET FOR THE WEST R.O.W. LINE OF WARE ROAD (ACCORDING TO RIGHT-OF-WAY EASEMENTS RECORDED IN VOLUME 929, PAGE 369, AND VOLUME 931, PAGE 486, DEED RECORDS, HIDALGO COUNTY, TEXAS), PASSING AT 75.00 FEET THE WEST LINE OF A 34.00 FOOT EASEMENT TO THE CITY OF McALLEN (RECORDED IN VOLUME 2737, PAGE 888, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS), PASSING AT 1320.00 FEET THE SOUTHEAST CORNER OF LOT 115, THE SOUTHWEST CORNER OF LOT 116, THE NORTHEAST CORNER OF LOT 125, AND THE NORTHEAST CORNER OF LOT 126, A TOTAL DISTANCE OF 1325.00 FEET TO A 1/2" IRON ROD 24" IN LENGTH SET FOR THE SOUTHEAST CORNER OF THE JACOB R. MORGAN TRACT (REMAINDER OF THE EAST 10.00 ACRES OF LOT 115, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, ACCORDING TO ASSUMPTION WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NO. 508255, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS), AND THE SOUTHEAST CORNER OF THIS TRACT.

THENCE: N 08°42'30"E, ALONG THE EAST LINE OF THE JACOB R. MORGAN TRACT, A DISTANCE OF 990.00 FEET TO A 1/2" IRON ROD 24" IN LENGTH SET FOR AN INTERIOR CORNER OF THE JACOB R. MORGAN TRACT, AND THE NORTHEAST CORNER OF THIS TRACT.

THENCE: S 81°17'30"E (DEED RECORD: S 81°17'39"E), ALONG THE EAST LINE OF THE JACOB R. MORGAN TRACT, PASSING AT 5.00 FEET AN EXTERIOR CORNER OF SAID TRACT, AND THE SOUTHWEST CORNER OF THE MICHAEL R. BIRDWELL TRACT (THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF LOT 116, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, ACCORDING TO WARRANTY DEED RECORDED IN VOLUME 1248, PAGE 955, DEED RECORDS, HIDALGO COUNTY, TEXAS), PASSING AT 1250.00 FEET THE WEST LINE OF SAID 34.00 FOOT EASEMENT TO THE CITY OF McALLEN, PASSING A 1/2" IRON ROD 24" IN LENGTH SET AT 1284.50 FEET FOR THE WEST R.O.W. LINE OF WARE ROAD, PASSING AT 1324.50 FEET THE CENTERLINE OF WARE ROAD, A TOTAL DISTANCE OF 1325.00 FEET TO A COTTON PICKER SPINDLE SET ON THE EAST LINE OF LOT 116, WITHIN THE R.O.W. OF WARE ROAD FOR THE SOUTHEAST CORNER OF THE MICHAEL R. BIRDWELL TRACT, AND THE NORTHEAST CORNER OF THIS TRACT.

THENCE: S 08°42'30"E, ALONG THE EAST LINE OF LOT 116, PARALLEL TO AND 0.50 OF A FOOT EAST OF THE CENTERLINE OF WARE ROAD, A DISTANCE OF 990.00 FEET TO THE POINT OF BEGINNING, AND CONTAINING 30.114 ACRES OF LAND MORE OR LESS.

## GENERAL NOTES

1. FLOOD ZONE DESIGNATION: ZONE "B" AND "C" ZONE "B".
2. AREAS BETWEEN LINES OF THE 100-YEAR AND 500-YEAR FLOODS, OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE (1) SQUARE MILE, OR AREAS PROTECTED BY LEVEES FROM THE BACK FLOOD.
3. G.P.N. 480343 0005 C MAP REVISED: NOVEMBER 2, 1982
4. AREAS OF MINIMAL FLOODING.
5. MINIMUM BUILDING SETBACKS: 15' FRONT, 10' SIDE, 5' REAR.
6. MINIMUM BUILDING SETBACKS: 15' FRONT, 10' SIDE, 5' REAR.
7. MINIMUM FINISH FLOOR ELEVATION: 16' ABOVE CENTERLINE OF STREET.
8. LEGEND: 8" DENOTES 1/2" IRON ROD SET UNLESS OTHERWISE NOTED.
9. THERE ARE NO WATER WELLS WITHIN 150 FEET FROM THE BOUNDARIES OF THIS SUBDIVISION.
10. MINIMUM BUILDING SETBACKS: 15' FRONT, 10' SIDE, 5' REAR.
11. MINIMUM BUILDING SETBACKS: 15' FRONT, 10' SIDE, 5' REAR.
12. ALL EASEMENTS BETWEEN LOT LINES SHALL BE EQUALLY DIVIDED.

## LIENHOLDERS' ACKNOWLEDGEMENT:

STATE OF TEXAS

COUNTY OF HIDALGO

I, (WE) THE UNDERSIGNED, HOLDER(S) OF THE SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND CONVEYED HEREIN AS IVORY PALM ESTATES, SUBDIVISION OF THE CITY OF McALLEN, TEXAS, DO HEREBY CERTIFY THAT THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ELLIOTT BOTTOM, PRESIDENT OF THE TEXAS STATE BANK, 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 HEREIN STATED.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

(PRINT NAME) DOE DEE THOMPMY COMMISSION EXPIRES: AUGUST 25, 1997STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY DONE ON THE GROUND UNLESS OTHERWISE NOTED.

STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONVENTIONS HAVE BEEN FOLLOWED.

STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONVENTIONS HAVE BEEN FOLLOWED.

STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONVENTIONS HAVE BEEN FOLLOWED.

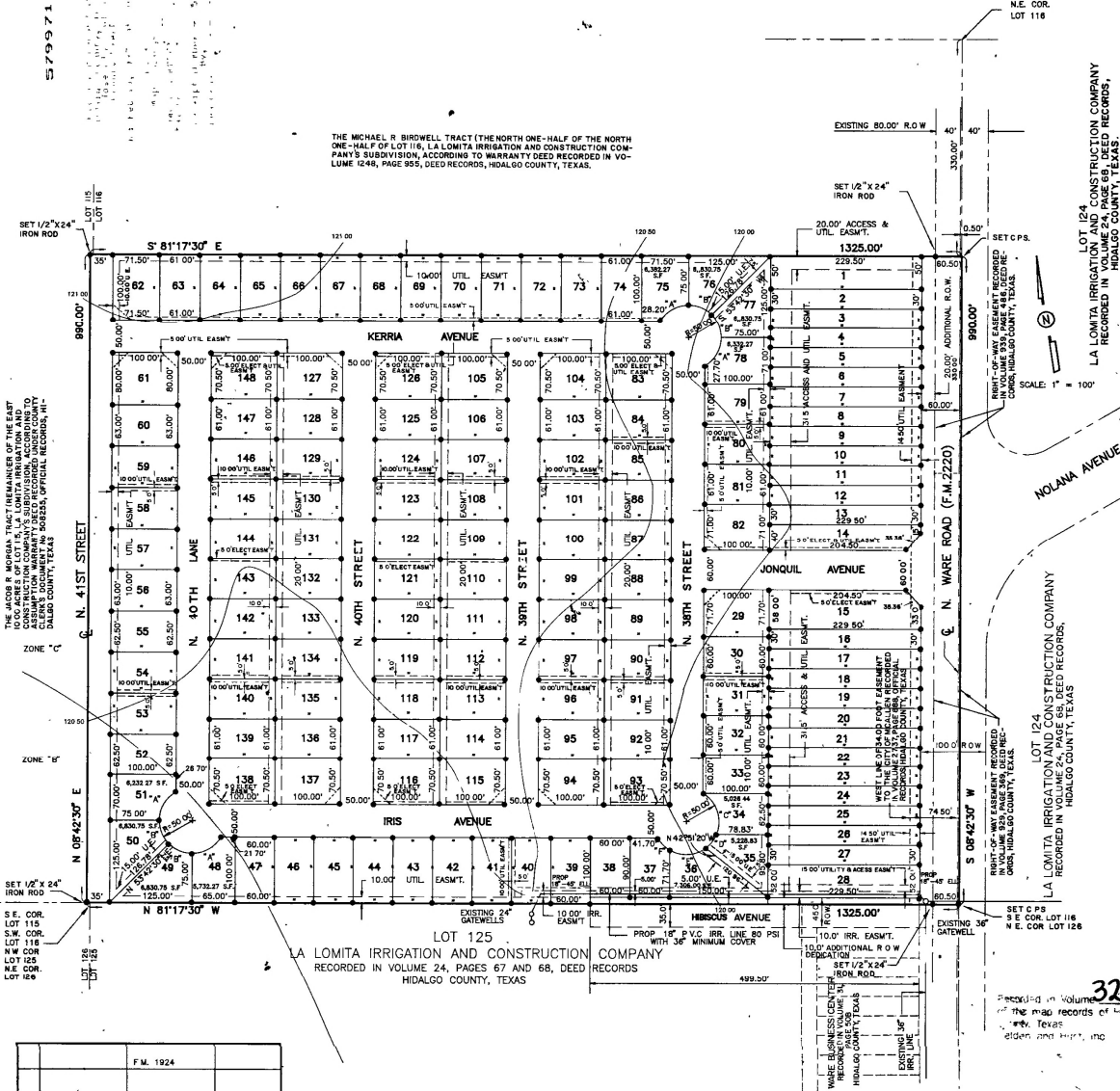
STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONVENTIONS HAVE BEEN FOLLOWED.

STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONVENTIONS HAVE BEEN FOLLOWED.

THE MICHAEL R. BIRDWELL TRACT (THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF LOT 116, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, ACCORDING TO WARRANTY DEED RECORDED IN VOLUME 1248, PAGE 955, DEED RECORDS, HIDALGO COUNTY, TEXAS).



LOT 125  
LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY  
RECORDED IN VOLUME 24, PAGES 67 AND 68, DEED RECORDS  
HIDALGO COUNTY, TEXAS

CURVE	DELTA	RADIUS	LENGTH
A	60°00'00"	50.00'	52.36'
B	49°00'00"	50.00'	38.27'
C	82°34'48"	50.00'	72.07'
D	36°11'00"	50.00'	26.34'
E	67°14'00"	50.00'	56.87'
F	30°00'00"	50.00'	26.18'

APPROVED FOR RECORDING  
HIDALGO CO. PLANNING DEPT.  
BY: [Signature]  
DATE: 2-18-97

CHECKED FOR PLANNING  
BY: [Signature]  
DATE: 2/19/97

13. SITE PLAN MUST BE APPROVED FOR LOTS 1 THROUGH 28 BY THE PLANNING AND ZONING COMMISSION PRIOR TO ISSUANCE OF BUILDING PERMITS, AND WILL INCLUDE COMMON PARKING, LANDSCAPING, CURB CUTS, SETBACKS, ETC. AND IS FOR THE BENEFIT OF ALL THE LOT OWNERS AND MAINTAINED BY THE SAME.

QUINTANILLA, HEADLEY AND ASSOCIATES, INC.  
CONSULTING ENGINEERS AND LAND SURVEYORS  
124 E. STUBBS ST., EDINBURG, TEXAS 78539 PH. (210) 381-0480

STATE OF TEXAS  
COUNTY OF HIDALGO

I, (WE) THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND CONVEYED HEREIN AS IVORY PALM ESTATES, SUBDIVISION OF THE CITY OF McALLEN, TEXAS, DO HEREBY CERTIFY THAT THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

SILVIA TREVIÑO  
DAGOBERTO TREVIÑO  
OWNER AND DE  
IVORY PALM ESTATES  
4815 N. 4TH  
MCALLEN, TEXAS

STATE OF TEXAS  
COUNTY OF HIDALGO  
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED SILVIA TREVIÑO, DAGOBERTO TREVIÑO, AND JACOB R. MORGAN, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE (THEY) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 18th DAY OF

SUSAN J. HEADLEY  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
JUNE 24, 1997

THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 1  
DAY OF February, 1997

HIDALGO COUNTY IRRIGATION DISTRICT NO. 1  
DAY OF February, 1997

NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON N.C.D. NO. 1  
OR EASEMENTS WITHOUT THE EXPRESSED WRITTEN PERMISSION OF THE  
DISTRICT MANAGER.

SECRETARY  
PRESIDENT

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION  
ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHICH  
ARE REQUIRED.

CHIEFMAN PLANNING

I, THE UNDERSIGNED, MAYOR OF THE CITY OF McALLEN, TEXAS, DO HEREBY  
CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, AND WAS PREPARED FROM AN  
ACTUAL SURVEY OF THE PROPERTY DONE ON THE GROUND UNLESS OTHERWISE  
NOTED.

JACK A. HEADLEY  
R.P.L.S. No. 4484

STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE  
STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, AND  
WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY DONE ON THE GROUND  
UNLESS OTHERWISE NOTED.

JACK A. HEADLEY  
R.P.L.S. No. 4484

STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF  
TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONVENTIONS HAVE  
BEEN FOLLOWED.

STATE OF TEXAS  
COUNTY OF HIDALGO

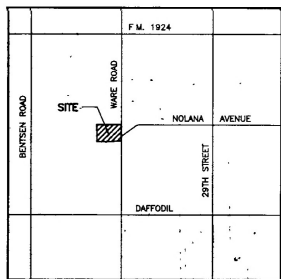
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF  
TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONVENTIONS HAVE  
BEEN FOLLOWED.

STATE OF TEXAS  
COUNTY OF HIDALGO

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TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONVENTIONS HAVE  
BEEN FOLLOWED.

STATE OF TEXAS  
COUNTY OF HIDALGO

LOCATION MAP















PL 2003  
PLANNING

Beauty Secrets

WINE

The Peace Pipe

CHOICE

BEAUTY SALON  
HAIR & NAILS

NOTICE  
INSTITUTIONAL  
USE  
FOR  
THIS PROPERTY  
CUP2021-0142



CITY OF MCALLEN PLANNING DEPT.  
361-681-1250  
WWW.MCALLEN.NET





# Planning Department

## Memo

**TO:** Planning and Zoning Commission

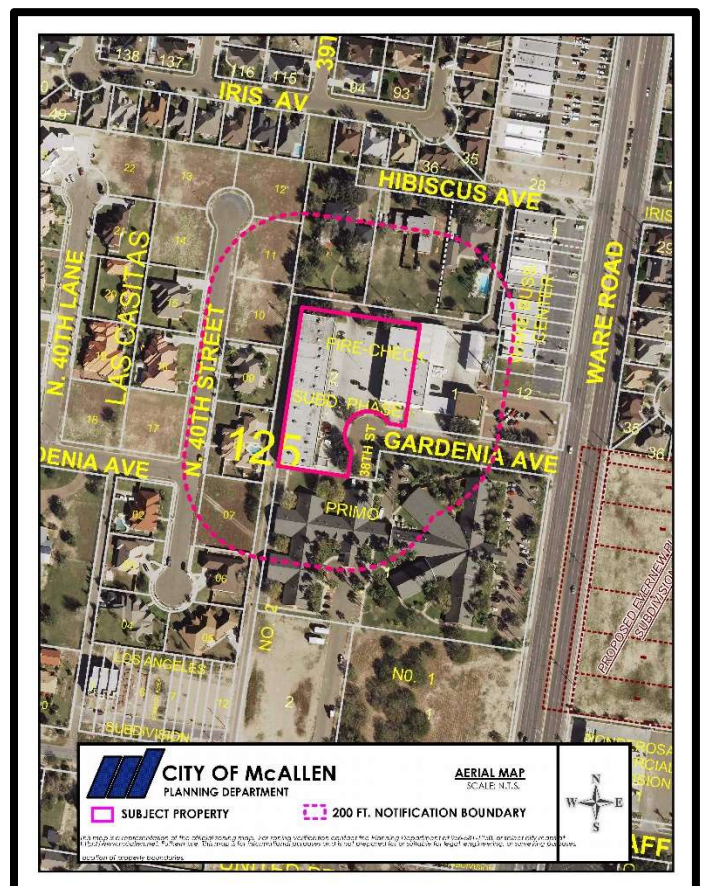
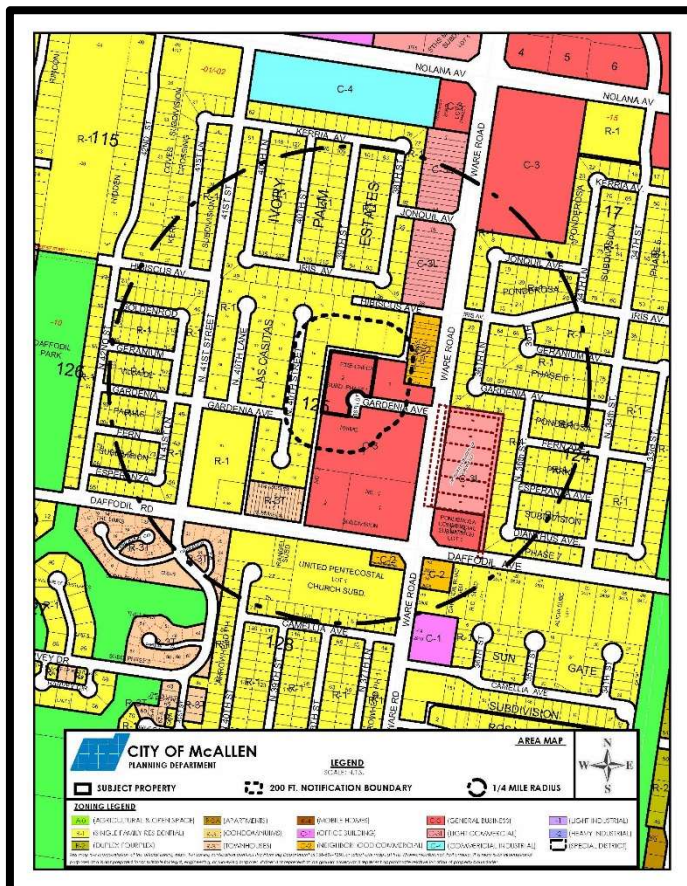
**FROM:** Planning Staff

**DATE:** October 28, 2021

**SUBJECT: REQUEST OF JORGE BARRERA, FOR ONE YEAR, FOR AN INSTITUTIONAL USE (CHURCH) AT LOT 2, FIRE-CHECK SUBDIVISION PHASE I, HIDALGO COUNTY, TEXAS, 3750 GARDENIA AVENUE, SUITE B. (CUP2020-0149)**

### BRIEF DESCRIPTION:

The property is located at an elbow intersection of North 38<sup>th</sup> street and Gardenia Avenue. It is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the east and south, and R-1 (single family residential) District to the north and west. Surrounding land uses include Briarcliff Nursing and Rehabilitation Center, G A Beauty & Barber School, Tex-Star DME Inc. Medical supply store, single-family residences, and vacant land. An institutional use is permitted in a C-3 District zone with a conditional use permit and in compliance with requirements.



**HISTORY:**

The initial conditional use permit for a church under a different applicant for this location was approved for one year by the Planning and Zoning Commission on October 05, 2010. There was a second conditional use permit for one year for a church that was approved by the Planning and Zoning Commission on December 03, 2021. The current request is based on a new application for a conditional use permit.

**REQUEST/ANALYSIS:**

The property is located in a commercial/office strip center. The applicant is proposing to use a vacant lease space (Suite B) with approximately 5,000 sq. ft. for a church. The lease space consists of an office area (2,000 sq. ft.) and sanctuary (3,000 sq. ft.) as shown on the submitted site plan.

The proposed days and hours of operation for the church office will be Monday through Friday from 8:00 a.m. to 5:00 p.m. Based on the 2,000 sq. ft. of office area 13 parking spaces are required. There are 128 parking spaces provided on site as part of a common parking area for the existing commercial development.

The proposed days and hours for worship services will be Wednesday from 7:00 p.m. to 8:00 p.m. and Sundays from at 10:00 a.m. to 2:00 p.m. The applicant is proposing 200 seats in the sanctuary. Based on the 200 seats in the main auditorium, 50 parking spaces are required. There are 128 parking spaces provided on site as part of a common parking area of the existing commercial development. The parking spaces for the other businesses do not interfere with the church's parking based on the hours of operation for the majority of the businesses.

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

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



- 6) The number of persons within the main building shall be determined by the Building Inspections Department and shall maintain the existing seating capacity for the main sanctuary; and
- 7) Sides adjacent to commercially and residentially zoned or use property shall be screened by a 6 ft. opaque fence.

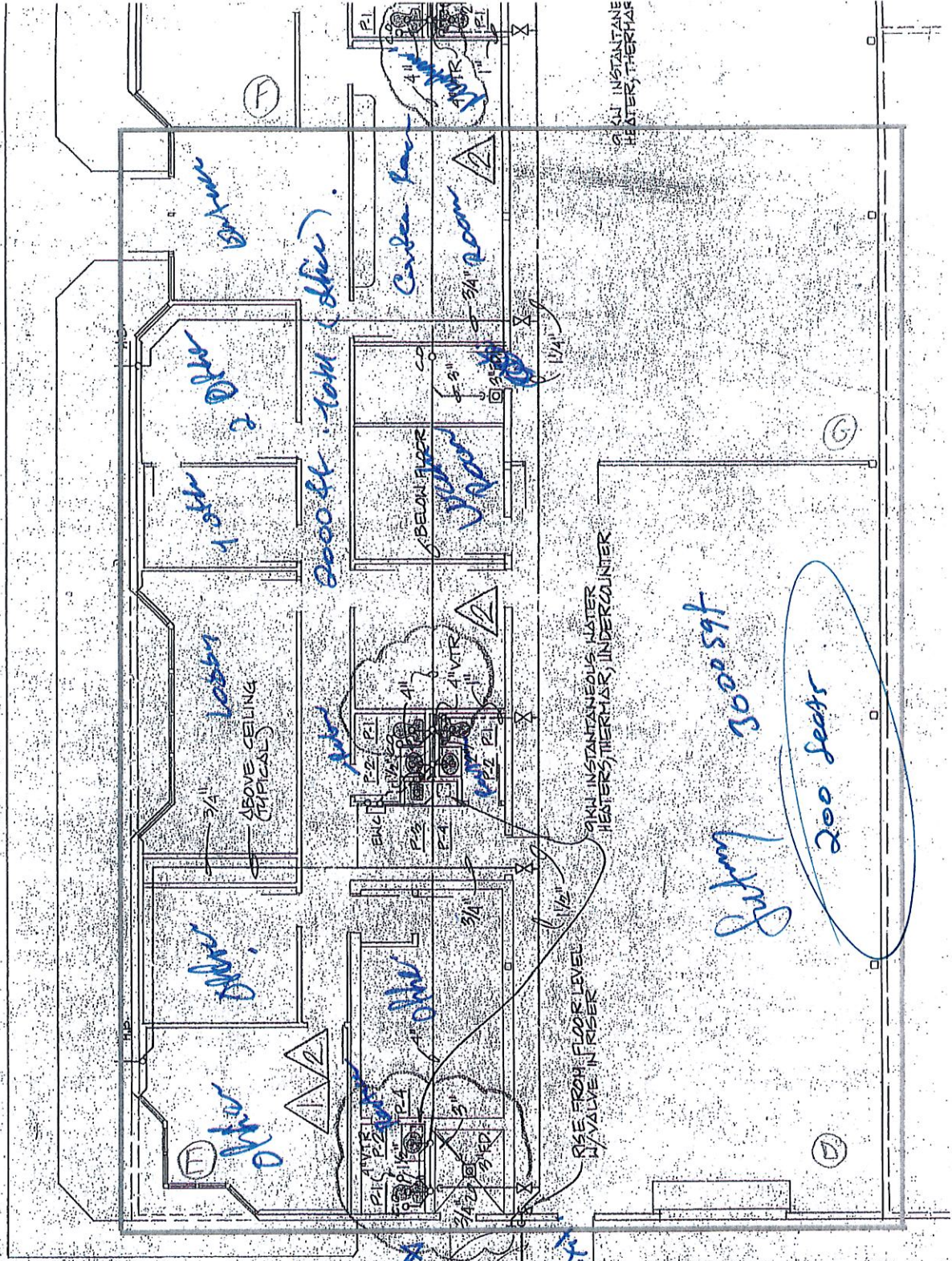
**RECOMMENDATION:**

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



200  
200

# 3750 GARDEN A



HOSE BIBB (BUILDING DRAIN)

1/2" BELOW GRADE

REFER TO SITE PLAN SHEET FOR EXTENSION

RISE FROM FLOOR LEVEL W/ VALVE IN RISER

24" IN INSTANTANEOUS WATER HEATERS, THERMOS, UNDERCOUNTER

24" IN INSTANTANEOUS WATER HEATERS, THERMOS

Living 3000 sqft

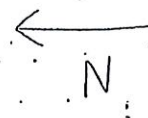
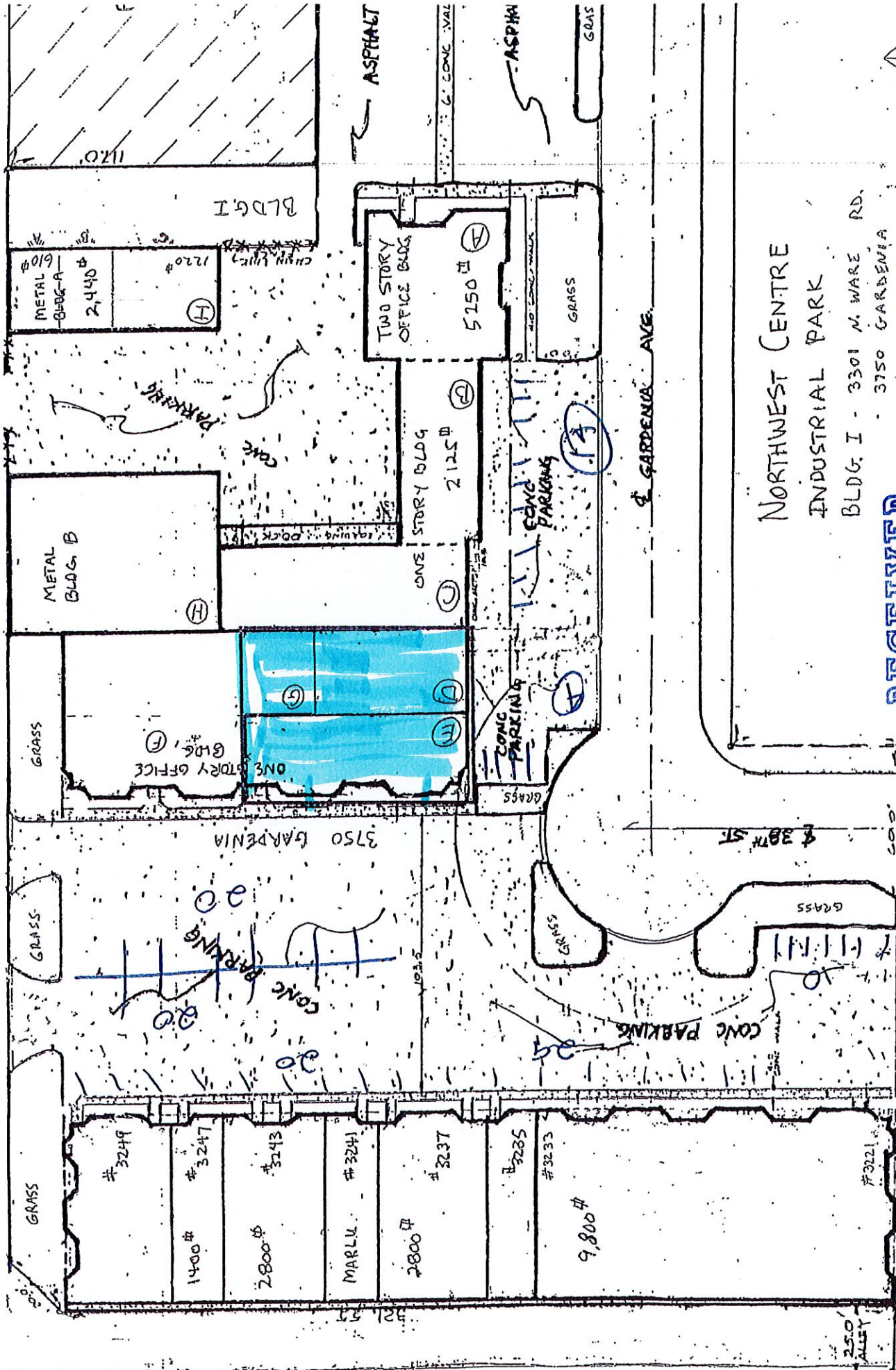
200 seats

RECEIVED

OCT 21 2021

BY:





NORTHWEST CENTRE  
INDUSTRIAL PARK  
BLDG. I - 3301 N. WARE RD.  
3750 GARDENIA

RECEIVED  
OCT 27 2021

BY: *[Signature]*

BLDG. II

**Mario Escamilla, Jr.**

---

**From:** ALTAR Church <altar.intl.ministry@gmail.com>  
**Sent:** Wednesday, October 27, 2021 11:52 AM  
**To:** Mario Escamilla, Jr.  
**Subject:** Fwd: Parking - 3750 W Gardenia, Suite B

----- Forwarded message -----

From: **Jason Jauregui** <[JHAdmin@discoveryworldsa.com](mailto:JHAdmin@discoveryworldsa.com)>  
Date: Wed, Oct 27, 2021 at 9:47 AM  
Subject: Parking - 3750 W Gardenia, Suite B  
To: Jorge Barrera <[altar.intl.ministry@gmail.com](mailto:altar.intl.ministry@gmail.com)>

Jorge,

With regard to your question about parking for your leased space at 3750 W. Gardenia, Suite B, all parking spaces are shared throughout the entire property.

Please let me know if you have any questions.

Sincerely,

Jason Jauregui  
Jauregui Holdings, LLC  
[406 W Cesar E. Chavez Blvd.](#)  
[San Antonio, TX 78204](#)  
O: (210) 227-3301  
C: (210) 601-8897

--



**ALTAR Church**  
***Founder & Lead Pastor Jorge Barrera***  
P.O. BOX 3451 McALLEN, TX. 78502  
PH.|TEL(956) 357 1159

**RECEIVED**  
OCT 27 2021  
BY: 





NOTICE  
INSTITUTIONAL  
USE  
FOR  
THIS PROPERTY  
CUP2021-0149

NO PARKING  
EXCEPT BY PERMIT



**Mario Escamilla, Jr.**

---

**From:** jhossep Gil <jhossepgil93@gmail.com>  
**Sent:** Wednesday, October 27, 2021 2:53 PM  
**To:** Mario Escamilla, Jr.  
**Subject:** Re: Toloa Rooftop Conditional Permit Documents

Good afternoon,

We spoke earlier today about Toloa rooftop case for the consideration of the conditional permit. We would like to withdraw our application and proceed with the restaurant status. Let me know if you need anything from our side.

