

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, JULY 22, 2026 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

At any time during the course of this meeting, the Zoning Board of Adjustment and Appeals 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 Zoning Board of Adjustment and Appeals 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 Zoning Board of Adjustment and Appeals 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 -

1. MINUTES:

- a) Minutes for the meeting held on July 8, 2026

2. PUBLIC HEARINGS:

- a) Request of Oscar Falcon, on behalf of Mauricio de Leon, for two variances to allow: **1)** an encroachment of 15 feet into the 25-foot front setback, and **2)** an encroachment of 4 feet into the 10-foot rear setback for Lot 7, Bocage Estates Subdivision, Hidalgo County, Texas; 708 South Cynthia Street (**ZBA2026-0028**)
- b) Request of Ricardo Daniel Martinez on behalf of Habitat Development Group, for a variance to allow 3-foot side setbacks on the west, for Lots 3, 7, 12, 17, 32, and 36, Habitat at Ware Phase I Subdivision, Hidalgo County, Texas; 3709, 3717, 3807, 3819, 4009, and 4017 Jay Avenue. (**ZBA2026-0024**) (**TABLED: 06/17/2026**) (**REMAIN TABLED: 07/08/2026**)

3. FUTURE AGENDA ITEMS

- a) 2117 Lindberg Circle

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 ZONING BOARD OF ADJUSTMENTS AND APPEALS 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 Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, July 8, 2026, 2026 at 4:31 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Hugo Avila	Vice-Chairperson
	Hiram Gutierrez	Member
	Daniel Santos	Member
	Ivan Garcia	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
	Francisco Davila	Alternate
Absent:	Erick Diaz	Alternate
Staff Present:	Norma Borrego	Assistant City Attorney I
	Omar Sotelo	Planning Director
	Kaveh Forghanparast	Senior Planner
	Mia Fuentes	Planner I
	Jessica Puga	Technician II
	Valerie Ramos	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a)** Minutes for meeting held on June 17, 2026.

The minutes for the meeting held on June 17, 2026. The motion to approve the minutes were made by Mr. Alex Lamela. Vice-Chairperson Hugo Avila seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a)** Request of Ernest and Patrice Ochoa for a special exception to allow an encroachment of 25 feet into the 30-foot front setback for a carport at Lot 29, Lincoln Terrace Subdivision, Hidalgo County, Texas; 2704 Redwood Avenue. **(ZBA2026-0027)**

Mr. Lopez stated the applicant was requesting a special exception to allow an encroachment of 20 feet into the 25-foot front setback for a proposed carport.

The subject property was located along the north side of Redwood Avenue, west of North 27th Street and is zoned R-1 (Single-Family Residential-OC) District.

Lincoln Terrace Subdivision was recorded on April 30, 1968. The applicant submitted a building permit application for the carport on May 18, 2026, which was rejected by staff due

to the encroachment. An application for the variance request was submitted on May 19, 2026.

The recorded plat requires 30-foot front setback. The proposed carport would measure 21 feet by 19 feet. The applicant stated that the carport would help protect himself and his family from the weather elements. Multiple carports in the front setback in this subdivision were approved by the Zoning Board of Adjustments in the past, including one request along Redwood Avenue on November 4, 2009.

Staff had not received any phone calls, emails or letters in opposition to this request.

Staff recommended approval of the special exception request.

Mr. Ernest and Patrice Ochoa, 2704 Redwood Avenue. He stated he wanted to protect his vehicles. There were other carports along the neighborhood. He stated he had a large pickup truck that will not fit in the garage. Chairperson Gutierrez asked staff if they noticed any other carports in the area that had before this Board to be approved or illegally. Staff stated there was one that approved in 2009 on Redwood Avenue. There were 5 or 6 carports in that subdivision that have come before the Board and were approved.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Variance request. There was one to speak in favor of the Variance request.

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Variance request. There was no one to speak in opposition of the Variance request.

Vice-Chairperson Avila asked staff about the dimensions of the carport. Staff stated it was 19 feet by 21 feet. He observed 25 feet into the 30 feet. He asked if it was to the back of curb or utility easement. Staff stated it was 25 feet from the property line.

Mr. Alex Lamela **moved** to go with staff's recommendation and approve the Special Exception. Vice-Chairman Hugo Avila seconded the motion. The Board voted to approve the Variance request with five members present and voting.

- b) Request of Ricardo Daniel Martinez on behalf of Habitat Development Group, for a variance to allow 3-foot side setbacks on the west, for Lots 3, 7, 12, 17, 32, and 36, Habitat at Ware Phase I Subdivision, Hidalgo County, Texas; 3709, 3717, 3807, 3819, 4009, and 4017 Jay Avenue. (ZBA2026-0024) (TABLED: 06/17/2026) (REMAIN TABLED: 07/08/2026)**

This item to remain table.

- c) Request of Rio Delta Engineering on behalf of Hollywood Development & Construction, LLC, for a variance to allow a lot width of 42.50 feet instead of the minimum 45 feet required for proposed Lot 2 of Imperio Estates Phase II Subdivision, at a 8.86-acre tract of land out of Lot 47, La Lomita Irrigation & Construction Company's Subdivision, Hidalgo County, Texas; 8600 North 29th Street. (ZBA2026-0025)**

Mr. Juan Mujica made a motion to remove the item from the table. Vice-Chairperson Hugo Avila seconded the motion. The Board voted unanimously with five members and present.

Ms. Fuentes stated the applicant was requesting a variance to the minimum lot width requirement for Lot 2 in the proposed Imperio Estates Phase II Subdivision.

The subject property was located along the east side of North 29th Street, between Indian Hill Avenue and Grayson Avenue and was zoned R-1 (Low Density Residential-UDC) District.

Imperio Estates Phase II was approved in preliminary form on March 3, 2026 by the Planning and Zoning Commission subject to conditions. An application for the variance request was submitted on April 30, 2026.

Section 2.2.2. of the Unified Development Code requires a minimum width of 45 feet and lot area of 5,000 square feet. Lot 2 of proposed Imperio Estates Phase II is proposed to have a lot width of 42.5 feet and lot area of 5,937 square feet. The applicant stated that there are existing structures to the east that limits the ability of complying with the ordinance. If the number of lots is reduced by one, all lots would comply with minimum requirements.

Section 6.4.1 of the UDC states that the Zoning Board of Adjustment shall not approve a variance unless it finds that:

- a. The variance is not contrary to the public interest;
- b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
- c. The spirit of the varied provision is observed and substantial justice is done.

Staff had not received any phone calls, emails or letters in opposition to this request.

Staff recommended disapproval of the variance request.

Board member Mujica asked staff why they were recommending disapprove. Staff stated they were able to comply with all the requirements if they were to remove one lot or adjust the plat a little bit more. There were houses on Lot 3, 35 and 37 that were to remain in the subdivision. Board member Avila stated they would have to go through replatting process.

Mr. Forghanparast stated it was currently in the platting process. Before they can get final approval on the plat, they need to get approval on the variance because they do not meet the minimum lot width for Lot 2. However, if they combine Lot 1 and 2 into one lot together then that would resolve the issue with the lot width requirements.

