



**CITY OF
HARLINGEN
TEXAS**
**REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION**

**WEDNESDAY, DECEMBER 8, 2021 AT 5:30 P.M.
CITY HALL TOWN HALL, 118 EAST TYLER AVENUE, HARLINGEN, TX**

This is not a Meeting of the Harlingen Elective Commission; however, a quorum of the City Commission may be present. Other City Board members may also be present.

AGENDA

PLEDGE OF ALLEGIANCE / WELCOME

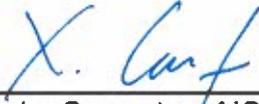
CITIZEN COMMUNICATION

1. Approval of Minutes: Regular Meeting on November 10, 2021
2. Request to rezone from General Retail (GR) District to Planned Development ("PD") District for Single Family and Multi-Family uses for 66.902 acres out of Lots 1,2,3,4,5,6,7,and 8, all out of Block 146, San Benito Land and Water Company Subdivision, located on the northwest corner of Haine Rd & FM 509. Applicant: Melden and Hunt Inc.
 - a. Public Hearing
 - b. Consider and take action to recommend the rezoning to the City Commission
3. Request for a Special Use Permit to allow a storage container in a General Retail (GR) District located at 703 N. Ed Carey Dr., bearing a legal description of Lot 1, C Wallace Subdivision. Applicant: Ruben Cepeda
 - a. Public Hearing
 - b. Consider and take action to recommend the special use permit to the City Commission
4. Request for a Special Use Permit to allow a storage container in a General Retail (GR) District located at 2211 S. Sunshine Strip, bearing a legal description of Lots 1-4, McBride No. 1 Subdivision. Applicant: Ruben Cepeda
 - a. Public Hearing
 - b. Consider and take action to recommend the special use permit to the City Commission
5. Consider and take action to recommend to the City Commission a variance to the City of Harlingen Code of Ordinances with regards to the fire hydrant and sidewalk escrows required for the proposed Raul and Yvette Cano Subdivision, located on the west side of FM 507 approximately 750 feet south FM 508. Applicant: Raul and Yvette Cano

6. Planning and Development Director's report by Xavier Cervantes, AICP, Planning and Development Director.
 - a. Subdivision Development Guide
 - b. Next Meeting – Monday, December 20, 2021 (if necessary)

The City of Harlingen Planning and Zoning Commission reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item in compliance with the Texas Open Meetings Act, Chapter 551 Government Code.

POSTED the 3RD day of December 2021, at 4:00 p.m. and to remain so posted and continuously for at least 72 hours preceding the scheduled time of said meeting.



Xavier Cervantes, AICP
Planning and Development Director

PLANNING AND ZONING COMMISSION

November 10, 2021

The regular meeting of the Planning & Zoning Commission was held Wednesday, November 10, 2021, at the City of Harlingen Town Hall located at 118 East Tyler Ave., Harlingen, Texas with the following present:

BOARD MEMBERS PRESENT:

Nick Consiglio	Chairman
Wayne Lowry	Vice-Chairman
Cesar Perez	Commissioner
Lars Keim	Commissioner
Jesse Gamez	Commissioner
David Wolf	Commissioner
JV Garcia	Commissioner

CITY STAFF PRESENT:

Xavier Cervantes	Planning and Development Director
Joel Olivo	Assistant Planning and Development Director
Soledad Núñez	Executive Secretary
Esteevania Hernandez	City Planner
Johanna Maldonado	City Planner
Kimberly Salinas	Assistant City Engineer
Alma Guerra	Deputy City Engineer
Andy Vigstol	City Engineer
Carlos Sanchez	Assistant City Manager
Mark Sossi	City Attorney

PLEDGE OF ALLEGIANCE/WELCOME

Chrm. Consiglio called the meeting to order on November 10, 2021 at 5:30 p.m. led the Pledge of Allegiance, and welcomed board members and the public to the meeting.

CITIZEN COMMUNICATION

Israel Aguilar

1. Approval of Minutes: Regular Meeting on October 13, 2021

Cmr. Keim motioned to approve the minutes, Cmr. Perez seconded the motion. The motion passed unanimously.

2. Request to amend the City of Harlingen Code of Ordinances Chapter 109 Subdivisions, Article IX Subdivision Development Guide, Section 109 – 250 Adoption of Infrastructure Standards, by amending the storm water design requirement from a 25 year storm to a 50 year storm design for subdivisions 1 to 25 acres in area.

Planning Director Xavier Cervantes summarized the following:

- We had a workshop October 19th, where we proposed that change for new subdivisions coming in between 1 acre and 25 acres. They would be required to provide detention for a 50 year storm; right now they have to do for a 25 year storm.
- In your packet is a reflection of the workshop we had.

- I included a table that compares where Harlingen is at compared to other jurisdictions in the Rio Grande Valley.
- We can also add additional changes.
- We can proceed with this, so new subdivisions coming in would have to comply to these changes and we can continue working on making other changes to the Subdivision Ordinance.
- The Ordinance is a work in progress, we can continue working on it and making changes as necessary.
- If the board desires major changes we would have to start the process over, the advertisement in the newspaper was only for this change.
- We would have to re-advertise for the public hearing for major changes.

Cmr. Lowry asked would it mean having another workshop so we could make the changes.

Xavier Cervantes, Planning Director stated he could have another workshop in December and go through the other changes Cmr. Garcia is bringing up. As we agree on those changes, we can take it on a step by step basis.

Cmr. Garcia stated, the email that I sent with all my comments I would like for everyone to have those. Is there a way to introduce that into the record?

Xavier Cervantes Planning Director stated I can share it with the board tomorrow morning. He stated when we send emails to the group, do not do a "reply to all". Reply to me only and then I can share documents or messages with the board.

Cmr. Garcia stated some of his comments addressed clarifications on what we're doing versus what's written. He said everything sounds good that we're updating a 25 year detention requirement to a 50 year detention requirement, but where's the word detention up there? Those are the kind of clarifications before we pass anything on here, we need to have that workshop and clarify things. Another question that I have is the stricken language there, we have a 10 year storm sewer system for residential subdivision and we don't replace that requirement. So what is the storm sewer system design requirement? On the previous one, Andy can come up here and elaborate, in May of 2020 before this one was adopted in October of 2020. We divided it from a storm sewer system for residential subdivisions less than 10 acres, as 10 year storm sewer pipe design and then for greater than 10 acres subdivisions, a 25 year storm sewer system design. We stayed with the 10 year, but now we're striking it off and I don't see anywhere there for residential subdivisions. Those are the clarifications that we need to clarify.

Andy Vigstol, City Engineer, stated to discuss the first question the word detention, our concept is mitigation rather than detention. We encourage all different kinds of mitigation, which can be bio swells, rain harvesting, rain gardens, roof top rain collection. All of that can work towards the mitigation goal rather than just traditional detention. We don't include that word for that specific reason. We'll be happy to look at whatever strategy they come up with. As far as the 10 year storm removal that might have been an error on our part. We can go back and remove that strike through, just leaving the change from the 25 acre to the 50 acre.

Cmr. Wolf asked what is the strike through that needs to be left in. I thought the 1 to 100 is going to encompass that?

Cmr. Garcia stated read the language the one that's struck through says storm sewer system that's the actual storm sewer pipe, your inlets and your catch basins.

Cmr. Wolf asked, everything is sized for a 10 - year because that's what the discharge is, that's what the piping needs to be sized for?

Andy Vigstol stated correct the discharge should be sized to a pre – existing 10 - year storm. We had the whole process last year where we went through and had public meetings; this is what we came up with if there's room for improvement we'd be happy to look at that.

Xavier Cervantes, Planning Director, stated new subdivisions that are between 1 to 25 acres, they would have to provide mitigation for a 50 year storm.

Cmr. Garcia stated I would not only like to add the terminology, detention in there but add it in the glossary as well. I think it's very important on the summary sheet claiming this is a detention upgrade; we don't identify that word anywhere in this matrix. I also have this from the City of McAllen where it's very clear what they're doing. I do this type of work every day and that matrix up there is very hard for me to follow. I have a lot of questions about that, I can pick that apart and that's one of the reasons I wanted to have another workshop.

Cmr. Perez asked Mr. Cervantes can you clarify the responding to the email, just a little bit more. So everybody here understands.

Xavier Cervantes, Planning Director, stated what we do is we send announcements. So we send you a group email to announce a meeting coming up, here's your meeting packet. Never do a "reply to all" to those emails, because that's a violation of the Open Meetings Act. Only do a reply to me, never to the group because now we're having a chain meeting which is a violation. Keep that in mind you can do a reply to me but not to the group because now we're having a meeting that is not properly posted.

Cmr. Perez asked so if someone's going to reply, not reply all, reply just to you directly.

Xavier Cervantes, Planning Director, stated yes or to Sol; if Sol sends an email just reply to her.

Mark Sossi, City Attorney, stated I might add that situation is not unique to Harlingen or this City, it happens everywhere. Staff typically notifies the Board/Commission of a certain thing and typically says don't reply all. By replying all you will actually be talking to your other board members, there by inadvertently without any intention committing a violation of the Open Meetings Act.

Cmr. Perez stated I wanted to make sure you had the proper opportunity to make sure everybody understood.

Xavier Cervantes, Planning Director, stated this is Mark Sossi he's our new City Attorney.

Cmr. Garcia stated that was me everyone was talking about, because I replied to all and the reason why is there was a packet a very important document that was completely blurred. I figured if I couldn't see it, no one else could see it.

Xavier Cervantes, Planning Director stated you can notify me of any problems and then I'll share them with the Board.

Chrm. Consiglio opened the Public Hearing.