Confirm if you read this email pls.

Best regards

Jhossep Gil

On Tue, Oct 5, 2021 at 2:47 PM jhossep Gil <[jhossepgil93@gmail.com](mailto:jhossepgil93@gmail.com)> wrote:  
Greetings,

Here you may find both documents you requested along with the application for the conditional permit.

Feel free to reach back to this email or my personal contact.


9569700690.

Best,

Jhossep Gil

--

Jhossep J Gil Martinez

RECEIVED  
OCT 27 2021  
BY: 





NOTICE  
BAR  
FOR  
THIS PROPERTY  
CUP2021-0152

 CITY OF McALLEN PLANNING DEPT.  
304 461-1700  
WWW.MCALLEN.MX





## Memo

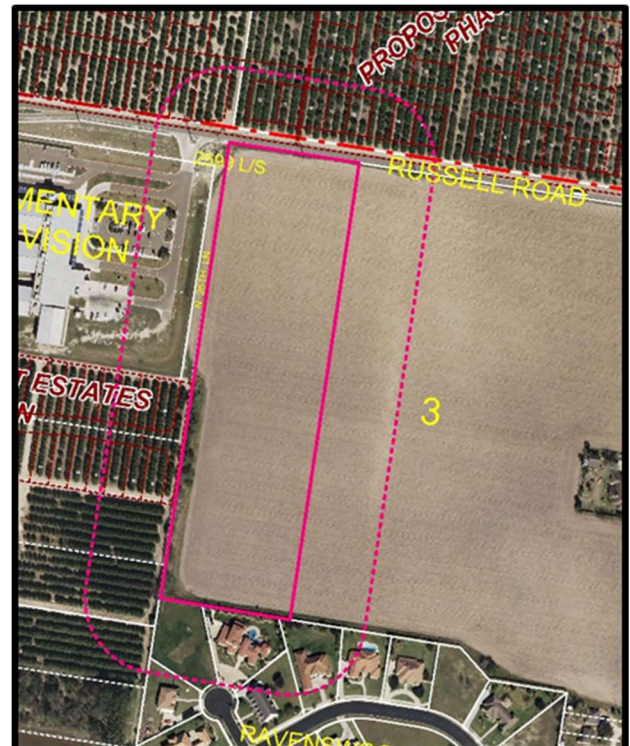
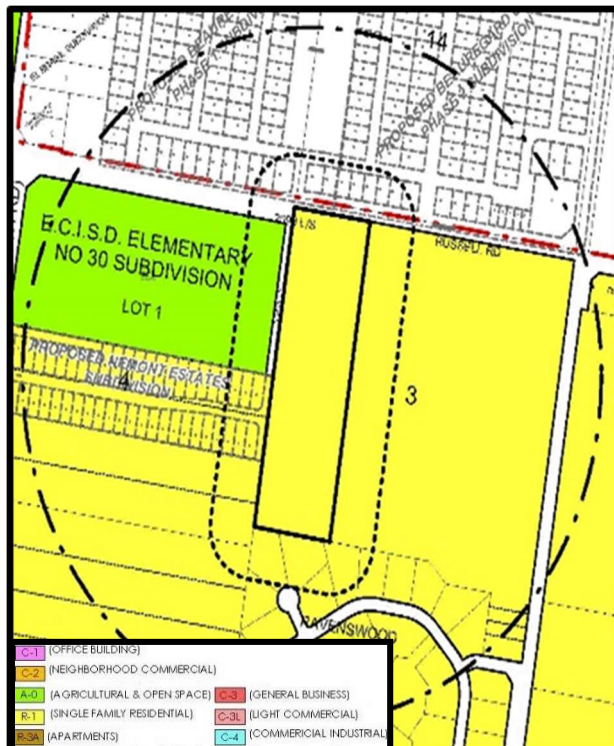
**TO:** Planning and Zoning Commission

**DATE:** October 29, 2021

**SUBJECT: REQUEST OF MARK DENTON CORBITT, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PLANNED UNIT DEVELOPMENT (PUD) AT THE 10 ACRES OUT OF LOT 3, SECTION 233, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS; 2401 RUSSELL ROAD. (CUP2021-0155)**

### BRIEF DESCRIPTION:

The property is located on the south side of Russell Road approximately 1220 feet east of North Rooth Road. The tract has 348.65ft. of frontage along Russell road with a maximum depth of 1,250 ft. at its deepest point for a lot size of 10.00 acres. The property zoning is R-1 (single family residential) District. The adjacent zoning is R-1 (single-family residential) District to the east, south and west. There is A-O (agricultural and open space) District to the west. The area to the north across Russell Road is outside the city limits of McAllen. A Planned Unit Development is permitted in an R-1 District with a conditional use permit and in compliance with Article IV Planned Developments of the Subdivision Ordinance.





**HISTORY:**

A rezoning request for C-3 (general business) District was tabled at the Planning and Zoning Commission meeting of September 21, 2021. Following discussion, the Board voted to table the request to allow time for the applicant to meet with staff and alternatively consider a conditional use permit for a planned unit development. After meeting with staff the applicant and property owner decided to withdraw their rezoning request. The applicant submitted an application for a Conditional Use Permit for a Planned Unit Development on October 6, 2021.

**REQUEST/ANALYSIS:**

Currently, the property is vacant. The applicant is proposing to develop a Planned Unit Development for a self-storage facility.

Planned unit developments allow a variety of land uses that complement each other within the development and with existing land uses in the vicinity. Specific requirements for approval are specified in the Ordinance creating a Planned Unit Development for the subject property and summarized as the following:

1. CONCEPTUAL SITE PLAN: Development and use of the property must comply with the conditional use permit conceptual site plan.
2. PERMITTED USES: Permitted uses are uses permitted in the C-3 (commercial general business) District for buildings designated as commercial.
3. OFF-STREET PARKING AND LOADING: Parking in compliance with Chapter 134 Article VI. General office or medical office: 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. Based on the 1,980 sq. ft. of office space 13 parking spaces are required, 13 parking spaces are being provided.
4. LANDSCAPING:  
A minimum of ten percent of the area of any lot or parcel shall be devoted to landscape material and comply with the intent and purpose of this article and 50 percent of such landscaped area for nonresidential lots shall be visible from the street fronting the developed property. Landscape areas located within the street and alley rights-of-way shall not be credited towards meeting the minimum landscape area requirement. However, right-of-way areas shall be landscaped. Landscape areas associated with drainage detention facilities located on the lot or parcel may be credited towards the landscape area requirement. A minimum of 50 percent of the area within the required front yard of any residential parcel shall be devoted to landscape material. Based on the lot area of 363,261 sq. ft., 36,321 sq. ft. of landscaping is required, 49,448 sq. ft. is being provided.

When the required area being landscaped is from 10,001 or greater square feet a

minimum of 26 trees for the first 10,000 square feet and one tree for every 800 square feet over 10,000 square feet of landscape area shall be required. Based on the required landscape area of 36,321 sq. ft., 59 trees are required.

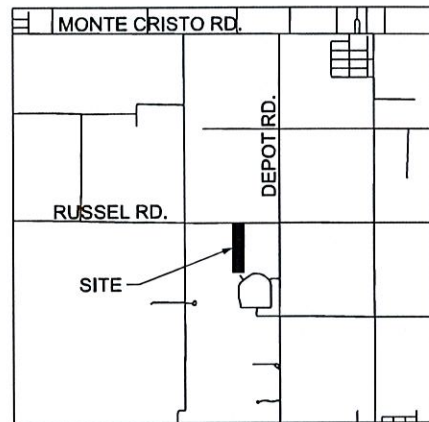
5. STREETS AND SETBACKS: Final setbacks and right of way dedication will be addressed through the subdivision process.
6. DRAINAGE: Addressed through subdivision process, final drainage detention and design and drainage plan must be submitted and in accordance with City of McAllen Standard Design Guide.
7. ADDITIONAL PROVISIONS: Conditional Use Permit site plan controls if there is conflict with other City ordinances. A decision by the Planning Director may be reviewed by Planning and Zoning Commission for recommendation to Board of Commissioners for final determination. The Conditional Use Permit calls for mixed use and a minimum of five (5) acres. The development has 10.00 acres and is proposing a single use.
8. Owner, Engineer and Surveyor certification and signature block needs to be shown on the PUD site plan. Submitted site plan meets requirements.
9. A recorded subdivision plat and Planned Unit Development site plan is required prior to issuance of building permits. Subdivision process must be completed, and recorded together with the site plan.

If the subdivision layout changes, the conditional use permit will need to be amended to resemble the approved Subdivision Plat. Must comply with inner city departments requirements, including but not limited to Building & Inspections Department, Utility Department, Engineering Department, and Fire Department maneuvering and code requirements.

**RECOMMENDATION:**

Staff recommends approval of the planned unit development as presented for life of use subject to the conditions noted above.





LOCATION MAP: NTS

STATE OF TEXAS  
COUNTY OF HIDALGO  
CERTIFICATION OF SURVEYOR

I, THE UNDERSIGNED, MANUEL CARRIZALES, A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT PROPER SURVEYING CONSIDERATION HAS BEEN GIVEN TO THIS PLANNED UNIT DEVELOPMENT AND THAT IT IS A TRUE AND ACCURATE REPRESENTATION OF THE LANDS HEREON DESCRIBED.

MANUEL CARRIZALES, R.P.L.S. # 6388  
DATE SURVEYED:

STATE OF TEXAS  
COUNTY OF HIDALGO  
CERTIFICATION OF ENGINEER

I, THE UNDERSIGNED, MARK D. CORBITT, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAN.

DATED THIS THE 29th DAY OF October 2021  
MARK D. CORBITT, PROFESSIONAL ENGINEER No. 101980  
STATE OF TEXAS  
DATE PREPARED:



OWNER'S ACKNOWLEDGMENT  
STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLANNED UNIT DEVELOPMENT, CERTIFY THE PROPOSED PLAN AS DEPICTED.

JANE CROSS 10/29/21  
DATE

SCALE 1" = 50'

BASIS OF BEARINGS:  
TEXAS STATE PLANE  
COORDINATE SYSTEM  
SOUTH ZONE 4205

### LEGAL DESCRIPTION

A 10 AC tract being out of lot 3 section 233, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas Vol 1 Pg 12 HCVR

### SITE GENERAL NOTES

- NO WALK SLOPE TO EXCEED 5% & CROSS SLOPE NOT TO EXCEED 2% UNLESS OTHERWISE NOTED.
- REFER TO CIVIL DRAWINGS FOR GRADING, SITE UTILITIES, ASPHALT AND CONCRETE PAVEMENT, DRAINAGE, CURBS, GUTTERS, BUILDING & DRIVE DIMENSIONS & LOCATIONS
- ALL DIMENSIONS AT CURB LINES TO BACK OF CONCRETE CURBS
- REFER TO MEP DRAWINGS FOR UNDERGROUND ELECTRICAL & OVERHEAD UTILITIES.

### SITE INFORMATION

#### PARKING REQUIREMENTS

SELF-SERVICE STORAGE (3 SPACES)

PARKING REQUIRED: 3  
PARKING PROVIDED: 3

OFFICE SPACE (1 SPACE FOR EA. 250 SQ.FT. OF FLOOR AREA IF SPACE EXCEEDS 500 SQ. FT.)  
(1,980 SQ.FT / 250 SQ.FT. = 7.92 = 8 PARKING SPACES)

PARKING REQUIRED: 8  
PARKING PROVIDED: 10

TOTAL PARKING PROVIDED: 13

#### LANDSCAPE REQUIREMENTS

LOT AREA = 435,594 SQ. FT.  
LANDSCAPE 10% REQUIREMENTS = 43,559 SQ. FT.  
LANDSCAPE PROVIDED = 49,449 SQ. FT.

#### TOTAL BUILDING AREA

CLIMATE BUILDINGS = 148,580 SQ. FT.  
NON-CLIMATE BUILDINGS = 24,500 SQ. FT.

### BUILDING AREA SCHEDULE

AREA	DATA
CLIMATE	
① BUILDING #1 STORAGE	= 18,375 SQ. FT.
OFFICE SPACE	= 1,980 SQ. FT.
SUBTOTAL	= 20,355 SQ. FT.
② BUILDING #2	= 18,375 SQ. FT.
③ BUILDING #3	= 18,375 SQ. FT.
④ BUILDING #4	= 18,375 SQ. FT.
⑤ BUILDING #5	= 18,375 SQ. FT.
⑥ BUILDING #6	= 18,375 SQ. FT.
⑦ BUILDING #7	= 18,375 SQ. FT.
⑧ BUILDING #8	= 18,375 SQ. FT.
SUBTOTAL	= 128,625 SQ. FT.
TOTAL	= 148,980 SQ. FT.

NON-CLIMATE	
⑨ OPEN STRUCTURAL #9	= 12,250 SQ. FT.
⑩ OPEN STRUCTURAL #10	= 12,250 SQ. FT.
TOTAL	= 24,500 SQ. FT.

GRAND TOTAL = 173,480 SQ. FT.

### SITE LEGEND

- PROPOSED BUILDING LOCATION
- NEW DRIVE WAY
- LANDSCAPE AREA

PLANNED UNIT DEVELOPMENT  
FOR WEST 10 AC OF:  
MCALLEN PROPERTY ID 294701

S-165'  
OWNER: JAMIE DON SMITH  
WD: DOC. NO. 1501737  
O.R.H.C.T.

4.65 AC.  
OWNER: DIANA R. SMITH  
CWD: DOC. NO. 1520452  
O.R.H.C.T.

10.0 AC  
OWNER: NEMONT ESTATES I LP  
GWD: DOC. NO. 3145893  
O.R.H.C.T.

LOT 1  
E.C.I.S.D. ELEMENTARY SCHOOL NO. 30  
DOC NO. 2124056  
M.R.P.C.T.

OWNER: EDINBURG ISD  
O.R.H.C.T.

30' DEDICATED ROW

DOUBLE DUMPSTER LOCATION

5' GREENSPACE/DITCH (TYP.)

50' DEDICATED ROW

10' DEDICATED ROW

RAVENS WOOD SUBDIVISION PHASE I  
VOL. 33 PG. 29  
O.R.H.C.T.

60' DEDICATED ROW

PLANTS KEY NOTES						
SYMBOL	QUANTITY	PLANT TYPE	SIZE	SPACING	CREDIT	TOTAL
	4	EUCALYPTUS	12" DBH	PER PLAN	4 TREES	30 TREES
	5	EUCALYPTUS	12" DBH	PER PLAN	4 TREES	30 TREES
	6	PALM	12" DBH	PER PLAN	2 TREES	12 TREES
TOTAL TREES NEEDED = 68						
TOTAL TREES PROVIDED = 69						

#### NOTES:




- ALL BUILDING HEIGHTS WILL BE STANDARD ONE STORY
- PROPOSED PAVEMENT WILL BE REINFORCED CONCRETE
- SANITARY SEWER WILL TIE INTO EXISTING MANHOLE AT NW CORNER OF THE PROJECT
- POTABLE WATER WILL BE TIED INTO EXISTING LINE ON RUSSEL RD. OR THE PROPOSED DEVELOPMENT TO THE EAST OF THE PROJECT (PROPOERTY TO BE DESIGNED WITH THIS PLANNED UNIT DEVELOPMENT DURING THE SUBDIVISION PLATTING PROCESS)
- THIS PROPOSED DEVELOPMENT WILL HAVE AN 8FT MASONRY SCREEN (FENCE) AROUND THE PERIMETER.

37.292 ACRES  
[1,624,452.91 SQ.FT.]  
OWNER: JANE CROSS ENTERPRISES INC  
WD: INST. NO. 2013-2460638  
O.R.P.C.T.

### LEGEND

- BOUNDARY LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- SECTION LINE
- LOT LINE
- PROPERTY LINE
- FOUND 1/2" IRON ROD
- FOUND 1/4" IRON ROD
- FOUND COTTON PICKER SPINDLE
- SET 1/2" IRON ROD W/PINK CAP
- VOL. - VOLUME
- PG. - PAGE
- SECT. - SECTION
- DOC. - DOCUMENT
- ESMT. - EASEMENT
- UTIL. - UTILITY
- GWD. - GENERAL WARRANTY DEED
 AFH. - AFFIDAVIT OF HEIRSHIP | SWD. - SPECIAL WARRANTY DEED | WDL. - WARRANTY DEED W/VENDOR'S LIEN | FND. - FOUND | R.O.W. - RIGHT OF WAY | NE - NORTHEAST | NW - NORTHWEST | SW - SOUTHWEST | CNR. - CORNER | O.R.H.C.T. - OFFICIAL RECORDS HIDALGO COUNTY TEXAS | M.R.H.C.T. - MAP RECORDS HIDALGO COUNTY TEXAS | H.C.I.D. No. - HIDALGO COUNTY IRRIGATION DISTRICT No.1 |



PLANTS KEY NOTES						
SYMBOL	QUANTITY	PLANT TYPE	SIZE	SPACING	CREDIT	TOTAL
	9	E.W. TREE	CALIPER 6"	PER PLAN	4 TREES	36 TREES
	5	E.W. TREE	CALIPER 8"	PER PLAN	6 TREES	30 TREES
	6	PALM	MIN. 6" OF CLEAR TRUNK	PER PLAN	2=1 (2 1/2" CALIBER) TREE	3 TREES
MIN OF 26 TREES FOR FIRST 10,000 S.F. AND ONE TREE FOR EVERY 800 S.F. OVER 10,000 S.F.				10,000 S.F. = 26 TREES 43,559 S.F. - 10,000 S.F. = 33,559 S.F. 33,559 S.F. / 800 S.F. = 41.9 = 42 TREES		
TOTAL TREES NEEDED = 68						
TOTAL TREES PROVIDED = 69						

- SITE GENERAL NOTES**
- NO WALK SLOPE TO EXCEED 5% & CROSS SLOPE NOT TO EXCEED 2% UNLESS OTHERWISE NOTED.
  - REFER TO CIVIL DRAWINGS FOR GRADING, SITE UTILITIES, ASPHALT AND CONCRETE PAVEMENT, DRAINAGE, CURBS, GUTTERS, BUILDING & DRIVE DIMENSIONS & LOCATIONS.
  - ALL DIMENSIONS AT CURB LINES TO BACK OF CONCRETE CURBS.
  - REFER TO MEP DRAWINGS FOR UNDERGROUND ELECTRICAL & OVERHEAD UTILITIES.

**SITE INFORMATION**  
PARKING REQUIREMENTS

SELF-SERVICE STORAGE (3 SPACES)  
PARKING REQUIRED: 3  
PARKING PROVIDED: 3

OFFICE SPACE (1 SPACE FOR EA. 250 SQ. FT. OF FLOOR AREA IF SPACE EXCEEDS 500 SQ. FT.)  
(1,980 SQ. FT. / 250 SQ. FT. = 7.92 = 8 PARKING SPACES)  
PARKING REQUIRED: 8  
PARKING PROVIDED: 10  
TOTAL PARKING PROVIDED: 13

**LANDSCAPE REQUIREMENTS**  
LOT AREA = 435,594 SQ. FT.  
LANDSCAPE 10% REQUIREMENTS = 43,559 SQ. FT.  
LANDSCAPE PROVIDED = 49,448 SQ. FT.

**TOTAL BUILDING AREA :**  
CLIMATE BUILDINGS = 148,980 SQ. FT.  
NON-CLIMATE BUILDINGS = 24,500 SQ. FT.

**BUILDING AREA SCHEDULE**

AREA	DATA
<b>CLIMATE</b>	
① BUILDING #1	= 18,375 SQ. FT.
STORAGE	= 1,980 SQ. FT.
OFFICE SPACE	= 1,980 SQ. FT.
SUBTOTAL	= 20,335 SQ. FT.
<b>NON-CLIMATE</b>	
② BUILDING #2	= 18,375 SQ. FT.
③ BUILDING #3	= 18,375 SQ. FT.
④ BUILDING #4	= 18,375 SQ. FT.
⑤ BUILDING #5	= 18,375 SQ. FT.
⑥ BUILDING #6	= 18,375 SQ. FT.
⑦ BUILDING #7	= 18,375 SQ. FT.
⑧ BUILDING #8	= 18,375 SQ. FT.
SUBTOTAL	= 128,625 SQ. FT.
TOTAL	= 148,980 SQ. FT.

<b>NON-CLIMATE</b>	
⑨ OPEN STRUCTURAL # 9	= 12,250 SQ. FT.
⑩ OPEN STRUCTURAL # 10	= 12,250 SQ. FT.
TOTAL	= 24,500 SQ. FT.

GRAND TOTAL = 173,480 SQ. FT.

SITE LEGEND	
	PROPOSED BUILDING LOCATION
	NEW DRIVE WAY
	LANDSCAPE AREA

REVISIONS		
No.	DATE	PHASE

PROJECT NAME

HIDE AND SEEK  
STORAGE UNITS  
SITE PLAN

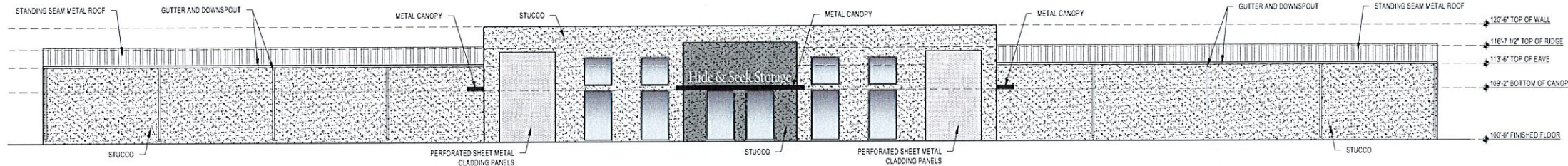
M C A L L E N , T E X A S

PROJECT No. 2141  
PHASE: DD  
ISSUE DATE: 10.27.2021  
DRAWN BY: AT  
CHECKED BY: FA

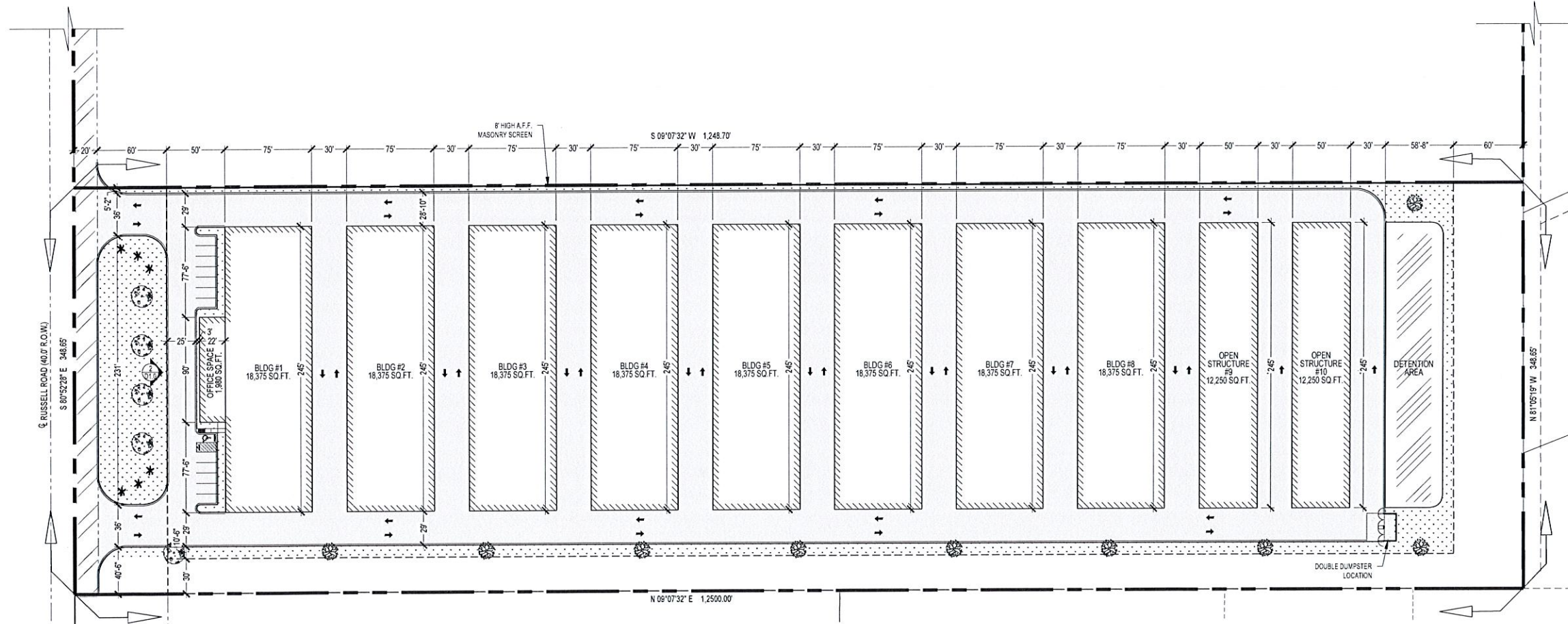
S H E E T

D1.0

COPYRIGHT PROTECTED  
NOMA DESIGN STUDIO



2 FRONT ELEVATION  
Scale: 3/32" = 1'-0"

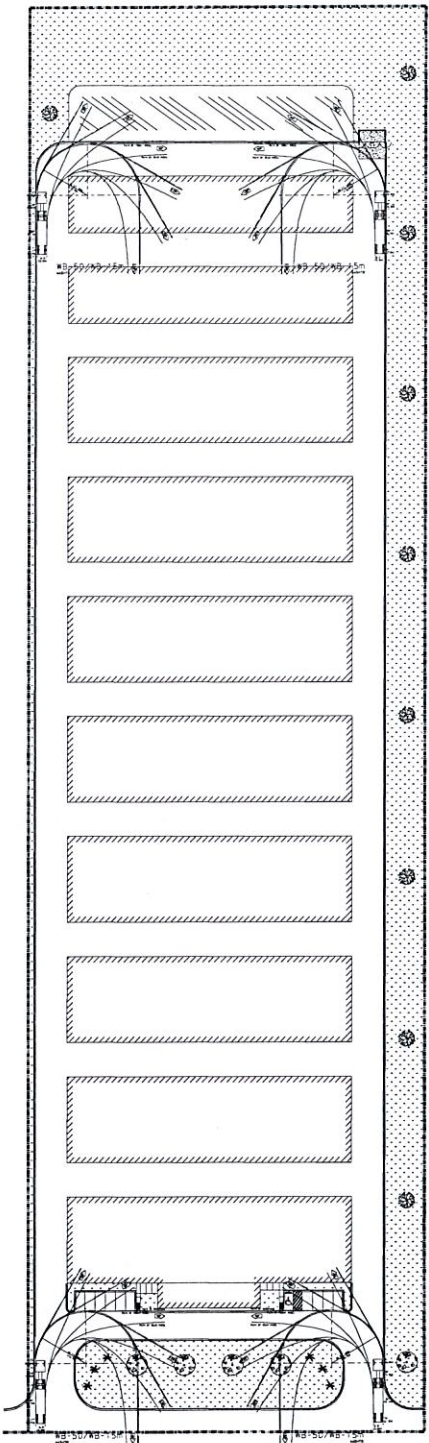
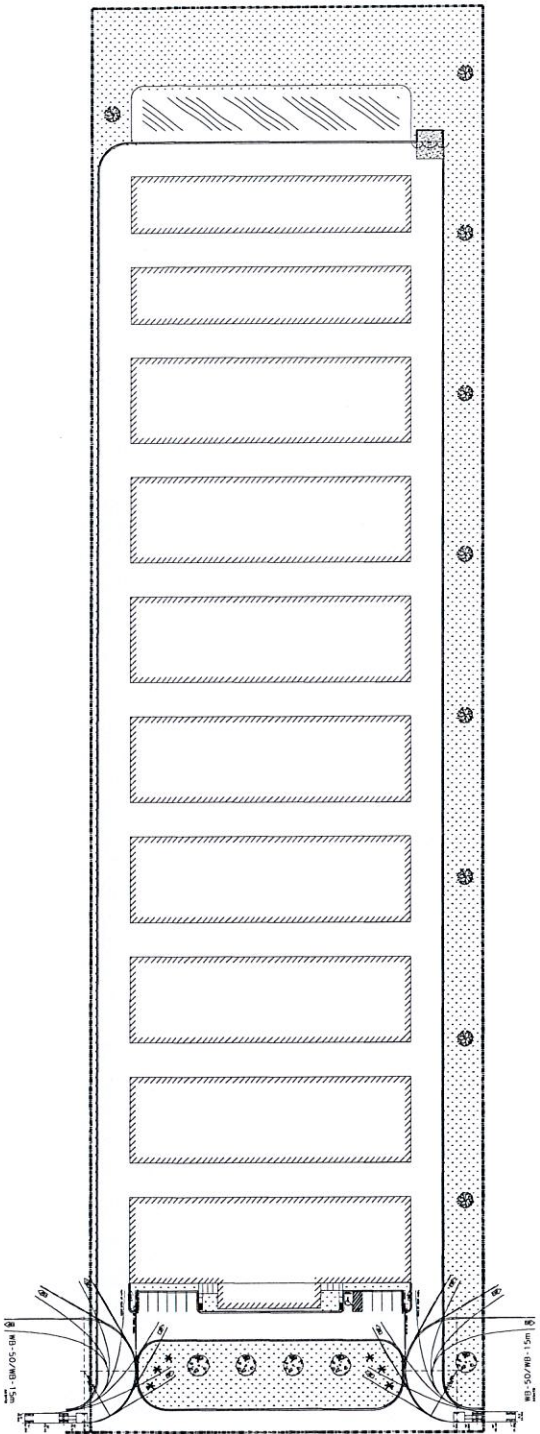


RECEIVED  
OCT 29 2021  
BY: 



1 PROPOSED SITE PLAN  
Scale: 1" = 50'-0"





TURNING RADII LAYOUT - PLANNED UNIT DEVELOPMENT  
FOR WEST 10 AC OF: MCALLEN PROPERTY ID 294701


RECEIVED  
OCT 12 2021

BY: *[Signature]*

A 10,000 ACRE [435,583.78 SQ.FT.] TRACT  
BEING OUT OF LOT 3, SECTION 233, TEXAS-MEXICAN RAILWAY  
COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS, ACCORDING TO  
THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 12,  
MAP RECORDS OF HIDALGO COUNTY, TEXAS.