Mr. Ivan Garcia, Rio Delta Engineering, 921 South 10th Avenue, Edinburg, Texas. He stated on Lot 3 there was an existing house, which was being remodeled and bringing into compliance as part of the subdivision. The intent was to leave that into one lot. That lot meets the 45 minimum width and five-foot setbacks on each side. The issue was from that point going west towards 29th Street, they were short two feet from being able to provide two 45-foot wide lots. There was a site plan provided for the house. Hollywood Development would be the homebuilders for the complete subdivision and were not selling lots. He stated the house fits perfectly within the 42.5-foot lot meeting the 5-foot setbacks on both sides with no compromise about separation between structures. The minimum square footage of 5,000 had also exceeded because of the depth of the lot.

Chairperson Gutierrez asked the applicant what he would consider a hardship in his petition. Mr. Garcia stated there was an existing structure to the east of it and trying to leave it within one lot. Moreover, because of that, it did not allow for those two lots on the west to meet those requirements.

Mr. Forghanparast stated when they originally submitted the request, the plat that they submitted was showing 42.5 feet. They were missing 2.5 feet on the lot width.

Chairperson Gutierrez asked staff how much the 2.5 feet affected the front of the house or the land because they were recommending disapproval. Mr. Forghanparast stated it was not going to affect the subdivision. The recommendation was based on the density that was set up on the UDC code that required minimum lot width of 45 feet for single family. However, in townhomes that was a different zone with a higher density zone it required 20 feet.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Variance request. There was one to speak in favor of the Variance request.

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Variance request. There was no one to speak in opposition of the Variance request.

Following discussion, Mr. Juan Mujica **moved** to go against staff's recommendation and approve Variance request. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to approve with five members present and voting.

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Jose Gutierrez **moved** to adjourn the meeting at 4:51 p.m.

Chairperson Jose Gutierrez

Carmen White, Administrative Assistant

Memo

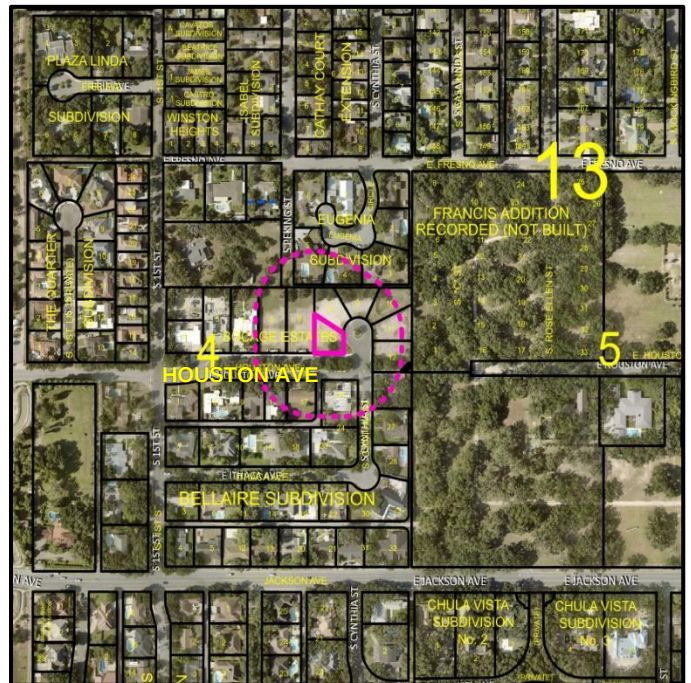
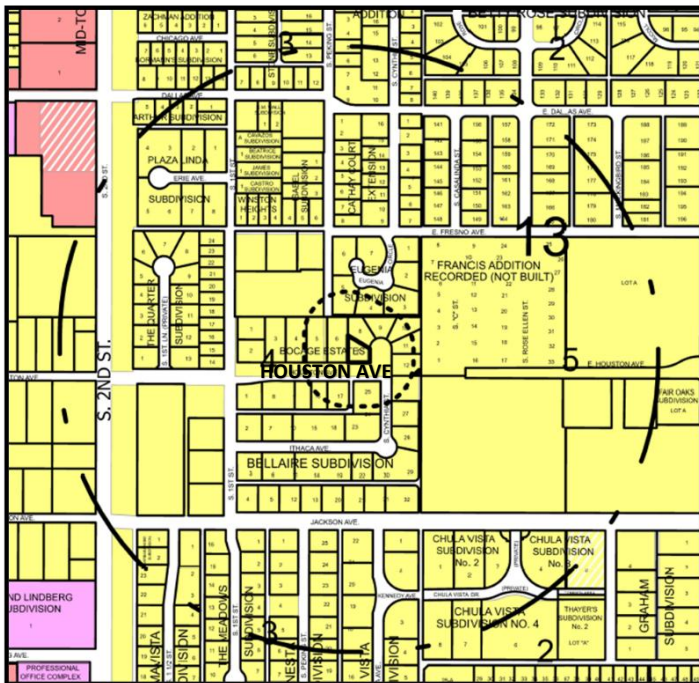
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 22, 2026

SUBJECT: REQUEST OF OSCAR FALCON, ON BEHALF OF MAURICIO DE LEON, FOR TWO VARIANCES TO ALLOW: 1) AN ENCROACHMENT OF 15 FEET INTO THE 25-FOOT FRONT SETBACK, AND 2) AN ENCROACHMENT OF 4 FEET INTO THE 10-FOOT REAR SETBACK FOR LOT 7, BOCAGE ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 708 SOUTH CYNTHIA STREET (ZBA2026-0028)

REASON FOR APPEAL: The applicant is requesting two variances in order to build a single-family home on the subject property. First variance is to allow 15 ft. encroachment into the 25 ft. front setback. The second variance is to allow a 4ft. encroachment into the 10 ft. rear setback.



PROPERTY LOCATION AND VICINITY: The subject property is located along the northwest corner of East Houston Avenue and South Cynthia Street. The surrounding land use includes single family residences and vacant land.

BACKGROUND AND HISTORY: Bocage Estates Subdivision was recorded on May 18, 2023. No previous requests have been submitted for the subject property or the subdivision.