Desi Martinez spoke regarding the Subdivision Ordinance. As an Economist and having brought INS and Border Patrol in the 90s, this community, our community needs more detail because of the impact it's going to have. For the purpose of good Business and Community Development, I agree with Mr. Garcia this thing isn't correct at the right timing. South of the Expressway is the best drainage there is. As we grew we made a pond. Mr. Garcia made a good point; we need a workshop where we look at different tiers, not just where we say planners let's do 50 because we have a lot of rain. Give us a cost analysis of what it's going to take that homeowner that has a 1 acre tract within the City limits with water from the East Rio Hondo Water Supply Company, what is it going to cost them?

Chrm. Consiglio closed the Public Hearing.

Cmr. Garcia asked if we pass this today can we still have changes and a workshop.

Xavier Cervantes, Planning Director, stated we cannot make major change since the newspaper advertisement was only for this. Once we finish this we can work on the second strand of changes. You can take no action on this and we regroup we have a workshop and once we all agree, we re-advertise and start the process again.

Cmr. Lowry asked either process is going to have to go through the City Commission, and they're going to have to vote on it two times.

Xavier Cervantes, Planning Director, stated yes, it'll have to be one or two times.

Cmr. Lowry stated I would suggest we move forward with this and then make the changes with the workshop so that we're not delaying another month.

Cmr. Garcia stated it is crucial to have the word detention on there.

Cmr. Keim stated you used the term glossary I like that, couldn't you just say see glossary for definition.

Mark Sossi, City Attorney stated I understand this is imperfect and the definitions could be clearer. At the same time the risk of not approving this, you have a subdivision come in in the next 30 days you're rolling the dice on applying to the old standard.

Xavier Cervantes, Planning Director, stated if you're leaning towards tabling, I recommend taking no action. Then we'll have the workshop and we'll re – advertise, we'll start the

process again. We have to agree on all the changes and we have to re – advertise in the newspaper.

Mark Sossi, City Attorney stated it's a policy decision. Understand if you take no action, you're running a little bit of a risk, and if that risk is acceptable because you're going to enforce the previous ordinance that's fine; if that risk isn't acceptable to you as policy makers then think about your decision.

Comr. Lowry stated to me this sounds like we could potentially pass this and Commissioner and Engineer can speak offline regarding some glossary items and we can bring this up at our next Commission meeting if we need clarification.

Mark Sossi, City Attorney, stated my recommendation is get it right and then send it up to City Commission as quickly as you can.

Andy Vigstol, City Engineer stated, I'm not against putting the word detention in there, as I understood the question, why it wasn't in there, I felt mitigation covered it. If you want the word detention in there, we can add it. I tend to think mitigation is a broader scope, but if we want to say detained.

Carlos Sanchez, Assistant City Manager stated, I think the impact or the goal is we're dealing with developments and how that development is going to have an impact in the surrounding drainage system good or bad, some of those systems need to be improved. The ultimate goal is when you develop something you want to minimize the impact; mitigation is where that term comes from. Detention simply means you are holding back the discharge rate you're going to release that water into the existing system. How you achieve that detention is going to be by various means and methods, one of them which is not very commonly accepted is that you carry or convey your water from curb and gutter. You carry your water from curb to curb, that's part of your detention system. Part of your detention system is in the drainage pipes that are under the street that are taking water to the detention pond, if there's a detention pond within the development. The other part is if the development is adjacent to an existing canal that's been designed to the 50 or 100 year event, that canal has been designed to accommodate for ultimate development which may or may not have envisioned the development of that property. We got three Engineers here, maybe four and so forth, you're going to get a lot of opinions as to how you achieve that goal. Standardizing how you're going to dictate detention is something that needs to be discussed not just within us here, but with the development community, and with the engineers out there that have adequate knowledge and experience to give us what they see and what they experience out in the field. My recommendation would be that we look at holding those workshops and come to some sort of consensus to create that blanket as to how we're going to deal with the detention whether it's on site, off site, or online detention. It's mitigating the impact to the overall system that we have, it needs improvements, and we want to mitigate the impact of a new development coming in.

Comr. Garcia stated you mentioned onsite, off site, online or on stream; I have the definitions for those right here. It's very important to have a definition.

No action was taken on this agenda item.

3. Consider and take action to recommend to the City Commission a variance with regards to the 120 feet of right-of-way required for a major arterial street on the proposed Bothwell Subdivision located at 1401 Dixieland Road. Applicant Melden & Hunt Inc.

Planning Director Xavier Cervantes summarized the following:

- We have a proposed commercial subdivision on Dixieland across from Harlingen South High School.
- The classification for the roadway is principal arterial, which requires 60 ft of right of way from the center of the road.
- If the ordinance is applied, a good portion of the property will be lost.
- They are requesting a variance to the right of way dedication. Instead of dedicating 34 ft., they are asking to dedicate 14ft.
- It would be 40 ft from the center of the road, which is consistent with the other subdivisions along Dixieland Rd.
- Staff recommends the 14 ft. dedication, instead of the 34 ft. dedication because it is consistent with the other subdivisions along Dixieland and because of the shape of the property and size of the property that would be lost.
- If we go with full dedication then it would be very hard for the commercial property to be developed.

Comr. Garcia asked the original requirement per the master plan thoroughfare from the One Vision One Harlingen 2013 was for 120 ft. right of way which is defined as a principal arterial. Principal arterial is like our arteries in our body, we have main arteries in our traffic system in our City. There's no bigger arterial in the city than a major arterial, which is why we need as much right of way, as much space for traffic to flow through, for utilities to go underground, and for future expansion.

Xavier Cervantes, Planning Director stated, that's the idea if we have a roadway that is identified as a major roadway, we want to acquire right of way to the subdivision process as much as possible, otherwise we have to purchase the right of way. For example, Ed Carey is designated as a principal roadway which is 6 lanes with a left turn lane. We have the same classification for Dixieland Road. Perhaps the classification for Dixieland Rd. should be a minor arterial road which would be 100 ft of total right of way, and possibly the classification for that road is too much. That's one way to look at it; the other way to look at it is we envision Dixieland to be a major thoroughfare, we need all of the right of way we can get.

Chrm. Consiglio asked how would you categorize it right now.

Xavier Cervantes, Planning Director stated, right now because we have other subdivisions approved in the area and they're all showing 40 ft from the center of the road. These subdivisions got variances from the City Commission; the variance request is consistent with the other subdivisions we have recorded along Dixieland.

I am Juan Caballero, the developer of the property; this is my Civil Engineer, Mario Reyna. Three years ago when this property was offered to me I had it rezoned and I individually met

with the City Commissioners then, individually so I wouldn't break any law. All I'm asking is to be treated the same way all the other developers before me have been treated on this exact road.

Mario Reyna, Civil Engineer with Melden and Hunt stated, in this area its two lanes each way and when you cross Lincoln it's two lanes each way with a center lane. With the 14 ft. dedication we can still put the center lane. There's a hardship on this project, that's why we're asking for the variance.

Cmr. Garcia asked what the hardship is.

Mario Reyna, Civil Engineer with Melden and Hunt stated the hardship is we would have to dedicate 34 feet and there would be no developable land left.

Chrm. Consiglio asked staff recommendation is to?

Xavier Cervantes, Planning Director stated, we're recommending require the 14 ft, instead of the 34 ft.

Cmr. Wolf stated I wouldn't be in favor of a bigger variance; I would like to hold the same standard to the rest.

Cmr. Wolf made a motion to approve the variance, an amended request for a variance, everything in our packet says zero dedication but we're talking up to 40 ft to center of road to your right of way line. For the reason that it's consistent with everything up and down the road and that will allow us to expand to put in a left turn lane, if the City so chooses to in the future.

Cmr. Lowry seconded the motion, the motion was passed unanimously.

4. Assistant Planning and Development Director's report by Joel Olivo, Assistant Planning and Development Director.

Assistant Planning and Development Director Joel Olivo summarized the following:

- The rezoning request on FM 509, North of Treasure Hills Blvd. got approved to rezone from Planned Development to Multi – Family Residential use.
- The rezoning request along Ed Carey Dr. and Expressway 77/83 that got approved to rezone from Residential Single Family to General Retail District.

Chrm. Consiglio asked for a motion to adjourn the meeting. Cmr. Wolf made a motion. Cmr. Lowry seconded. The motion passed unanimously.

Nick Consiglio, Chairman
Planning and Zoning Commission

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 08, 2021**

Agenda Item:

Public hearing and take action to consider a request to rezone from General Retail (GR) District to Planned Development ("PD") District for Single Family and Multi-Family uses for 66.902 acres out of Lots 1,2,3,4,5,6,7,and 8, all out of Block 146, San Benito Land and Water Company Subdivision, located on the northwest corner of Haine Rd & FM 509. Applicant: Melden and Hunt Inc.