GRAPHIC SCALE IN FEET: 1"=200'



A horizontal graphic scale bar with alternating black and white segments. It is labeled with '200'', '100'', '0'', and '20'' from left to right.

BASIS OF BEARINGS:  
TEXAS STATE PLANE  
COORDINATE SYSTEM  
SOUTH ZONE 4205

--- BOUNDARY LAC  
 --- RIGHT OF WAY LAC  
 --- EASEMENT LAC  
 B BLOCK LINC  
 L LOT LINC  
 P PROPERTY LAC  
 --- ROADWAY CENTERLINE  
 --- EDGE OF ROADWAY PAVEMENT  
 ● FOUND 1/2" IRON ROD OR AS NOTED  
 ■ FOUND 1" IRON PIPE OR AS NOTED  
 ▲ FOUND COTTON PICKER SPINDLE  
 ○ SET 1/2" IRON ROD W/PPMC CAP  
 STAMPED "OLE RPLS #0385"  
 △ CALCULATED POINT  
 R.O.W. --- RIGHT OF WAY  
 VOL. --- VOLUME  
 PG. --- PAGE  
 DOC. --- DOCUMENT  
 INSTR. --- INSTRUMENT  
 FND. --- FOUND  
 C/PY --- COTTON PICKER SPINDLE  
 \*DB --- POINT OF BEGINNING  
 GWO --- GENERAL WARRANTY DEED  
 WD --- WARRANTY DEED  
 S&O --- SPECIAL WARRANTY DEED  
 VOL. --- WARRANTY DEED W/ADJUDIC'S LON  
 GO --- GIFT DEED  
 CWO --- CERTAIN WARRANTY DEED  
 O.R.C.G.T. --- OFFICIAL RECORDS  
 MIDALGE COUNTY TEXAS  
 M.H.C.T. --- MAP RECORDS MIDALGE  
 COUNTY TEXAS

1. SUBJECT PROPERTY IS LOCATED IN ZONE "Y" (NO SHADING) DESCRIBED AS "AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD-PLAIN," AS PER FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 48033-030250, DATED 06/28/2000, REVISED 05/17/2001, TO BE EFFECTIVE 01-01-1999+00033A.

2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS OR OTHER INSTRUMENTS NOT SHOWN THAT MAY AFFECT THIS PROPERTY.

3. THE FOLLOWING RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY, ARE SET FORTH IN THE DEED OF THIS PROPERTY:

4. VISIBLE AND APPARENT EASEMENTS ON OR ACROSS THE SUBJECT PROPERTY.

5. CASUALTIES, RIGHTS-OF-WAY, PRESCRIPTIVE RIGHTS, WHETHER OF RECORD OR NOT.

6. RIGHTS OF ADJOINING OWNERS IN ANY WALLS AND FENCES SITUATED ON A COMMON BOUNDARY.

7. ANY DISCREPANCIES, CONFLICTS, OR SHORTAGES IN AREA OF BOUNDARY LINES.

8. A METES AND BOUNDS DESCRIPTION OF EASE DATE ACCOMPANIES THIS SURVEY PLAT.

9. SURVEY VALUED ONLY WITH ORIGINAL SEAL AND SIGNED.


JOB NO. 20313A

SHEET 02 OF 02

SHEET 02 OF 02

I, MANUEL CARRIZALES, REGISTERED PROFESSIONAL LAND SURVEYOR  
IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY  
WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION  
IN THE MONTH OF MARCH, 2021 AND THAT THE NOTES SHOWN  
HEREON ARE TRUE AND CORRECT.

C



MANUEL CARRIZALES  
R.P.L.S. #6388




Carrizales  
Land  
Surveying, LLC

Texas Registered Surveying Firm  
TSPELS FIRM No.10194417  
4807 Gondola Avenue,  
Edinburg, TX 78542  
Office: 956-567-2167  
[www.cts.tand](http://www.cts.tand)

I, MANUEL CARRIZALES, REGISTERED PROFESSIONAL LAND SURVEYOR  
IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY  
WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION  
IN THE MONTH OF MARCH, 2021 AND THAT THE NOTES SHOWN  
HEREON ARE TRUE AND CORRECT.

C



MANUEL CARRIZALES  
R.P.L.S. #6388



**NOTICE  
PLANNED UNIT  
DEVELOPMENT  
FOR  
THIS PROPERTY  
CUP2021-0155**

 CITY OF MCALLEN PLANNING DEPT.  
806-681-1235  
WWW.MCALLEN.NET





# Planning Department

## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

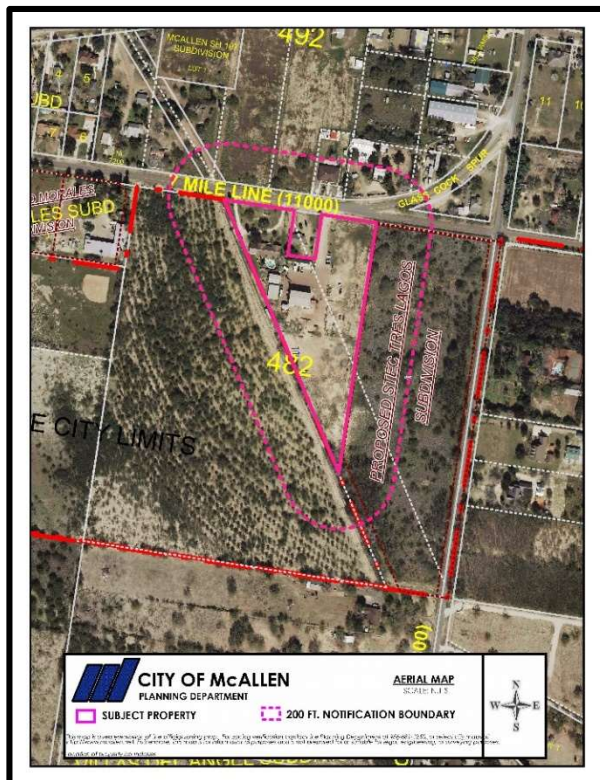
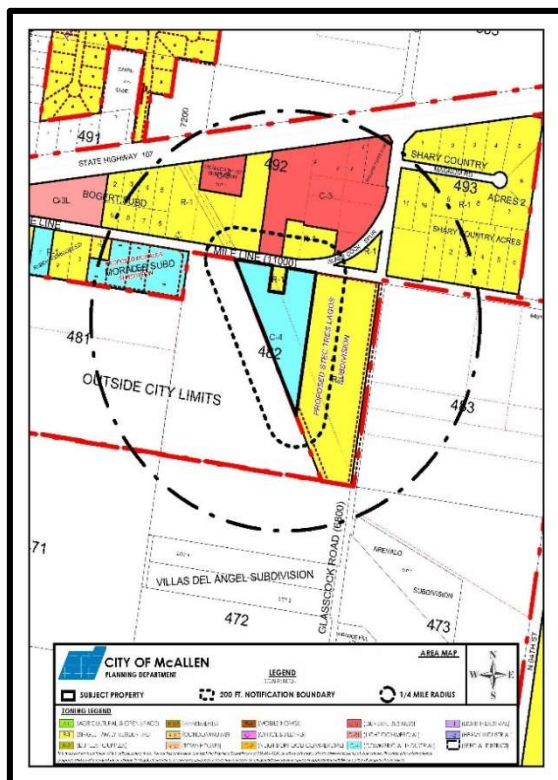
**DATE:** October 28, 2021

**SUBJECT: REZONE FROM C-4 (COMMERCIAL INDUSTRIAL) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 5.0 ACRES OUT OF LOT 482, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 7031 MILE 7 ROAD. (REZ2021-0063)**

**LOCATION:** The property is located on the south side of Mile 7 Road approximately 430 feet west of North Glasscock Road. The tract has 442.69ft. of frontage along Russell road with a maximum depth of 1,030.80 ft. at its deepest point for a lot size of 5.00 acres.

**PROPOSAL:** The applicant is requesting to rezone the property to R-1 (single-family residential) District in order to bring the zoning into conformance with the existing single family use on this property.

**ADJACENT ZONING:** The adjacent zoning is C-3 (general business) District to north and R-1 (single-family residential) District to the north and east. The area to the west is outside the city limits of McAllen.





LAND USE: There is currently a single family residence with a large storage building on this property. Surrounding land uses include single family residences on rural tracts, subdivided lots and farmland.

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

DEVELOPMENT TRENDS: The development trend for the area is single family residential. Shary Country Acres and Bogert Subdivision, are single family subdivisions in the area.

HISTORY: The tract was zoned C-4 District upon annexation in July 2012. Osynergy a contractor business for oil, gas, industry and energy uses was previously located on the subject property which may have influenced the initial zoning to C-4 District. There have been no other rezoning requests for the subject property since that time.

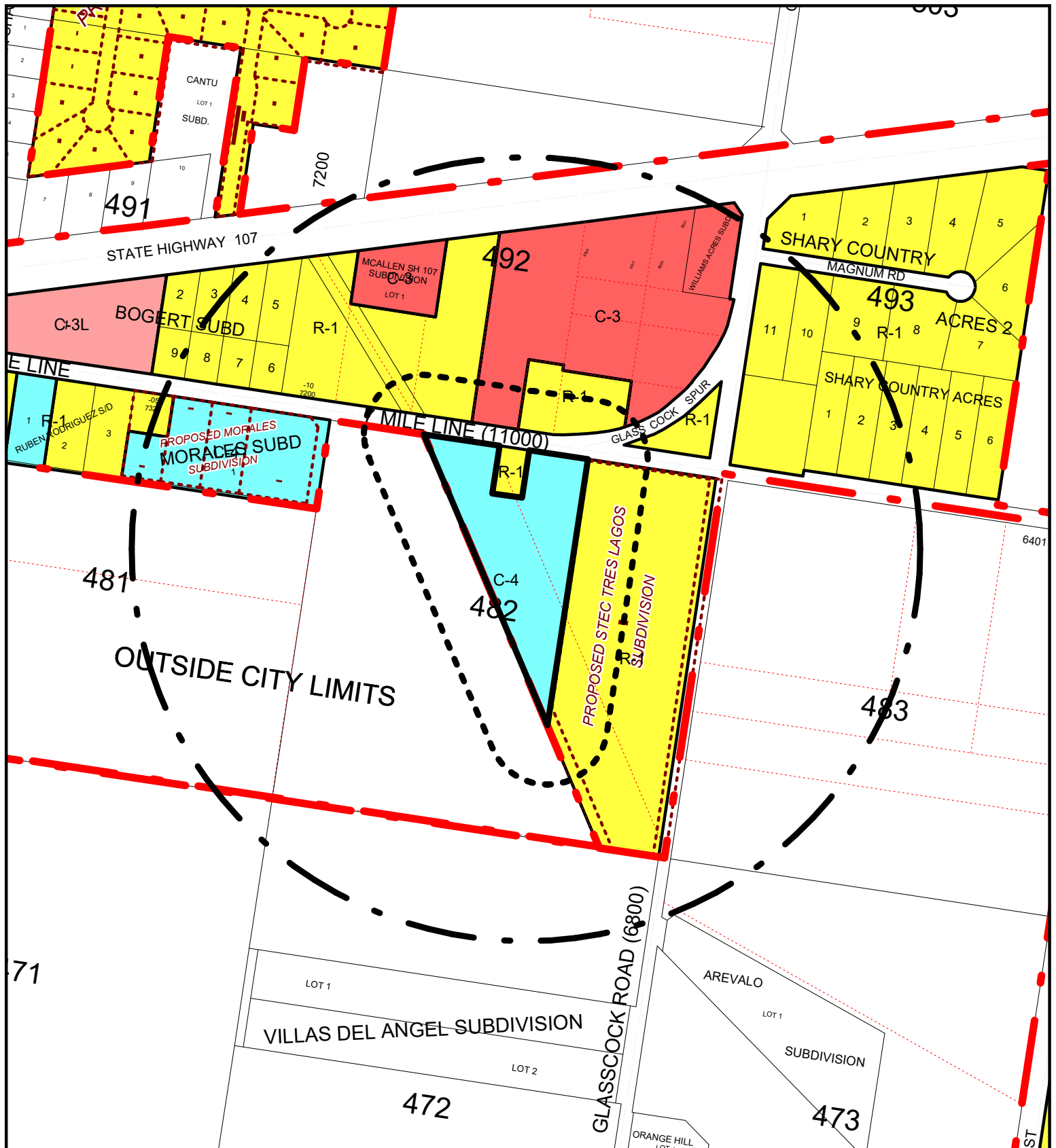
ANALYSIS: The current zoning does not conform to the Auto Suburban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan, however the proposed zoning would conform to the Comprehensive Plan.

The proposed zoning is a down zoning and is consistent with the current land use.

Re-development of the subject property may require the subdivision process and approved site plan 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.

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



# **CITY OF McALLEN** PLANNING DEPARTMENT

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

**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**



### **ZONING LEGEND**

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

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

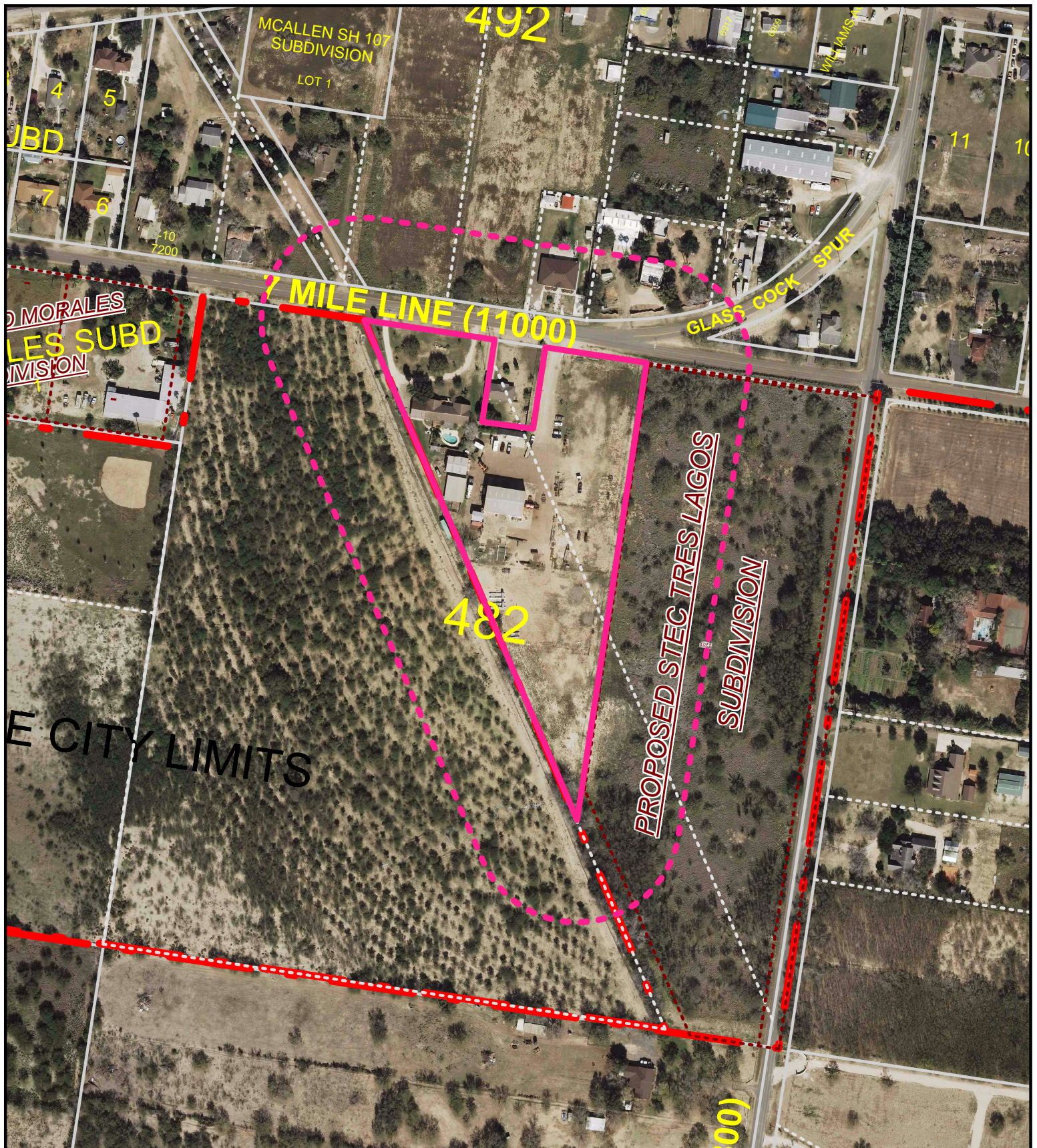
**R-4** (MOBILE HOMES)  
**C-1** (OFFICE BUILDING)  
**C-2** (NEIGHBORHOOD COMMERCIAL)

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

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

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





**CITY OF McALLEN**  
PLANNING DEPARTMENT

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



**SUBJECT PROPERTY**



**200 FT. 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.  
Location of property boundaries.





7 MILE LINE (11000)

GLASS COCK SPUR

TY LIMITS



**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**

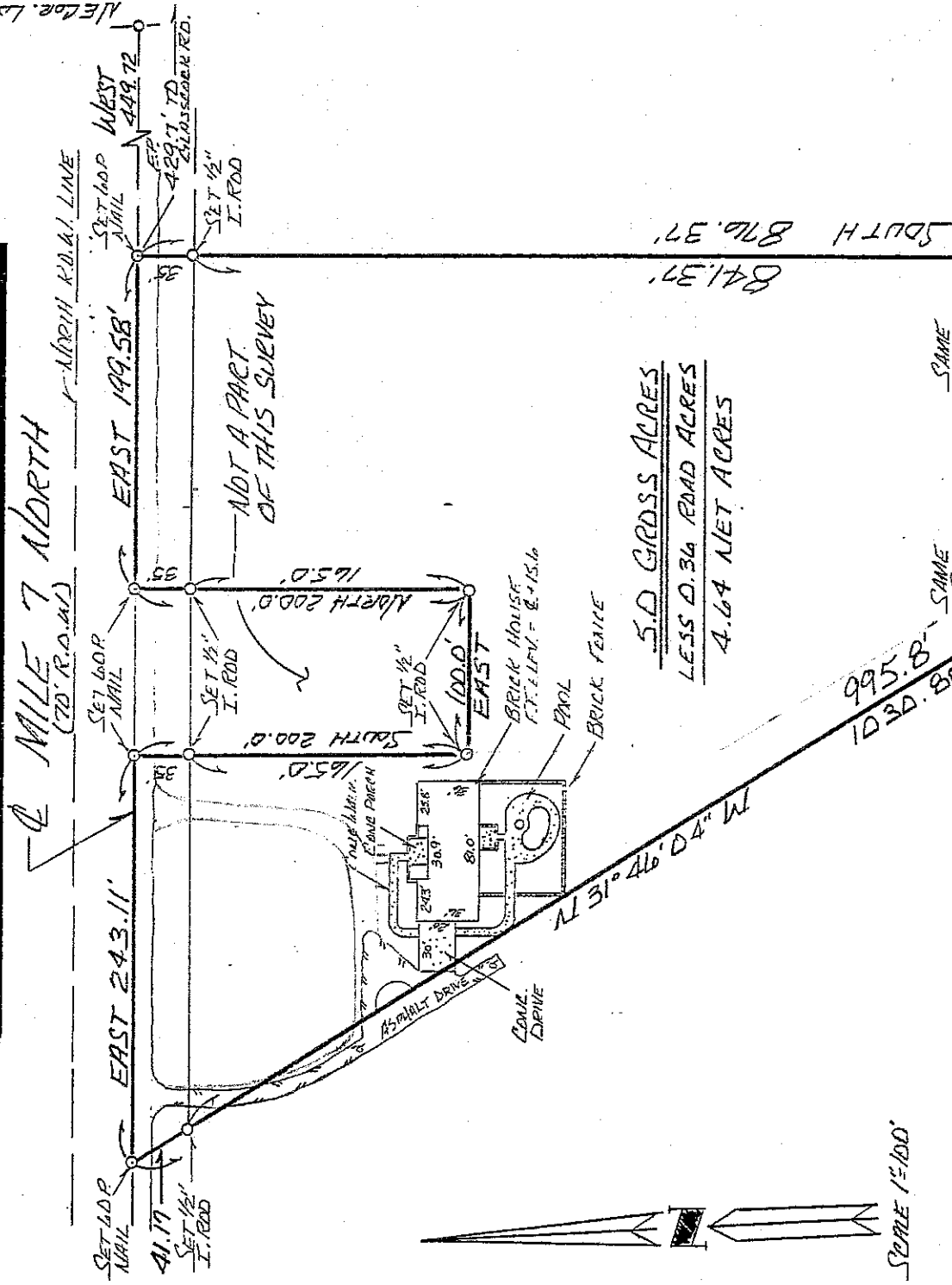
SCALE: 1 INCH = .86 MILE  
APPROVED: DECEMBER 10, 2007  
REVISED: MARCH 8, 2021

**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



SALINAS & ASSOCIATES, INC.  
CONSULTING ENGINEERS & SURVEYORS  
1013 SYCAMORE - MCALLEN, TEXAS  
(210) 682-9081 (210) 686-1489 (FAX)



PLAT NOTES:

1. There are no discrepancies, conflict or shortages in area or boundary lines, any encroachments, or any overlapping of improvements except as shown or noted hereon.
2. This survey was done without the benefit of a Title Commitment or Title Report. It is recommended that this kind of title information be obtained and check this survey against any encroachments, encumbrances, etc.

This is to certify that I have, this date, made a careful and accurate standard land survey on the ground of property which is located at AS SHOWN ABOVE in HIDALGO COUNTY Texas, described as follows: A 5.0 ACRE TRACT OF LAND OUT OF

Lot 482, Block 2, of (SEE METES AND BOUNDS DESCRIPTION)  
JOHN H. SHARY SUBDIVISION HIDALGO CO.

Texas, according to the plat recorded in Volume 1, Page 17, of the MAP Records of Hidalgo County, Texas. I further certify that this property lies in Zone "C" as per FIRM (Flood Insurance Rate Map) dated NOV 16 1982 Community Panel No. 480334-0300 C

R. ALARETE

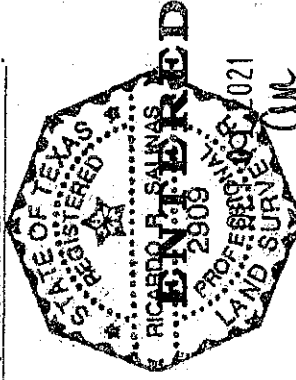
DRN. BY

3-30-95

DATE

5-95-17843

JOB NO.



*R. Alarete*

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2909

**SALINAS & ASSOCIATES, INC.**  
**CONSULTING ENGINEERS & SURVEYORS**  
**1013 SYCAMORE - MCALLEN, TEXAS**  
**682-9081 \*\* 682-9251**

**METES AND BOUNDS DESCRIPTION:**

5.0 GROSS ACRES

LOT 482, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS

BEING A GENERALLY TRIANGULAR 5.0 GROSS ACRE TRACT OF LAND, MORE OR LESS, OUT OF AND FORMING A PART OF LOT 482, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 17, MAP RECORDS OF HIDALGO COUNTY, TEXAS; SAID 5.0 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 60-P NAIL FOUND ON THE NORTHEAST CORNER OF SAID LOT 482 LYING IN THE CENTER OF MILE 7 NORTH ROAD; THENCE, AS FOLLOWS:

WEST, COINCIDENT WITH THE NORTH LINE OF SAID LOT 482, A DISTANCE OF 449.72 FEET TO A 60-P NAIL SET FOR THE NORTHEAST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

(1) THENCE, SOUTH, AT A RIGHT ANGLE FROM THE PREVIOUS CALL, A DISTANCE OF 35.0 FEET PASS A 1/2 INCH DIAMETER IRON ROD SET ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ROAD, AT A DISTANCE OF 876.37 FEET IN ALL TO A 1/2 INCH DIAMETER IRON ROD SET FOR THE SOUTHERN CORNER OF THIS HEREIN DESCRIBED TRACT;

(2) THENCE, NORTH 31 DEGREES 46 MINUTES 04 SECONDS WEST, A DISTANCE OF 989.63 FEET PASS A 1/2 INCH DIAMETER IRON ROD SET ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ROAD, AT A DISTANCE OF 1,030.80 FEET IN ALL TO A 60-P NAIL SET ON THE NORTH LINE OF SAID LOT 482 FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

(3) THENCE, EAST, COINCIDENT WITH THE NORTH LINE OF SAID LOT 482, A DISTANCE OF 243.11 FEET TO A 60-P NAIL SET FOR A CORNER OF THIS HEREIN DESCRIBED TRACT;

(4) THENCE, SOUTH, AT A RIGHT ANGLE FROM THE PREVIOUS CALL, A DISTANCE OF 35.0 FEET PASS A 1/2 INCH DIAMETER IRON ROD SET ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ROAD, AT A DISTANCE OF 200.00 FEET IN ALL TO A 1/2 INCH DIAMETER IRON ROD SET FOR A CORNER OF THIS HEREIN DESCRIBED TRACT;

(5) THENCE, EAST, ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID LOT 482, A DISTANCE OF 100.0 FEET TO A 1/2 INCH DIAMETER IRON ROD SET FOR A CORNER OF THIS HEREIN DESCRIBED TRACT;

(6) THENCE, NORTH, AT A RIGHT ANGLE FROM THE PREVIOUS CALL, A DISTANCE OF 165.0 FEET PASS A 1/2 INCH DIAMETER IRON ROD SET ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ROAD, AT A DISTANCE OF 200.0 FEET IN ALL TO A 60-P NAIL SET ON THE NORTH LINE OF SAID LOT 482 FOR A CORNER OF THIS HEREIN DESCRIBED TRACT;

(7) THENCE, EAST, COINCIDENT WITH THE NORTH LINE OF SAID LOT 482, A DISTANCE 199.58 FEET TO THE POINT OF BEGINNING, CONTAINING 5.0 GROSS ACRES OF LAND, MORE OR LESS.

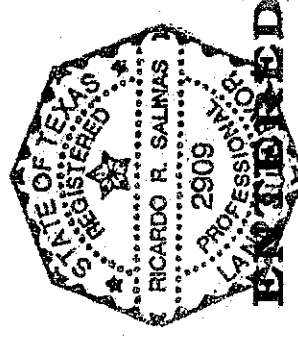
DATE: MARCH 30, 1995

S-95-17843

JOB NO.



RICARDO R. SALINAS, R.P.L.S. #2909



OCT 01 2021

Initial: DM



NOTICE  
REZONING  
FOR  
THIS PROPERTY  
REZ2021-0063

**NAI** Rio Grande  
Valley  
COMMERCIAL REAL ESTATE SERVICES, WORLDWIDE  
[nairgv.com](http://nairgv.com)  
**FOR SALE**  
**994-8900**  
**LAURA LIZA PAZ**  
**(505) 227-8000**



## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

**DATE:** October 28, 2021

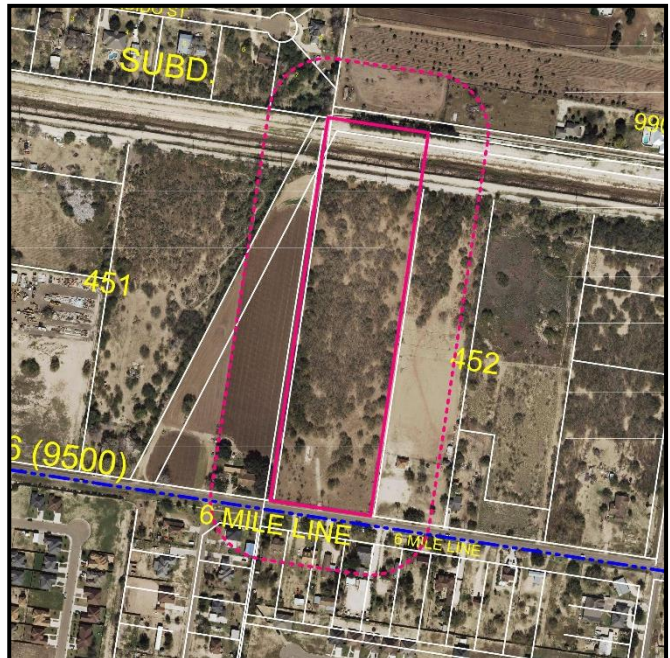
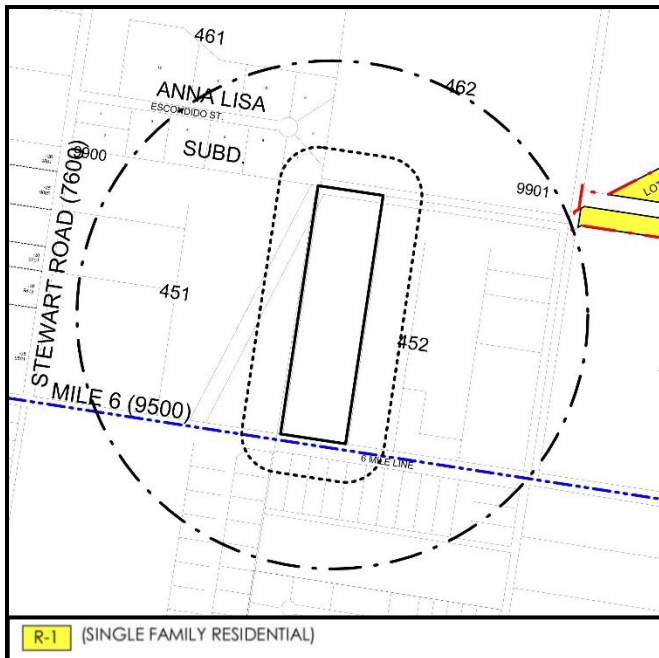
**SUBJECT: INITIAL ZONING TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: THE WEST 10 ACRES OF LOT 452, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 7100 MILE 6 ROAD. (REZ2021-0060)**

**LOCATION:** The property is located on the north side of Mile 6 Road, approximately 1300 ft. east of Stewart Road. The tract has 337.67 ft. of frontage along Mile 6 Road with a depth of 1,290 ft. for a lot size of 10 acres.