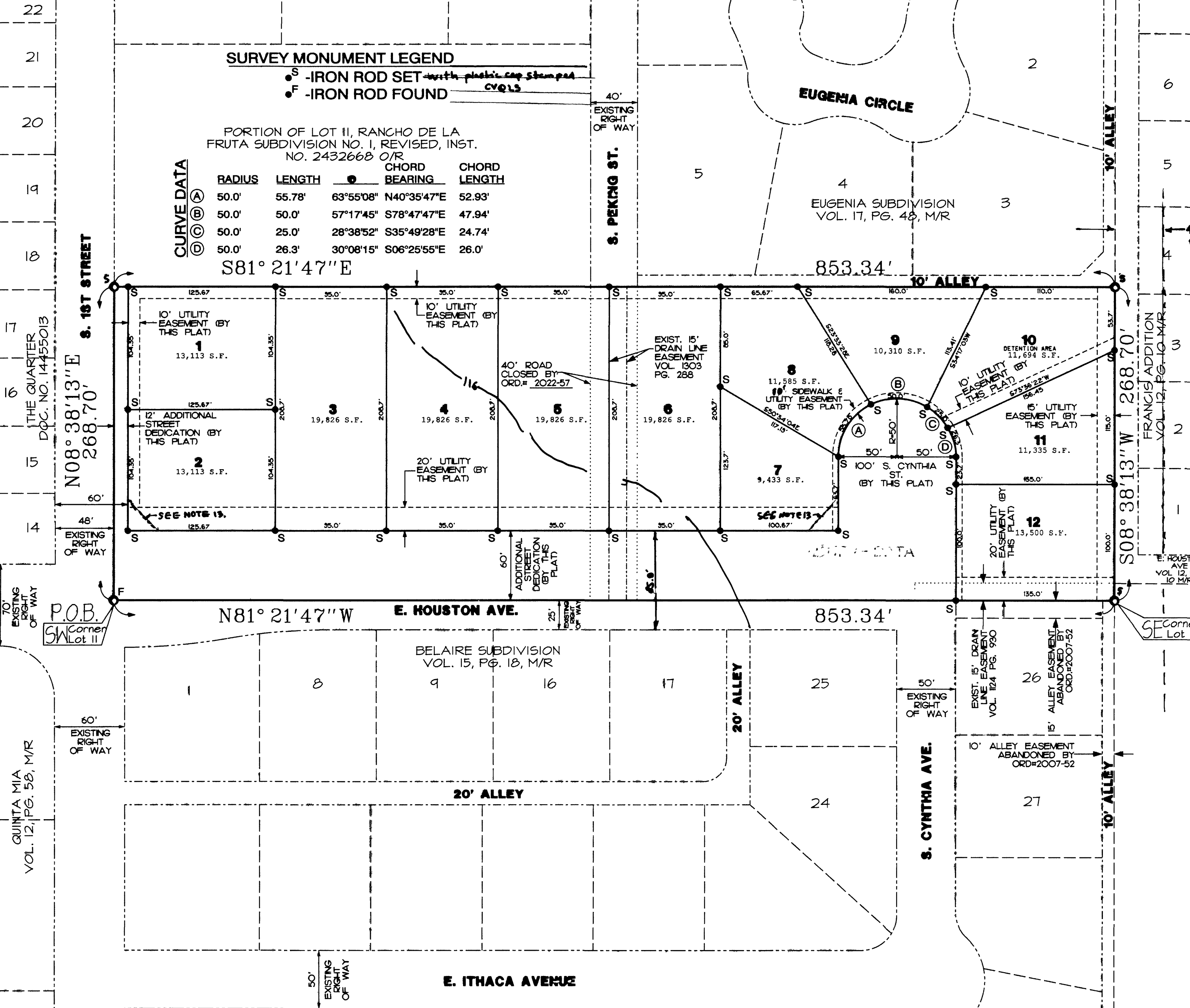
ANALYSIS: The applicant is requesting two variances: (1) to allow a 15-foot encroachment into the required 25-foot front setback, and (2) to allow a 4-foot encroachment into the required 10-foot rear setback. The purpose of these requests is to increase the buildable area of the lot and accommodate the proposed residential structure. The submitted application states that the property is subject to two front setbacks along the east and the south sides. However, the front setback is only required along the east side, where the lot fronts South Cynthia Street. The south side setback requirement is 20 ft., due to the 20 ft. utility easement dedicated by the recorded plat. The recorded plat of the subdivision requires minimum 25 ft. front setback and 10 ft rear setback.

As per Section 6.4.1.F., the Zoning Board of Adjustment shall not approve a variance unless it finds that:

- a. The variance is not contrary to the public interest;
- b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
- c. The spirit of the varied provision is observed and substantial justice is done.

Staff has not received any phone calls, emails or letters in opposition to this request.

RECOMMENDATION: Staff recommends disapproval of the variance request due to noncompliance with plat note requirements.



- NOTES:**
- MINIMUM BUILDING SETBACK SHALL BE AS FOLLOWS:
A.- FRONT: -25 FT. OR GREATER FOR EASEMENT
B.- REAR: -10 FT. OR GREATER FOR EASEMENT
C.- CORNER: -10 FT. OR GREATER FOR EASEMENT
D.- INTERIOR SIDES: -6 FT. OR GREATER FOR EASEMENT
E.- GARAGE: - 18 FT. EXCEPT WHERE GREATER SETBACK IS REQUIRED. GREATER SETBACK APPLIES.
 - MINIMUM FINISH FLOOR ELEVATION SHALL BE 18 INCHES ABOVE TOP OF CURB MEASURED AT FRONT CENTER OF LOT.
 - THIS PROPERTY FALLS IN ZONE "B" OF THE FLOOD INSURANCE RATE MAP, PANEL NO. 480143000C, REVISED NOV. 2, 1982.
 - A 6' BUFFER OPAQUE IS REQUIRED FROM ADJACENT / BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL AND INDUSTRIAL ZONES/USES. AN 8' MASONRY WALL IS REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
 - MIN. SIDEWALK REQUIRED ALONG S. 1ST ST. AND E. HOUSTON AVE. AND S. CYNTHIA ST. AND BOTH SIDES OF ALL INTERIOR STREETS.
 - OWNER IS REQUIRED TO PROVIDE AN ENGINEERED STORM WATER DETENTION PLAN APPROVED BY THE CITY OF McALLEN ENGINEERING DEPT. PRIOR TO ISSUANCE OF BUILDING PERMIT.
 - STORM WATER DETENTION OF 30,940 CUBIC FEET OR 0.71 AC-FT SHALL BE REQUIRED FOR THIS SUBDIVISION.
 - BENCHMARK - STATION NAME: MC# 79 SET BY ARANDA & ASSOCIATES, LOCATED AT THE NORTHEAST CORNER OF McCOLL RD. AND U.S. BUSINESS 83. ELEV.= 116.20 (NAVD83)
 - THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAINING AND ACCOMMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT IF IT IS DETERMINED, AT THE PERMIT STAGE, THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT, DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.
 - THE 60 FEET OF ADDITIONAL STREET DEDICATION FOR E. HOUSTON AVENUE IS SUBJECT TO A LICENSE AGREEMENT BETWEEN THE CITY OF McALLEN AND BOCAGE DEVELOPMENT LLC REGARDING MAINTENANCE OF IMPROVEMENTS THAT ARE EXISTING OR TO BE CONSTRUCTED WITHIN THE 60 FEET. AGREEMENT - INST. #3437500
 - COMMON AREAS LOT 10-DETAINED AREA MUST BE MAINTAINED BY THE LOT OWNERS OR HOMEOWNERS' ASSOCIATION AND NOT THE CITY OF McALLEN.

METES & BOUNDS

A 5.26 ACRE TRACT OF LAND BEING THE SOUTH 2-1/2 ACRES OF LOT 11 AND THE SOUTH 2-1/2 ACRES OF LOT 12, RANCHO DE LA FRUTA SUBDIVISION NO. 1, REVISED, HIDALGO COUNTY, TEXAS, TOGETHER WITH A PORTION OF DEDICATED (NOT OPEN) 40 FOOT ROAD LYING BETWEEN LOTS 11 AND 12, ACCORDING TO PLAT RECORDED IN VOLUME 6, PAGE 31, MAP RECORDS, HIDALGO COUNTY, TEXAS.

