



**REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION**

**WEDNESDAY, FEBRUARY 23, 2022 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 January 26, 2022
Special Meeting on February 15, 2022
2. Consideration and possible action to recommend to the City Commission a variance to the City of Harlingen Code of Ordinances with regards to the sidewalk escrows required for the proposed Crockett Corner Subdivision, located at the northwest corner of Business Highway 83 and Baker Potts Road. Applicant: SWG, LLC, c/o Randy Winston.
3. Request to rezone from Residential, Single Family ("R-1") District to Residential, Multi-Family ("M-2") District for 1226 East New Hampshire Street, bearing a legal description of Lot 1, Block 1, New Hampshire Commercial Subdivision. Applicant: Fernando Russek.
 - a. Public Hearing
 - b. Consider and take action to recommend the rezoning to the City Commission
4. Request to rezone from Residential, Single Family ("R-1") District to Residential, Duplex ("R-2") District for Lot 11, Block 2, Valley Estates Subdivision, located at 5914 Queen Sago Drive. Applicant: Rick Caballero
 - a. Public Hearing
 - b. Consider and take action to recommend the rezoning to the City Commission
5. Discussion regarding a proposed subdivision ordinance amendment that would allow the fire hydrant exemption in the ETJ for one-lot residential subdivisions to properties inside the city limits.
6. Assistant Planning and Development Director's report by Joel Olivo, Assistant Planning and Development Director.

- a. Report on status of items considered at the January 26, 2022 P&Z Commission Meeting:
 - i. Request for a special use permit to allow a recycling center at 720 S. "F" Street. Applicant: Jorge Casillas
 - ii. Request for a variance to the with regards to the sidewalk escrows for the proposed Breezeway Subdivision. Applicant: Robert Leftwich
7. Planning and Development Director's report by Xavier Cervantes, AICP, CPM, Planning and Development Director.
 - a. Subdivision Development Guide – public hearing for the document adoption scheduled for March 9, 2022.

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 18th day of February 2022, 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, CPM
Planning and Development Director

PLANNING AND ZONING COMMISSION

January 26, 2022

The regular meeting of the Planning & Zoning Commission was held Wednesday, January 26, 2022, 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
Marcus Cruz	Commissioner
Lars Keim	Commissioner
Jesse Gamez	Commissioner
Anthony Maldonado	Commissioner
JV Garcia	Commissioner

CITY STAFF PRESENT:

Xavier Cervantes	Planning and Development Director
Joel Olivo	Assistant Planning and Development Director
Soledad Núñez	Executive Secretary
Esteefania Hernandez	City Planner
Johanna Maldonado	City Planner
Manny Aceves	Code Compliance Manager
Gabriel Gonzalez	City Manager
Craig Cook	Assistant City Manager
Rodrigo Davila	Public Works Director
Kimberly Salinas	Assistant City Engineer
Mark Sossi	City Attorney

PLEDGE OF ALLEGIANCE/WELCOME

Chrm. Consiglio called the meeting to order on January 26, 2022 at 5:30 p.m. led the Pledge of Allegiance, and welcomed board members and the public to the meeting.

CITIZEN COMMUNICATION

Mr. Israel Aguilar was given two minutes to speak on Consent Agenda Item A. Mr. Aguilar stated he lived on 28136 Cook Lane and he wanted to address the P & Z committee to speak against the Legends South Subdivision. Mr. Aguilar stated he lives in front of the proposed subdivision and he wants to reiterate the only reason the developers were able to come before the Planning and Zoning Board is because they applied for a modification to the Thoroughfare Plan, which doesn't include Cook Lane. November Road is in pristine condition, Cook Lane is not. I want to ask this Commission to reject this plan, this is County jurisdiction, and it's not fair to the citizens who live in the County jurisdiction to include the subdivision to be made when it doesn't include Cook Lane to be repaired. Second of all this map, which I received from Mr. Worsham, the head Engineer or Cameron County, shows lot 4 which is where my home is the majority is under sea level. When the plans of the current subdivision call for the adjacent proposed subdivision to be raised certain feet, I'm afraid it's going to implicate us even further. I would like for you to do some more research.

Mrs. Wandy Velasquez spoke on drainage issues in general.

Mr. Desi Martinez spoke on infrastructure plans in general.