**PROPOSAL:** The tract is currently outside the City limits and is undergoing voluntary annexation. The initial zoning to R-1 (single-family residential) District will become effective upon the annexation of the tract into the City. The applicant is requesting R-1 District for residential use. A proposed 35-lot subdivision under the name of Nemont Estates II Subdivision for the subject property was approved in preliminary form by the Planning and Zoning Commission on September 7, 2021.

**ADJACENT ZONING:** The properties in all directions of the subject property are outside the City limits.

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





COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan designates the future land use for this property as Estate Residential, which is comparable to A-O and R-1 Districts.

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

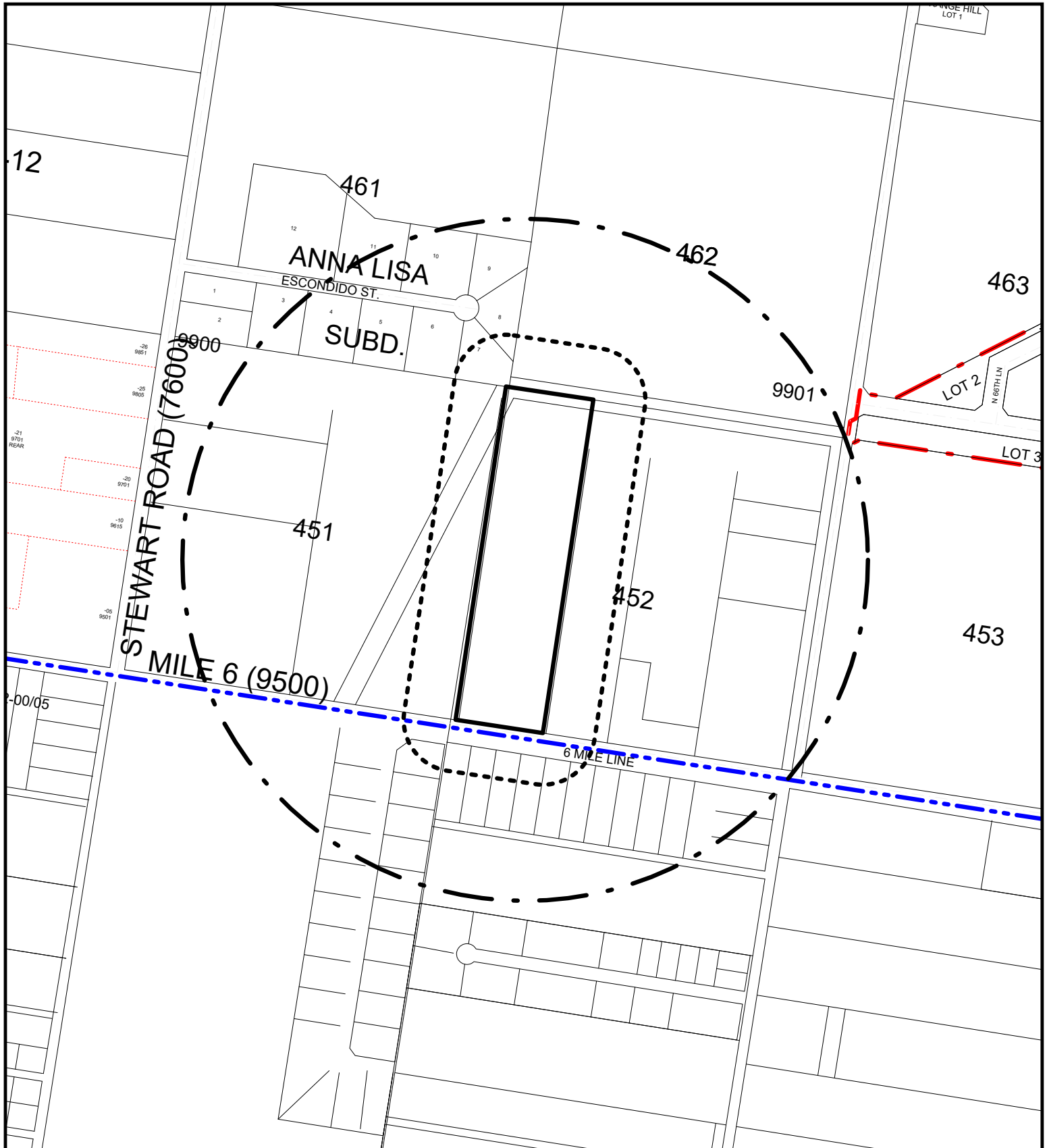
HISTORY: The tract has been in the City's ETJ (Extra-Territorial Jurisdiction) since June 8, 1977. Annexation and initial zoning applications for the subject property were submitted on September 21, 2021, and are scheduled to be heard at the City Commission meeting of November 22, 2021.


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

A recorded subdivision plat is required prior to building permit issuance.

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

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








**CITY OF McALLEN**  
PLANNING DEPARTMENT


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

**AREA MAP**




 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**

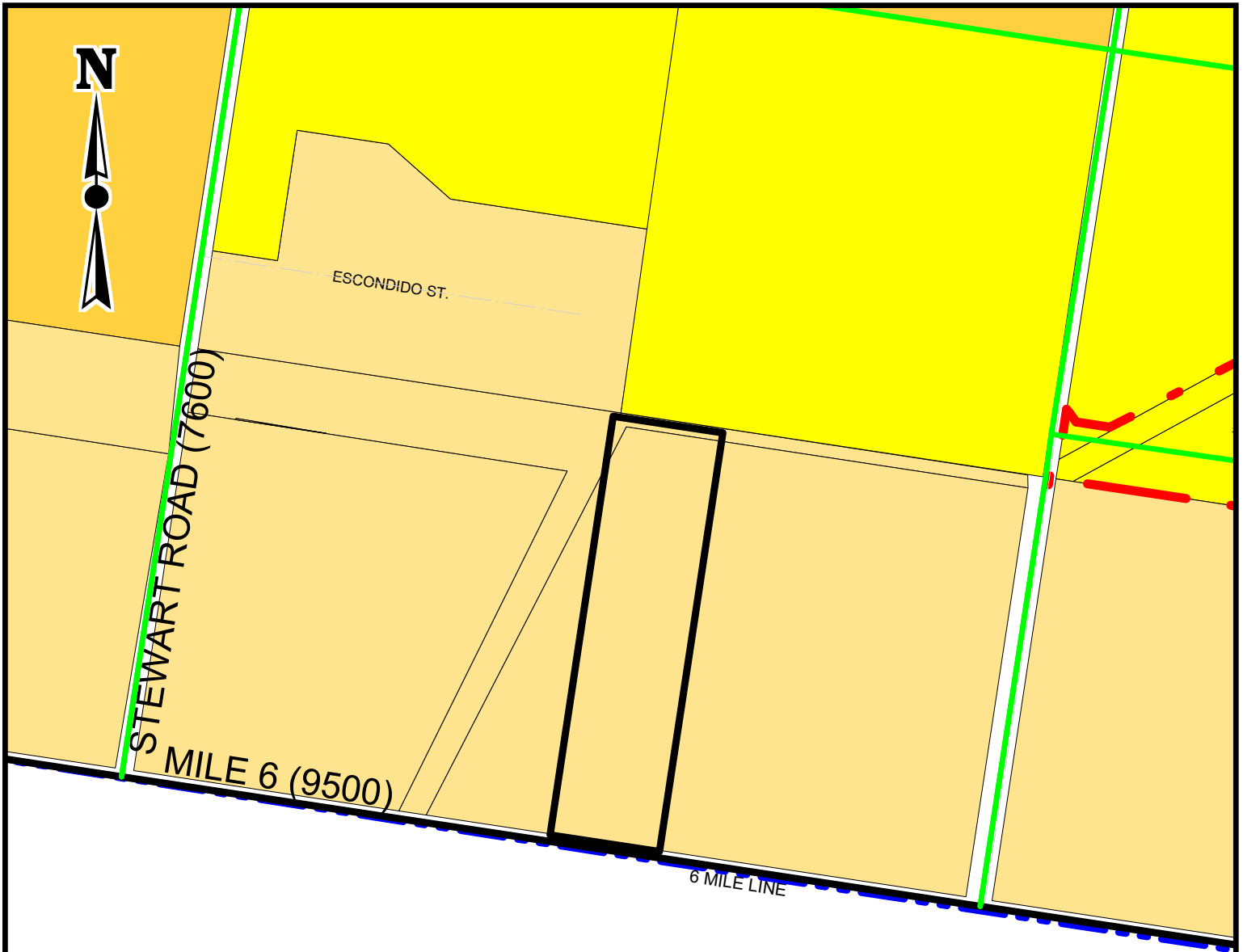
 **1/4 MILE RADIUS**

**ZONING LEGEND**

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

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





# **CITY OF McALLEN** PLANNING DEPARTMENT

## **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

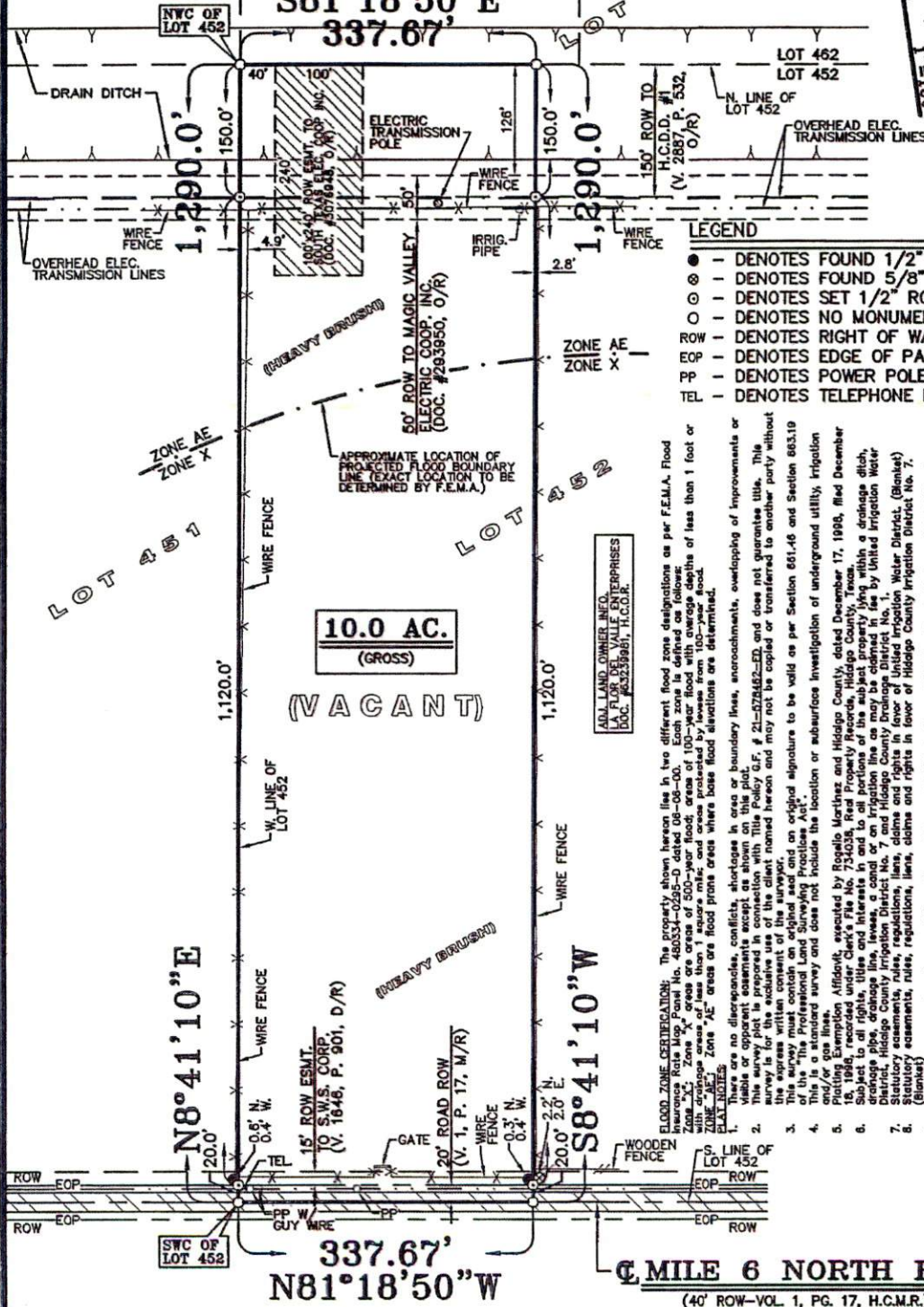
### **THOROUGHFARE PLAN**

①	GRADE SEPARATION (INTERCHANGE)
EXPRESSWAY 350'	
PARKWAY 350'	
HI-SPEED ARTERIAL 150'	
PRINCIPAL ARTERIAL 120'	
MINOR ARTERIAL 100'	
COLLECTOR 80'	
ALTERNATIVE ALIGNMENT	
McALLEN CITY LIMITS	
McALLEN ETJ	

# ART SALINAS

## ENGINEERING & SURVEYING

1524 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5565 FAX: (956) 618-5540

ANN LISA SUBD.  
(V. 20, P. 6, M/R)ADJ. LAND OWNER INFO.  
RICARDO N. RODRIGUEZ  
DOC. #730857, H.C.O.R.S81°18'50"E  
337.67'

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE GROUND WHICH IS LOCATED AT MILE 6 NORTH RD., in MISSION, TEXAS, DESCRIBED AS FOLLOWS:

THE WEST TEN (10) ACRES OF LOT FOUR HUNDRED FIFTY-TWO (452), JOHN H. SHARY SUBDIVISION OUT OF PORCIONES 58, 59 AND 60, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 17, MAP RECORDS, HIDALGO COUNTY, TEXAS. (SEE METES AND BOUNDS DESCRIPTION)

21-61024  
Job No.07-29-21  
Date

© COPYRIGHT 2021 ART SALINAS ENGINEERING INC. THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS SOLELY FOR THE USE OF THE BORROWER NAMED HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED TO COPY THIS SURVEY.



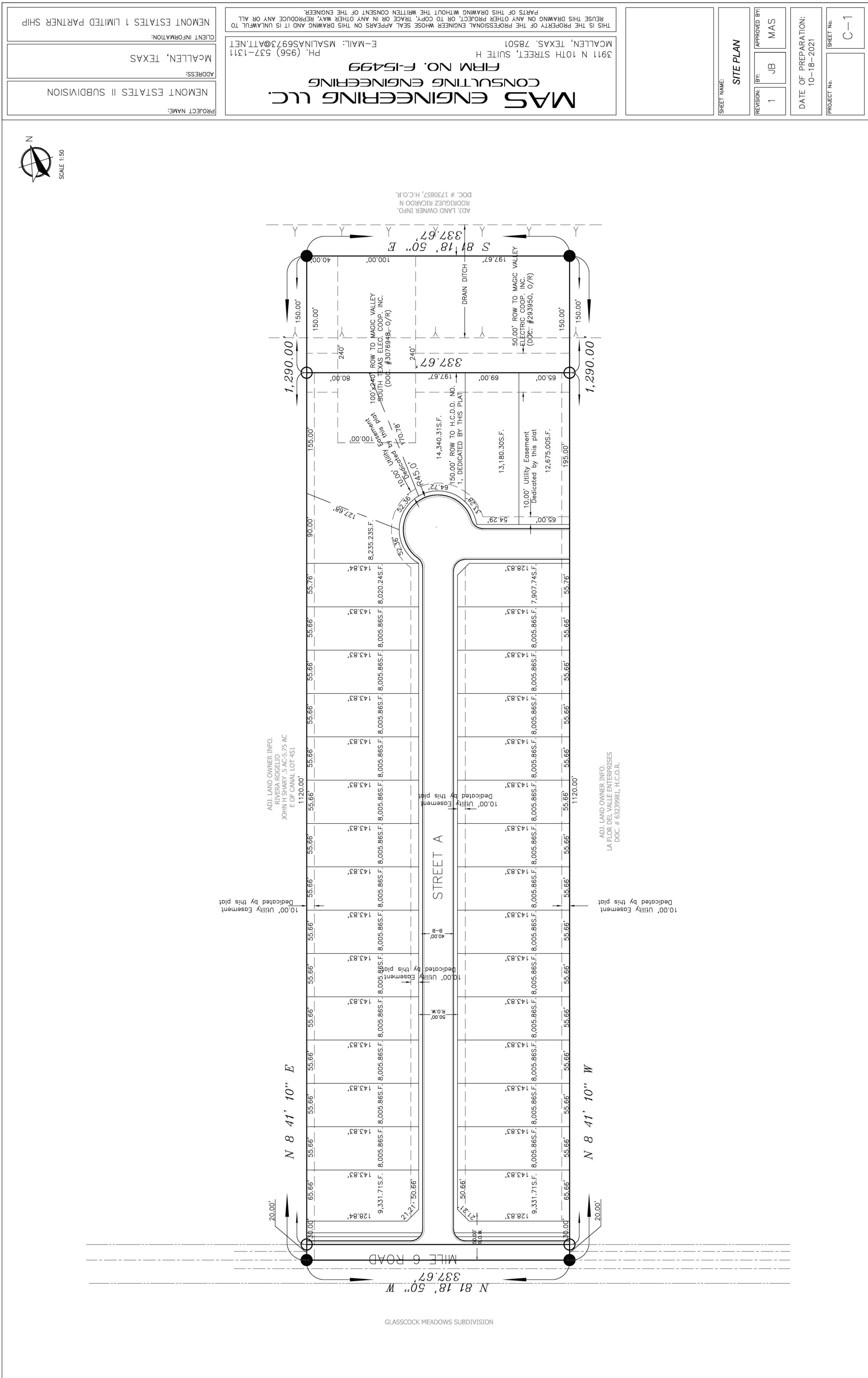
Registered Professional Land Surveyor No. 4802

ENTERED

SEP 21 2021

Initial:







**NOTICE  
REZONING  
FOR  
THIS PROPERTY  
REZ2021-0060**

 CITY OF MCALLEN PLANNING DEPT.  
956-681-1230  
WWW.MCALLEN.NET





## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

**DATE:** October 27, 2021

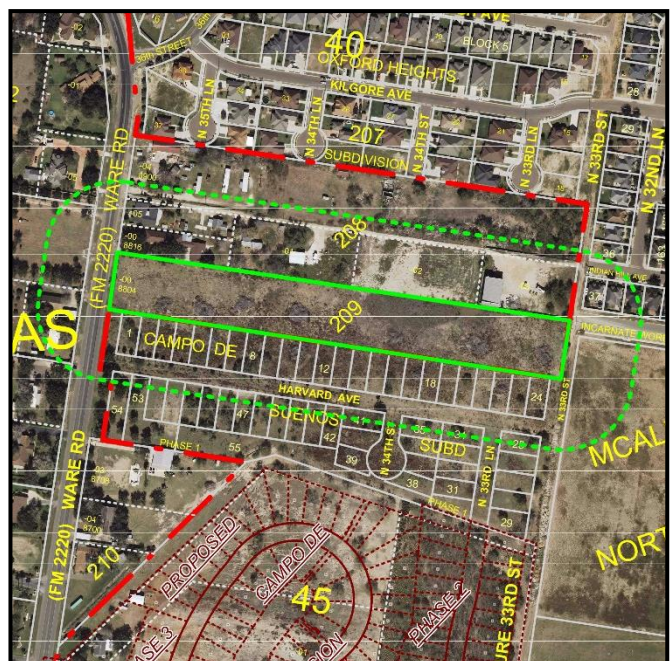
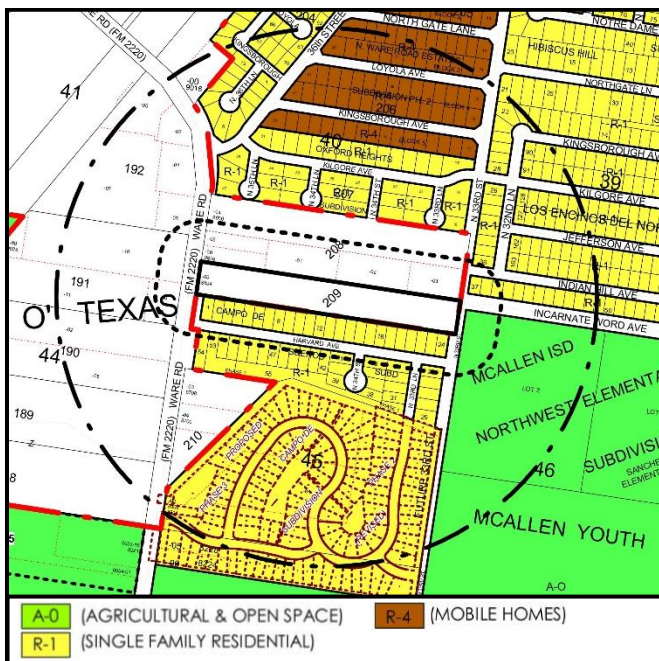
**SUBJECT: INITIAL ZONING TO R-3T (MULTIFAMILY RESIDENTIAL TOWNHOUSE) DISTRICT: THE NORTH 5 ACRES OF LOT 209, PRIDE O' TEXAS SUBDIVISION, HIDALGO COUNTY, TEXAS; 8804 NORTH WARE ROAD. (REZ2021-0061)**

**LOCATION:** The property is located on the east side of North Ware Road, 120 ft. north of Harvard Avenue. The tract has 165 ft. of frontage along North Ware Road with a depth of 1,320 ft. for a lot size of 5 acres.

**PROPOSAL:** The tract is currently outside the City limits and is undergoing voluntary annexation. The initial zoning to R-3T (multifamily residential townhouse) District will become effective upon the annexation of the tract into the City. The applicant is requesting R-3T District for townhomes. A feasibility plan has not been submitted.

**ADJACENT ZONING:** The adjacent zoning is A-O (agricultural and open space) District to the east, and R-1 (single-family residential) District to the south. The properties to the north and west of the subject property are outside the City limits.

**LAND USE:** The property is currently vacant. Surrounding land uses include Campo de Sueños Subdivision, single-family residences, Texan Ranch Apartments, Nava's Paint and Body Shop, and vacant land.



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 District.

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

HISTORY: The tract has been in the City's ETJ (Extra-Territorial Jurisdiction) since October 15, 1973. Annexation and initial zoning applications for the subject property were submitted on August 12, 2021, and are scheduled to be heard at the City Commission meeting of November 22, 2021.

ANALYSIS: The requested zoning does not conform to the Auto Urban Single Family land use designation as indicated on the Foresight McAllen Comprehensive Plan. However, R-3T District is the most similar zone to R-1 District and encourages home ownership.

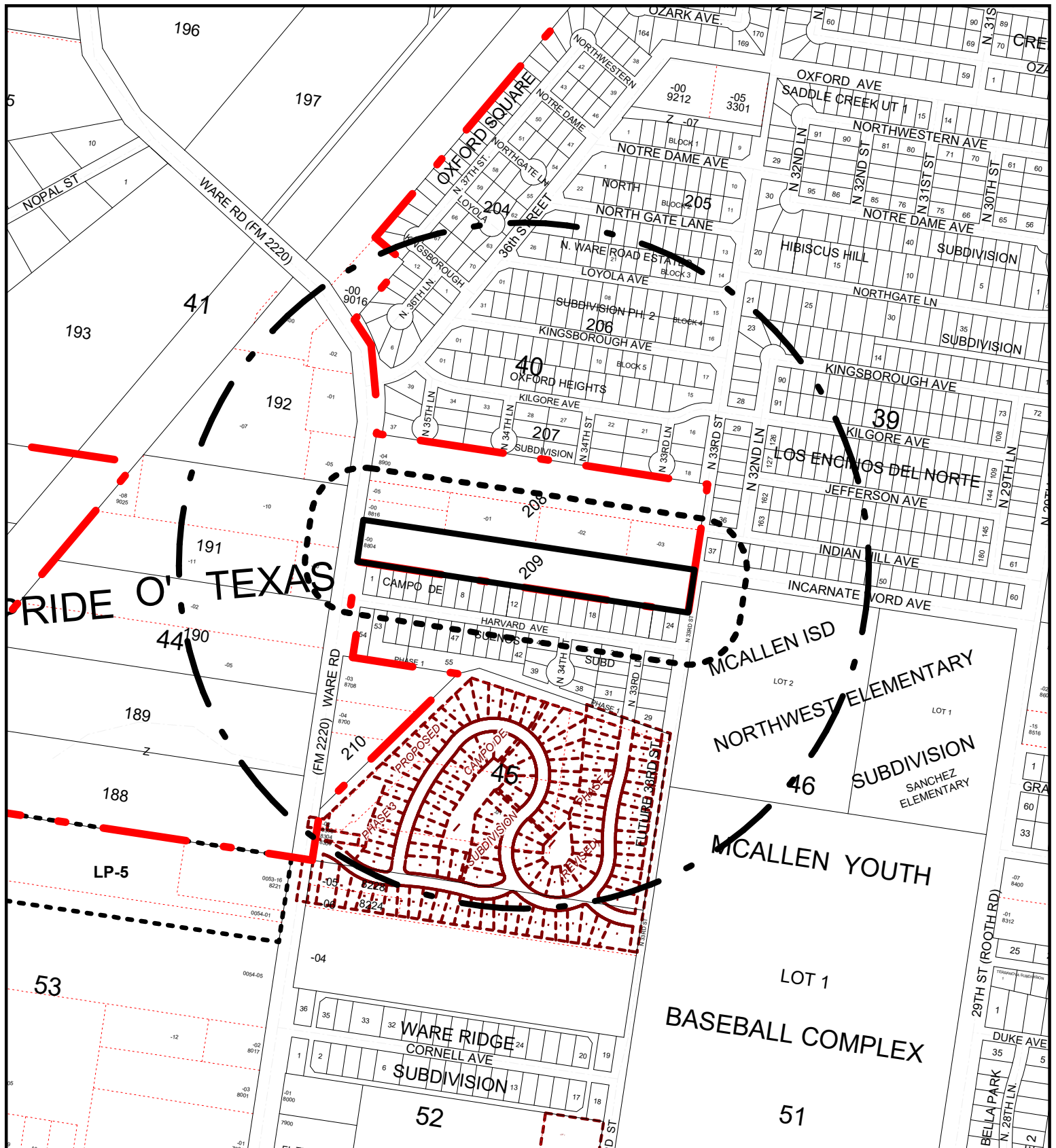
The maximum density in R-3T (multifamily residential townhouse) District is 20 units per acre. Therefore, the maximum number of units for the subject property is approximately 100 townhouses.

A recorded subdivision plat is required prior to building permit issuance. 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.

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

RECOMMENDATION: Staff recommends approval of the initial zoning request to R-3T (multifamily residential townhouse) District.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

**AREA MAP**



**SUBJECT PROPERTY**

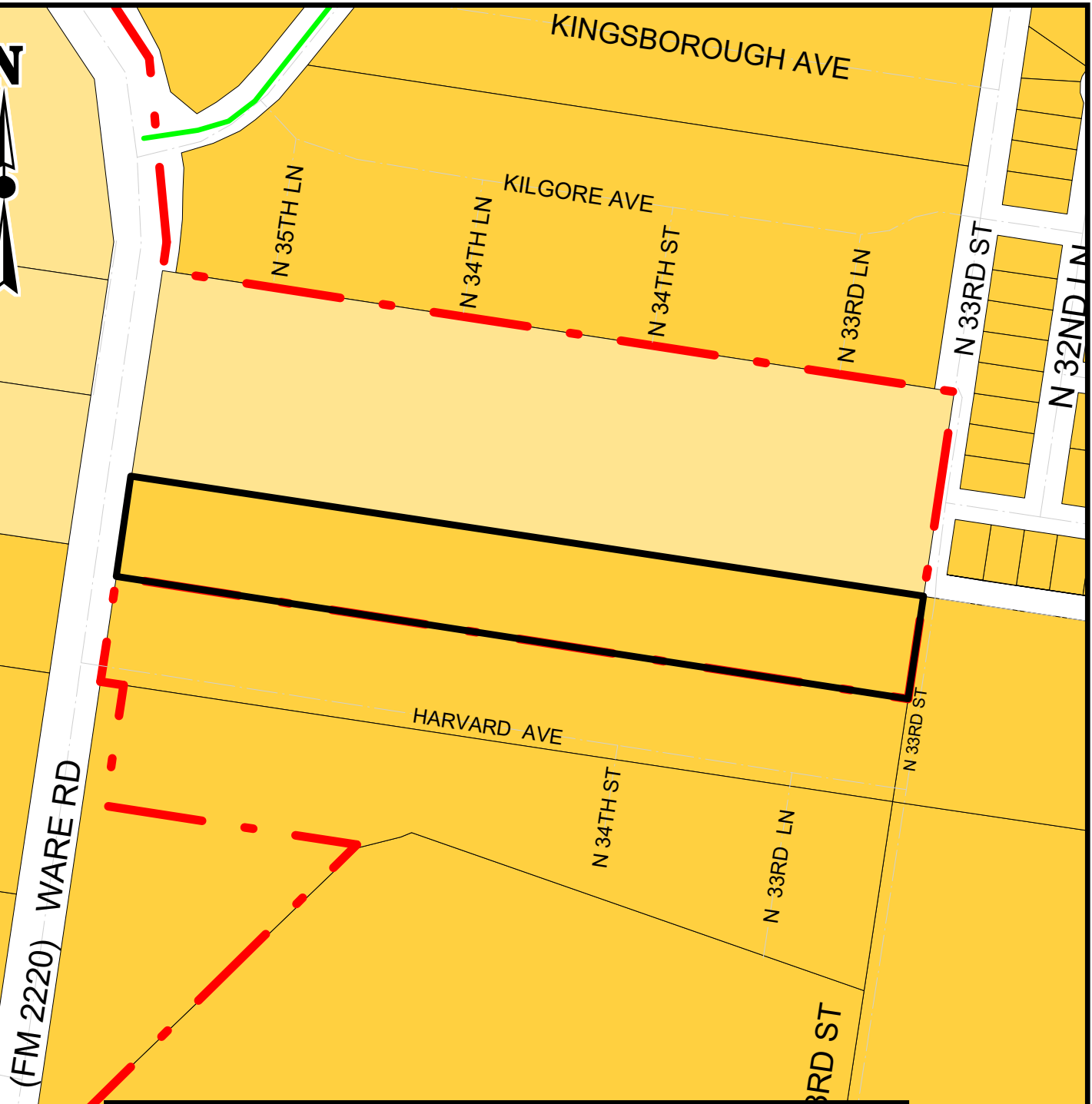
**200 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**

**ZONING LEGEND**

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

**FORESIGHT McALLEN COMPREHENSIVE PLAN**

**FUTURE LAND USE PLAN**

VAC - VACANT	SCM - SUBURBAN COMMERCIAL
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AUMF - AUTO URBAN MULTIFAMILY	PRK - CITY PARKS
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**THOROUGHFARE PLAN**

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

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



# METES AND BOUNDS DESCRIPTION

THE NORTH 5.0 ACRES OF LOT 209, PRIDE O' TEXAS SUBDIVISION, HIDALGO COUNTY, TEXAS, RECORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 5, PAGE 58-59, MAP RECORDS, HIDALGO COUNTY, TEXAS, SAID 5.0 ACRE TRACT OF LAND BEING THE SAME LAND DESCRIBED IN DOC # 3132527 OFFICIAL RECORDS AND IS ALSO BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 209 FOR THE POINT OF BEGINNING AND THE NORTHWEST CORNER OF THE TRACT DESCRIBED HEREIN; SAID CORNER LIES INSIDE N. WARE ROAD (F.M. 2220).