Beginning at the Southwest corner of Lot 11, for the Southwest corner of the following described tract of land; said point being the intersection of the East line of South 1st Street and the North line of East Houston Avenue, said East Houston Avenue as dedicated on the plat of Belaire Subdivision, City of McAllen, recorded in Volume 15, Page 18, Map Records;

THENCE, with the West line of Lot 11, and the East line of South 1st Street, North 08 Deg. 38 Min. 13 Sec. East, 268.70 feet to the Northwest corner of the South 2-1/2 acres of Lot 11, for the Northwest corner hereof;

THENCE, with the North line of the South 2-1/2 acres of Lot 11, and its projection, and with the North line of the South 2-1/2 acres of Lot 12, South 81 Deg. 21 Min. 47 Sec. East, at 406.67 feet pass the East line of Lot 11 and the and the West line of 40 foot road, at 446.67 feet pass the West line of Lot 12 and the East line of 40 foot road, and at 853.34 feet the Northeast corner of the South 2-1/2 acres of Lot 12, for the Northeast corner hereof;

THENCE, with the East line of Lot 12, South 08 Deg. 38 Min. 13 Sec. West, 268.70 feet to the Southeast corner of Lot 12, for the Southeast corner hereof; said point being on the North line of Belair Subdivision;

THENCE, with the South line of Lot 12, and with the North line of Lot 11, North 81 Deg. 21 Min. 47 Sec. East, at 135.0 feet pass the Northwest corner of said Lot 26 and the Northeast corner of East Houston Avenue, at 406.67 feet pass the Southwest corner of Lot 12 and the Southeast corner of 40.0 foot road, at 446.67 feet pass the southeast corner of Lot 11 and the Southwest corner of 40 foot road, and at 853.34 feet the POINT OF BEGINNING. Containing 5.26 acres of land, more or less.

12. ACCORDING TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR BOCAGE ESTATES SUBDIVISION, RECORDED AS DOCUMENT NO. 3443112, HIDALGO COUNTY, OFFICIAL RECORDS, DEVELOPER/HOMEOWNER'S ASSOCIATION/OWNERS, THEIR SUCCESSORS AND/OR ASSIGNEES, AND NOT THE CITY OF McALLEN SHALL BE RESPONSIBLE FOR INSTALLATION, MAINTENANCE, AND OTHER REQUIREMENTS AS PER SECTION 110-72 OF THE CODE OF ORDINANCES OF THE CITY OF McALLEN, INCLUDING BUT NOT LIMITED TO COMMON AREAS AND DETENTION AREAS. ANY AMENDMENT TO DECLARATIONS THAT CONFLICT WITH THE REQUIREMENTS OF SECTION 110-72 SHALL BE NULL AND VOID

13. A 25' BY 25' TRIANGULAR SIGHT OBSTACLE EASEMENT (S.O.E) IS REQUIRED & IS SHOWN AT ALL STREET INTERSECTIONS.

14. WATER SERVICES FOR LOTS 2 & 3 TO BE INSTALLED WITH BUILDING PERMIT.

20 DEC. 2022
Scale: 1"=60'
REV. 20 MAR 2023
Vol. 26 Pg. 203
H.C.P.E.

MAP OF BOCAGE ESTATES

McALLEN, TEXAS

BEING A SUBDIVISION OF THE SOUTH 2-1/2 ACRES OF LOT 11 AND THE SOUTH 2-1/2 ACRES OF LOT 12 RANCHO DE LA FRUTA SUB'D No.1, REVISED, HIDALGO COUNTY, TEXAS, TOGETHER WITH A PORTION OF DEDICATED (NOT OPEN) 40' ROAD LYING BETWEEN LOTS 11 AND 12, ACCORDING TO PLAT RECORDED IN VOL. 6, PG. 31, MAP RECORDS, HIDALGO COUNTY, TEXAS. CONTAINING 5.26 AC. OF LAND, MORE OR LESS.

COUNTY CLERK'S RECORDED CERTIFICATE

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

ON 5-18-2023 AT 4:05 AM / PM

DOCUMENT NUMBER: 3449111

OF MAP RECORDS OF HIDALGO COUNTY

BY: Hernando Jara Jr DEPUTY: Hernando Jara Jr

STATE OF TEXAS: COUNTY OF HIDALGO:

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

Bocage Development, LLC
a Texas Limited Liability Company

Bernard Watson
Bernard Watson, Managing Member
4315 N. Hutto Road
Donna, Texas 78537

Bocage Development, LLC
a Texas Limited Liability Company

Lisa M. Franz
Lisa M. Franz, Managing Member
713 Nyssa Avenue
McAllen, Texas 78501

Bocage Development, LLC
a Texas Limited Liability Company

Michael C. Watson
Michael C. Watson, Managing Member
4315 N. Hutto Road
Donna, Texas 78537

Bocage Development, LLC
a Texas Limited Liability Company

Joseph L. Salinas
Joseph L. Salinas, Managing Member
409 W. Dove Avenue
McAllen, Texas 78504

STATE OF TEXAS: COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, **BERNARD WATSON, LISA M. FRANZ, MICHAEL C. WATSON, AND JOSEPH L. SALINAS**, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PROPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 6th DAY OF January, 2023

STATE OF TEXAS: COUNTY OF HIDALGO:

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

TEARAS REGIONAL BANK

BY: CESAR A. SUAREZ
EXECUTIVE VICE PRESIDENT
P.O. BOX 5555
McALLEN TX 78502

STATE OF TEXAS: COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, **CESAR A. SUAREZ**, 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 PROPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 24th DAY OF March, 2023

MY COMMISSION EXPIRES: 2-22-2025

NOTARY PUBLIC AND FOR THE STATE OF TEXAS

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

M. Tallich
CHAIRMAN, PLANNING AND ZONING COMMISSION

4-4-23
DATE

STATE OF TEXAS: COUNTY OF HIDALGO:

I, **CARLOS VASQUEZ**, THE UNDERSIGNED, REGISTERED PROFESSIONAL LAND SURVEYOR **#4608** IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE, AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

Carlos Vasquez
CARLOS VASQUEZ, RPLS #4608
CVO LAND SURVEYORS
517 BEAUMONT AVENUE
McALLEN, TEXAS
TBPELS FIRM #10119600

STATE OF TEXAS: COUNTY OF HIDALGO:

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

Stephen Spoor
REGISTERED PROFESSIONAL ENGINEER
P.E. REGISTRATION NO. 56752

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

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

05-17-23
DATE

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.

[Signature]
MAYOR OF THE CITY OF McALLEN

5/8/23
DATE

LOCATION MAP

Prepared by:
Spoor Engineering Consultants, Inc.
Consulting Engineers - Civil Land Planning
FIRM # F-4003
202 South 4th. Street McALLEN, TEXAS 78501
SEC@spooreng.com (956) 683 1000

SCHEDULE B ITEMS:
10A. NOT A SURVEY MATTER

10B. EASEMENTS RULES, REGULATION, AND RIGHTS IN FAVOR OF HIDALGO COUNTY, IRRIGATION DISTRICT NO. 2

10C. MINIMUM FLOOR ELEVATIONS, SETBACK LINES, 25 BY 25 TRIANGULAR SIGHT OBSTRUCTION EASEMENT (S.O.E.), UTILITY EASEMENTS AND RESTRICTIONS AS SHOWN ON THE MAP OF BOCAGE ESTATES, FILED MAY 18, 2023, UNDER DOCUMENT NUMBER 3449111 IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS.

10D. EASEMENT IN FAVOR OF CITY OF MCALLEN AS SHOWN BY INSTRUMENT DATED AUGUST 30, 1965, RECORDED IN VOLUME 1124, PAGE 930, DEED RECORDS OF HIDALGO COUNTY, TEXAS.

10E. EASEMENT IN FAVOR OF CITY OF MCALLEN AS SHOWN BY INSTRUMENT DATED NOVEMBER 17, 1971, RECORDED IN VOLUME 1303, PAGE 288, DEED RECORDS OF HIDALGO COUNTY, TEXAS.