1. Approval of Minutes: Regular Meeting on January 12, 2021

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

2. Consent Agenda

All items listed below in the consent agenda considered routine in ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

- a. Consider and take action to approve the preliminary construction plans and final plat with conditions of the proposed Legends South Subdivision, being a 19.96

acres of land out of Block "E", Survey 294, Stuart Place Subdivision, located on east side of Cook Lane south of November Drive. Applicant: Moore Land Surveying, c/o Steven and Carly Thomas.

Cmr. Garcia made a request to take Item A out of the consent agenda for discussion.

Cmr. Cruz asked if the City has gone back with the developer and come up with a solution for Item A, can we get a summary of what that was.

Kimberly Salinas, Assistant City Engineer, summarized the following:

- The Engineer of record and our Deputy City Engineer met and they discussed a plan to move forward to modify the site plan to move storm detention on site.
- He's providing detention on site and releasing at a pre – development rate into Cameron County Drainage District 5.

Cmr. Cruz asked how exactly are they detaining this water.

Kimberly Salinas, Assistant City Engineer, stated through a detention pond that is being provided along the south side of the property.

Cmr. Cruz asked will there be a provided control point at least.

Kimberly Salinas stated yes correct with an 18 inch rcp.

Cmr. Cruz stated in my experience an 18 inch pipe does transmit a lot of water. What I'm trying to figure out is in terms of construction, because we can't see any of the drawings in the packet. What exactly are the improvements being proposed that are going to meet this detention requirement.

Kimberly Salinas stated we have the Engineer of Record present, he can explain his design a bit more to the commission.

Cmr. Cruz asked can anybody from the City answer those questions.

Kimberly Salinas stated, I didn't review it thoroughly, it was reviewed by our Deputy City Engineer and she is not available today.

Cmr. Lowry asked, but she did recommend approval.

Kimberly Salinas stated she did recommend approval.

Cmr. Cruz I believe this item is a contentious item, and I believe as a board we should be advised by our City Engineer that did the direct review. We have questions, I believe she probably knows we would like to make a more sound decision, I feel she should be here so we can ask her these questions. Having both entities here is great, that way we can hear them both, but I believe without having the City here to not answer those questions, more in depth I don't think it's a great way to do decision making. This was an item that was brought up previously and we're not told exactly what was being done. It's a sensitive item, I commend staff and development for coming together and providing a solution on a timely basis, but we also need to be as transparent as we can, because we do have a public audience. Being explained by the Deputy Engineer who was in review of this, I feel that's in the best interest of this board and of this crowd.

Chrm. Consiglio stated Alma did approve it, she's not here for health reasons, and it comes down to trust. Do we trust Alma in working with the developer? Then coming back as you noted it was a sensitive issue and they've done their diligence.

Cmr. Cruz stated a sensitive issue that we have no idea what was done.

Cmr. Garcia stated I think it was Ronald Reagan that said trust but verify and that's what we're trying to do here. We trust Alma but we wanted to ask her some questions. I have a basic question; I'd like to ask you. As board members we can reach out to City Engineering during the week in preparation for this and that's what we're trying to get, answers, and we

haven't gotten them. This is kind of the first time we're able to openly ask questions. I want to make sure there is a detention pond now that is being added. Thank you for going back and meeting the minimum requirements that are needed. Where is the detention pond? Alma verified all of the calculations.

Kimberly Salinas stated, she did verify the calculations and I believe he's doing more than the minimum requirement per ordinance.

Comr. Cruz stated I noticed it seems they changed the roads. I do agree you all have done improvements, I think that is great. My concern is who else is going to be allowed to drain in that pond? I noticed it looks like it's being built for a future phase. Is that pond that was constructed solely for that future phase or is the City going to allow other subdivisions to tie into that detention pond?

Dustin Moore of Moore Land Surveying stated in your report the size of the pond is adequate to serve these 20 acres and the north 20 acres with the current standards. If the standards change then the north 20 acres is not owned by our clients. They don't have a plan to develop it at this time, but if the ordinance changes the requirements change they would have to provide their own detention prior to draining into anything else.

Comr. Cruz stated that's why I'm concerned. It looks like you all did a good job, I can't tell from your cross sections because I can't see the drawings. It looks like there was a diligent effort to try to meet that need. How much detention? Is it going to be a regional detention for future development or is that 18 inch pipe ever going to be ripped out because they need more flow more capacity because more subdivisions are coming in? Can you provide any information on that?