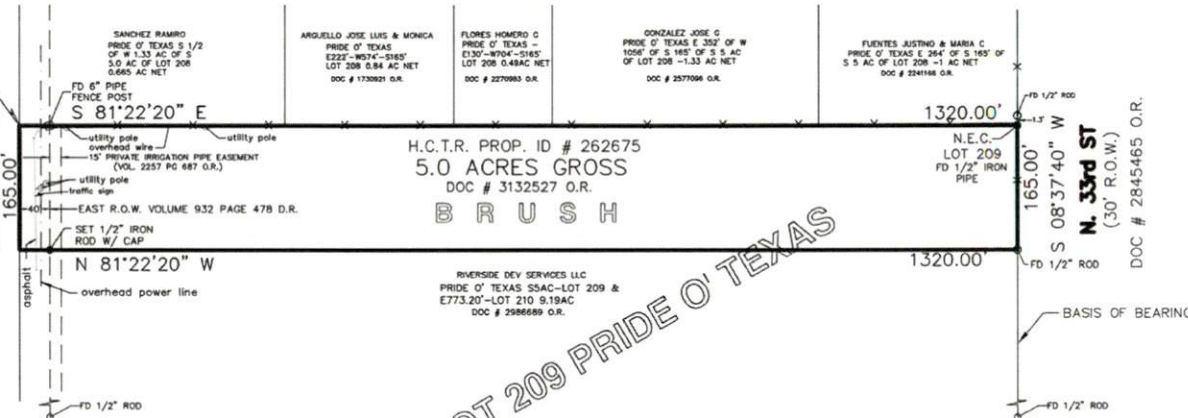
THENCE, SOUTH 81 DEGREES 22 MINUTES 20 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 209, A DISTANCE OF 40.0 FEET PASS A 6" ROUND FENCE PIPE AT THE EAST RIGHT OF WAY LINE OF N. WARE ROAD (F.M. 2220), AT A TOTAL DISTANCE OF 1320.0 FEET IN ALL TO A FOUND 1/2" PIPE AT THE NORTHEAST CORNER OF SAID LOT 209 FOR THE NORTHEAST CORNER OF THE TRACT DESCRIBED HEREIN;

THENCE, SOUTH 8 DEGREES 37 MINUTES 40 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 209, A DISTANCE OF 165.0 FEET TO A FOUND 1/2" IRON ROD AT THE NORTHEAST CORNER OF THE RIVERSIDE DEV. SERVICE TRACT RECORDED IN DOC # 2986689 O.R. FOR THE SOUTHEAST CORNER OF THE TRACT DESCRIBED HEREIN;

THENCE, NORTH 81 DEGREES 22 MINUTES 20 SECONDS WEST, WITH THE NORTH LINE OF SAID RIVERSIDE TRACT, AND BEING PARALLEL TO THE NORTH LINE OF SAID LOT 209, AT A DISTANCE OF 1280.0 FEET PASS TO A SET 1/2" IRON ROD WITH CAP ON THE EAST RIGHT OF WAY LINE OF N. WARE ROAD (F.M. 2220), AT A TOTAL DISTANCE OF 1320.0 FEET TO A POINT ON THE WEST LINE OF SAID LOT 209 FOR THE NORTHWEST CORNER OF THE SAID RIVERSIDE TRACT AND THE SOUTHWEST CORNER OF THE TRACT DESCRIBED HEREIN;

THENCE, NORTH 8 DEGREES 37 MINUTES 40 SECONDS EAST, INSIDE N. WARE ROAD (F.M. 2220) AND ALONG THE WEST LINE OF SAID LOT 209, A DISTANCE OF 165.0 FEET TO THE POINT OF BEGINNING, CONTAINING 5.0 ACRES OF LAND, MORE OR LESS.

(N. WARE RD)  
F.M. 2220  
(80' R.O.W.)  
N 08°37'40" E  
165.00'



LOT 209 PRIDE O' TEXAS



REQUESTED BY: CWS MARKETING GROUP

ADDRESS: NORTH WARE RD  
MCALLEN TX

SURVEYED: 08-13-2020

GF#: NONE

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

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

08-17-2020

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5571



RIO DELTA SURVEYING

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

JOB NUMBER

RIO 20 179

© COPYRIGHT 2020 RIO DELTA SURVEYING THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS SOLELY FOR THE USE OF THE BORROWER NAMES HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED TO COPY THIS SURVEY.

ENTERED  
BEARING SHOWN BASED  
AUG 12 2021  
ON T.S.P.C. SOUTH ZONE  
Initial: *OR*  
SCALE: 1" = 200'



NOTICE  
REZONING  
FOR  
THIS PROPERTY  
REZ2021-0061

 CITY OF MCALLEN PLANNING DEPT.  
505 WEST 10TH  
WWW.MCALLEN.NET





## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

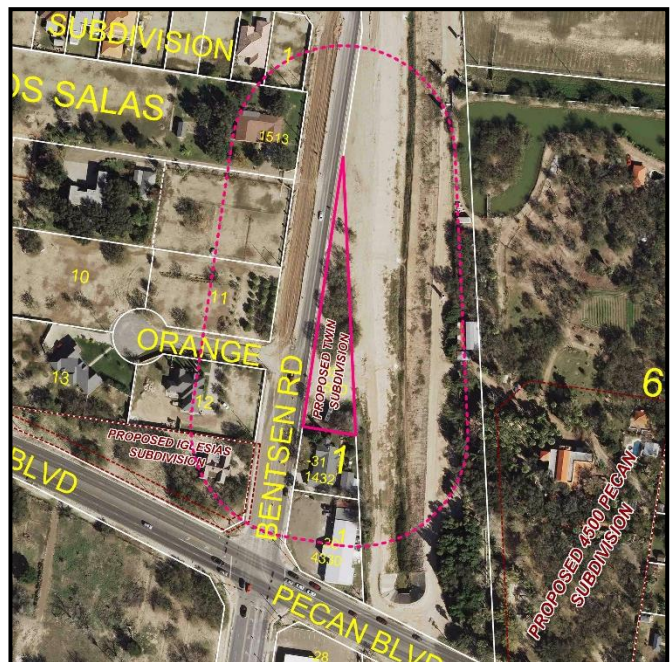
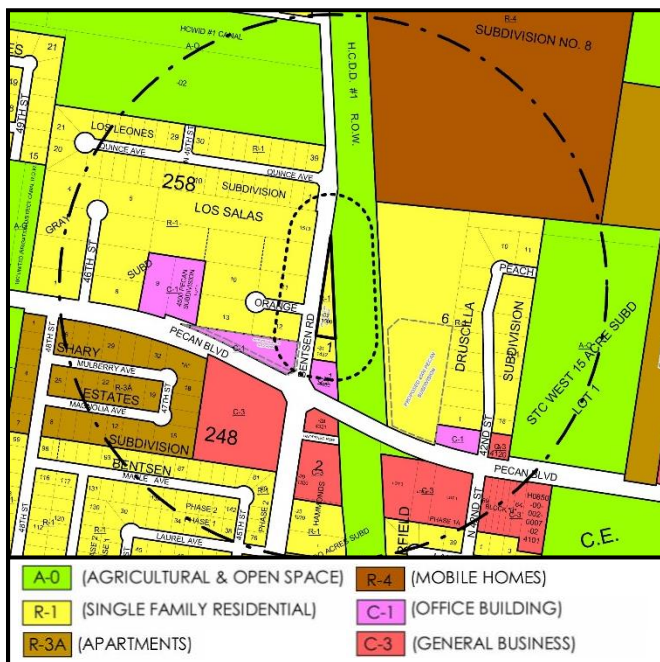
**DATE:** October 27, 2021

**SUBJECT: REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT: 0.544 ACRES OUT OF LOT 1, RESUBDIVISION OF LOTS 15 AND 16, BLOCK 2, HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 1500 NORTH BENTSEN ROAD. (REZ2021-0062)**

**LOCATION:** The property is located on the east side of North Bentsen Road, approximately 210 ft. north of Pecan Boulevard. The irregularly shaped tract has 488.26 ft. of frontage along North Bentsen Road with a depth of 97.05 ft. at its deepest point for a lot size of 0.544 acres.

**PROPOSAL:** The applicant is requesting to rezone the property to R-2 (duplex-fourplex residential) District in order to construct a duplex and a fourplex. A feasibility plan submitted by the applicant is included in the packet. A submitted feasibility plan depicting two lots for a future subdivision submittal under the name of Twin Subdivision is included in the packet.

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



LAND USE: The subject property is currently vacant. Surrounding land uses include single-family residences, Hidalgo County Water District No. 1 Canal R.O.W., Hope of Glory Fellowship Church, VFW Post 8788, McAllen ISD offices, James Nikki Rowe High School, Shary Estates Apartments, and vacant land.

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 North Bentsen Road is single-family residences and commercial.

HISTORY: The tract was zoned A-O (agricultural and open space) District during the comprehensive zoning in 1979. A rezoning request to R-2 (duplex-fourplex residential) District for the subject property was disapproved by the City Commission on November 25, 2002, due to neighborhood opposition. A rezoning request to R-1 (single-family residential) District for the subject property was approved by the City Commission on February 24, 2003. A rezoning request to R-3A (multifamily residential) District for the subject property was withdrawn by the applicant on November 8, 2005. Another rezoning request to R-3A District for the subject property was disapproved by the City Commission on August 23, 2021, due to neighborhood opposition.

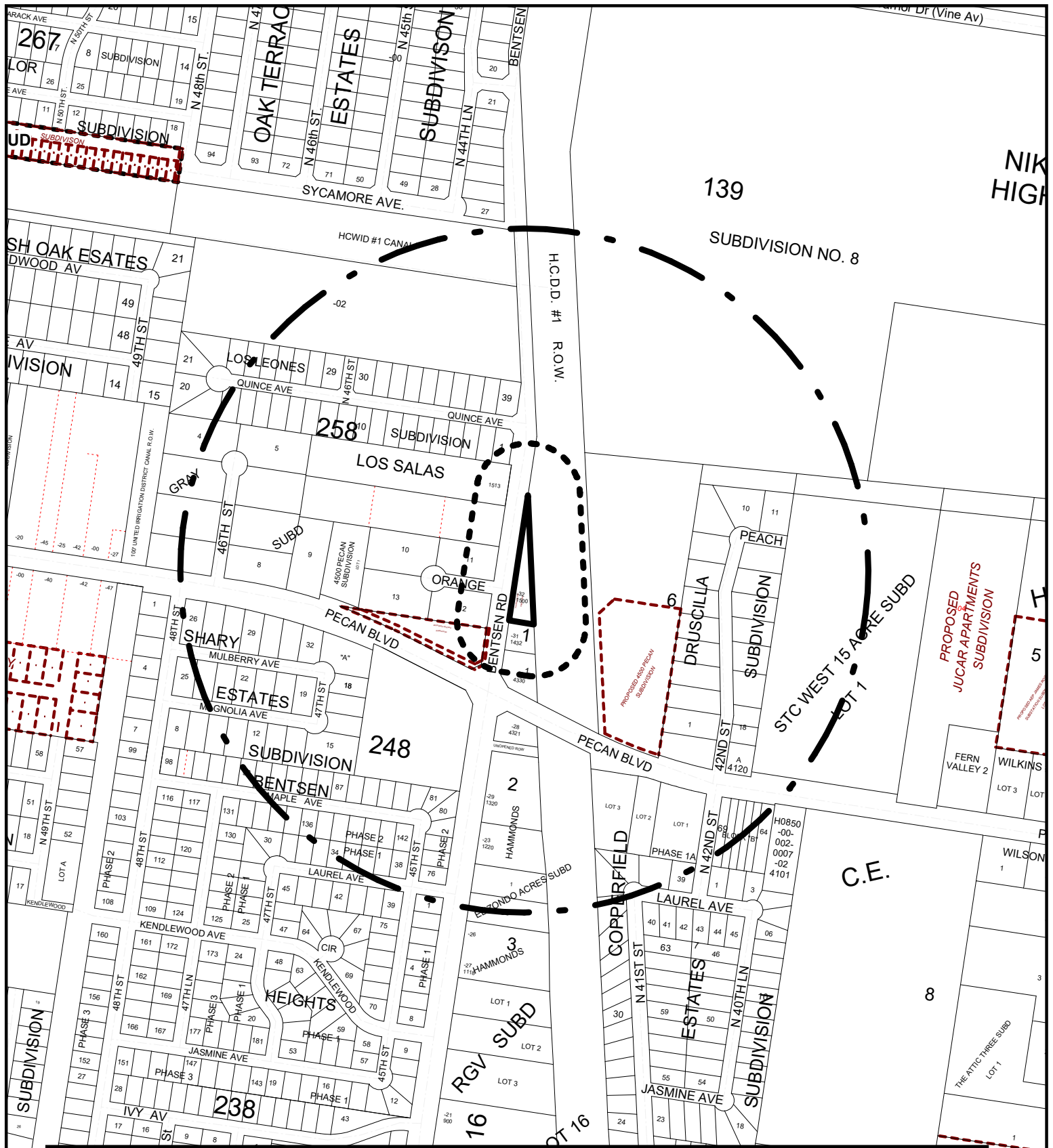
ANALYSIS: The requested zoning does not conform to the Auto Urban Single Family land use designation. The subject property has a history of disapproval for R-2 and R-3A Districts.

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 an opposition to the rezoning request from a neighboring property owner. The stated concerns included increasing traffic, noise, and changing the neighborhood's single-family character.

RECOMMENDATION: Staff recommends disapproval of the rezoning request to R-2 (duplex-fourplex residential) District.





# CITY OF McALLEN

PLANNING DEPARTMENT

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

## AREA MAP



**SUBJECT PROPERTY**

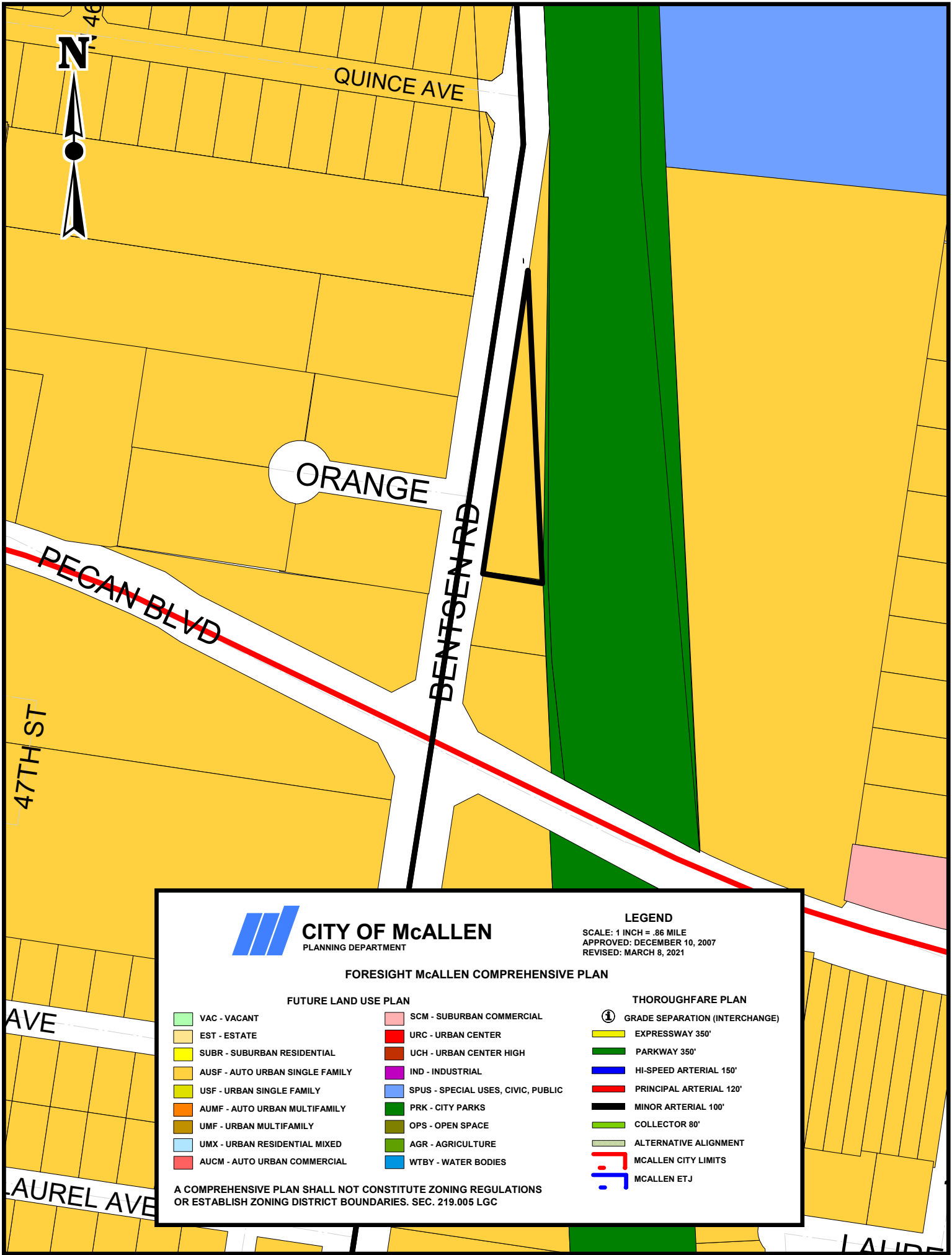
**200 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**

### ZONING LEGEND

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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QUINCE AVE

ORANGE

PECAN BLVD

DENTON RD

47TH ST

AVE

LAUREL AVE



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**

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

**FORESIGHT McALLEN COMPREHENSIVE PLAN**

**FUTURE LAND USE PLAN**

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

**THOROUGHFARE PLAN**

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

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



SCALE: 1"=100'



Date: November 26, 2014



THE STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE TWIN 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, WATERCOURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I WILL CAUSE TO BE INSTALLED THEREON, SHOWN OR NOT SHOWN, IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

DOLORES FERNANDEZ DE JAUREGUI POZO DATE  
OWNER  
1705 NORTH ALAMO ROAD  
ALAMO, TX 78516

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED, DOLORES FERNANDEZ DE JAUREGUI POZO, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FORGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN GIVEN UNDER MY HAND AND SEAL OF OFFICE. THIS DAY OF

NOTARY PUBLIC  
HIDALGO, TEXAS  
MY COMMISSION EXPIRES

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING & 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 DATE  
PLANNING & ZONING

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 DATE  
CITY OF McALLEN

THIS PLAT APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT NO. 1  
ON THIS DAY OF , 20

HIDALGO COUNTY IRRIGATION DISTRICT NO. ONE WILL NOT BE RESPONSIBLE FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION. ALSO THERE WILL NOT BE ANY PERMANENT STRUCTURES ON THE DISTRICT RIGHT-OF-WAYS AND/OR EASEMENTS.

NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON THE HCID#1 RIGHT-OF-WAYS OR EASEMENTS WITHOUT THE EXPRESSED WRITTEN PERMISSION OF HCID#1

PRESIDENT SECRETARY

LOCATION MAP SCALE: 1"=1000'



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

ON: \_\_\_\_\_ AT \_\_\_\_\_ AM/PM  
DOCUMENT NUMBER  
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS  
BY: \_\_\_\_\_ DEPUTY



#### METES AND BOUNDS DESCRIPTION

BEING A 0.544 OF AN ACRE TRACT OF LAND (0.56 OF AN ACRE OF LAND AS RECORDED UNDER DOCUMENT NO. 1937991), MORE OR LESS, OUT OF LOT 1, RESUBDIVISION OF LOTS 15 AND 16, BLOCK 2, C.E. HAMMOND'S SUBDIVISION, AS RECORDED IN VOLUME 2, PAGE 58, MAP RECORDS, HIDALGO COUNTY, TEXAS. SAID 0.544 OF AN ACRE TRACT OF LAND IS VESTED TO MA. DOLORES FERNANDEZ DE JAUREGUI POZO, BY VIRTUE OF A GENERAL WARRANTY DEED DATED OCTOBER 08, 2008, RECORDED UNDER DOCUMENT NO. 1937991, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS. SAID 0.544-ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2" IRON PIPE FOUND FOR THE APPARENT SOUTHEAST CORNER AND ON THE SOUTH LINE OF A 0.480-OF AN ACRE TRACT OF LAND, SAID 0.480-OF AN ACRE TRACT OF LAND BEING SOUTH OF AND ADJACENT TO SAID 0.544-OF AN ACRE TRACT OF LAND, COORDINATES OF X=1060724.84 AND Y=16605966.72, SAID POINT ALSO BEING ON THE APPARENT EXISTING WEST RIGHT-OF-WAY LINE OF A 40.00 FOOT HIDALGO COUNTY WATER DRAINAGE DISTRICT NO. 1 RIGHT-OF-WAY, PREVIOUSLY CONVEYED BY DEED DATED JUNE 6, 1925 FROM C.E. HAMMOND TO HIDALGO COUNTY WATER DISTRICT NO. 4, OF RECORD IN VOLUME 218, PAGE 35 DEED RECORDS, HIDALGO COUNTY, TEXAS; THENCE N 02°40'48" W WITH SAID EXISTING WEST LINE OF 40.00 FOOT DRAINAGE DISTRICT RIGHT-OF-WAY, A DISTANCE OF 131.78 FEET TO A SET 1/2" IRON REBAR FOR THE SOUTHEAST CORNER OF SAID 0.544-OF AN ACRE TRACT OF LAND AND ALSO THE NORTHEAST CORNER OF SAID 0.480-ACRE TRACT OF LAND FOR THE POINT OF BEGINNING.

- THENCE, NORTH 81°26'15" WEST, WITH THE NORTH LINE OF SAID 0.480-ACRE TRACT OF LAND AND THE SOUTH LINE OF SAID 0.544-OF AN ACRE TRACT OF LAND, A DISTANCE OF 97.05 FEET TO A 1/2" IRON REBAR SET FOR THE SOUTHWEST CORNER OF SAID 0.544 OF AN ACRE TRACT HEREIN DESCRIBED AND BEING ON THE APPARENT EXISTING EAST RIGHT-OF-WAY LINE OF BENTSEN ROAD;
- THENCE, NORTH 08°33'45" EAST, WITH SAID EXISTING EAST RIGHT-OF-WAY LINE OF BENTSEN ROAD AND THE WEST LINE OF SAID 0.544-OF AN ACRE TRACT OF LAND, A DISTANCE OF 489.28 FEET TO A 1/2" IRON REBAR SET ON THE INTERSECTION POINT OF SAID EXISTING EAST RIGHT-OF-WAY LINE OF BENTSEN ROAD AND THE EXISTING WEST LINE OF SAID 40.00 FOOT DRAINAGE DISTRICT RIGHT-OF-WAY, FOR THE NORTHERNMOST CORNER OF SAID 0.544-OF AN ACRE TRACT OF LAND;
- THENCE, SOUTH 02°40'48" WITH SAID EXISTING WEST LINE OF SAID 40.00 FOOT DRAINAGE DISTRICT RIGHT-OF-WAY, A DISTANCE OF 497.82 FEET TO A SET 1/2" IRON REBAR AND THE POINT OF BEGINNING, AND CONTAINING 0.544-OF AN ACRE OF LAND, MORE OR LESS.

#### GENERAL NOTES

- FLOOD ZONE DESIGNATION ZONE "C" ZONE "C" IS DEFINED AS AREAS OF MINIMAL FLOOD HAZARD COMMUNITY PANEL NUMBER 480343 0006C MAP REVISED NOVEMBER 18, 1992
- MINIMUM PERMISSIBLE FINISH FLOOR ELEVATION IS 18" ABOVE TOP OF CURB MEASURED AT THE CENTER OF THE LOT.
- SETBACKS:  
FRONT: 11th STREET: 32.5 FEET OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS, OR IN LINE WITH THE AVERAGE SETBACKS OF EXISTING STRUCTURES, WHICHEVER IS GREATER.  
ERIE AVENUE: 25 FEET OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS OR IN LINE WITH EXISTING STRUCTURES.  
REAR: IN ACCORDANCE WITH THE ZONING ORDINANCE OR GREATER FOR EASEMENTS OR APPROVED SITE PLAN.  
SIDES: IN ACCORDANCE WITH THE ZONING ORDINANCE OR GREATER FOR EASEMENTS OR APPROVED SITE PLAN.  
CORNER: 10 FEET OR GREATER FOR EASEMENTS OR APPROVED SITE PLAN.
- THE CONSTRUCTION OF ANY STRUCTURES ON OR WITHIN ANY EASEMENTS SHALL BE PROHIBITED.
- BENCH MARK DOCUMENTATION FOR CITY OF McALLEN BENCHMARK SYSTEM INDICATES INFORMATION FOR THE NEAREST MONUMENT AS BEING: POINT #16, NORTHING 16570233.296, EASTING 1093822.613 ELEV. = 84.02.
- NO BUILDING ALLOWED OVER ANY EASEMENT GRANTED BY THIS PLAT.
- 10' UTILITY EASEMENT GRANTED BY THIS PLAT.
- STORM WATER RUNOFF GENERATED FROM DEVELOPMENT SHALL BE DETAINED ON SITE (DETENTION AREAS) FOR A 60-YEAR FREQUENCY STORM EVENT AND RELEASED INTO AN APPROVED STORM SEWER SYSTEM AT THE PREDEVELOPMENT RATE FOR A 10-YEAR FREQUENCY STORM EVENT. REQUIRED DRAINAGE DETENTION IS 0.06 AC-FT.
- THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAINING AND ACCOMMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT IF IT IS DETERMINED, AT THE DEVELOPMENT PERMIT STAGE, THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT, DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS OF THIS SUBDIVISION.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS FOR THE DISTRICT ADOPTED UNDER TEXAS WATER CODE 49.211(f). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND HIS ENGINEER TO MAKE THEIR DETERMINATION.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

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

## TWIN SUBDIVISION

REPLAT OF A 0.544 ACRE TRACT OF LAND  
OUT OF LOT 1, RESUBDIVISION OF  
LOTS 15 AND 16, BLOCK 2  
HAMMOND'S SUBDIVISION VOL. 2, PG. 58  
HIDALGO COUNTY, TEXAS



#### LEGEND

R.O.W. RIGHT OF WAY  
P.O.B. POINT OF BEGINNING  
P.O.C. POINT OF COMMENCEMENT  
H.C.M.R. HIDALGO COUNTY MAP RECORDS  
H.C.D.R. HIDALGO COUNTY DEED RECORDS  
H.C.W.D. HIDALGO COUNTY WATER IMPROVEMENT DISTRICT

JOHN H. SHARY  
SUBDIVISION  
VOL. 1, PG. 17, H.C.M.R.

JOHN H. SHARY  
SUBDIVISION  
VOL. 1, PG. 17, H.C.M.R.

ORANGE AVE.

GRAY SUBDIVISION  
VOL. 19, PG. 137, H.C.M.R.

JOHN H. SHARY  
SUBDIVISION  
VOL. 1, PG. 17, H.C.M.R.

BENTSEN ROAD

BERTON F. &  
OLGA V. HERR  
DOC. #1625488  
H.C.D.R.

STATE OF TEXAS  
COUNTY OF HIDALGO

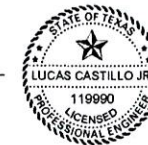
STATE OF TEXAS  
COUNTY OF HIDALGO

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

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

LUCAS CASTILLO JR.  
REGISTERED PROFESSIONAL ENGINEER  
P.E. REGISTRATION NO. 119990

DATE

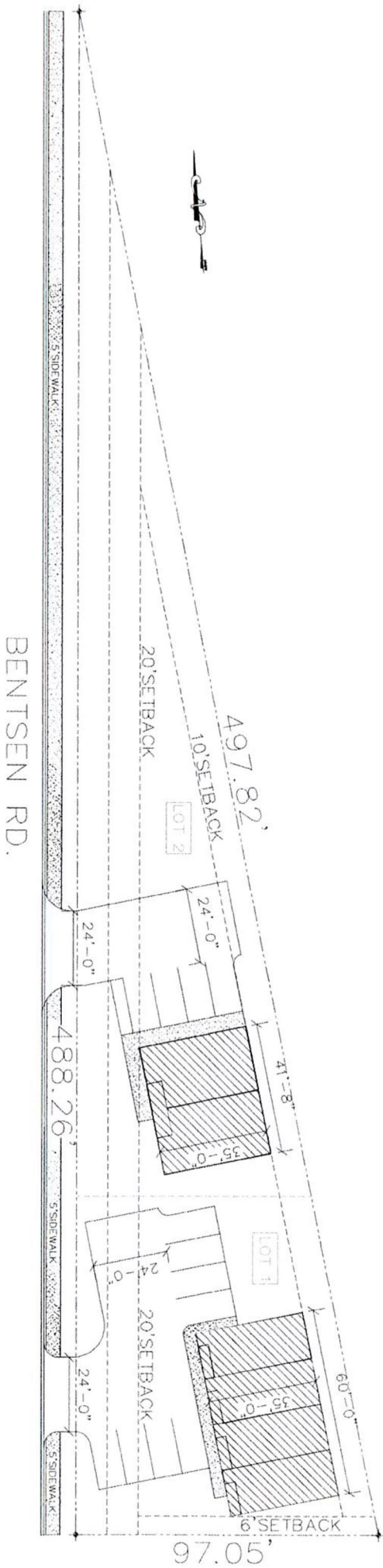


HOMERO L. GUTIERREZ  
REGISTERED PUBLIC SURVEYOR  
RPLS NO. 2791  
DATE SURVEYED 03/13/2017

DATE







BENTSEN RD.