10F. CONTRACT, EASEMENT AND USE RESTRICTION IN FAVOR OF AEP TEXAS INC., A DELAWARE CORPORATION, DATED NOVEMBER 15, 2022, FILED DECEMBER 13, 2022, UNDER DOCUMENT NUMBER 3405042, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS, TO FURNISH, MAINTAIN AND OPERATE UNDERGROUND ELECTRIC CABLES AND OTHER FACILITIES AS MAY APPEAR UPON THE MAP ATTACHED THERETO.

10G. NOT A SURVEY MATTER.

10H. NOT A SURVEY MATTER.

10I. NOT A SURVEY MATTER.

10J. NOT A SURVEY MATTER.

10K. NOT A SURVEY MATTER.

10L. NOT A SURVEY MATTER.

10M. NOT A SURVEY MATTER.

10N. NOT A SURVEY MATTER.

10O. NOT A SURVEY MATTER.

10P. NOT A SURVEY MATTER.

10Q. NOT A SURVEY MATTER.

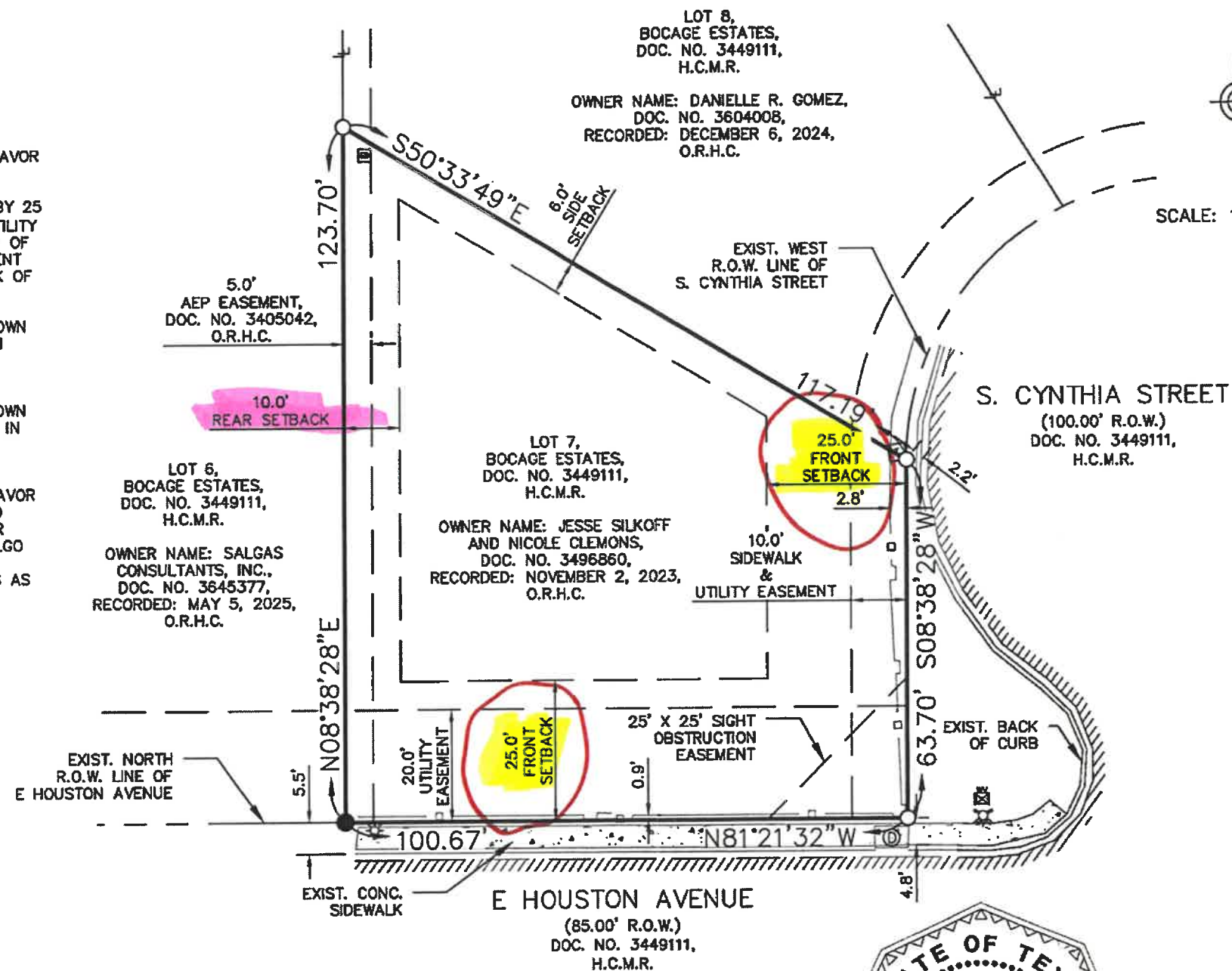
10R. VISIBLE AND APPARENT EASEMENTS ON OR ACROSS THE PROPERTY HEREIN DESCRIBED.

10S. NOT A SURVEY MATTER.

10T. NOT A SURVEY MATTER.

10U. NOT A SURVEY MATTER.

10V. NOT A SURVEY MATTER.



LEGEND	
○	- SET 1/2" IRON ROD W/ A RED CAP STAMPED "KLSC 6333 PROP COR"
●	- FND. 1/2" IRON ROD
□	- ELECTRIC BOX
⊞	- TELEPHONE PEDESTAL
⊞	- FIRE HYDRANT
⊞	- WATER VALVE
⊞	- STORM DRAIN MANHOLE
---	- WOOD FENCE
---	- BLOCK FENCE
H.C.M.R.	- HIDALGO COUNTY MAP RECORDS
H.C.D.R.	- HIDALGO COUNTY DEED RECORDS
O.R.H.C.	- OFFICIAL RECORDS OF HIDALGO COUNTY
VOL.	- VOLUME
PG.	- PAGE
R.O.W.	- RIGHT OF WAY
ℙ	- PROPERTY LINE
ℙ	- LOT LINE

PLAT SHOWING

LOT 7, BOCAGE ESTATES, ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NUMBER 3449111, MAP RECORDS OF HIDALGO COUNTY, TEXAS.

GF NO.: 190682

REQUESTED BY: DANIEL TAMEZ GONZALEZ, MAURICIO EUGENIO DE LEON

ADDRESS: 708 S CYNTHIA STREET, MCALLEN, TEXAS, 78501

SURVEYED: AUGUST 19, 2025

FLOOD ZONE DESIGNATION: ZONE "B"
COMMUNITY-PANEL NUMBER: 480343 0010 C
MAP REVISED: NOVEMBER 2, 1982

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

REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6333

KANE - LINDSEY LLC
LAND SURVEYING CONSULTANTS
2805 FOUNTAIN PLAZA BLVD., SUITE B
EDINBURG, TX 78539
1936) 459-0391
TSPELS FIRM NO. 10194676