Prepared By: Xavier Cervantes, AICP
Title: Planning and Development Director
Signature: *X. Cervantes*

Brief Summary:

Project Timeline

- October 29, 2021 – Application for rezoning submitted (**ATTACHMENT I**).
- November 13, 2021 – In accordance with State and local law, notice of the required public hearings was published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- December 8, 2021 - Public hearing and consideration of requested rezoning by the Planning and Zoning Commission (P&Z).
- December 15, 2021 – Public hearing and consideration of requested rezoning to the PD site plan via 1st ordinance reading scheduled before the City Commission.
- January 5, 2022 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Melden and Hunt, inc on behalf of the developer would like to rezone the property from General Retail (GR) District to Planned Development ("PD) District to develop a mixed-use development. The proposed site plan includes 212 residential lots that will be Single-Family homes. Each home is intended to have a maximum height of 30 feet. Multi-Family development is proposed along the southwest side of the property with three-story buildings and a maximum height of 42 feet. The proposed development will have streets with paving widths of 33 feet back to back in 50 feet of right-of-way.
- The proposed setbacks for the residential lots will be 20 feet in the front, 10 feet in the rear, and 5 foot side setbacks. For the Multi-Family lots the setbacks vary as per the building footprints shown in the attached site plan (**ATTACHMENT II-III**).
- The subject property is currently undeveloped and not subdivided. The developer is proposing to subdivide the property under the name of Paso Real Coves Subdivision. The subdivision is currently under review and will be coming before the board in the near future for approval. The subject property has approximately 1,195 feet of frontage along East Treasure Hills Boulevard and 495 feet of frontage along Haine Rd and a depth at the maximum point of approximately 2,270. feet. (**ATTACHMENT II**).

- The surrounding properties are Planned Development ("PD") District to the northeast, Single-family Residential ("R1") District and General Retail ("GR") District to the northwest, Office ("O") District and General Retail ("GR") District to the south west and General Retail ("GR") District and outside the city limits to the Southeast **(ATTACHMENT II)**.
- The surrounding land uses consist of agricultural uses to the south and west, single-family homes to the north and west and brushland to the east. **(ATTACHMENT IV)**.
- The Future Land Use Plan component of the City of Harlingen Comprehensive Plan, named One Vision One Harlingen shows the full property as Low Density Residential. The requested zoning is consistent with the Future Land Use Plan **(ATTACHMENT V)**.
- Staff sent out notices to the surrounding property owners. To the present, the Planning and Development Department has not received any objections.
- The City of Harlingen Engineering Department and Fire Prevention Bureau reviewed the proposed site plan. The Engineering Department recommends approval. The Fire Prevention Bureau recommends approval subject to meeting all applicable requirements. **(ATTACHMENT VI)**.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose? Yes No*

*If no, specify source of funding and amount requested:

Finance Director's approval: Yes No N/A

Staff Recommendation:

Staff recommends approval of the request subject to the following conditions:

1. Compliance with the drainage requirements and all applicable requirements from the Engineering Department;
2. Compliance with the applicable requirements from the Fire Prevention Bureau; and
3. Compliance with the building code requirements.

Interim City Manager's approval: Yes No N/A

Comments:

City Attorney's approval: Yes No N/A

Attachment I

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address N/A Nearest Intersection Farm to Market Rd 509 & Russell Ln
 (Proposed) Subdivision Name Paseo Real Coves Subdivision Lot 1-8 Block 146
 Existing Zoning Designation Residential Future Land Use Plan Designation Residential

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Melden & Hunt, Inc. c/o Mario A. Reyna Phone (956) 381-0981 FAX (956) 381-1839
 Email Address (for project correspondence only): mario@meldenandhunt.com
 Mailing Address 115 W. McIntyre Street City Edinburg State TX Zip 78541
 Property Owner Nathan Rollins Koppell Phone c/o 381-0981 FAX c/o 381-1839
 Email Address (for project correspondence only): c/o mario@meldenandhunt.com
 Mailing Address 115 W. McIntyre Street City Edinburg State TX Zip 78541

Select appropriate process for which approval is sought. Attach completed checklists with this application.

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><input type="checkbox"/> Annexation Request..... <u>No Fee</u></p> <p><input type="checkbox"/> Administrative Appeal (ZBA)..... <u>\$125.00</u></p> <p><input type="checkbox"/> Comp. Plan Amendment Request... <u>\$250.00</u></p> <p><input type="checkbox"/> Re-zoning Request..... <u>\$250.00</u></p> <p><input type="checkbox"/> SUP Request/Renewal..... <u>\$250.00</u></p> <p><input type="checkbox"/> Zoning Variance Request (ZBA)..... <u>\$250.00</u></p> <p><input checked="" type="checkbox"/> PDD Request..... <u>\$250.00</u></p> <p><input type="checkbox"/> License to Encroach..... <u>\$250.00</u></p> | <p><input type="checkbox"/> Preliminary Construction Plans and Final Plat..... <u>\$150.00</u></p> <p><input type="checkbox"/> Minor Plat..... <u>\$100.00</u></p> <p><input type="checkbox"/> Re-Plat..... <u>\$250.00</u></p> <p><input type="checkbox"/> Vacating Plat..... <u>\$250.00</u></p> <p><input type="checkbox"/> Development Plat..... <u>\$50.00</u></p> <p><input type="checkbox"/> Subdivision Variance Request..... <u>\$25.00 (each)</u></p> <p><input type="checkbox"/> Right-of-Way / Utility Easement Abandonment..... <u>No Fee</u></p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Please provide a basic description of the proposed project:
Residential development

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's Signature:  Date: 11-8-21

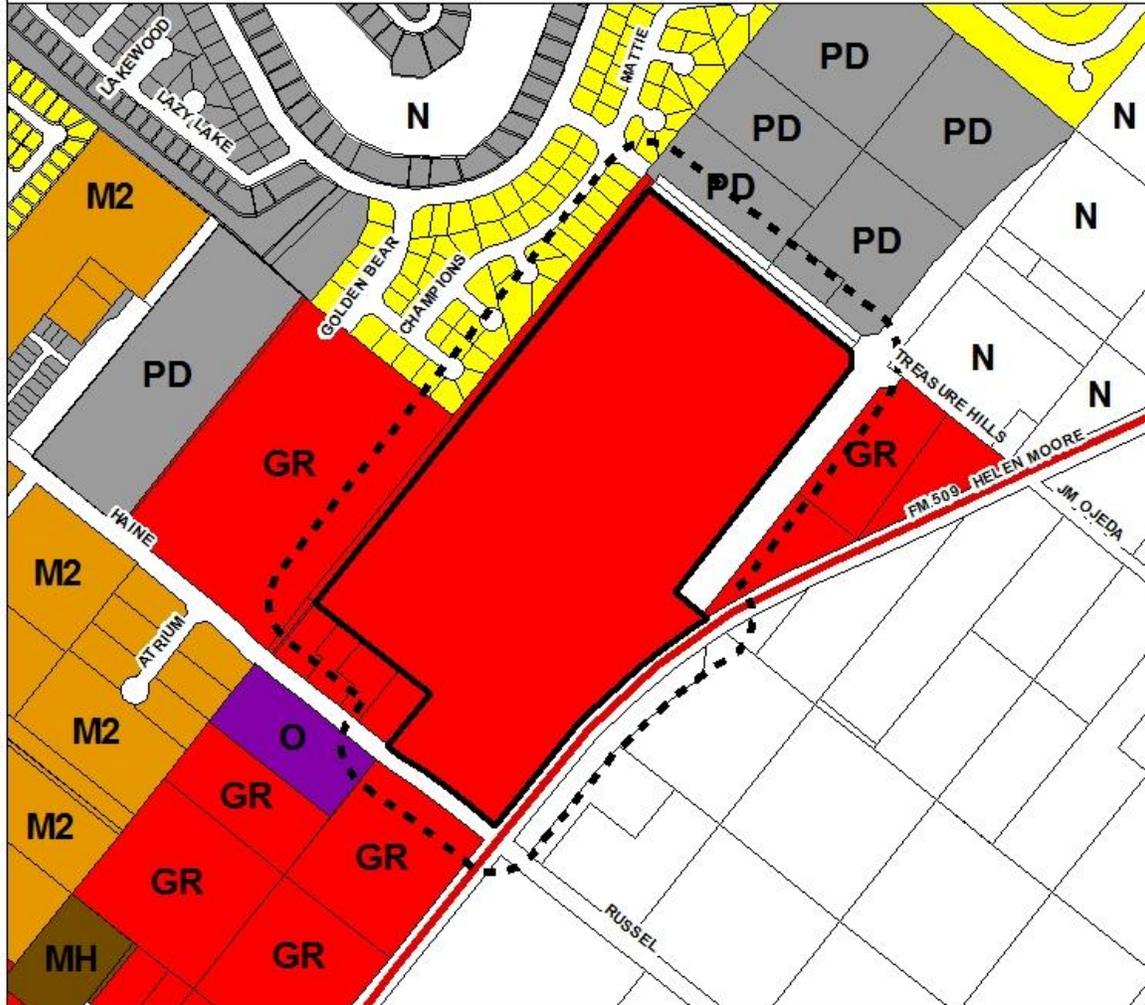
Property Owner(s) Signature: _____ Date: _____

Accepted by: _____ Date: _____

Attachment II



Request to rezone from General Retail (GR) District to Planned Development ("PD") District for Single Family and Multi-Family uses for 66.902 acres out of Lots 1,2,3,4,5,6,7,and 8, all out of Block 146, San Benito Land and Water Company Subdivision, Located on the northwest corner of Haine Rd & FM 509. Applicant: Melden and Hunt Inc.