**NOTICE  
REZONING  
FOR  
THIS PROPERTY  
REZ2021-0062**



CITY OF MCALLEN PLANNING DEPT.  
956-681-1250  
[WWW.MCALLE.NET](http://WWW.MCALLE.NET)





## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

**DATE:** October 28, 2021

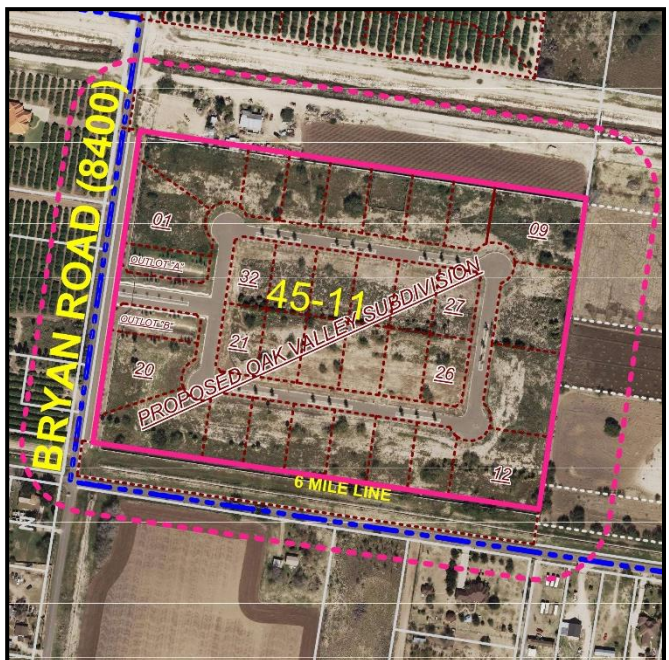
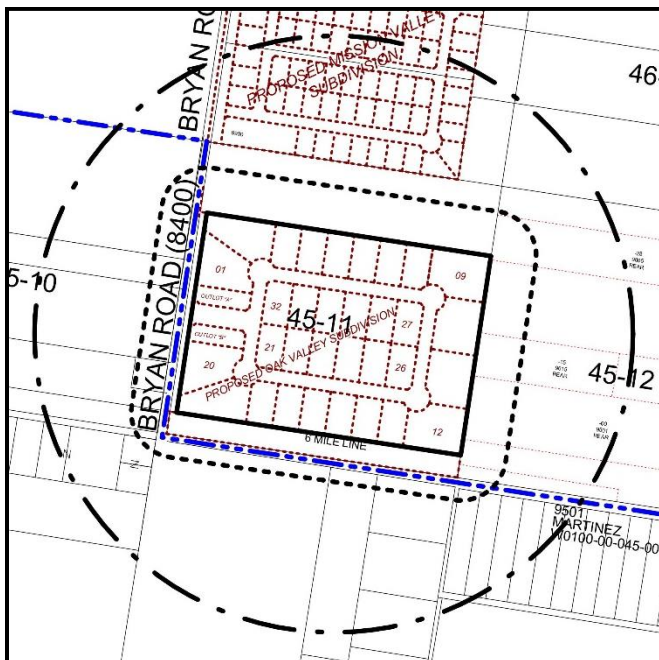
**SUBJECT: INITIAL ZONING TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT)  
DISTRICT: 26.97 ACRES OUT OF LOT 45-11, WEST ADDITION TO  
SHARYLAND SUBDIVISION, HIDALGO COUNTY, TEXAS; 9600 NORTH  
BRYAN ROAD. (REZ2021-0064)**

**LOCATION:** The property is located on the east side of North Bryan Road, 80 ft. north of Mile 6 Road. The tract has 890 ft. of frontage along North Bryan Road with a depth of 1,320 ft. for a lot size of 26.97 acres.

**PROPOSAL:** The tract is currently outside the City limits and is undergoing voluntary annexation. The initial zoning to R-3A (multifamily residential apartment) District will become effective upon the annexation of the tract into the City. The applicant is requesting R-3A District for detached duplexes. A proposed 36-lot subdivision under the name of Oak Valley Subdivision for the subject property was approved in preliminary form by the Planning and Zoning Commission on September 7, 2021.

**ADJACENT ZONING:** The properties in all directions of the subject property are outside the City limits.

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



COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan designates the future land use for this property as Estate Residential, which is comparable to A-O and R-1 Districts.

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

HISTORY: The tract has been in the City's ETJ (Extra-Territorial Jurisdiction) since April 16, 1979. Annexation and initial zoning applications for the subject property were submitted on September 21, 2021, and are scheduled to be heard at the City Commission meeting of November 8, 2021.

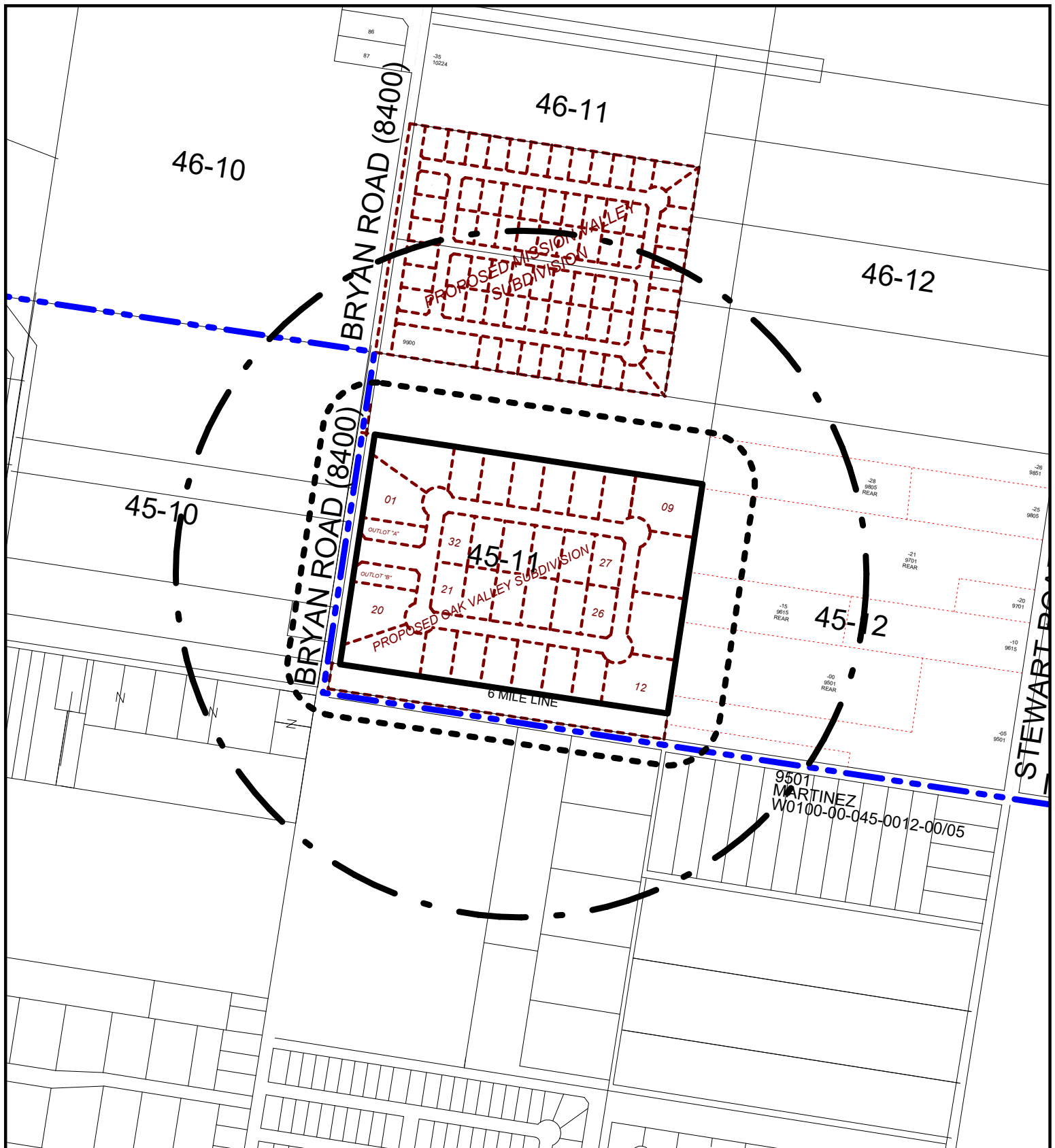
ANALYSIS: The requested zoning does not conform to the Estate Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan. However, the rezoning request provides opportunities for a variety of housing types throughout the city that responds to the residents' economic and social lifestyles.

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

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

RECOMMENDATION: Staff recommends approval of the initial zoning request to R-3A (multifamily residential apartment) District.





# **CITY OF McALLEN** PLANNING DEPARTMENT

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

## **AREA MAP**




 **SUBJECT PROPERTY**

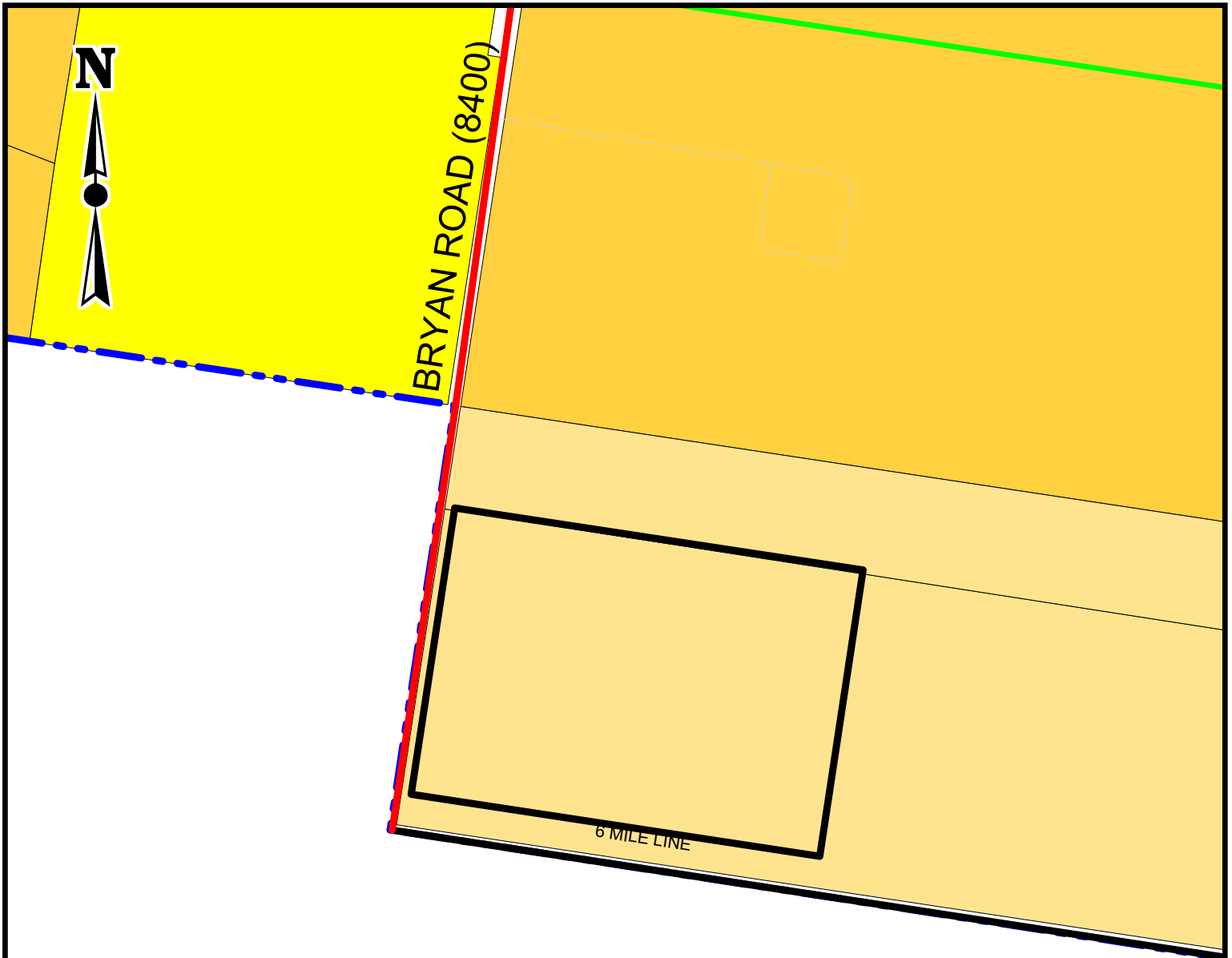
 **200 FT. NOTIFICATION BOUNDARY**

 **1/4 MILE RADIUS**

## **ZONING LEGEND**

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



















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



# **CITY OF McALLEN** PLANNING DEPARTMENT

## **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

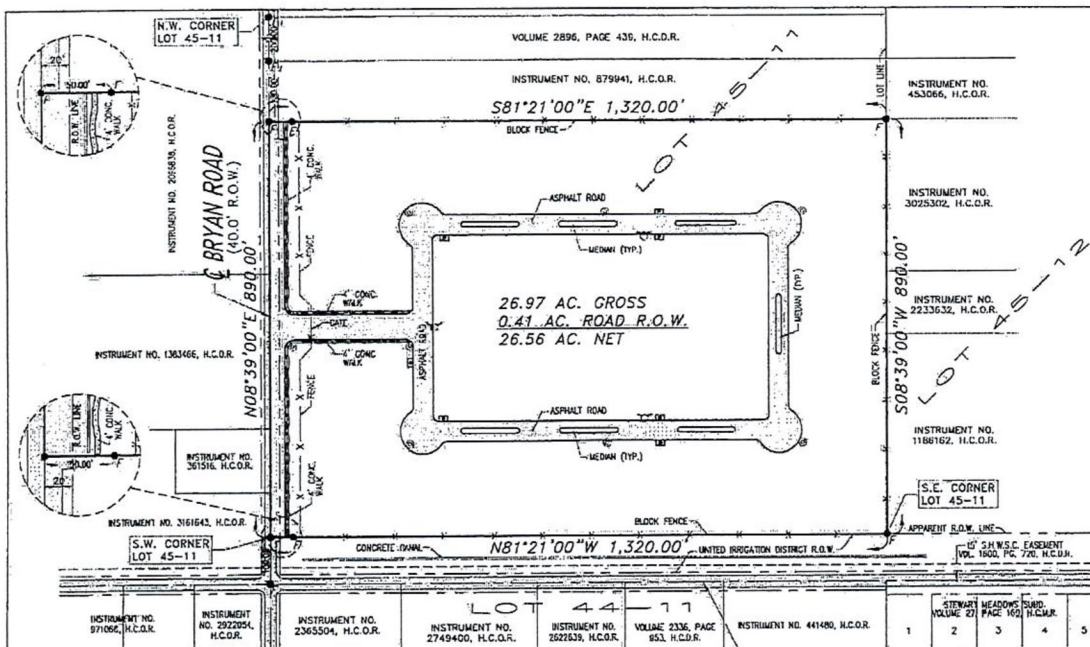
### **LEGEND**

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





## PLAT SHOWING

A 26.97 ACRE TRACT OF LAND BEING A PORTION OF LOT 45-11, WEST ADDITION TO SHARTLAND SUBDIVISION, AS RECORDED IN VOLUME 1, PAGE 56, MAP RECORDS, HIDALGO COUNTY, TEXAS, ALSO BEING THAT CERTAIN TRACT 2 DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN VOLUME 3147, PAGE 471, DEED RECORDS, HIDALGO COUNTY, TEXAS.

### PROPERTY SUBJECT TO:

STATUTORY EASEMENTS, RULES, REGULATIONS AND RIGHTS IN FAVOR OF UNITED IRRIGATION WATER DISTRICT AND HIDALGO COUNTY DRAINAGE DISTRICT NO. 1.

EASEMENTS FOR ROADS, HIGHWAYS, CANALS, DRAINAGE DITCHES, PIPE LINES, RAILROAD TELEPHONE AND TELEGRAPH AND ELECTRIC LINE RIGHTS RESERVED BY DEED RECORDED IN VOLUME 1, PAGE 56, MAP RECORDS, HIDALGO COUNTY, TEXAS.

SUBJECT TO RIGHTS OF WAY, EASEMENTS AND CONDITIONS AS MORE FULLY DESCRIBED AND AS MODIFIED BY COVENANTS WITH TITLE INSURANCE WORK OF NUMBER 21-35148-D) ISSUED BY FIRST NATIONAL TITLE INSURANCE COMPANY, EFFECTIVE DATE: MAY 15, 2021.

PROPOSED INSURED:  
REYTOR DEVELOPMENT  
LLC OR ASSIGNEE

### LEGEND:

- F - FOUND 1/2" IRON ROD
- F<sub>1</sub> - FOUND COTTON PICKER SPINDLE
- S - SET 1/2" IRON ROD WITH
- A CAP LABELED "RPLS 4204"
- ⊕ - FIRE HYDRANT
- ⊙ - MANHOLE
- ⊖ - INLET

FIRM:  
FLOOD INSURANCE RATE MAP  
COMMUNITY-PANEL NUMBER  
400334 0205 D  
MAP REVISED: 06/06/2000  
THIS AREA IS IN FLOOD ZONE "AE"  
BFE 153



## R. E. GARCIA & ASSOCIATES

ENGINEERS, SURVEYORS, PLANNERS  
(LICENSED 17-5001) & SURVEYOR (11012300)

116 NORTH 12TH AVE.  
EDINBURG, TEXAS 78541 (956) 381-1051  
EMAIL: REGAASSOC@AOL.COM

### TITLE:

## IMPROVEMENT SURVEY

DATE: AUGUST 3, 2021 REV:  
JOB # 2021-164 BOOK 1-152/PG.42  
SCALE: 1" = 200'  
DRAWN BY: E.S.



REGISTERED PROFESSIONAL LAND  
SURVEYOR # 4204

This survey is being provided solely for the use of the current parties and that no license has been created, expressed or implied, to copy the survey except as is necessary in conjunction with the original transaction which shall take place within a six (6) months time period.

### NOTES:

THE UNITED IRRIGATION DISTRICT RIGHT-OF-WAY SHOWN ON THE SOUTH SIDE OF THE SUBJECT TRACT WAS ESTABLISHED BY CALCULATION OF OVERALL LOT ADVANCE SHOWN ON THE WEST ADDITION TO SHARTLAND SUBDIVISION PLAT AS RECORDED IN VOLUME 1, PAGE 56, MAP RECORDS OF HIDALGO COUNTY, TEXAS. NO ADDITIONAL DOCUMENTS ESTABLISHING THE UNITED IRRIGATION DISTRICT RIGHT-OF-WAY WERE FOUND NOR UNDERGROUND THE UNITED IRRIGATION DISTRICT MAY CLAIM ADDITIONAL RIGHT-OF-WAY WHICH COULD ENCROACH OVER THE ESTABLISHED SOUTH LINE OF THE SUBJECT TRACT. UNITED IRRIGATION DISTRICT SHOULD BE CONTACTED IN ORDER TO ESTABLISH ANY ADDITIONAL CLAIMS AS TO RIGHTS-OF-WAY.

OVERHEAD AND UNDERGROUND FACILITIES ARE NOT SHOWN ON THIS SURVEY. THE SITE IS KNOWN TO HAVE UNDERGROUND ON SITE AND GAT SITE WALKER SANITARY SEWER AND STORM SEWER MAINS INSTALLED AS SHOWN ON THE UTILITY PLANS FOR OUR VALLEY SUBDIVISION BEING A SUBDIVISION NOT COMPLETED NOR RECORDED. THE UNDERGROUND MAINS WERE NOT EXPOSED FOR THEIR LOCATIONS AND ARE NOT SHOWN ON THIS SURVEY. OTHER UNDERGROUND FACILITIES MAY EXIST AND ARE NOT SHOWN ON THIS SURVEY.

# REVISED PLAT OF OAK VALLEY SUBDIVISION

HIDALGO COUNTY, TEXAS

PLAT OF THE SOUTH 26.97 ACRES (DEED 27.00 ACRES) (25.95 AC. NET) MORE OR LESS OUT OF LOT 45-11, WEST ADDITION TO SHARYLAND, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 56, H.C.M.R.

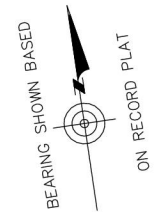
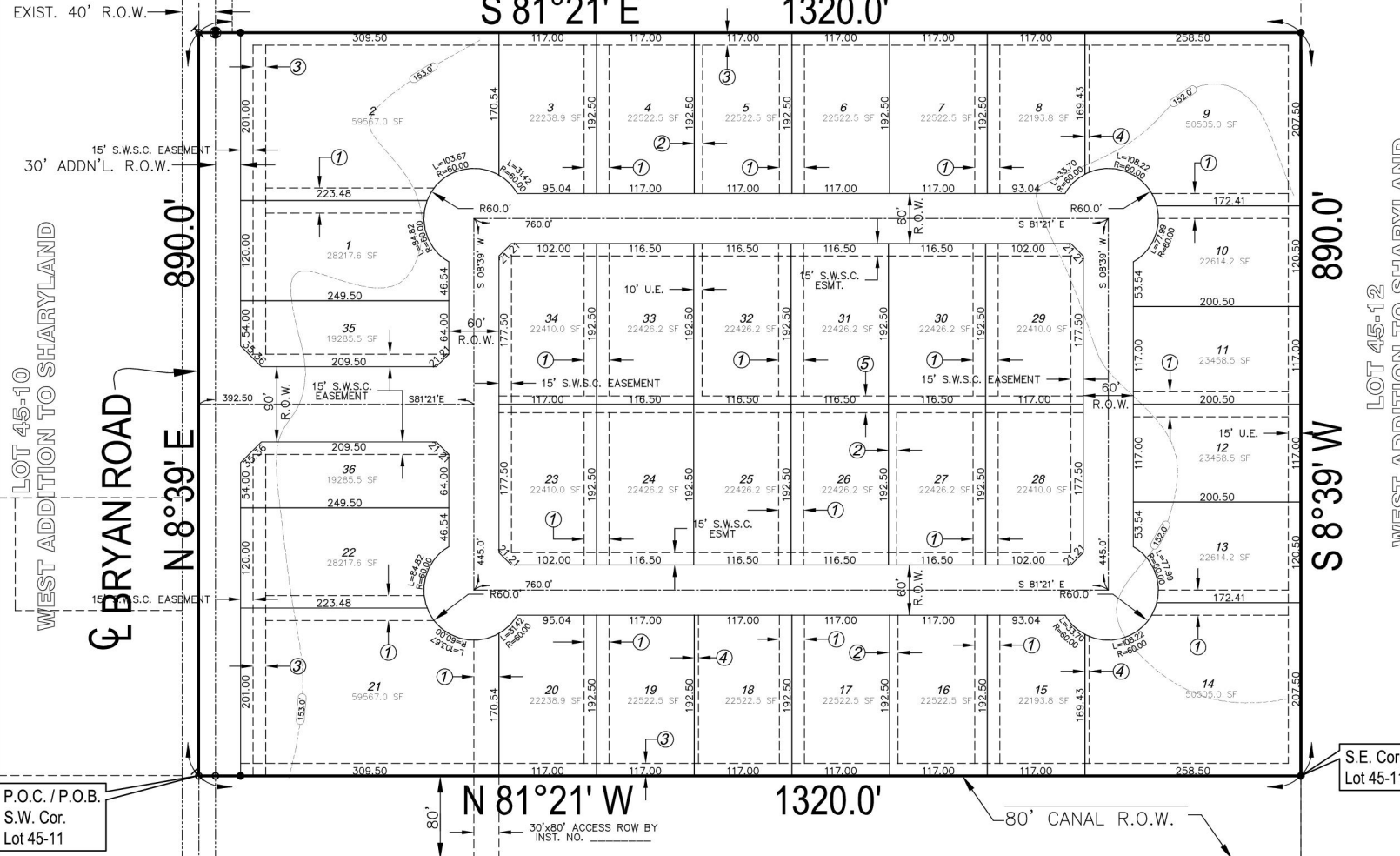
## EASEMENT LEGEND:

- ① - 30' ACCESS & UTILITY EASEMENT CENTERED ON LOT LINE
- ② - 10' UTILITY EASEMENT
- ③ - 15' UTILITY EASEMENT
- ④ - 5' ELECTRIC EASEMENT
- ⑤ - 20' ACCESS & UTILITY EASEMENT CENTERED ON LOT LINE

(HIDALGO COUNTY DRAINAGE DIST. No. 1)

LOT 45-11  
WEST ADDITION TO SHARYLAND  
V.1, P. 56, M.R.

(JOSE A. SANTANA, DOC. # 8799941)

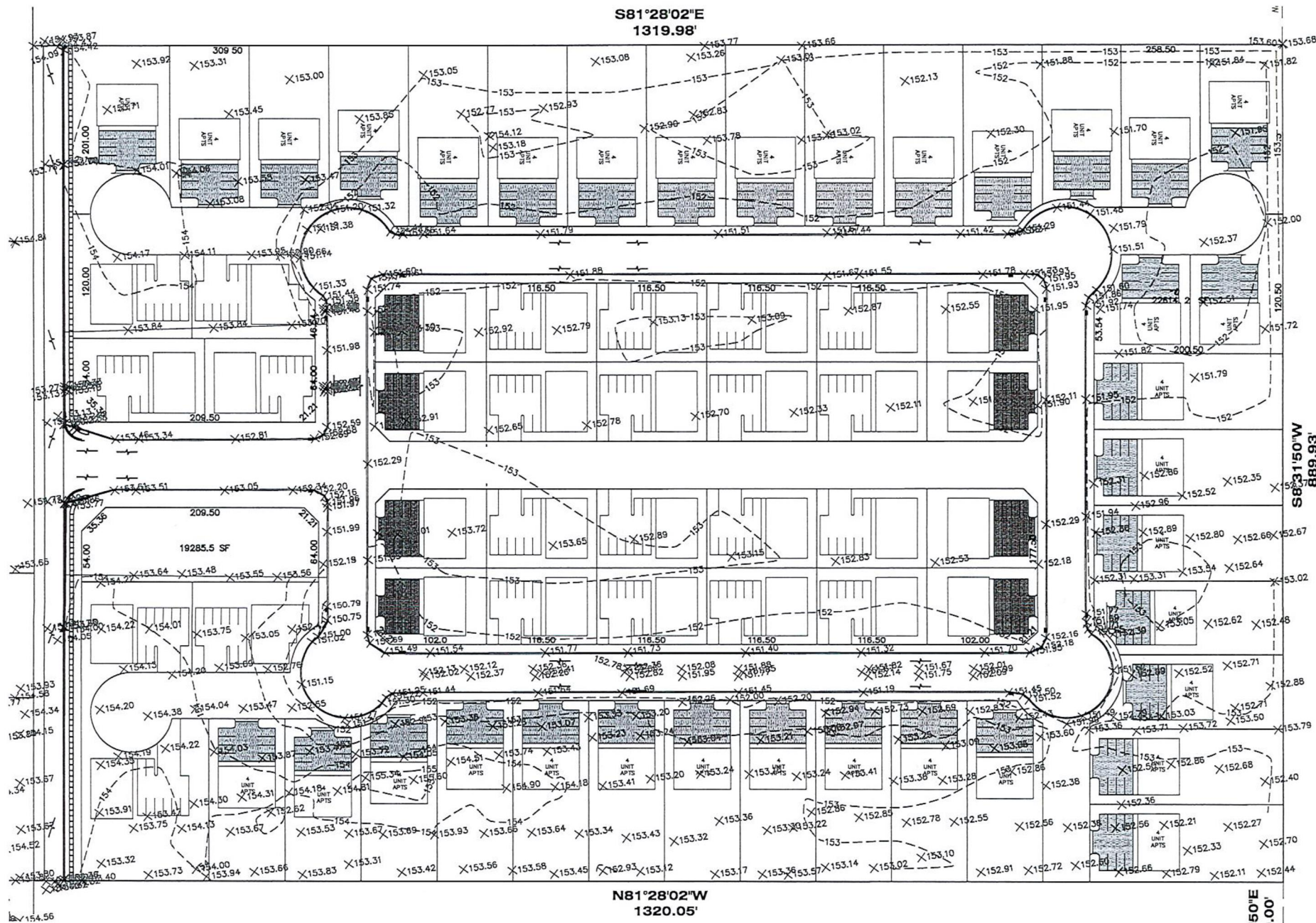


SCALE: 1" = 200'



3525 W. Freddy Gonzalez Ave.  
Suite B2  
Edinburg, TX 78539  
956-687-3355, FAX: 956-992-8801  
TEXAS FIRM NO.: 6435









OAK VALLEY

NOTICE  
REZONING  
FOR  
THIS PROPERTY  
REZ2021-0064

 CITY OF McALLEN PLANNING DEPT.  
900 N. 10TH  
WWW.MCALLEENET



## Memo

**TO:** Planning and Zoning Commission

**FROM:** Planning Staff

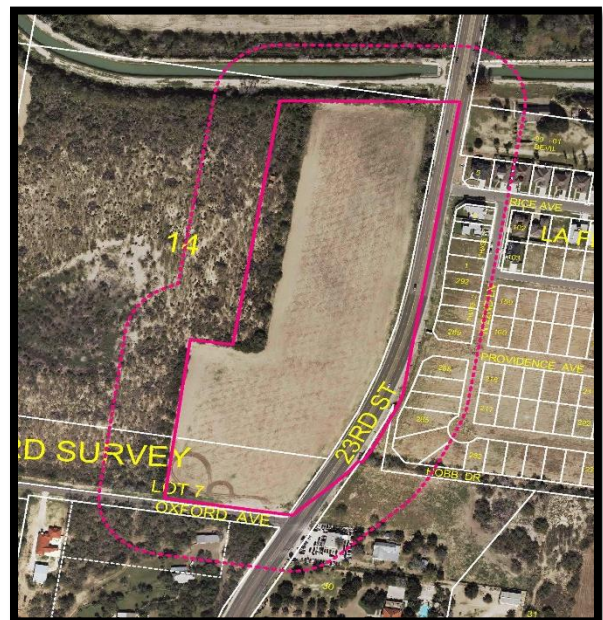
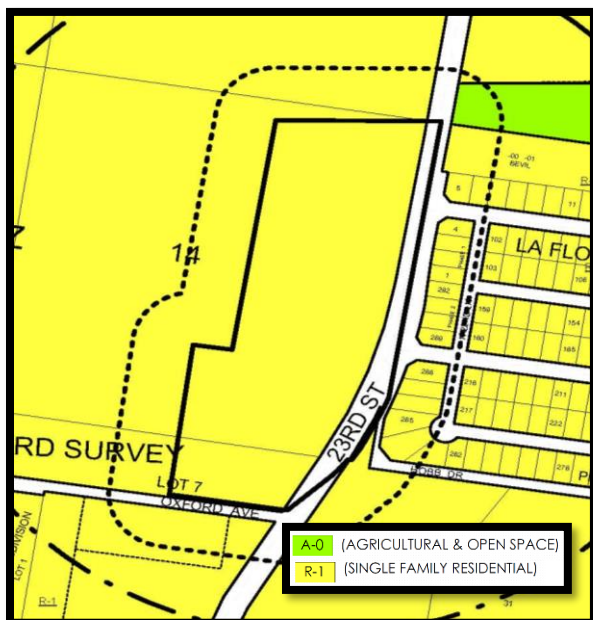
**DATE:** September 28, 2021

**SUBJECT:** REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 19.137 ACRES CONSISTING OF 2.476 ACRES OUT OF LOT 7 E.M CARD SURVEY NO. 1 SUBDIVISION AND 16.661 ACRES OUT OF LOT 14, SECTION 279, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2400 OXFORD AVENUE. (REZ2021-0051)

**LOCATION:** The property is located on the northwest corner of North 23<sup>rd</sup> Street and Oxford Avenue, approximately 730 ft. north of Northgate Avenue. The irregularly shaped tracts have approximately 1,620 ft. of frontage along North 23<sup>rd</sup> Street.