JOB NUMBER

2025_098

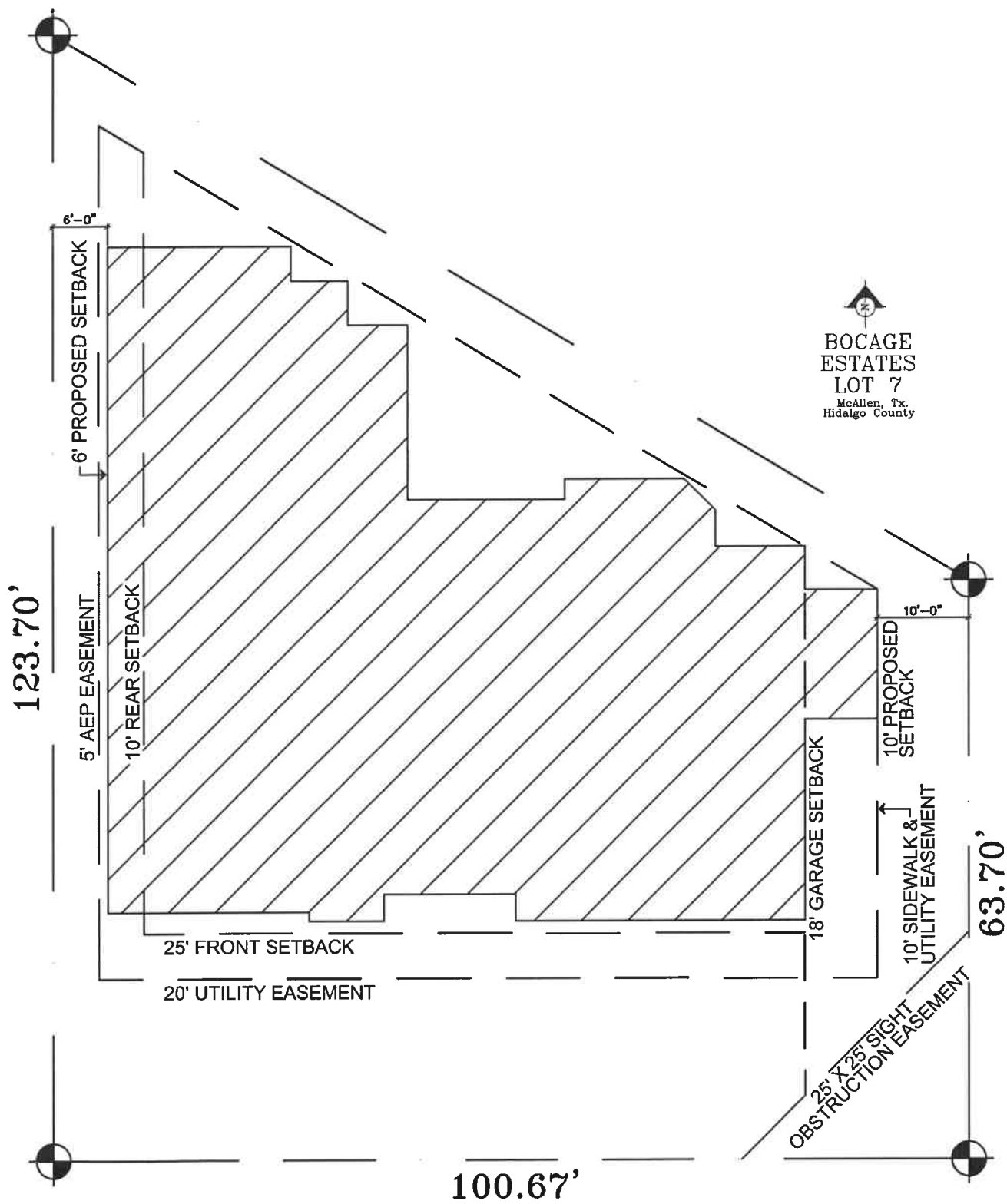
© COPYRIGHT 2025 KANE LINDSEY LLC, THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS SOLELY FOR THE USE OF THE BORROWER NAMES HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED TO COPY THIS SURVEY.

NOTE:

1. THIS SURVEYOR MADE NO ATTEMPT TO LOCATE ANY UNDERGROUND UTILITIES.
2. BEARING BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH ZONE (4205), NORTH AMERICAN DATUM 1983.
3. MINIMUM BUILDING SETBACKS AS PER SUBDIVISION SUBJECT TO THE CITY OF MCALLEN ZONING ORDINANCE.
4. THIS SURVEY IS SUBJECT TO EASEMENTS, OR CLAIMS OF EASEMENTS, WHICH ARE NOT RECORDED IN THE PUBLIC RECORDS.



08-21-2025



E. HOUSTON AVE.

S. CYNTHIA STREET

Memo

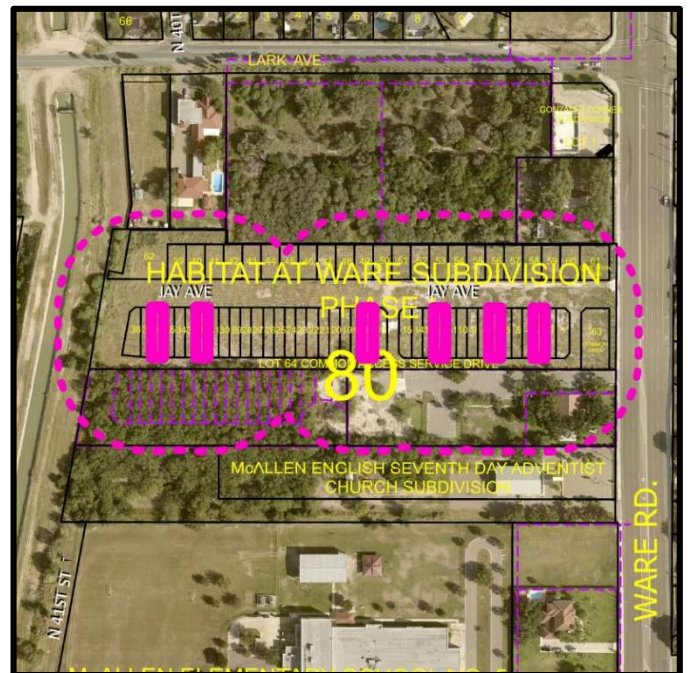
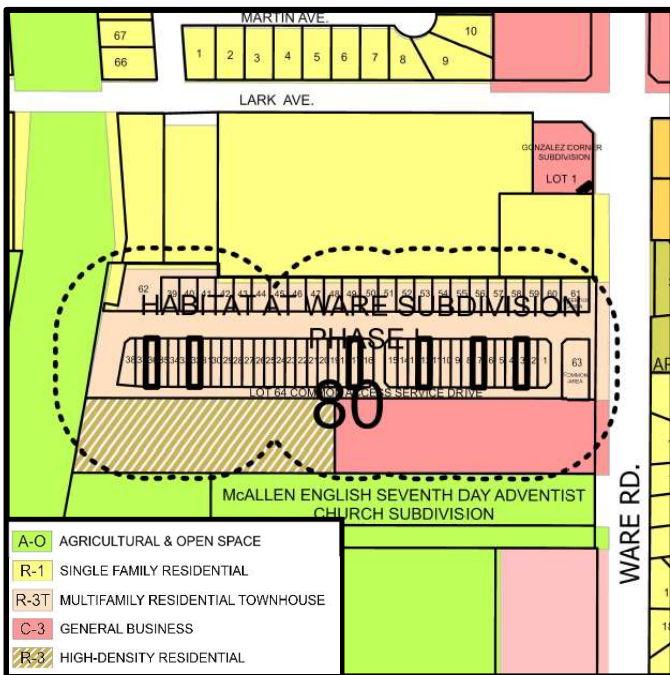
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 22, 2026

SUBJECT: REQUEST OF HABITAT DEVELOPMENT GROUP, FOR A VARIANCE TO ALLOW 3-FOOT SIDE SETBACKS TO THE WEST, FOR LOTS 3, 7, 12, 17, 32, AND 36, HABITAT AT WARE PHASE I SUBDIVISION, HIDALGO COUNTY, TEXAS; 3709, 3717, 3807, 3819, 4009, AND 4017 JAY AVENUE. (ZBA2026-0024)

REASON FOR APPEAL: The applicant is requesting a variance to allow 3-foot side setbacks to the west side of Lots 3, 7, 12, 17, 32, and 36 of Habitat at Ware Phase I Subdivision. The applicant intends to build townhomes that don't share a wall, creating a walkable hallway between the townhomes.