N

0 205 410
Feet

Boundary lines

- Harlingen city limits.shp
- 200' Notification Boundary
- Subject Property

Zoning Designations

 General Retail (GR)	 Multi Family Residential (M2)	 Office (O)
 Heavy Industry (HI)	 Mobile Home Residential (MH)	 Planned Development (PD)
 Light Industry (LI)	 Not-Designated (N)	 Single Family Residential (R1)
 3/4 Plex Residential (M1)	 Neighborhood Services (NS)	 Duplex Residential (R2)
		 Residential Patio Home (RPH)

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 11.10.2021

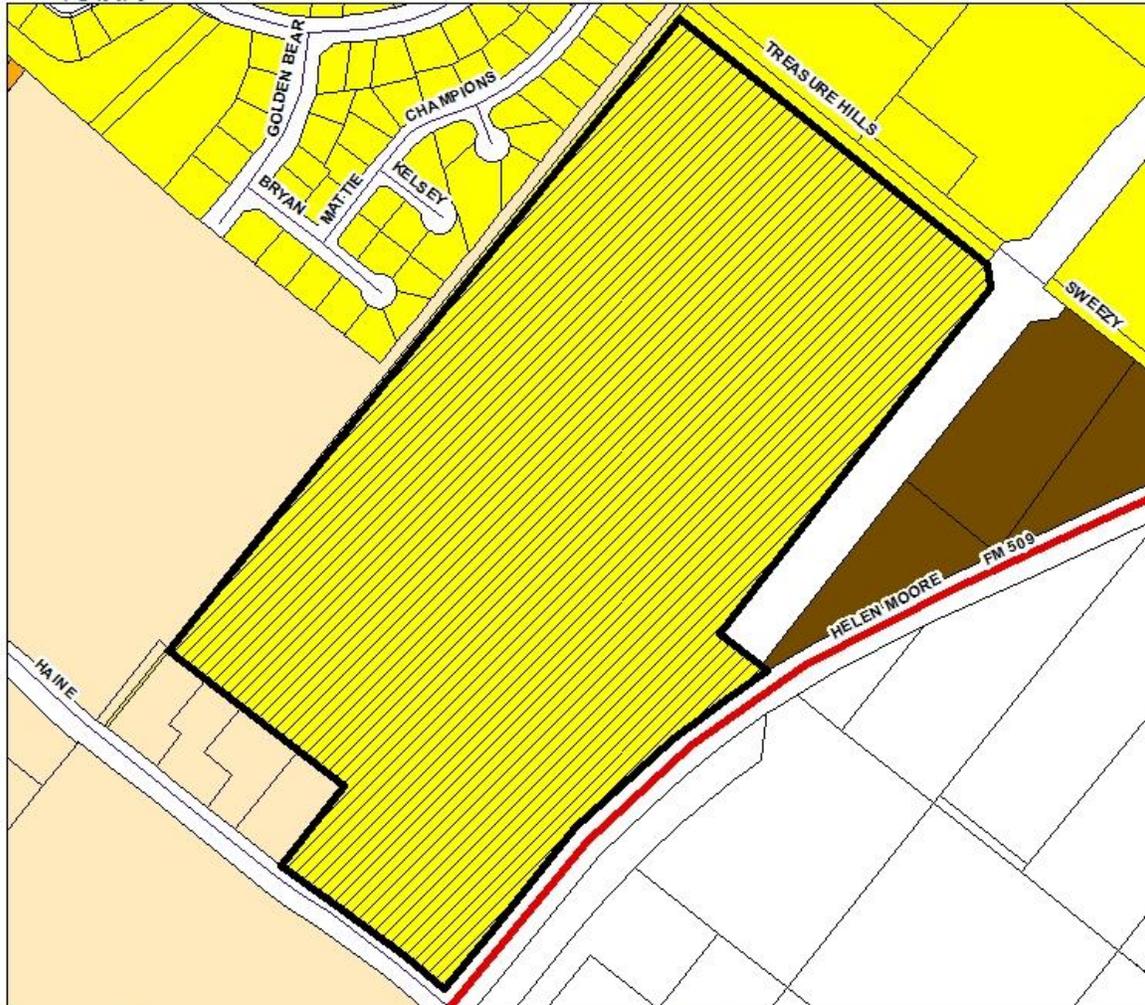
Attachment IV





Future Land Use Map

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



Boundary lines

- Harlingen city limits.shp
- Subject Property

Future Land Use

- | | | |
|--------------------------------|----------------------------|--------------------------|
| Agricultural/Rural Residential | Institutional | Recreational/Open Space |
| Employment Center | Low Density Residential | Retail-Regional |
| High Density Residential | Medium Density Residential | Retail/Commercial/Office |
| Industrial | Mixed Use | |

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Specific Use Permit ("SUP") Routing Slip

Applicant: Melden & Hunt

Phone No.: (956) 381-0981

Location: Farm to Market Rd & Russell Ln

Project Description: They are applying for a PD District

Department: Engineering

Approval: YES NO

Comments:
N/A


Signature

11/16/2021
Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Melden & Hunt

Phone No.: (956) 381-0981

Location: Paso Real and Haine Drive

Project Description: SUP request to allow a PD District.

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: **Applicant will have to meet any codes, regulations, ordinances, and standards required for permit.**

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr

Date: November 17, 2021

ORDINANCE NO. 21-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM GENERAL RETAIL (GR) DISTRICT TO PLANNED DEVELOPMENT (“PD”) DISTRICT FOR SINGLE FAMILY AND MULIT-FAMILY USES FOR 66.902 ACRES OUT OF LOTS 1,2,3,4,5,6,7,AND 8, ALL OUT OF BLOCK 146, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, LOCATED ON THE NORTHWEST CORNER OF HAINE RD & FM 509; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

WHEREAS, the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen’s Zoning Ordinance procedure, has recommended a change in the zoning classification for certain described real property in the City of Harlingen; and it is deemed to be in the best interest of the City of Harlingen in accordance with said recommendation of the Planning and Zoning Commission of the City, being the recommendation as hereinafter set forth; and public notice of such proposed rezoning having been fully made and complied with as required by said Zoning Ordinance and applicable laws of the State of Texas; and the City Commission of the City of Harlingen having held public hearings with reference thereto, being duly and thoroughly heard; and after consideration of the evidence presented, said City Commission is of the opinion that it is in the best interest of the City of Harlingen that said Code of Ordinances be amended as indicated, now, therefore,

BE IT ORDAINED BY THE CITY OF HARLINGEN

That the Code of Ordinances of the City of Harlingen (Ordinance 16-8) be and the same is herewith amended by the following described property being changed for permissive zone use as indicated:

Rezoning from General Retail (GR) District to Planned Development (“PD”) District for Single Family and Mulit-Family uses for 66.902 acres out of Lots 1,2,3,4,5,6,7,and 8, all out of Block 146, San Benito Land and Water Company Subdivision, Located on the northwest corner of Haine Rd & FM 509.

A copy of the Zoning Map constituting a part and parcel of the Code of Ordinances, as filed with the Chief Building Official and for the joint use and information of the Planning and Zoning Commission shall, upon final enactment hereof, be and the same is herewith amended and revised to reflect that the above described property is zoned for land use purposes as above indicated by the boundaries thereof being outlined in pronounced heavy line markings and such heavy line marking boundary enclosure being indicated within the appropriate initials for that portion herewith zoned for particular land uses; with the Planning and Development Director being herewith instructed and authorized to document such Zoning Map changes and revisions.

The rezoning is made contingent upon construction being complied in accordance with the site plan, a true and correct copy of which is attached hereto and incorporated herein by reference as Exhibit "A" and shall comply with the conditions as listed below:

1. Compliance with the drainage requirements and all applicable requirements from the Engineering Department;
2. Compliance with the applicable requirements from the Fire Prevention Bureau; and
3. Compliance with the building code requirements.

The provisions of this ordinance shall become effective from and after the final and lawful passage hereof and publication of the caption hereof as provided for and required in the Code of Ordinances and applicable state statutes.

FINALLY ENACTED this ____ day of _____, 2021 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 08, 2021**

Agenda Item:

Public hearing and take action to consider a request for a Special Use Permit to allow a storage container in a General Retail (GR) District located at 703 N. Ed Carey Dr., bearing a legal description of Lot 1, C Wallace Subdivision. Applicant: Ruben Cepeda

Prepared By: Johanna Maldonado

Title: City Planner

Signature: *Johanna Maldonado*

Brief Summary:

Project Timeline

- October 29, 2021 – Application for Special Use Permit (“SUP”) submitted to the City (ATTACHMENT I).
- November 13, 2021 – In accordance with State and local law, notice of application published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- December 8, 2021 - Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission (P&Z).
- December 15, 2021 – Public hearing and consideration of the request via 1st ordinance reading scheduled before the City Commission.
- January 5, 2022 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the code of ordinances, Section 111-304, a Special Use Permit (“SUP”) for a storage container use in a General Retail “GR” District may not be administratively approved and the SUP requires approval by the City Commission.
- Special use permits issued under this subsection shall be valid for no more than 90 consecutive days. No more than one special use permit shall be granted per lot in any 12-month period. No more than one storage container may be allowed under a SUP.
- The applicant is requesting the Special Use Permit to allow one (8’W x 20’L x 8’H) storage container to be used for covid testing and offering covid vaccines on the subject property.
- There is an existing commercial building on the subject property. The property has 100 ft. of frontage on Ed Cary Dr. and a depth of 155 ft. The container is currently on the subject property and is being used for covid testing. No permits were obtained by the applicant to allow the use of the container. Two parking spaces are required by code
- Surrounding properties are zoned General Retail “GR” to the North, South, East and West. (ATTACHMENT II).

- Presently, the Planning and Development Department has received no objections to the request from the surrounding property owners.
- The City of Harlingen Building Inspections, Fire Prevention Departments, and Engineering Department reviewed the SUP application. The departments reported no objections to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. Except for the Health Department that recommended denial. (ATTACHMENT IV, V, VI)
- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

Are funds specifically designated in the current budget for the full Yes No*

*If no, specify source of funding and amount requested:

Finance Director's approval: Yes No N/A

Staff Recommendation:

Staff recommends disapproval for the request based on the following:

1. The proper permits were not obtained for the placement of the container in the property.
2. The Health Department is recommending denial due to the concern of the temperatures of the containers since hot day could deteriorate the supply.