**PROPOSAL:** The applicant is requesting to rezone the property to R-3A (multifamily residential apartments) District in order to construct apartments. The proposed subdivision is under the name of Falcon's Cove; however, no subdivision application has been submitted.

**ADJACENT ZONING:** The adjacent zoning is A-O (agricultural and open space) District to the northeast and R-1 (single-family residential) District in all directions.



LAND USE: The subject property is currently vacant. Surrounding land uses include single-family residences, Northwest Police Center and vacant land.

COMPREHENSIVE PLAN: The Foresight McAllen Comprehensive Plan designates the future land use for these properties as Auto Urban Single Family which is comparable to R-1 (single-family residential) District and City Parks which is comparable to A-O District.

DEVELOPMENT TRENDS: The development trend for this area is single-family residences, commercial use, and a solar energy facility to the west of the subject property that was approved in 2019.

HISTORY: The tract was outside city limits; in 2016, a 315.65-acre tract was annex to the City. Various initial zonings to R-1 District were approved in City Commissions meeting of December 12, 2016. There has been no other rezoning request for the subject property since then.

Various rezoning request North of Freddy Gonzalez Rd to commercial zoning (C-3 and C-3L) were approved between 2015 and 2016, commercial request south of the property have been disapproved and withdrawn.

An attempt to rezone a property at the intersection of N. 23<sup>rd</sup> Street and Freddy Gonzalez Rd (north of subject property) from C-3 District to R-3A District was disapproved in 2019; the request had more than 20% of opposition.

Four other rezoning request were approved for R-1 District between 2003 and 2006 and single-family residential subdivisions were built.

ANALYSIS: The requested zoning does not conform to the Auto Urban Single Family land use and City parks designation and it does not follow the rezoning and development trend in the area.

North 23<sup>rd</sup> Street is designated as a principal arterial with 80ft -100 ft. of ROW (varies due to unsubdivided properties) with a curb-to-curb dimension of approximately 60 ft. with a travel lanes and one turning lane. Oxford Avenue is designated as a collector street with a curb-to-curb of approximately 30 ft. it's constructed as a rural road with two travel lanes.

The proposed development is 19.137 acres (833,607 square feet), based on the maximum density per gross acres in the R-3 multifamily residential district: 833-one bedroom units, 666-two bedroom units or 555- three bedroom units will be allowed.

Based on the number of units allowed per gross acre; a TIA report will be required. Must comply with Traffic access requirements.

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

Staff has received a letter in opposition to this request; at the time of submission, the opposition percentage was at 6.7%. See attached opposition map.



**PLANNING AND ZONING COMMISSION MEETING OF SEPTEMBER 21, 2021:**

At the Planning and Zoning Commission meeting of September 21, 2021, the authorized agent decided to table the item.

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



# CITY OF McALLEN

PLANNING DEPARTMENT

## FORESIGHT McALLEN COMPREHENSIVE PLAN

### FUTURE LAND USE PLAN

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

### LEGEND

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

### THOROUGHFARE PLAN

① GRADE SEPARATION (INTERCHANGE)
EXPRESSWAY 350'
PARKWAY 350'
HI-SPEED ARTERIAL 150'
PRINCIPAL ARTERIAL 120'
MINOR ARTERIAL 100'
COLLECTOR 80'
ALTERNATIVE ALIGNMENT
MCALLEN CITY LIMITS
MCALLEN ETJ

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



August 2, 2021

**METES AND BOUNDS DESCRIPTION  
19.137 ACRES CONSISTING OF:  
2.476 ACRES OUT OF LOT 7,  
E.M. CARD SURVEY NO. 1  
AND 16.661 ACRES OUT OF  
LOT 14, SECTION 279,  
TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY,  
CITY OF McALLEN,  
HIDALGO COUNTY, TEXAS**

A tract of land containing 19.137 acres situated in the City of McAllen, Texas, consisting of: 2.476 acres out of Lots 7, E.M. Card Survey No. 1, according to the plat thereof recorded in Volume 8, Page 1, Hidalgo County Map Records, and 16.661 acres out of Lot 14, Section 279, Texas-Mexican Railway Company's Survey, according to the plat thereof recorded in Volume 24, Pages 168-171, Hidalgo County Deed Records, which said 19.137 acres are out of a certain tract conveyed to John R. Willis Management Partnership, LTD., by virtue of a Special Warranty Deed recorded under Document Number 693537, Hidalgo County Official Records, said 19.137 acres also being more particularly described as follows:

COMMENCING at the Northwest corner of said Lot 7;

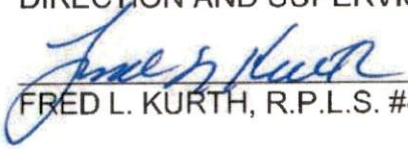
THENCE, S 08° 50' 53" W along the West line of said Lot 7, a distance of 224.63 feet;

THENCE, S 81° 11' 07" E a distance of 651.29 feet to a No. 4 rebar found for the Southwest corner and POINT OF BEGINNING of this herein described tract;

1. THENCE, N 07° 54' 54" E at a distance of 40.00 feet pass a No. 4 rebar set on the North right-of-way line of Oxford Road, continuing a total distance of 573.08 feet to a No. 4 rebar found for an outside corner of this tract;
2. THENCE, S 81° 53' 23" E a distance of 130.89 feet to a No. 4 rebar set for an inside corner of this tract;
3. THENCE, N 09° 24' 08" E a distance of 883.09 feet to a No. 4 rebar set for the Northwest corner of this tract;
4. THENCE, S 89° 34' 51" E at a distance of 514.54 pass a No. 4 rebar set on the West right-of-way line of N. 23<sup>rd</sup> Street (F.M. 1926), continuing a total distance of 548.05 feet to a Nail set for the Northeast corner of this tract;
5. THENCE, S 09° 25' 53" W a distance of 1,065.29 feet to a No. 4 rebar set for an outside corner of this tract;

6. THENCE, in a Southwesterly direction along a curve to the left, with a central angle of  $006^{\circ} 16' 50''$ , a radius of 1959.86 feet, an arc length of 214.83 feet, a tangent of 107.52 feet, and a chord that bears  $S 26^{\circ} 02' 52'' W$  a distance of 214.73 feet to a No. 4 rebar set for an angle point of this tract;
7. THENCE,  $S 33^{\circ} 48' 35'' W$  a distance of 51.68 feet to a No. 4 rebar set for an outside corner of this tract;
8. THENCE,  $N 80^{\circ} 59' 37'' W$  a distance of 12.04 feet to a No. 4 rebar set for an inside corner of this tract;
9. THENCE, in a Southwesterly direction along a curve to the left, with a central angle of  $011^{\circ} 07' 29''$ , a radius of 607.30 feet, an arc length of 117.92 feet, a tangent of 59.14 feet, and a chord that bears  $S 43^{\circ} 05' 05'' W$  a distance of 117.73 feet to a Nail set for angle point of this tract;
10. THENCE,  $S 48^{\circ} 34' 57'' W$  a distance of 160.38 feet to a Nail set for the Southeast corner of this tract;
11. THENCE,  $N 81^{\circ} 11' 07'' W$  a distance of 395.27 feet the POINT OF BEGINNING and containing 19.137 acres, of which 2.205 acres lies within the right-of-way, leaving a net of 16.932 acres of land, more or less.

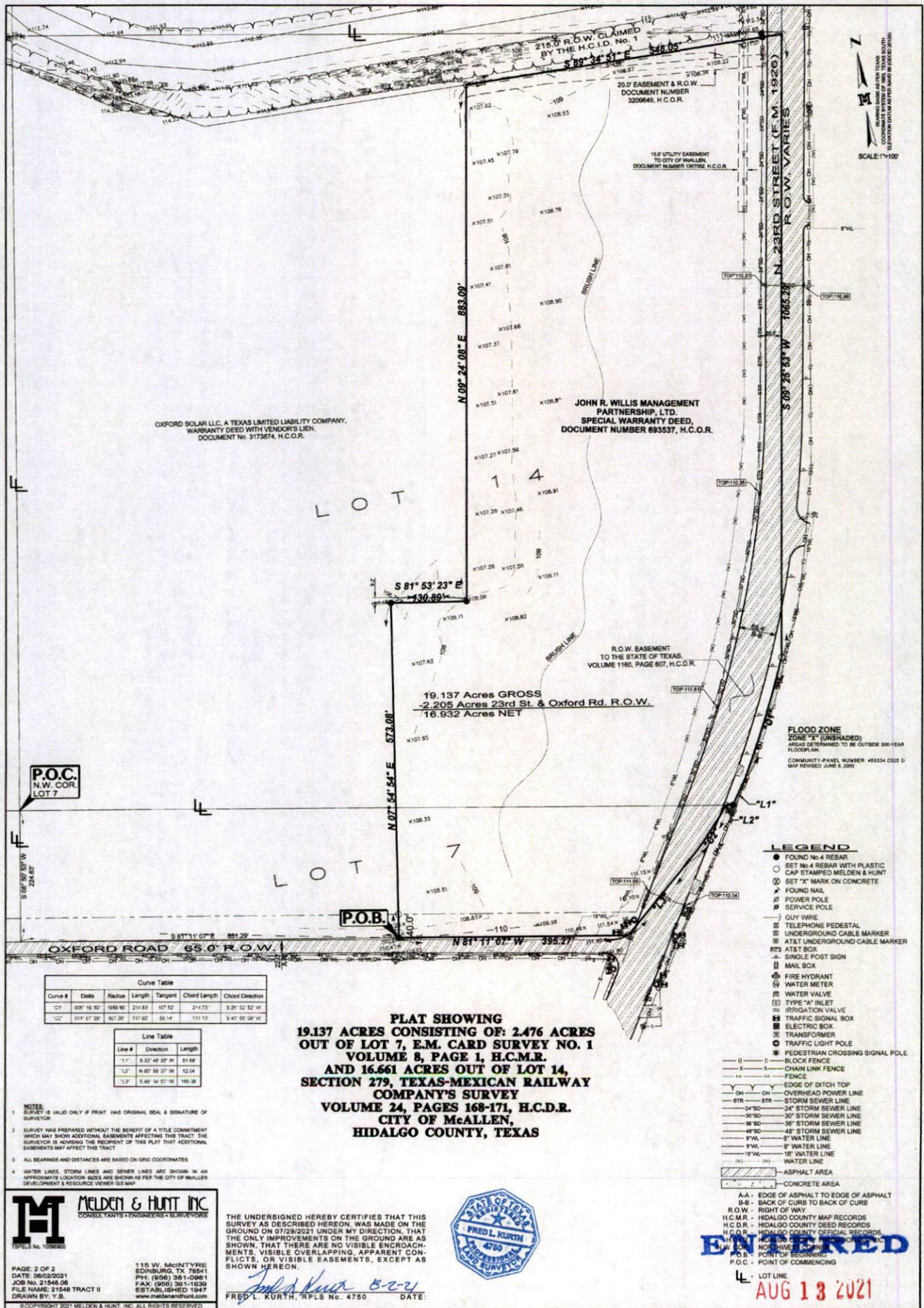
I, FRED L. KURTH, A REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY AFFIRM THAT THIS METES AND BOUNDS DESCRIPTION REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON 07/29/2021 UNDER MY DIRECTION AND SUPERVISION.

  
FRED L. KURTH, R.P.L.S. #4750

8-2-21  
DATE:









**OWNER'S AUTHORIZATION FORM**

I, **Stephanie McAllen Moore (President) of McAllen Management, LLC, General Partner of John R. Willis Management Partnership, Ltd.,** hereby authorize Mario A. Reyna, P.E. (Vice-President of Melden & Hunt, Inc.), to sign any and all paperwork pertaining to the engineering design, the request for change of zone, and any variance request regarding the proposed subdivision development described as follows:

- Tract I: Being a 51.808-acre tract of land out of Lots 11 and 12, Section 279- Texas-Mexican Railway Company's Survey, Volume 24, Pages 168-171, H.C.D.R. Hidalgo County, Texas; and
- Tract II: Being a 19.135-acre tract of land consisting of: 2.746 acres out of Lot 7, E.M. Card Survey No. 1, Volume 8, Page 1, H.C.D.R. Hidalgo County, Texas and 16.659 acres out of Lot 14, Section 279, Texas-Mexican Railway Company's Survey, Volume 24, Pages 168-171, H.C.D.R. Hidalgo County, Texas; and
- Tract III: Being a 4.393-acre tract of land consisting of: 2.439 acres out of Lot 5, E.M. Card Survey No. 1 H.C.D.R. Hidalgo County, Texas and 1.954 acres out of Lot 12, Section 279, Texas-Mexican Railway Company's Survey, Volume 24, Pages 168-171, H.C.D.R. Hidalgo County, Texas.

This authorization agreement shall terminate and no longer be valid on September 24, 2021.

*Stephanie McAllen Moore*

Stephanie McAllen Moore – President  
McAllen Management, LLC, General Partner of  
John R. Willis Management Partnership, Ltd.  
P.O. Box 1139  
Edinburg, TX 78540-1139

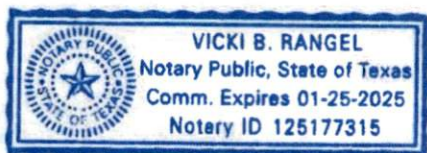
STATE OF TEXAS

§

COUNTY OF HIDALGO §

Before me, the undersigned authority, on this day personally appeared **Stephanie McAllen Moore. (President) of McAllen Management, LLC, General Partner of John R. Willis Management Partnership, Ltd.,** known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and consideration herein stated.

Given under my hand and seal of office, this the 16<sup>TH</sup> day of June, 2021.



*Vicki B. Rangel*  
Notary Public, State of Texas

**ENTERED**

AUG 13 2021

Initial: an





JAVIER VILLALOBOS, Mayor  
JOAQUIN "J.J." ZAMORA, Mayor Pro Tem & Commissioner District 2  
TONY AGUIRRE, JR., Commissioner District 1  
J. OMAR QUINTANILLA, Commissioner District 3  
TANIA RAMIREZ, Commissioner District 4  
VICTOR "SEBY" HADDAD, Commissioner District 5  
PEPE CABEZA DE VACA, Commissioner District 6

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

September 21st, 2021

2400 Oxford Ave.  
Petition in Opposition for REZ2021-0051

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200 Ft. Radius: 1,784,000 Sq. Ft.  
Subject Property: 835,100 Sq. Ft.  
Total Area of Opposition: 63,317 Sq. Ft.

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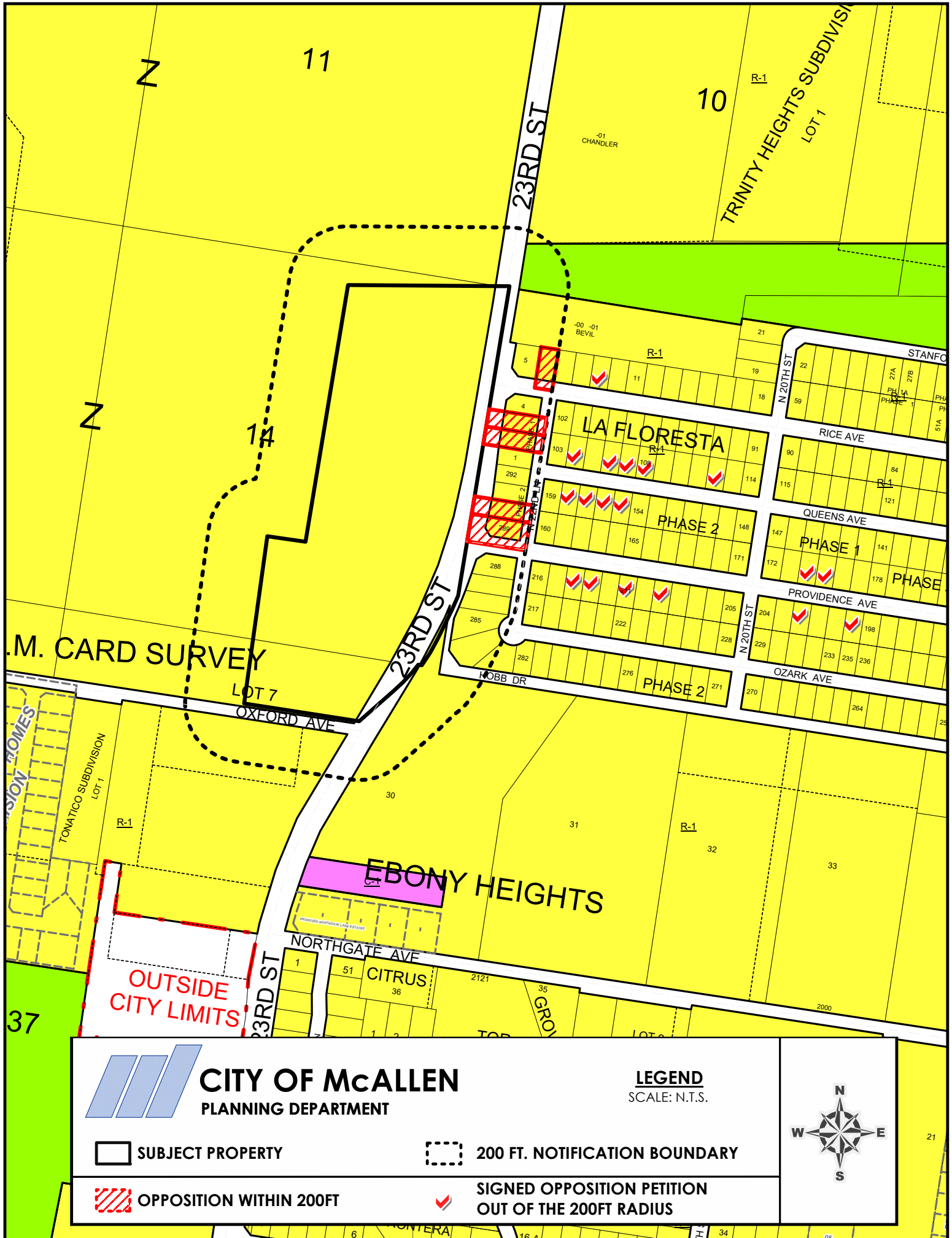
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200 Ft Radius	<u>Total Area of Opposition</u>	= 0.*** x 100 =	Percentage
- <u>Subject Property</u>	Total Adjust Area		of Opposition
Total Adjusted Area			

---

1,784,000 Sq.Ft.	<u>63,317 Sq.Ft.</u>	= 0.067 x 100 =	6.7% Opposition
- <u>835,100 Sq.Ft.</u>	948,900 Sq.Ft.		
948,900 Sq.Ft.			

Prepared By: Planning Department





SUB 2021-0085



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>	Subdivision Name	AEP JAMES ROWE SUBSTATION SUBDIVISION, LOT 1 (NON-HABITABLE)				
	Location	0.1 MILE NE OF PECAN BLVD./WARE RD. INTERSECTION (CE HAMMOND, LOT 5)				
	City Address or Block Number	1621 N. WARE RD				
	Number of lots	1	Gross acres	3.04 AC		
			Net acres	3.04 AC		
	Existing Zoning	C3	Proposed	C3		
	Rezoning Applied For	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No CUP2021-0051				
	Existing Land Use	VACANT				
	Proposed Land Use	AEP SUBSTATION				
	Rigation District #	2				
Residential Replat	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Commercial Replat	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	ETJ	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Agricultural Tax Exempt	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Estimated Rollback tax due	\$0.00			
Parcel No.	Tax Dept. Review					
Legal Description	3.04 AC TRACT, JOSE DE LA CERDA 61, ABSTRACT 29-HIDALGO CO., TX					
<b>Owner</b>	Name	P. TODD IRELAND		Phone	(614) 716-6835	
	Address	1 RIVERSIDE PLAZA, 16TH FLOOR COLUMBUS, OH 43215				
	City	COLUMBUS	State	OH	Zip	43215
	E-mail	ptireland@aep.com				
<b>Developer</b>	Name	CONTRACTOR NOT YET SELECTED		Phone		
	Address					
	City		State		Zip	
	Contact Person					
	E-mail					
<b>Engineer</b>	Name	STUART TORASSON-POWER ENGINEERS		Phone	(513) 326-1504	
	Address	11733 CHESTERFIELD RD.				
	City	CINCINNATI	State	OH	Zip	45246
	Contact Person	STUART TORASSON-POWER ENGINEERS				
	E-mail	stuart.toraason@powereng.com				
<b>Surveyor</b>	Name	JOHN T. KUBALA		Phone	(210) 581-1111	
	Address	100 NE LOOP 410, SUITE 300				
	City	SAN ANTONIO	State	TX	Zip	78216

**ENTERED**

AUG 12 2021

BY: MM

VISION NO. 8

140

VILLAGE CENTER  
SUBDIVISION

141

APOSENTO ALTO  
SUBDIVISION

MARANATHA  
BAPTIST  
CHURCH

PROPOSED AED  
SUBDIVISION

-06

FABELA  
SUBDIVISION  
LOT 1

23

QU

LOCATION

PROPOSED  
JUCAR APARTMENTS  
SUBDIVISION

HAMMOND

5

PROPOSED AEP JAMES ROWIE  
SUBSTATION SUBDIVISION  
LOT 1

WARE COMMERCIAL  
SUBDIVISION  
LOT 1

FERN  
VALLEY 2

WILKINS #3

WILKINS #2

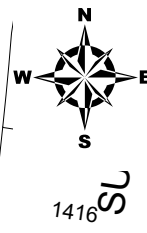
LOT 3

LOT 4

LOT 2-A

LOT 1-A

WARE RD



1620  
6

1610

1600

1416

2

1400

CASSANDRA  
LOT 1  
3618 3616 3614 3612 3608

3509 3501

-05

-06

-12

WILKINS NO 4

LOT 2

LOT 1

3512

LOT 3

3500

3498

-06  
3400

PECAN BLVD

WILSON #4

1

2

SALINAS WHEEL  
ESTATES #2  
"A"

4

3

2

TERRELL SUBDIVISION

THE ATTIC THREE SUBD  
LOT 1

WARE RD

WARE ROAD H.E.B  
SUBDIVISION LOT 1

CARWASH  
SUBDIVISION

47

49

15

14A

12A

11

25A

41A

WEST 20 ACRE SUBD  
LOT 1

C.E.

8

11

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I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE TRADE ZONE 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, WATERCOURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, AND HYDRANTS AND ALL OTHER UTILITIES WHICH ARE INSTALLED OR WHICH I MAY HEREON BE INSTALLED THEREON, SHOWN OR NOT SHOWN, AND HEREBY AGREE THAT THE SAME SHALL BE INSTALLED OR INSTALLED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF MCALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF MCALLEN.

BEFORE ME, the undersigned notary public, on this day personally appeared P. Todd Ireland proved to me through his Ohio Department of Public Safety Driver's License to be the person whose name is subscribed to the foregoing instrument, who, being by me first duly sworn, declared that the statements therein are true and correct and acknowledged that she executed the same for the purposes and consideration thereby expressed.

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


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

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

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

"This document is released for the purpose of interim review under the authority of STUART TORAASON, P.E. 129843 on 04/19/2023. It 129843 to be used for construction, design or permit purposes."

I, JOHN T. KUBALA, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, 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.

 "This document is released for the purpose of interim review under the authority of JOHN T. KUBALA, R.I.L.S. 4505 on June 21, 2021. It is not to be used for construction, bidding or permit purposes."

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

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

-		
O	DATE	REVISION

BEING A 3.040 ACRE TRACT OF LAND LYING IN THE JOSE DE LA CERDA SURVEY 61, ABSTRACT 29, HIDALGO COUNTY, TEXAS, SAME BEING A PORTION OF LOT 5, BLOCK 2, C.E. HAMMOND SUBDIVISION AS DESCRIBED AND RECORDED IN VOLUME 18, PAGE 439, DEED RECORDS OF HIDALGO COUNTY, TEXAS, SAME ALSO BEING A PORTION OF THE WEST 31.8 ACRE TRACT OF LAND AS DESCRIBED AND RECORDED IN VOLUME 3372, PAGE 703, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS.



**AEP TEXAS**  
An AEP Company



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

1. MINIMUM FINISHED FLOOR ELEVATION: 18" ABOVE THE TOP OF CURB OF THE STREET AT MID POINT OF EACH LOT.
2. MINIMUM SETBACKS:  
FRONT 30.0 FEET  
REAR 5.0 FEET OR EASEMENT WHICHEVER IS GREATER  
SIDES 5.0 FEET OR EASEMENT WHICHEVER IS GREATER
3. NO BUILDINGS OR DRAINAGE DETENTION AREAS SHALL BE CONSTRUCTED OVER ANY EASEMENT.
4. REQUIRED DRAINAGE DETENTION: 16,404 C.F. ( 0.38 AC./FT. ) TOTAL DETENTION IS BEING PROVIDED IN LOT "1". LOT "1" WILL BE MAINTAINED BY OWNERS AND NOT THE CITY OF MALLEN.
5. VERTICAL DATUM: CITY OF MALLEN STATION MC93: BENCHMARK DESCRIPTION: 3-1/4" BRASS CAP LOCATED 120 FEET NORTH AND 27 FEET WEST OF THE INTERSECTION OF 24TH STREET AND LUCILLE STREET. NAVD83 GEOID 124 ELEVATION 96.99 FEET (CDS MUERY). NAVD83, GEOMODE 96 ELEVATION 97.44 FEET (CITY OF MALLEN).
6. AN ENGINEERED DRAINAGE DETENTION PLAN APPROVED BY THE ENGINEERING DEPARTMENT IS REQUIRED PRIOR TO ISSUANCE OF A BUILDING PERMIT.
7. AN 8.0 FT. MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
8. A 25 FT. X 25 FT. SIGHT OBSTRUCTION EASEMENT IS REQUIRED AT ALL STREET INTERSECTIONS.
9. A VARIANCE FOR WATER AND SANITARY SEWER UTILITIES FOR THIS DEVELOPMENT WAS GRANTED BY THE MALLEN PUBLIC UTILITY BOARD ON 2/26/19. UTILITIES WILL NEED TO BE INSTALLED IN THE EVENT THE PROPERTY IS TRANSFERRED AND NO LONGER SUPPORTS AN ELECTRICAL SUBSTATION.
10. A 6.0 FT OPAQUE BUFFER IS REQUIRED FROM ADJACENT TO MULTIFAMILY RESIDENTIAL AND COMMERCIAL, AND INDUSTRIAL ZONES/USES.
11. A 4.0 FT MINIMUM SIDEWALK REQUIRED ON S. 26TH STREET.
12. A 10 X 10 SITE OBSTRUCTION EASEMENT AT AVALLEY/STREET INTERSECTIONS.

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

BEING a 3.040 acre tract of land lying in the Jose De La Cerda Survey 61, Abstract 29, Hidalgo County, Texas, same being a portion of Lot 5, Block 2, C.E. Hammond Subdivision as described and recorded in volume 18, page 439, Deed Records of Hidalgo County, Texas, same also being a portion of the west 31.8 acre tract of land as described and recorded in volume 3372, page 703, Official Records of Hidalgo County, Texas, same also being more particularly described as follows:

COMMENCING at a 5/8" iron rod found with plastic cap stamped "M" in the east line of a 6.19 acre tract of land as described as "Tract II" and recorded in document number 1614848, Official Records of Hidalgo County, Texas, for the southwest corner of a tract of land described as "North 20 feet of the east 676.76 feet of Lot 5" and recorded in document number 1112935, Official Records of Hidalgo County, Texas, and the northwest corner of a tract of land described as "Property No. 5", "South 50 feet of the north 70 feet of Lot 5" and recorded in document number 1366753, Official Records of Hidalgo County, Texas;

THENCE along the east line of the aforementioned 6.19 acre tract, S08°35'34"W a distance of 430.34 feet (Record - S08°35'25"W) to a 1/2" iron rod set with plastic cap stamped "CDS/MUERY S.A. TX." for the PLACE OF BEGINNING and the northwest corner of the herein described 3.040 acre tract;

THENCE leaving the east line of the aforementioned 6.19 acre tract, S81°21'48"E a distance of 298.20 feet to a 5/8" iron rod found with plastic cap for the northwest corner of Lot 1 of the Ware Commercial Subdivision as described and recorded in document number 3064891, Map Records of Hidalgo County, Texas, and the northeast corner of the herein described 3.040 acre tract;

THENCE along the west line of the aforementioned Lot 1, S08°38'12"W a distance of 390.43 feet to a 1/2" iron rod set with plastic cap stamped "CDS/MUERY S.A. TX." for the southeast corner of the herein described 3.040 acre tract, from which a 1/2" iron rod stamped with plastic cap stamped "CVQ LP" in the north line of Lot 2A of the Wilkins Subdivision No. 2 as described and recorded in volume 41, page 30, Map Records of Hidalgo County, Texas, for the southwest corner of said Lot 1 bears S08°38'12"W a distance of 69.59 feet;

THENCE an arc distance of 19.32 feet along a non-tangent curve to the right, having a radius of 20.00 feet, a central angle of 43°52'36" a chord which bears S76°41'57"W and a distance of 14.95 feet, to a 1/2" iron rod set with plastic cap stamped "CDS/MUERY S.A. TX." for a point of tangency;

THENCE N81°21'48"W a distance of 34.64 feet to a 1/2" iron rod set with plastic cap stamped "CDS/MUERY S.A. TX." for an interior corner of the herein described 3.040 acre tract;

THENCE S08°38'12"W a distance of 29.68 feet 1/2" iron rod set with plastic cap stamped "CDS/MUERY S.A. TX." for a point of curvature;

THENCE an arc distance of 31.42 feet along a curve to the right having a radius of 20.00 feet a central angle of 90°00'00", a chord which bears S53°38'12"W and a distance of 28.29 feet to a 1/2" iron rod set with plastic cap stamped "CDS/MUERY S.A. TX." for a point of tangency;

THENCE N81°21'48"W a distance of 77.41 feet to a 1/2" iron rod set with plastic cap stamped "CDS/MUERY S.A. TX." for and interior corner of the herein described 3.040 acre tract;

THENCE S08°38'12"W a distance of 14.00 feet to a 1/2" iron rod set with plastic cap stamped "CDS/MUERY S.A. TX." for the most southerly southeast corner of the herein described 3.040 acre tract;

THENCE N81°14'05"W a distance of 151.93 feet to a 1/2" iron rod found plastic cap stamped "MELDEN & HUNT INC." for the northeast corner of Lot 1 of the Fern Valley Subdivision No. 2 as described and recorded in volume 36, page 46B, Map Records of Hidalgo County, Texas, the most easterly southeast corner of a 2.12 acre tract of land as described as "Tract 1" and recorded in document number 1614848, Official Records of Hidalgo County, Texas, and the southwest corner of the herein described 3.040 acre tract;

THENCE along an east line of the aforementioned 2.12 acre tract and the east line of the aforementioned 6.19 acre tract, N08°35'34"E a distance of 459.36 feet (Record - N08°35'25"E) to the **PLACE OF BEGINNING** and containing 3.040 acres of land.