PROPERTY LOCATION AND VICINITY: The subject properties are located along the south side of Jay Avenue, west of North Ware Road. The surrounding land uses include single-family residences, institutional uses, commercial uses, and vacant land.

BACKGROUND AND HISTORY: Habitat at Ware Phase I Subdivision was recorded on February 12, 2026. According to the plat notes, the subject properties west side setbacks are in accordance with the Zoning Ordinance which is six feet where a townhouse is not separated from an adjacent structure by a firewall. A previous subdivision variance request to allow a three and a half foot side setback on the east side of Lots 2 through 15 and Lots 17 through 18 was approved by the Planning and Zoning Commission on August 20, 2024 as part of the subdivision process

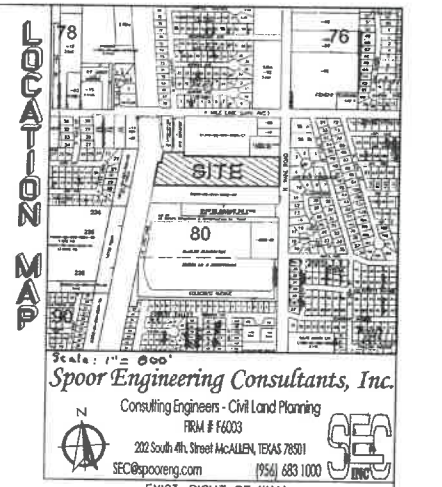
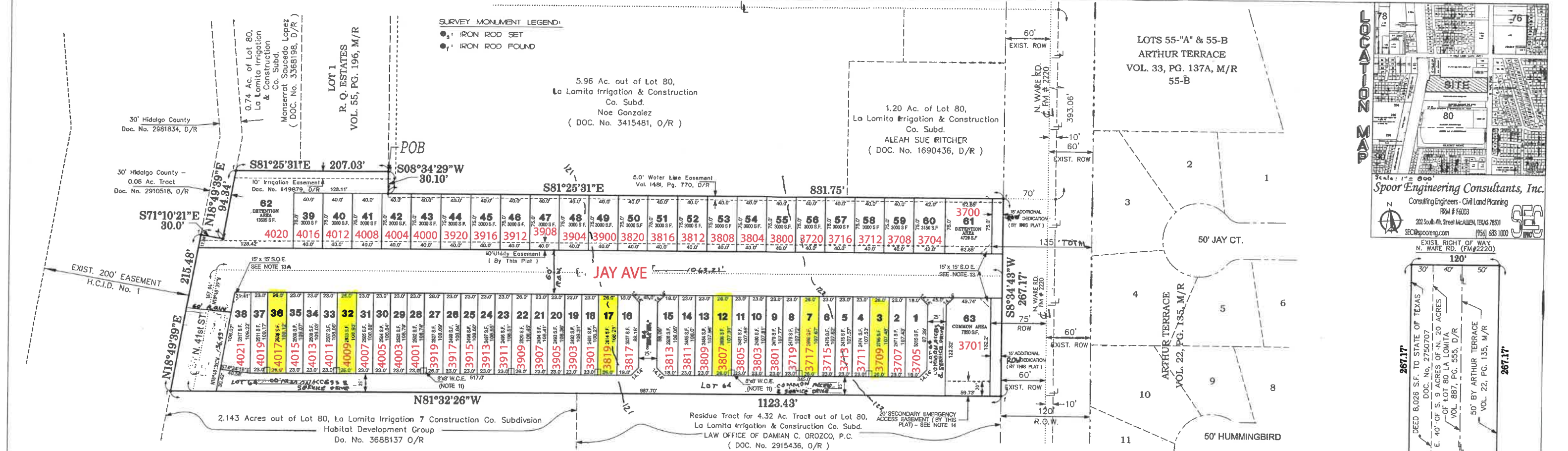
ANALYSIS: The subject properties will have a proposed total separation of six and a half feet from the west side of their proposed structures. The applicant stated that a one-hour firewall will be added to prevent the spread of fire.

As per Section 6.4.1.F., the Zoning Board of Adjustment shall not approve a variance unless it finds that:

- a. The variance is not contrary to the public interest;
- b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
- c. The spirit of the varied provision is observed and substantial justice is done.

Staff has not received any phone calls, emails or letters in opposition to this request.

RECOMMENDATION: Staff recommends disapproval of the variance request due to noncompliance with plat requirements and zoning ordinance.



NOTES:

1) MINIMUM BUILDING SETBACK SHALL BE AS FOLLOWS:

LOTS 1 AND 16:

FRONT: 10 FEET OR GREATER FOR EASEMENTS

REAR: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS

EAST SIDE: 10 FEET OR GREATER FOR EASEMENTS

WEST SIDE: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS AND SUBJECT TO COMPLIANCE WITH BUILDING CODE REQUIREMENTS

GARAGE: 18 FEET EXCEPT WHERE GREATER SETBACK IS REQUIRED, GREATER SETBACK APPLIES

LOTS 15 AND 38:

FRONT: 10 FEET OR GREATER FOR EASEMENTS

REAR: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS

EAST SIDE: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS AND SUBJECT TO COMPLIANCE WITH BUILDING CODE REQUIREMENTS

WEST SIDE: 10 FEET OR GREATER FOR EASEMENTS

GARAGE: 18 FEET EXCEPT WHERE GREATER SETBACK IS REQUIRED, GREATER SETBACK APPLIES

LOTS 2 THROUGH 14 AND 17 THROUGH 37:

FRONT: 10 FEET OR GREATER FOR EASEMENTS

REAR: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS

EAST SIDE: 3.5 FEET

WEST SIDE: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS AND SUBJECT TO COMPLIANCE WITH BUILDING CODE REQUIREMENTS

GARAGE: 18 FEET EXCEPT WHERE GREATER SETBACK IS REQUIRED, GREATER SETBACK APPLIES

LOTS 39 THROUGH 60:

FRONT: 10 FEET OR GREATER FOR EASEMENTS

REAR: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS

EAST SIDE: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS AND SUBJECT TO COMPLIANCE WITH BUILDING CODE REQUIREMENTS

WEST SIDE: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS AND SUBJECT TO COMPLIANCE WITH BUILDING CODE REQUIREMENTS

GARAGE: 18 FEET EXCEPT WHERE GREATER SETBACK IS REQUIRED, GREATER SETBACK APPLIES

2) MINIMUM FINISH FLOOR ELEVATION SHALL BE 18 INCHES ABOVE TOP OF CURB MEASURED AT FRONT CENTER OF LOT.

3) THIS PROPERTY FALLS IN ZONE "C" OF THE FLOOD INSURANCE RATE MAP, PANEL NO. 480 343 0005 C REVISED NOV. 2, 1982.