City Manager's approval: Yes No N/A

Comments:

City Attorney's approval: Yes No N/A

Attachment I

**CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT
MASTER APPLICATION**

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 708 ED CAREY Nearest Intersection _____
(Proposed) Subdivision Name _____ Lot _____ Block _____
Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent RUBEN CEPEDA Phone 956-290-9899 FAX _____
Email Address (for project correspondence only): RUCEPE@GMAIL.COM
Mailing Address _____ City _____ State _____ Zip _____
Property Owner CAMILLO PEREZ Phone 590-5474 FAX _____
Email Address (for project correspondence only): _____
Mailing Address _____ City _____ State _____ Zip _____

Select appropriate process for which approval is sought. Attach completed checklists with this application.

- | | |
|-----------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <input type="checkbox"/> Annexation Request..... No Fee | <input type="checkbox"/> Preliminary Construction Plans and Final Plat..... \$150.00 |
| <input type="checkbox"/> Administrative Appeal (ZBA)..... \$125.00 | <input type="checkbox"/> Minor Plat..... \$100.00 |
| <input type="checkbox"/> Comp. Plan Amendment Request... \$250.00 | <input type="checkbox"/> Re-Plat..... \$250.00 |
| <input type="checkbox"/> Re-zoning Request..... \$250.00 | <input type="checkbox"/> Vacating Plat..... \$250.00 |
| <input checked="" type="checkbox"/> SUP Request/Renewal..... \$250.00 | <input type="checkbox"/> Development Plat..... \$50.00 |
| <input type="checkbox"/> Zoning Variance Request (ZBA)..... \$250.00 | <input type="checkbox"/> Subdivision Variance Request..... \$25.00 (each) |
| <input type="checkbox"/> PDD Request..... \$250.00 | <input type="checkbox"/> Right-of-Way / Utility Easement Abandonment..... No Fee |
| <input type="checkbox"/> License to Encroach..... \$250.00 | |

Please provide a basic description of the proposed project: TEMPORARY MOBILE COVID FR
TESTING. TEMPORARY SITE FREE SERVICE TO PUBLIC.
VACCINE BOOSTERS TOO

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided this application is incorrect the permit or approval may be revoked.

Applicant's Signature: [Signature] Date: 10/28/21
Property Owner(s) Signature: _____ Date: _____
Accepted by: _____ Date: _____

**PLANNED DEVELOPMENT DISTRICT (PDD) REQUEST
SPECIFIC USE PERMIT (SUP) REQUEST
SUBMITTAL CHECKLIST**

Please submit the following items along with the completed master application and appropriate fees. The project cannot be scheduled for consideration unless all items are marked complete. Citations come from the Zoning Ordinance.

Complete

One (1) copy of a comprehensive site plan showing the proposed development of the property. The site plan shall consist of the following items, as applicable:

- o Existing/proposed building footprints and building heights (or buildable areas for single and two-family residential); and
- o Locations of proposed uses; and
- o Ingress and egress to/from property;
- o Existing/proposed streets in compliance with the City of Harlingen Long Range Thoroughfare Plan; and
- o Existing/proposed sidewalks; and
- o Existing/proposed utilities; and
- o Existing/proposed drainage; and
- o Existing/proposed parking spaces.

A written statement describing the proposed use(s) of the subject property.

Any other information (elevation drawings, pictures, etc.) in support of the subject request.

- I understand that I am requesting an amendment to the City's Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
- I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:
 - o A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing; and
 - o Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.
- I understand that while all requirements for the submittal of a PDD or SUP request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.
- I understand that the purpose of a PDD or SUP is to allow for development not otherwise authorized in the Zoning Ordinance. Hence, the Planning and Zoning Commission and/or City Commission may impose development standard important to the health, safety, welfare, and protection of the proposed development and the adjacent property and its occupants.

Owner: CAMILLO PEREZ Date 10/28/21

Owner Address: _____

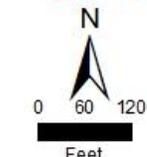
Phone/Fax: 956-590-5474

Signature: _____

Attachment II



Request for a Special Use Permit to allow a storage container in a General Retail (GR) District located at 703 N. Ed Carey Dr., bearing a legal description of Lot 1, C Wallace Subdivision. Applicant: Ruben Cepeda



- Boundary lines**
- Harlingen city limits.shp
 - 200' Notification Boundary
 - Subject Property

Zoning Designations

- | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General Retail (GR) | Multi Family Residential (M2) | Office (O) |
| Heavy Industry (HI) | Mobile Home Residential (MH) | Planned Development (PD) |
| Light Industry (LI) | Not-Designated (N) | Single Family Residential (R1) |
| 3/4 Plex Residential (M1) | Neighborhood Services (NS) | Duplex Residential (R2) |
| | Residential Patio Home (RPH) | |

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 11.10.2021

Attachment III



Attachment IV



Specific Use Permit ("SUP") Routing Slip

Applicant: Ruben Cepeda

Phone No.: (956) 240-9899

Location: 703 N Ed Carey Drive

Project Description: SUP for storage container to distribute COVID Vaccines

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: **Applicant will have to meet any codes, regulations, ordinances, and standards required for permit.**

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr

Date: November 17, 2021

Attachment V



Specific Use Permit ("SUP") Routing Slip

Applicant: Ruben Cepeda

Phone No.: (956) 240-9899

Location: 703 N. Ed Carey Dr.

Project Description: SUP FOR Storage Container to distribute Covid Vaccines

Department:

Approval: X YES NO

Comments:

Approval conditional upon the following conditions:

- 1. Containers must be located wholly on the requested property and may not be located within the Right-of-Way.
2. Parking and traffic queuing shall be provided within the property and shall not overflow onto public streets.
3. Containers must be located on existing asphalt surface.
4. Placement of containers shall not infringe on fire access or existing parking space requirements.

Digitally signed by Andy Vigstol
DN: G=US, E=avigstol@myharlingen.us,
O=City of Harlingen, OU=Engineering
Department, CN=Andy Vigstol
Reason: I have reviewed this document
Date: 2021.11.16 13:50:14-06'00'

11/16/2021

Signature

Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Ruben Cepeda

Phone No.: (956) 240-9899

Location: 703 N. Ed Carey Dr.

Project Description: SUP FOR Storage Container to distribute Covid Vaccines

Department: Health Dept

Approval: YES NO

Comments: *Health Dept. Would not recommend storing vaccines in storage containers. Health Department is not qualified to oversee storage or temperatures for vaccines from other organizations.*


Signature

11-19-21
Date

Attachment IV



Specific Use Permit ("SUP") Routing Slip

Applicant: Ruben Cepeda

Phone No.: (956) 240-9899

Location: 703 N. Ed Carey Dr.

Project Description: Building Department - SUP FOR Storage Container to distribute Covid Vaccines

Department: _____

Approval: **X** YES NO

Comments: Must comply will all City of Harlingen Codes and Ordinances


Signature

11/19/21
Date

ORDINANCE NO. 21-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT TO ALLOW A STORAGE CONTAINER IN A GENERAL RETAIL (GR) DISTRICT LOCATED AT 703 N. ED CAREY DR., BEARING A LEGAL DESCRIPTION OF LOT 1, C WALLACE SUBDIVISION PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

WHEREAS, the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen's Zoning Ordinance procedure, has recommended a change in the zoning classification for certain described real property in the City of Harlingen; and it is deemed to be in the best interest of the City of Harlingen in accordance with said recommendation of the Planning and Zoning Commission of the City, being the recommendation as hereinafter set forth; and public notice of such proposed rezoning having been fully made and complied with as required by said Zoning Ordinance and applicable laws of the State of Texas; and the City Commission of the City of Harlingen having held public hearings with reference thereto, being duly and thoroughly heard; and after consideration of the evidence presented, said City Commission is of the opinion that it is in the best interest of the City of Harlingen that said Code of Ordinances be amended as indicated, now, therefore,

BE IT ORDAINED BY THE CITY OF HARLINGEN

That the Code of Ordinances of the City of Harlingen (Ordinance 16-8) be and the same is herewith amended by the following described property being changed for permissive zone use as indicated:

Special Use Permit to allow a storage container in a General Retail (GR) District located at 703 N. Ed Carey Dr., bearing a legal description of Lot 1, C Wallace Subdivision

A copy of the Zoning Map constituting a part and parcel of the Code of Ordinances, as filed with the Chief Building Official and for the joint use and information of the Planning and Zoning Commission shall, upon final enactment hereof, be and the same is herewith amended and revised to reflect that the above described property is zoned for land use purposes as above indicated by the boundaries thereof being outlined in pronounced heavy line markings and such heavy line marking boundary enclosure being indicated within the appropriate initials for that portion herewith zoned for particular land uses; with the Planning and Development Director being herewith instructed and authorized to document such Zoning Map changes and revisions.

The rezoning is made contingent upon construction being complied in accordance with the site plan, a true and correct copy of which is attached hereto and incorporated herein by reference as Exhibit "A" and shall comply with the conditions as listed below:

1. Compliance with the drainage requirements and all applicable requirements from the Engineering Department;
2. Compliance with the applicable requirements from the Fire Prevention Bureau; and
3. Compliance with the building code requirements.

The provisions of this ordinance shall become effective from and after the final and lawful passage hereof and publication of the caption hereof as provided for and required in the Code of Ordinances and applicable state statutes.