DATUM INFORMATION:

VERTICAL DATUM:  
NORTH AMERICAN VERTICAL DATUM 1988.

HORIZONTAL DATUM:  
GRID NORTH, TEXAS STATE PLANE  
COORDINATE SYSTEM, NAD 1983(2011)  
SOUTH ZONE.

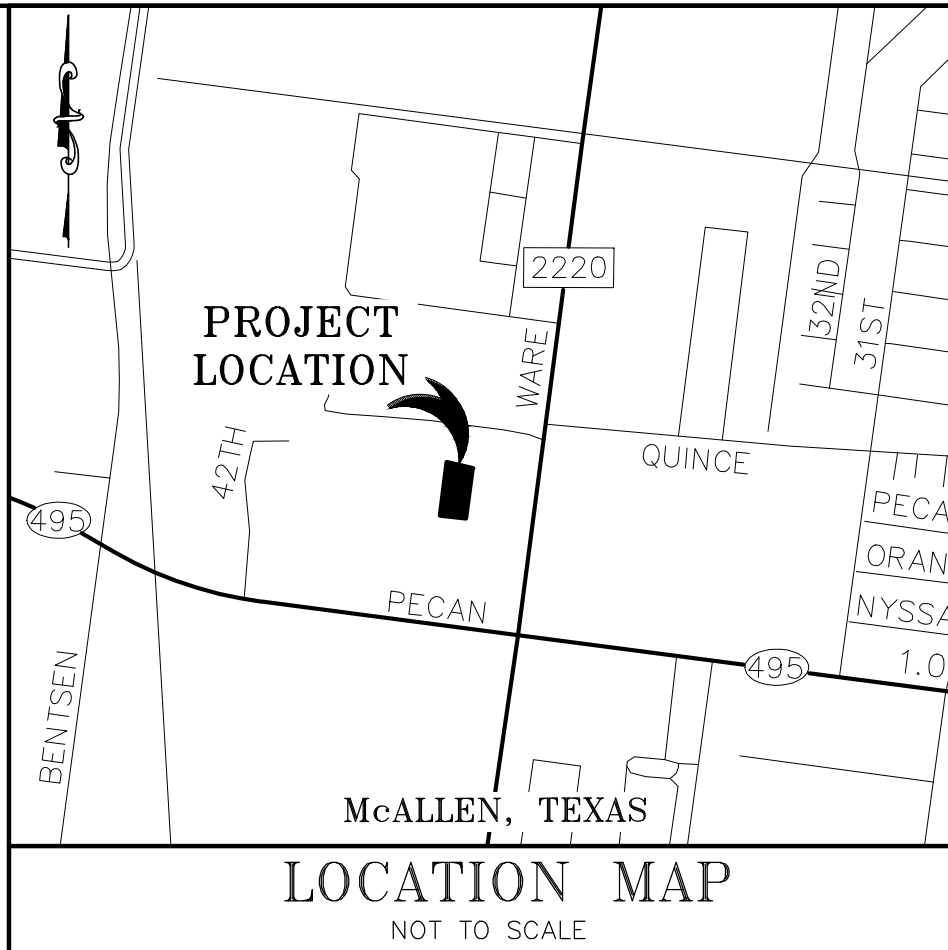
FILED FOR RECORD IN  
HIDALGO COUNTY  
ARTURO GUAJARDO, JR.,  
HIDALGO COUNTY CLERK

ON: \_\_\_\_\_ AT \_\_\_\_\_ A.M./P.M.

INSTRUMENT NUMBER

OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: \_\_\_\_\_, DEPUTY CLERK



BEING A 3.040 ACRE TRACT OF LAND LYING IN THE JOSE DE LA CERDA SURVEY 61, ABSTRACT 29, HIDALGO COUNTY, TEXAS, SAME BEING A PORTION OF LOT 5, BLOCK 2, C.E. HAMMOND SUBDIVISION AS DESCRIBED AND RECORDED IN VOLUME 18, PAGE 439, DEED RECORDS OF HIDALGO COUNTY, TEXAS, SAME ALSO BEING A PORTION OF THE WEST 31.8 ACRE TRACT OF LAND AS DESCRIBED AND RECORDED IN VOLUME 3372, PAGE 703, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS.





# City of McAllen

## SUBDIVISION PLAT REVIEW

Reviewed On: 10/29/2021

### SUBDIVISION NAME: AEP JAMES ROWE SUBSTATION SUBDIVISION

#### REQUIREMENTS

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

North Ware Road (FM Highway 2220): 60 ft. from centerline for 120 ft. total ROW  
 Paving: By the State Curb & gutter: By the state  
 \*\*Show ROW on both sides of centerline to verify if any ROW dedication will be required prior to final.  
 \*\*\*Submitted plat shows property to be landlocked. Please revise plat to show property fronting unto North Ware Road or any street prior to final.  
 \*\*\*\*\*Engineer submitted a variance application requesting this development to be allowed to front a "Distribution and Transmission Easement" that will be connected to North Ware Road. ROW requirements will be reviewed again once variance is heard by the respective Boards.  
 \*\*Zoning Ordinance: 138-1  
 \*\*\*\*COM Thoroughfare Plan

Quince Avenue: 30 ft. dedication required for 60 ft. total ROW  
 Paving: 40 ft. Curb & gutter: Both sides  
 \*\*\*Quince Avenue alignment appears to not affect subject property but there might be an encroachment onto the proposed "Transmission and Distribution Easement". ROW dedication for Quince Avenue might be triggered when properties that fall within future alignment develop.

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

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

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

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

Applied

Applied

Applied

NA

NA

##### ALLEYS

ROW: 20 ft. Paving: 16 ft.  
 \*Alley/service drive easement required for commercial properties  
 \*\*\*\*\*Engineer submitted a variance application requesting this development to be allowed to not provide an alley since they are requesting a waiver to the City's duty to provide waste collection services.  
 \*\*Subdivision Ordinance: Section 134-106

Non-compliance

##### SETBACKS

\* Front: 30 ft. (Proposed)  
 \*\*Lot frontage must be resolved prior to establishing setbacks.  
 \*\*Zoning Ordinance: Section 138-356

TBD

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



<ul style="list-style-type: none"> <li>* Rear: 5 ft. or easement whichever is greater (Proposed)</li> <li>**Lot frontage must be resolved prior to establishing setbacks.</li> <li>***Zoning Ordinance: Section 138-356</li> <li>* Sides: 5 ft. or easement whichever is greater (Proposed)</li> <li>**Lot frontage must be resolved prior to establishing setbacks.</li> <li>***Zoning Ordinance: Section 138-356</li> <li>* Corner:</li> <li>**Lot frontage must be resolved prior to establishing setbacks.</li> <li>***Zoning Ordinance: Section 138-356</li> <li>* Garage.</li> <li>**Zoning Ordinance: Section 138-356</li> <li>*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN</li> </ul>	TBD
	TBD
	TBD
	NA
	Applied
<b>SIDEWALKS</b>	
<ul style="list-style-type: none"> <li>* 5 ft. wide minimum sidewalk required on North Ware Road</li> <li>****Engineer submitted a variance application requesting this development to be allowed to front a "Distribution and Transmission Easement" that will be connected to North Ware Road. Sidewalk requirements will be established prior to final plat review.</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>	TBD
	Applied
<b>BUFFERS</b>	
<ul style="list-style-type: none"> <li>* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along west property line.</li> <li>**Lot frontage must be resolved prior to establishing buffer requirements.</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>**Lot frontage must be resolved prior to establishing buffer requirements.</li> <li>**Landscaping Ordinance: Section 110-46</li> <li>*Perimeter buffers must be built at time of Subdivision Improvements.</li> </ul>	TBD
	TBD
	Applied
<b>NOTES</b>	
<ul style="list-style-type: none"> <li>* No curb cut, access, or lot frontage permitted along.</li> <li>**Lot frontage must be resolved prior to establishing curb cut or access requirements.</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, private streets/drives must be maintained by the lot owners and not the City of McAllen</li> <li>**Landscaping Ordinance: Section 110-72</li> <li>**Subdivision Ordinance: Section 134-168</li> <li>* Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets.</li> <li>**Section 110-72 applies if subdivision is proposed to be public.</li> <li>**Landscaping Ordinance: Section 110-72</li> <li>**Subdivision Ordinance: Section 134-168</li> </ul>	TBD
	Required
	Required
	Required
	NA

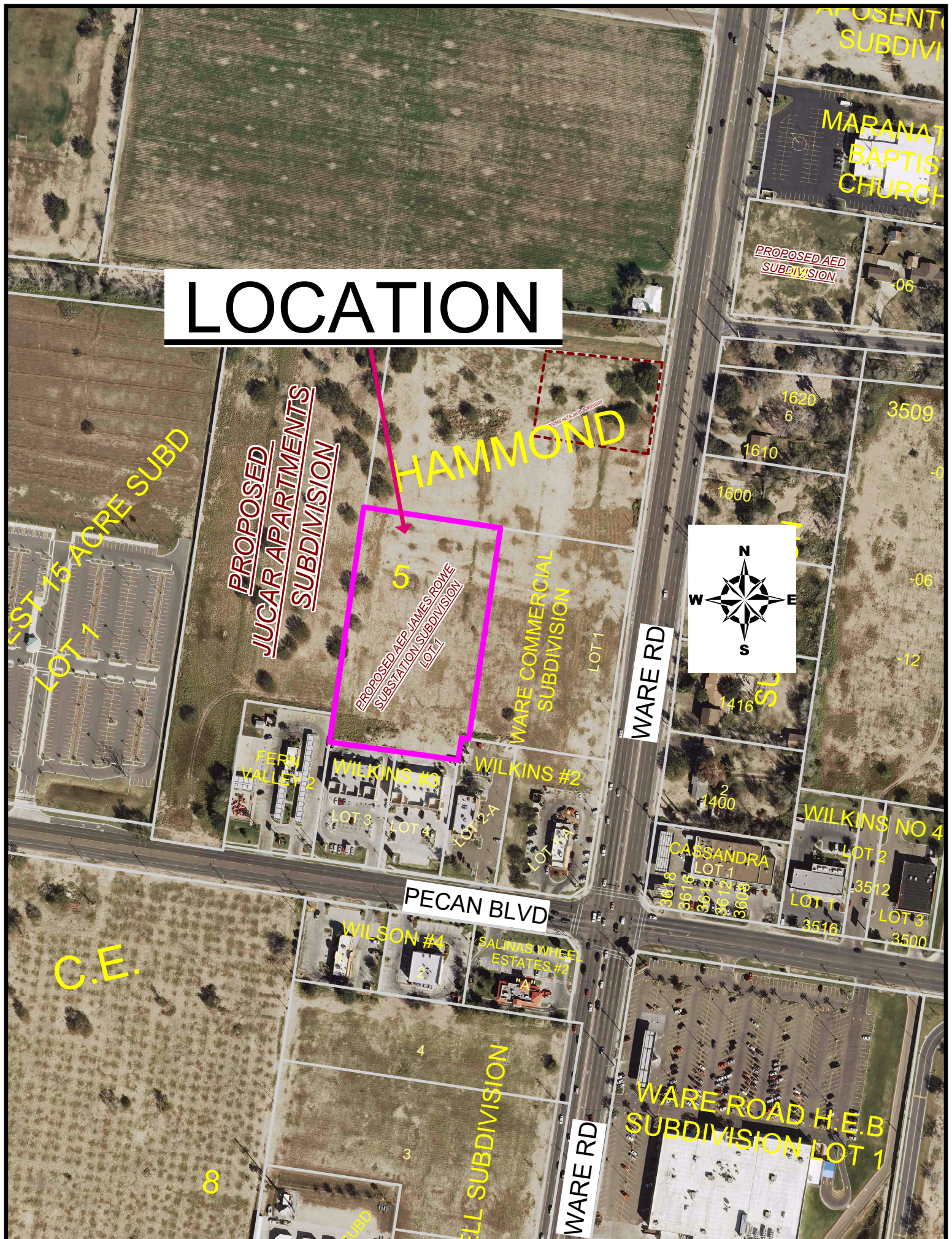
**These comments are for subdivision requirements only – additional requirements may apply at time of site plan review**

<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>**HOA will be recorded simultaneously with plat.</li> <li>**Subdivision Ordinance: Section 110-72</li> </ul>	NA
<b>LOT REQUIREMENTS</b>	
<ul style="list-style-type: none"> <li>* Lots fronting public streets.</li> <li>**Property is currently landlocked. Plat shows property to be connected to North Ware Road by a "1.717 Acre Access, Distribution and Transmission Easement".</li> <li>*****Engineer submitted a variance application requesting this development to be allowed to front a "Distribution and Transmission Easement" that will be connected to North Ware Road.</li> <li>**Zoning Ordinance: 138-1</li> </ul>	Non-compliance
<ul style="list-style-type: none"> <li>* Minimum lot width and lot area.</li> <li>**Zoning Ordinance: Section. 138-356</li> </ul>	Compliance
<b>ZONING/CUP</b>	
<ul style="list-style-type: none"> <li>* Existing: C-3 Proposed: Electric Substation</li> <li>**Conditional Use Permit for an Electric Substation approved at the Planning and Zoning meeting of June 3, 2021 and by City Commission on June 28, 2021.</li> <li>***Zoning Ordinance: Article V</li> </ul>	Completed
<ul style="list-style-type: none"> <li>* Rezoning Needed Before Final Approval</li> <li>**Conditional Use Permit for an Electric Substation approved at the Planning and Zoning meeting of June 3, 2021 and by City Commission on June 28, 2021.</li> <li>***Zoning Ordinance: Article V</li> </ul>	NA
<b>PARKS</b>	
<ul style="list-style-type: none"> <li>* Land dedication in lieu of fee. As per Parks Departments, requirements do not apply to commercial properties.</li> </ul>	NA
<ul style="list-style-type: none"> <li>* Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per Parks Departments, requirements do not apply to commercial properties.</li> </ul>	NA
<ul style="list-style-type: none"> <li>* Pending review by the Parkland Dedication Advisory Board and CC. As per Parks Departments, requirements do not apply to commercial properties.</li> </ul>	NA
<b>TRAFFIC</b>	
<ul style="list-style-type: none"> <li>* As per Traffic Department, Trip Generation waived for electric substation. No TIA required.</li> </ul>	Compliance
<ul style="list-style-type: none"> <li>* As per Traffic Department, Trip Generation waived for electric substation. No TIA required.</li> </ul>	NA
<b>COMMENTS</b>	
<p>Comments: Must comply with City's Access Management Policy</p> <ul style="list-style-type: none"> <li>**Property is currently landlocked. Plat shows property to be connected to North Ware Road by a "1.717 Acre Access, Distribution and Transmission Easement".</li> <li>***Plat layout must be revised to not show landlocked properties</li> <li>*****Engineer submitted a variance application requesting this development to be allowed to front a "Distribution and Transmission Easement" that will be connected to North Ware Road. ROW requirements will be reviewed again once variance is heard by the respective Boards.</li> </ul>	Applied
<b>RECOMMENDATION</b>	
<p>Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN REVISED PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, DRAINAGE AND UTILITIES APPROVALS, AND CLARIFICATION ON REQUESTED VARIANCES.</p>	Applied

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



# LOCATION





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

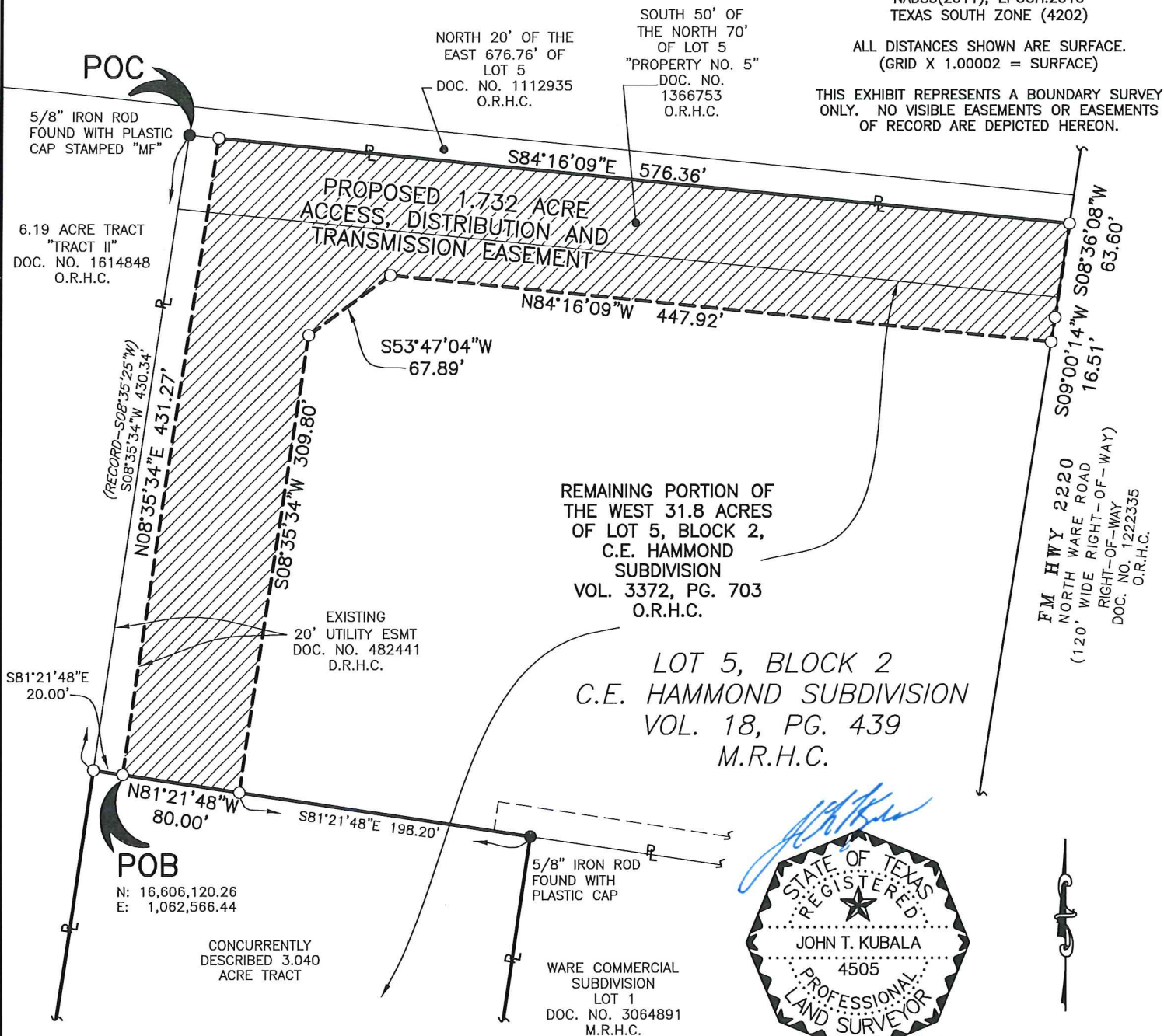
LA LOMITA IRRIGATION  
TRACTS  
VOL. 4, PG. 67  
D.R.H.C.

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

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

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

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



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





**City of McAllen**  
**Planning Department**  
**VARIANCE TO SUBDIVISION**  
**PROCESS APPLICATION**

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**

Legal Description AEP JAMES ROWE SUBSTATION SUBDIVISION, LOT 1 (NON-HABITABLE)  
0.1 MILE NE OF PECAN BLVD./WARE RD. INTERSECTION (CE HAMMOND, LOT 5)  
Street Address 3800 PECAN BLVD., McALLEN, TX 78501  
Number of lots 1 Gross acres 3.04 AC  
Existing Zoning C3 Existing Land Use C3

☒ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

**Applicant**

Name STUART TORAASON, PE Phone Address (513) 326-1504  
11733 CHESTERFIELD RD. stuart.toraason@powereng.com  
E-mail CINCINNATI  
State OH Zip 45246

**Owner**

Name P. TODD IRELAND Phone (614) 716-6835  
Address 1 RIVERSIDE PLAZA, 16TH FLOOR E-mail ptireland@aep.com  
City COLUMBUS State OH Zip 43215

**Authorization**

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes ☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)  
OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Print Name P. TODD IRELAND ☐ Owner ☒ Authorized Agent

**Office**

\*FOR OFFICE USE ONLY\*

APPLICATION FILING FEE: ☐ \$250.00

Accepted by \_\_\_\_\_ Payment received by \_\_\_\_\_ Date \_\_\_\_\_

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

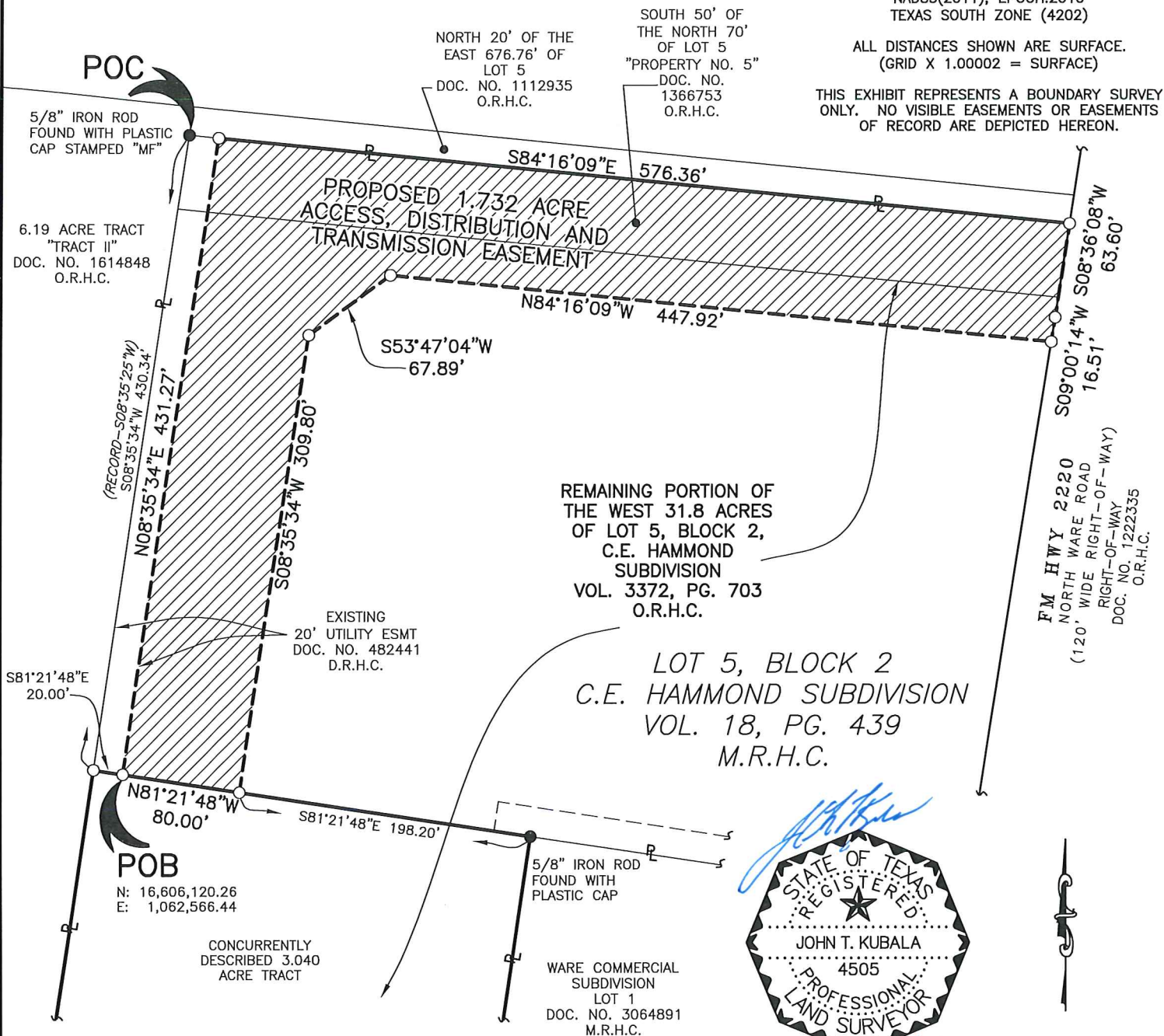
LA LOMITA IRRIGATION  
TRACTS  
VOL. 4, PG. 67  
D.R.H.C.

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

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

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



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

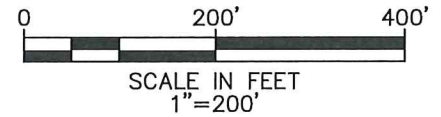
Pg. 3 of 3

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

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

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

# LEGEND

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

JOSE DE LA  
CERDA  
SURVEY 61,  
ABSTRACT 29



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

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

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

**Memo**

**TO:** Planning & Zoning Commission  
**FROM:** Edgar I. Garcia, AICP, CNU-A  
**DATE:** October 29, 2021  
**SUBJECT:** City Commission Actions on October 25, 2021

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**REZONING:**

1. Rezone from R-1 District to C-1 District: Lot 12, Block 4, Blocks 3 & 4 Highland Drive Addition; 1101 Harvey Drive
  - Planning and Zoning Commission recommended disapproval
  - City Commission disapproved as recommended
2. Rezone from A-O District to R-1 District: 6.21 acres out of Lot 38, La Lomita Irrigation & Construction Company's Subdivision; 8700 N 29th
  - Planning and Zoning Commission recommended approval
  - City Commission approved as recommended

**CONDITIONAL USE PERMITS**

1. Request of Juan Hernandez, for one year, for an automotive service and repair: Lots 1 & 2, College Addition Subdivision; 406 S 23<sup>rd</sup> St
  - Planning and Zoning Commission disapproved with a favorable recommendation
  - City Commission approved as recommended
2. Request of Victor Sebastian Haddad, for one year, for a bar: Lot 3, North Park Village Phase II Subdivision; 1200 Wisconsin Rd
  - Planning and Zoning Commission disapproved with a favorable recommendation
  - City Commission approved as recommended









# PLANNING DEPARTMENT

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



## 2021 CALENDAR

### Meetings:

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

HPC - Historic Preservation Council

### Deadlines:

D- Zoning/CUP Application N - Public Notification

\* **Holiday** - Office is closed

### JANUARY 2021

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

### FEBRUARY 2021

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

### MARCH 2021

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

### APRIL 2021

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

### MAY 2021

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

### JUNE 2021

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

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



# PLANNING DEPARTMENT

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



## 2021 CALENDAR

### Meetings:

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

### Deadlines:

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

\* **Holiday** - Office is closed

### JULY 2021

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

### AUGUST 2021

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

### SEPTEMBER 2021

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

### OCTOBER 2021

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

### NOVEMBER 2021

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

### DECEMBER 2021

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

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





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

# PLANNING DEPARTMENT

## 2020 Calendar

### SUBDIVISION AND UTILITY REVIEW CALENDAR

SUBDIVISION/UTILITY MEETING	CITY MEETING	DEADLINE AT 5:00P.M.
<div style="background-color: #00FFFF; border: 1px solid black; padding: 2px;"> <b>Subdivision Review Meeting - 8:30 a.m.</b>                      Review with staff, developers and engineers                 </div>	<div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: orange; border-radius: 50%; margin-right: 5px;"></div>                     City Commission                 </div> <div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></div>                     Planning and Zoning                 </div> <div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: blue; border-radius: 50%; margin-right: 5px;"></div>                     Public Utility Board                 </div>	<div style="background-color: #90EE90; border: 1px solid black; padding: 2px;"> <b>Changes to subdivision/site plans</b>                      Required to be placed on following review meeting                 </div> <div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: orange; border: 1px solid black; margin-right: 5px;"></div> <b>Deadline for New Plats</b>                      New Plats with all supporting information and fees                 </div>
<div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: purple; border-radius: 50%; margin-right: 5px;"></div> <b>Project Review - 1:15 p.m.</b>                      Review of plats, utilities and drainage and site plans                 </div>		

#### JULY 2021

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

#### AUGUST 2021

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

#### SEPTEMBER 2021

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

#### OCTOBER 2021

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

#### NOVEMBER 2021

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

#### DECEMBER 2021

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

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



## 2021 ATTENDANCE RECORD FOR PLANNING AND ZONING COMMISSION MEETINGS

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

## 2021 ATTENDANCE RECORD FOR PLANNING AND ZONING COMMISSION WORKSHOPS

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

Marco Suarez