4) A 6' OPAQUE BUFFER IS REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL AND INDUSTRIAL ZONES/USES AND ALONG N. WARE ROAD AND N. 41ST STREET.

5) AN 8' MASONRY WALL IS REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTI-FAMILY RESIDENTIAL ZONES/USES.

6) 5' WIDE MINIMUM SIDEWALK IS REQUIRED ON N. WARE RD. AND A 4' WIDE MINIMUM SIDEWALK IS REQUIRED ON JAY AVE.

7) BENCHMARK: STATION NAME: MC 76 SET BY ARANDA & ASSOC. LOCATED AT THE SOUTH-EAST OF WARE RD. AND MILE 4 RD. ELEV. 125.83 (NAVD83)

8) OWNER IS REQUIRED TO PROVIDE AN ENGINEERED STORM WATER DETENTION PLAN APPROVED BY THE CITY OF McALLEN ENGINEERING DEPT. PRIOR TO ISSUANCE OF BUILDING PERMIT.

9) THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAINING AND ACCOMMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT IF IT IS DETERMINED AT THE PERMIT STAGE, THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT, DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.

10) DRAINAGE DETENTION OF 101 ACRE- FEET (43,940 CUBIC FEET) IS REQUIRED FOR THIS PROPERTY.

11) 8"x8" WASTE COLLECTION EASEMENT (W.C.E.) SHOWN CENTERED ON LOT LINES BETWEEN LOTS 3 & 4, 7 & 8, 11 & 12, 17 & 18, 22 & 23, 27 & 28, 32 & 33, AND 36 & 37. W.C.E. DEDICATED BY THIS PLAT

MAP OF

HABITAT AT WARE SUBDIVISION

McAllen, Texas

BEING A SUBDIVISION OF A 6.87 AC (6.84 DEED) TRACT OF LAND OUT OF LOT 80, LA LOMITA IRRIGATION & CONSTRUCTION CO. SUBDIVISION, HIDALGO COUNTY, Texas; according to plat recorded in vol. 24, page 68, Deed Records Hidalgo County, Texas.

- 14) PRIVATE DRAINAGE SYSTEM SHALL BE OWNED AND MAINTAINED BY THE LOT OWNERS AND NOT THE CITY OF McALLEN.
- 15) ACCORDING TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR HABITAT AT WARE, RECORDED AS DOCUMENT NO. 5724164, HIDALGO COUNTY, OFFICIAL RECORDS, DEVELOPER/HOMEOWNERS ASSOCIATION/OWNERS, THEIR SUCCESSORS AND/OR ASSIGNEES, AND NOT THE CITY OF McALLEN SHALL BE RESPONSIBLE FOR INSTALLATION, MAINTENANCE, AND OTHER REQUIREMENTS AS PER SECTION 10-72 OF THE CODE OF ORDINANCES OF THE CITY OF McALLEN, INCLUDING BUT NOT LIMITED TO PRIVATE SERVICE DRIVES, COMMON AREAS AND DETENTION AREAS, ANY AMENDMENT TO DECLARATIONS THAT CONFLICT WITH THE REQUIREMENTS OF SECTION 10-72 SHALL BE NULL AND VOID.
- 16) S.O.E. DENOTES SIGHT OBSTRUCTION EASEMENT. (BY THIS PLAT)
- 17) SECONDARY EMERGENCY ACCESS EASEMENT TO BE PAVED AND MAINTAINED BY THE LOT OWNERS AND NOT THE CITY OF McALLEN. PAVEMENT WIDTH TO BE 20.0 FEET. INGRESS, EGRESS, AND/OR PARKING BY THE LOT OWNERS OR THEIR GUESTS IS NOT ALLOWED. GATES REQUIRED AT THE EAST AND WEST SIDES OF THE EASEMENT.
- 18) LOT 64 - COMMON ACCESS & SERVICE DRIVE EASEMENT REQUIRED TO BE OWNED, PAVED, AND MAINTAINED BY THE LOT OWNERS OR HOME OWNERS ASSOCIATION AND NOT THE CITY OF McALLEN.
- 19) NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ALONG NORTH WARE ROAD, EXCEPT FOR GATED EMERGENCY ACCESS EASEMENT ON LOT 63, NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ALONG NORTH 41ST STREET

METES & BOUNDS

A 6.87 (6.84 DEED) ACRE TRACT OF LAND OUT OF LOT 80, LA LOMITA IRRIGATION & CONSTRUCTION CO. SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 24, PAGE 68, DEED RECORDS, HIDALGO COUNTY, TEXAS.

BEGINNING at the southeast corner of Lot 1, R.O. Estates, City of McAllen, recorded in Volume 55, Page 196, Map Records, for the most northerly northeast corner of the following described tract of land, said point being on the West line of a 5.96 acre tract described in Deed recorded in Document No. 3415481, Official Records.

THENCE, with the West line of said 5.96 acre tract, South 08 Deg. 34 Min. 29 Sec. West, 30.10 feet to the southwest corner of said 5.96 acre tract for an interior corner hereof.

THENCE, with the South line of said 5.96 acre tract, South 81 Deg. 25 Min. 31 Sec. East, at 630.0 feet pass the southeast corner of said 5.96 acre tract, and at 831.75 feet a point on the West line of North WARE Road (FM#2220), for the most southerly northeast corner hereof.

THENCE, with the West line of North WARE Road, South 08 Deg. 34 Min. 43 Sec. West, 267.17 feet to the northeast corner of a 4.32 acre tract as described in Warranty Deed With Vendor's Line recorded in Document No. 2915436, Official Records.

THENCE, with the North line of said 4.32 acre tract, North 81 Deg. 32 Min. 26 Sec. West, 1123.43 feet to the northwest corner of said 4.32 acre tract, for the southwest corner hereof, said point being on the East line of H.C.I.D. No. 1200 (canal right-of-way).

THENCE, with the East line of said canal right-of-way, North 18 Deg. 49 Min. 39 Sec. East, 215.48 feet to a point for the most southerly northwest corner hereof, said point being the southwest corner of a 0.06 acre tract as described in Deed recorded in Document No. 2910518, Official Records.

THENCE, with the South line of said 0.06 acre tract, South 71 Deg. 10 Min. 21 Sec. East, 30.0 feet to the southeast corner of said 0.06 acre tract for an interior corner hereof.

THENCE, with the East line of said 0.06 acre tract, North 81 Deg. 49 Min. 39 Sec. East, 94.34 feet to the northeast corner of said 0.06 acre tract, for the most northerly northwest corner hereof.

THENCE, with the South line of Lot 1, R.O. Estates, and its projection, South 81 Deg. 25 Min. 31 Sec. East, 207.03 feet to the POINT OF BEGINNING, containing 6.87 acres of land, more or less.

STATE OF TEXAS
COUNTY OF HIDALGO

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

GARTHOK LENDING, LLC

BY: JAMES B. EZZELL, MANAGER
502 CARDINAL
MCALLEN TX 78504

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JAMES B. EZZELL, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING.

NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF HIDALGO:

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

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RICARDO DANIEL MARTINEZ, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE (SHE) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS DAY OF 10-21-2026, 2026.

NOTARY PUBLIC

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

STATE OF TEXAS
COUNTY OF HIDALGO:

I, REYNALDO ROBLES, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

STATE OF TEXAS
COUNTY OF HIDALGO:

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

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE (49.266) THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.