FINALLY ENACTED this ____ day of _____, 2021 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: December 08, 2021

Agenda Item:

Public hearing and take action to consider a request for a Special Use Permit to allow a storage container in a General Retail (GR) District located at 2211 S.77 Sunshine Strip, bearing a legal description of Lots 1-4, McBride No. 1 Subdivision. Applicant: Ruben Cepeda

**Prepared By: Johanna Maldonado
Title: City Planner**

Signature: *Johanna Maldonado*

Brief Summary:

Project Timeline

- **October 29, 2021** – Application for Special Use Permit (“SUP”) submitted to the City (ATTACHMENT I).
- **November 13, 2021** – In accordance with State and local law, notice of application published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- **December 8, 2021** - Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission (P&Z).
- **December 15, 2021** – Public hearing and consideration of the request via 1st ordinance reading scheduled before the City Commission.
- **January 5, 2022** – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the code of ordinances, Section 111-304, a Special Use Permit (“SUP”) for a storage container use in a General Retail “GR” District may not be administratively approved and the SUP requires approval by the City Commission.
- Special use permits issued under this subsection shall be valid for no more than 90 consecutive days. No more than one special use permit shall be granted per lot in any 12-month period. No more than one storage container may be allowed under a SUP.
- The applicant is requesting the Special Use Permit to allow one (8’W x 20’L x 8’H) storage container to be used for Covid 19 testing and offering vaccines on the subject property.
- There is an existing commercial building on the subject property. The property has 150 ft. of frontage on 77 Sunshine Strip and a depth of 270 ft. The container is currently on the subject property and is being used for covid testing. No permits were obtained by the applicant to allow the use of the container. Two parking spaces are required by code
- Surrounding properties are zoned General Retail “GR” to the, South, East and West and Office “O” to the North. (ATTACHMENT II).

- Presently, the Planning and Development Department has received no objections to the request from the surrounding property owners.
- The City of Harlingen Building Inspections, Fire Prevention Departments, and Engineering Department reviewed the SUP application. The departments reported no objections to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. Except for the Health Department that recommended denial. (ATTACHMENT IV, V, VI)
- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose? Yes No*

*If no, specify source of funding and amount requested:

Finance Director's approval: Yes No N/A

Staff Recommendation:

Staff recommends disapproval for the request based on the following:

1. The proper permits were not obtained for the placement of the container in the property.
2. The Health Department is recommending denial due to the concern of the temperatures of the containers since hot day could deteriorate the supply.

City Manager's approval: Yes No N/A

Comments:

City Attorney's approval: Yes No N/A

Attachment I

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 2211 S. 77 SW Nearest Intersection _____
(Proposed) Subdivision Name _____ Lot _____ Block _____
Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent RUBEN CEPEDA Phone 956-240-9899 FAX _____
Email Address (for project correspondence only): RUCEPE@GMAIL.COM
Mailing Address 101 E. FERGUSON City PHARR State TX Zip 78577
Property Owner RICARDO MENDEZ Phone 956-445-8858 FAX _____
Email Address (for project correspondence only): RUCEPE@GMAIL.COM
Mailing Address 101 E FERGUSON City PHARR State TX Zip 78577

Select appropriate process for which approval is sought. Attach completed checklists with this application.

- | | |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <input type="checkbox"/> Annexation Request.....No Fee | <input type="checkbox"/> Preliminary Construction Plans and Final Plat.....\$150.00 |
| <input type="checkbox"/> Administrative Appeal (ZBA).....\$125.00 | <input type="checkbox"/> Minor Plat.....\$100.00 |
| <input type="checkbox"/> Comp. Plan Amendment Request...\$250.00 | <input type="checkbox"/> Re-Plat.....\$250.00 |
| <input type="checkbox"/> Re-zoning Request.....\$250.00 | <input type="checkbox"/> Vacating Plat.....\$250.00 |
| <input checked="" type="checkbox"/> SUP Request/Renewal.....\$250.00 | <input type="checkbox"/> Development Plat.....\$50.00 |
| <input type="checkbox"/> Zoning Variance Request (ZBA).....\$250.00 | <input type="checkbox"/> Subdivision Variance Request.....\$25.00 (each) |
| <input type="checkbox"/> PDD Request.....\$250.00 | <input type="checkbox"/> Right-of-Way / Utility Easement Abandonment.....No Fee |
| <input type="checkbox"/> License to Encroach.....\$250.00 | |

Please provide a basic description of the proposed project: COVID TESTING MOBILE
FREE SERVICE TO PUBLIC, VACCINE BOOSTERS TOO

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided this application is incorrect the permit or approval may be revoked.

Applicant's Signature: [Signature] Date: 10/28/21

Property Owner(s) Signature: _____ Date: _____

Accepted by: _____ Date: _____

**PLANNED DEVELOPMENT DISTRICT (PDD) REQUEST
SPECIFIC USE PERMIT (SUP) REQUEST
SUBMITTAL CHECKLIST**

Please submit the following items along with the completed master application and appropriate fees. The project cannot be scheduled for consideration unless all items are marked complete. Citations come from the Zoning Ordinance.

Complete

One (1) copy of a comprehensive site plan showing the proposed development of the property. The site plan shall consist of the following items, as applicable:

- o Existing/proposed building footprints and building heights (or buildable areas for single and two-family residential); and
- o Locations of proposed uses; and
- o Ingress and egress to/from property;
- o Existing/proposed streets in compliance with the City of Harlingen Long Range Thoroughfare Plan; and
- o Existing/proposed sidewalks; and
- o Existing/proposed utilities; and
- o Existing/proposed drainage; and
- o Existing/proposed parking spaces.

A written statement describing the proposed use(s) of the subject property.

Any other information (elevation drawings, pictures, etc.) in support of the subject request.

- I understand that I am requesting an amendment to the City's Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
- I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:
 - o A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing; and
 - o Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.
- I understand that while all requirements for the submittal of a PDD or SUP request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.
- I understand that the purpose of a PDD or SUP is to allow for development not otherwise authorized in the Zoning Ordinance. Hence, the Planning and Zoning Commission and/or City Commission may impose development standard: important to the health, safety, welfare, and protection of the proposed development and the adjacent property and its occupants.

Owner: RICARDO MENDEZ Date 10/28/22

Owner Address: _____

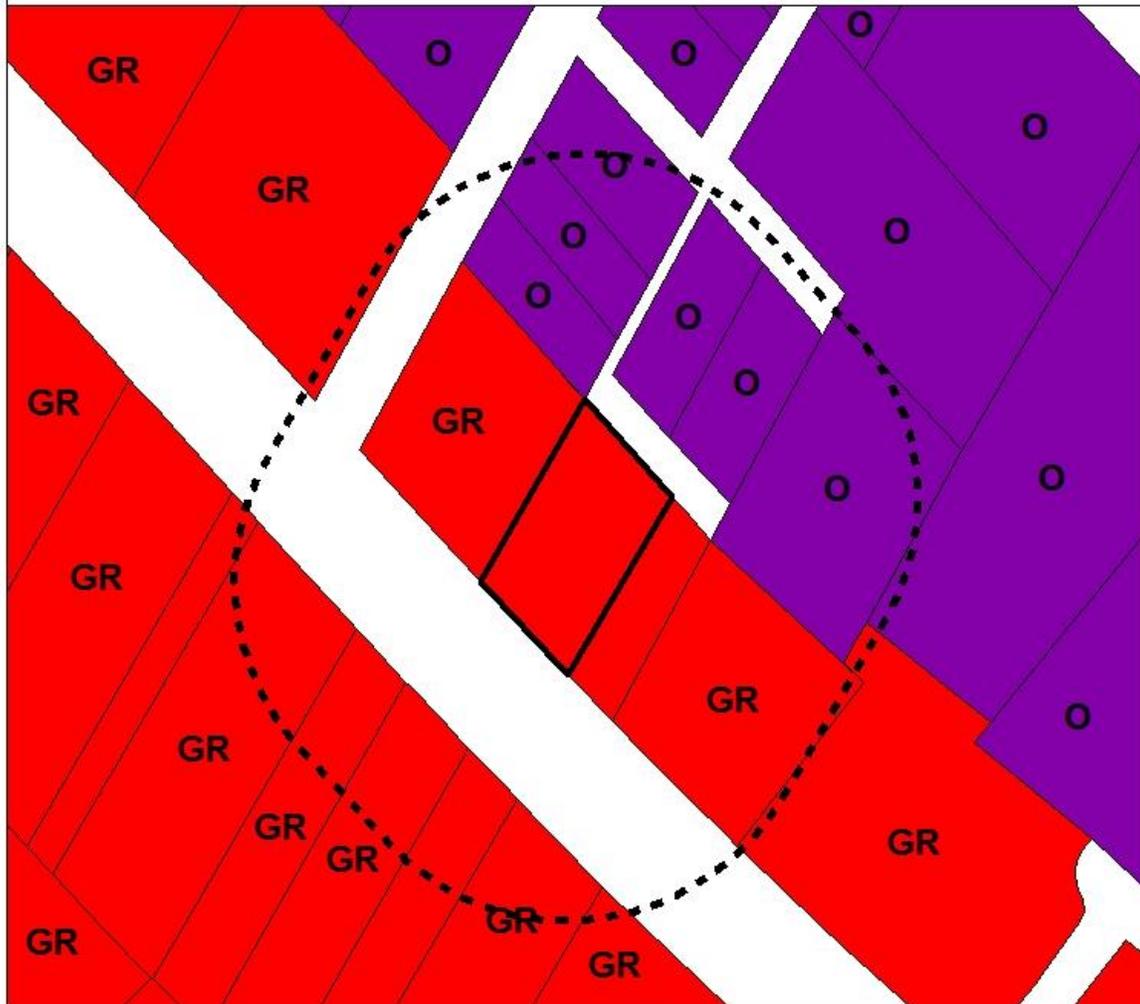
Phone/Fax: 956-495-8858

Signature: _____

Attachment II

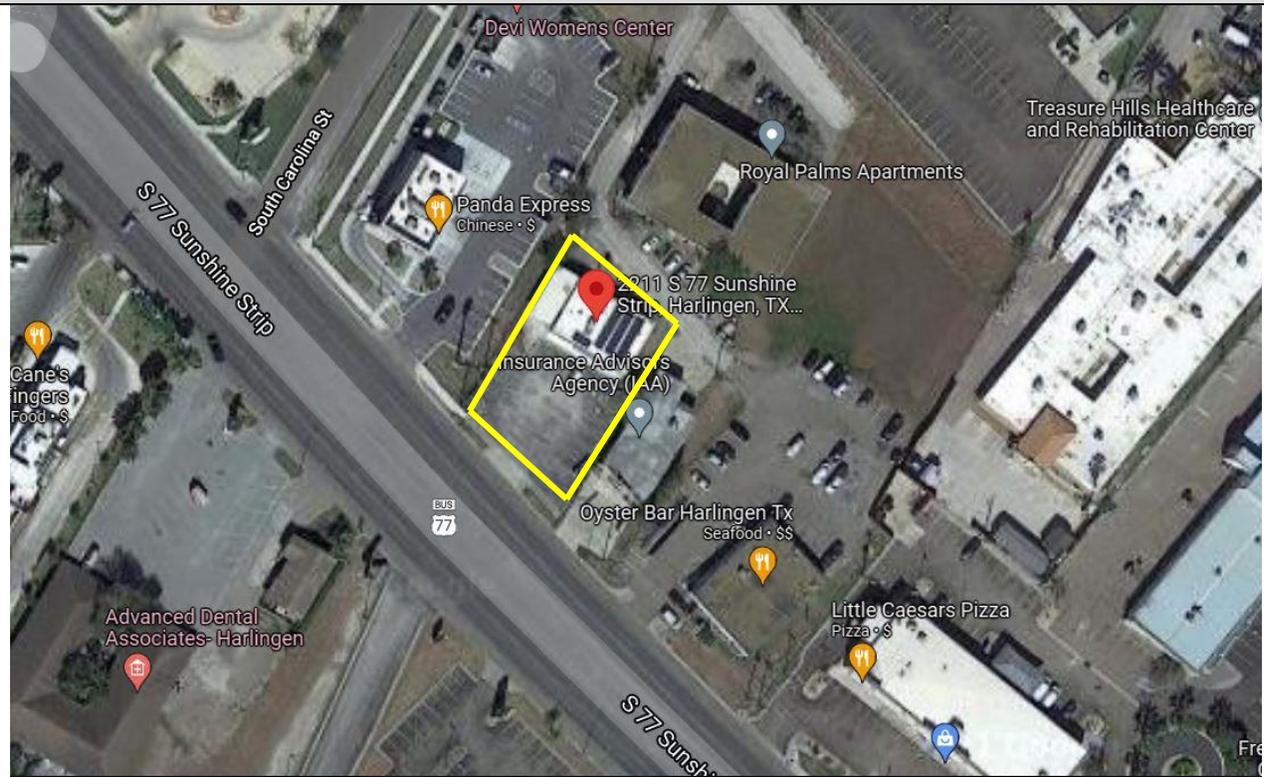


Request for a Special Use Permit to allow a storage container in a General Retail (GR) District located at 2211 S. Sunshine Strip, bearing a legal description of Lots 1-4, Mcbride No. 1 Subdivision. Applicant: Ruben Cepeda



 0 40 80 Feet	Zoning Designations	
	<ul style="list-style-type: none"> ■ General Retail (GR) ■ Heavy Industry (HI) ■ Light Industry (LI) ■ 3/4 Plex Residential (M1) 	<ul style="list-style-type: none"> ■ Multi Family Residential (M2) ■ Mobile Home Residential (MH) ■ Not-Designated (N) ■ Neighborhood Services (NS)
<p>Boundary lines</p> <ul style="list-style-type: none"> Harlingen city limits.shp 200' Notification Boundary Subject Property 		
<p>This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 11.10.21</p>		

Attachment III



Attachment IV



Specific Use Permit ("SUP") Routing Slip

Applicant: Ruben Cepeda _____

Phone No.: (956) 240-9899 _____

Location: 2211 S 77 Sunshine . _____

Project Description: SUP FOR Storage Container to distribute Covid Vaccines

Department: _____

Approval: YES NO

Comments:

Approval conditional upon the following conditions:

1. Containers must be located wholly on the requested property and may not be located within the Right-of-Way.
2. Parking and traffic queuing shall be provided within the property and shall not overflow onto public streets.
3. Containers must be located on existing asphalt surface.
4. Placement of containers shall not infringe on fire access or existing parking space requirements.

A handwritten signature in blue ink, appearing to be 'AV', is written over a horizontal line.

Digitally signed by Andy Vigstol
DN: C=US, E=avigstol@myharlingen.us,
O=City of Harlingen, OU=Engineering
Department, CN=Andy Vigstol
Reason: I have reviewed this document
Date: 2021.11.16 13:50:33 -06'00'

11/16/2021

Signature

Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Ruben Cepeda

Phone No.: (956) 240-9899

Location: 2211 S 77 Sunshine Strip

Project Description: SUP for storage container to distribute COVID Vaccines

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: **Applicant will have to meet any codes, regulations, ordinances, and standards required for permit.**

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr

Date: November 17, 2021



Specific Use Permit ("SUP") Routing Slip

Applicant: Ruben Cepeda _____

Phone No.: (956) 240-9899 _____

Location: 2211 S 77 Sunshine . _____

Project Description: Building Department - SUP FOR Storage Container to distribute Covid Vaccines

Department: _____

Approval: YES NO

Comments: Must comply will all City of Harlingen Codes and Ordinances



Signature



Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Ruben Cepeda

Phone No.: (956) 240-9899

Location: 703 N. Ed Carey Dr.

Project Description: SUP FOR Storage Container to distribute Covid Vaccines

Department: Health Dept

Approval: YES NO

Comments: *Health Dept. would not recommend storing vaccines in storage containers. Health Department is not qualified to oversee storage or temperatures for vaccines from other organizations.*


Signature

11-19-21
Date

ORDINANCE NO. 21-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT TO ALLOW A STORAGE CONTAINER IN A GENERAL RETAIL (GR) DISTRICT LOCATED AT 2211 S.77 SUNSHINE STRIP, BEARING A LEGAL DESCRIPTION OF LOTS 1-4, MCBRIDE NO. 1 SUBDIVISION PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

WHEREAS, the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen's Zoning Ordinance procedure, has recommended a change in the zoning classification for certain described real property in the City of Harlingen; and it is deemed to be in the best interest of the City of Harlingen in accordance with said recommendation of the Planning and Zoning Commission of the City, being the recommendation as hereinafter set forth; and public notice of such proposed rezoning having been fully made and complied with as required by said Zoning Ordinance and applicable laws of the State of Texas; and the City Commission of the City of Harlingen having held public hearings with reference thereto, being duly and thoroughly heard; and after consideration of the evidence presented, said City Commission is of the opinion that it is in the best interest of the City of Harlingen that said Code of Ordinances be amended as indicated, now, therefore,

BE IT ORDAINED BY THE CITY OF HARLINGEN

That the Code of Ordinances of the City of Harlingen (Ordinance 16-8) be and the same is herewith amended by the following described property being changed for permissive zone use as indicated:

Special Use Permit to allow a storage container in a General Retail (GR) District located at 2211 S.77 Sunshine Strip, bearing a legal description of Lots 1-4, Mcbride No. 1 Subdivision

A copy of the Zoning Map constituting a part and parcel of the Code of Ordinances, as filed with the Chief Building Official and for the joint use and information of the Planning and Zoning Commission shall, upon final enactment hereof, be and the same is herewith amended and revised to reflect that the above described property is zoned for land use purposes as above indicated by the boundaries thereof being outlined in pronounced heavy line markings and such heavy line marking boundary enclosure being indicated within the appropriate initials for that portion herewith zoned for particular land uses; with the Planning and Development Director being herewith instructed and authorized to document such Zoning Map changes and revisions.

The rezoning is made contingent upon construction being complied in accordance with the site plan, a true and correct copy of which is attached hereto and incorporated herein by reference as Exhibit "A" and shall comply with the conditions as listed below:

1. **Compliance with the drainage requirements and all applicable requirements from the Engineering Department;**
2. **Compliance with the applicable requirements from the Fire Prevention Bureau; and**
3. **Compliance with the building code requirements.**

The provisions of this ordinance shall become effective from and after the final and lawful passage hereof and publication of the caption hereof as provided for and required in the Code of Ordinances and applicable state statutes.

FINALLY ENACTED this ____ day of _____, 2021 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 8, 2021**

Agenda Item:

Consider and take action to recommend to the City Commission a variance to the City of Harlingen Code of Ordinances with regards to the fire hydrant and sidewalk escrows required for the proposed Raul and Yvette Cano Subdivision, located on the west side of FM 507 approximately 750 feet south of FM 508. Applicant: Raul and Yvette Cano.

Prepared By: Esteefanía Hernández

Title: City Planner

Signature: *Esteefanía Hernández*

Brief Summary:

Project Timeline

- April 28, 2021 – Original preliminary and final plat application and subdivision application submitted to the City
- May 5, 2021 – Subdivision reviewed by the Subdivision Review Committee.
- May 18, 2021 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- November 5, 2021 – Variance application submitted to the City. (**ATTACHMENT I**).
- December 8, 2021 – Consideration of variance request by the Planning and Zoning Commission.
- January 5, 2022 – Consideration of variance request by the City Commission.

Summary for the Fire Hydrant Variance:

- The developer is requesting a variance from the City of Harlingen Code of Ordinances Section 109-124(h) with regards to the requirement of a fire hydrant.
- The subject property is currently undeveloped and was split into its current configuration by metes and bounds after the year 1978, triggering the subdivision process in order to obtain a building permit. It is located inside the City Limits, and has a frontage of 132.17 feet along FM 507 and a depth of 896.51 feet. FM 507 is classified as a minor arterial road with an existing right of way of 110 feet. (**ATTACHMENT II**).
- The subject property is located within the East Rio Hondo Water Supply Company Corporation CCN area for water services. There is currently a 10-inch waterline along the west side of FM 507. (**ATTACHMENT III**)
- The subject property and the surrounding land have a zoning designation of Single Family Residential (“R-1”). The zoning was designated through city-initiated rezoning in July of 2021. There are six single-family residences built along FM 507. (**ATTACHMENT IV**).
- There are no other fire hydrants in the general area. The closest fire hydrant near the subject property is located between Gayle and Briar Avenues along the west side of FM 507, and it is approximately 7,000 feet, or 1.32 miles, south of the subject property.

- The variance request was reviewed by the Fire Prevention Bureau. The Fire Prevention Bureau reported objection to the variance request. (**ATTACHMENT V**).
- In accordance with Section 109-27(c) of the Harlingen Code of Ordinances, no variance shall be recommended unless the Planning and Zoning Commission finds:
 1. There are special circumstances or conditions affecting the land involved such that a strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land; and
 2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
 3. The granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property owners in the area; and
 4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with this chapter.
- In addition, Section 109-27(d), states “Financial hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.”
- Section 109-27(b) of the Code of Ordinances states that there shall be no variances regarding fire hydrants.
- A majority vote of the City Commission shall be required to override a recommendation for/or against the variance from P&Z Commission.

Summary for the Sidewalk Variance:

- The developer is requesting a variance from the City of Harlingen Code of Ordinances Section 109-124(f) with regards to the requirement of a sidewalk escrow on the subdivision side of perimeter streets with no curb and gutter.
- FM 507 is classified as a rural section road and does not have curb and gutters. There are no existing sidewalks on either side of FM 507 from Loop 499 to FM 508. (**ATTACHMENT II**).
- The variance request was reviewed by the Fire Prevention Bureau and Engineering Department. The Fire Prevention Bureau reported objection to the variance request. The Engineering Department provided verbal objection to the variance request. (**ATTACHMENT VI**).
- In accordance with Section 109-27(c) of the Harlingen Code of Ordinances, no variance shall be recommended unless the Planning and Zoning Commission finds:
 1. There are special circumstances or conditions affecting the land involved such that a strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land; and
 2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
 3. The granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property owners in the area; and

4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with this chapter.

- In addition, Section 109-27(d), states “Financial hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.”
- A majority vote of the City Commission shall be required to override a recommendation for/against the variance from P&Z Commission.

Staff Recommendation:

Staff recommends disapproval of the fire hydrant variance as:

1. The variance request does not comply with the findings outlined in Section 109-27(c) of the Code of Ordinances; and
2. Pursuant to Section 109-27(b) of the Code of Ordinances, variances for a fire hydrant requirements shall not be considered; and
3. There is no undue hardship for the request; and
4. The Fire Prevention Bureau has objection to the variance being granted; and
5. The request is a life safety issue.

Staff recommends disapproval of the sidewalk escrow variance as:

1. The variance request does not comply with the findings outlined in Section 109-27(c) of the Code of Ordinances; and
2. There is no undue hardship for the request; and
3. The Fire Prevention Bureau and Engineering have objections to the variance being granted.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose? Yes No*

*If no, specify source of funding and amount requested:

Finance Director’s approval: Yes No N/A

City Manager’s approval: Yes No N/A

Comments:

City Attorney’s approval: Yes No N/A

Attachment I—Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 21640 FM 507 Nearest Intersection FM 507 + FM 508
 (Proposed) Subdivision Name _____ Lot _____ Block _____
 Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Paul A. Cano Phone 956 244 6982 FAX _____
 Email Address (for project correspondence only): Paul.Cano.82@gmail.com
 Mailing Address 2901 Haine Dr. APT 1305 City Harlingen State Tx Zip 78550
 Property Owner Paul + Yvette Cano Phone 956 244 6982 FAX _____
 Email Address (for project correspondence only): _____
 Mailing Address _____ City _____ State _____ Zip _____

Select appropriate process for which approval is sought. Attach completed checklists with this application.

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Annexation Request..... <u>No Fee</u>
<input type="checkbox"/> Administrative Appeal (ZBA)..... <u>\$125.00</u>
<input type="checkbox"/> Comp. Plan Amendment Request... <u>\$250.00</u>
<input type="checkbox"/> Re-zoning Request..... <u>\$250.00</u>
<input type="checkbox"/> SUP Request/Renewal..... <u>\$250.00</u>
<input type="checkbox"/> Zoning Variance Request (ZBA)..... <u>\$250.00</u>
<input type="checkbox"/> PDD Request..... <u>\$250.00</u>
<input type="checkbox"/> License to Encroach..... <u>\$250.00</u> | <input type="checkbox"/> Preliminary Construction Plans and Final Plat..... <u>\$150.00</u>
<input type="checkbox"/> Minor Plat..... <u>\$100.00</u>
<input type="checkbox"/> Re-Plat..... <u>\$250.00</u>
<input type="checkbox"/> Vacating Plat..... <u>\$250.00</u>
<input type="checkbox"/> Development Plat..... <u>\$50.00</u>
<input checked="" type="checkbox"/> Subdivision Variance Request..... <u>\$25.00 (each)</u>
<input type="checkbox"/> Right-of-Way / Utility Easement Abandonment..... <u>No Fee</u> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Please provide a basic description of the proposed project: Planning to build my home on my land.
Requesting variance to waive side walk easement + fire hydrant.

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's Signature: Paul Cano Date: 11/05/2021

Property Owner(s) Signature: Paul Cano Date: 11/05/2021

Accepted by: _____ Date: _____

Attachment I—Application

**SUBDIVISION VARIANCE REQUEST
SUBMITTAL CHECKLIST**

Please submit the following items along with the completed master application and appropriate fees. The project cannot be scheduled for consideration unless all items are marked complete. Citations come from the Subdivision Ordinance.

Complete

- Variance requests must be submitted at the time the preliminary construction plans and final plat are submitted to the City. (Sec. 109-27 of the Harlingen Code of Ordinances)
 - A written statement describing the requested variance and an explanation of the special conditions that result in the unnecessary hardship for which the variance is requested.
 - Any other information (drawings, pictures, etc.) the applicant would like to submit in support of the subject request.
-
- I understand that the variance requested will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
 - I understand that variances related to paving, curb, and gutter for subdivisions in the City limits cannot be granted.
 - I understand that, in accordance with Sec. 109-27 of the Harlingen Code of Ordinances, variances cannot be granted unless the Planning and Zoning Commission and/or City Commission finds that:
 - There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the Subdivision Ordinance would deprive the applicant of the reasonable use of his land; and
 - The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
 - The granting of the variance will not be detrimental to the public health, safety, welfare, or injurious to other property in the area; and
 - The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the Subdivision Ordinance.
 - I understand that financial hardship, standing alone, shall not be deemed an undue hardship for which variance approval can be based.
 - I have read and understand in its entirety the City of Harlingen's Subdivision Ordinance and understand that the requirements of a variance request are subject to the terms and conditions therein.
 - I understand that while all requirements for the submittal of a variance request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.
 - I understand that a simple majority vote of the City Commission is required to reverse the decision of the Planning and Zoning Commission.

Owner: Raul Cano / Yvette Cano Date 11/4/2021

Owner Address: 2901 Haine Drive, Apt 1305, Harlingen, TX 78550

Phone/Fax: 956-244-6982

Signature: 

Attachment I—Application

November 4, 2021

To whom it may concern:

I am writing to seek a variance for my single-family home at 21640 FM 507, Harlingen, TX 78550. We are trying to build one house on the whole 2.72 acres. We are not developers but a couple trying to start a life. We are from Harlingen and our families have lived here since the 40's. We planned to build a house and were allowed a certain amount of money to build. We cannot afford to pay extra. First an extra \$8,000 for subdivision and now an extra \$9000 for a fire hydrant. We have had the property for almost a year and cannot do anything with it. The area has been annexed since 2005 and there are houses there already. There was a trailer on the property with septic tanks and a concrete slab since 2012. We are essentially replacing the trailer with a house.

Thank you,
Raul and Yvette Cano
2901 Haine Drive, Apt 1305, Harlingen, TX 78550
(956) 244-6982

Attachment IV—Aerial and Street View Photos



Attachment V—Fire Prevention Bureau's Routing Slip for Fire Hydrant



Variance Request Routing Slip

Applicant: Raul A. Cano

Phone No.: (956) 244-6982

Location: FM 507 & 508

Project Description: Variance for a fire hydrant Raul & Yvette Cano Subd.

Department: Fire Prevention Bureau

Approval: YES NO

Comments: Applicant will have to meet any codes, regulations, ordinances, and standards required for the project.

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: November 18, 2021

Attachment VI— Fire Prevention Bureau's Routing Slip for Sidewalk



Variance Request Routing Slip

Applicant: Raul A. Cano

Phone No.: (956) 244-6982

Location: FM 507 & 508

Project Description: Variance for a sidewalk Raul & Yvette Cano Subd.

Department: Fire Prevention Bureau

Approval: YES NO

Comments: Applicant will have to meet any codes, regulations, ordinances, and standards required for the project.

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: November 18, 2021