Dustin Moore of Moore Land Surveying stated right now it could handle the north 20. That engineer and that developer would have to see, because it is the County and that north 20 could be multi – family and may need more detention than that. We provided more than what ours has; it is getting dedicated to the public to ensure continuance maintenance of it but at this point it wouldn't be sized to handle a regional 60 – 80 acres.

Comr. Garcia asked detention ponds like this, is there some kind of agreement with the developer to maintain this and to make sure it's going to remain for the life of the subdivision. In ten years is some homeowner going to fill it with dirt and then there's no capacity for a functioning detention pond. Is there some kind of agreement?

Xavier Cervantes, Planning & Development Director, stated in the plat that area will say detention and that will never be developed.

Comr. Cruz asked that area is being dedicated to the drainage district, correct?

Kimberly Salinas stated correct, for this specific subdivision, yes.

Comr. Cruz asked when the City annexes, eventually if the City annexes this area, because it's outside of the City Limits, it's in the ETJ, who's going to be responsible for that detention pond.

Kimberly Salinas stated Cameron County Drainage District 5.

Comr. Cruz asked and what commitments do we have from them in making sure the detention pond will be cleaned and maintained adequately. Do we have an agreement with the City with that, because at the end of the day the City is going to have to take ownership eventually one day of this subdivision?

Comr. Garcia stated I want to supplement that with the statement on the actual plat. This is something that I've asked previous legal and I've never gotten a response on. You're saying that Cameron County Drainage District 5 is going to be responsible, that's great. That sounds great, but is it true because if you look at the language on the plat it says the opposite. It says Cameron County Drainage District approves this, but does not take responsibility for the adequacy or the maintenance of the detention ponds within these ditches. I'm ok if staff is ok with pushing it, but we're getting things on the record for a reason, because this has been a problem as you can see, there are people here and there listening

and are watching us and we deserve to give them the treatment that they need, which is a proper oversight and that's what we're doing and that's why we're asking these questions. I want to make sure; there is zero responsibility that is assigned for drainage. You have Cameron County that says we are not responsible for drainage. You have the irrigation district, this is all legal parts and this is not just this subdivision, so I'm not picking on anyone, this is all subdivisions. Irrigation district, we are also not responsible for drainage. My question is who is responsible for drainage? This is a question I have for legal.

Chrm. Consiglio stated maybe this is something Mark can answer now or follow up in an email with Mr. Cervantes.

Mark Sossi, Interim City Attorney, stated there is a statutory scheme for responsibility, there's also current practices which we've referred to that I personally think are necessarily consistent with statutory responsibility, but I can follow up with you.

Chrm. Consiglio stated I have a question maybe Gabriel, maybe you might know the answer to this. Drainage District number 5, are they chronically not cleaning the ditches and following up with their responsibilities? Are they not doing that? What is Drainage District 5 and their performance with maintaining?

Gabriel Gonzalez, City Manager, stated we have a good working relationship with them. When we had the floods a few years ago, they actually came out with a plan to build regional detention ponds that would help with some of this drainage. They've been pretty active about maintaining the ditches they own, and they've been trying to get more detention areas built. They're actually a good partner with the City.

Chrm. Consiglio asked is there any concern Drainage District 5 will not maintain the ditch.

Gabriel Gonzalez, City Manager, stated if it was dedicated to them I wouldn't have any doubt that they would come in and maintain it, but I don't know that's going to be given to them. I haven't seen the plat.

Chrm. Consiglio asked so in your 20 plus years with the City of Harlingen and all of the development and everything you've been a part of, when it's come to drainage and Drainage District 5 says we'll take it on, have they not, have they just been a poor excuse?

Gabriel Gonzalez, City Manager, stated they've been a good partner. The one thing I will say is if Alma did review the plat and did approve it, then it's pretty much going to be consistent with what they wanted the developer to come back and do. She said she spoke to the Engineer of record and she's pretty satisfied with what they actually did to this plat. With that I'm pretty satisfied with her response and her oversight of this project.

Cmr. Cruz asked is there any way we can get some transparency on these agreements and what is working between the City and Cameron County Drainage District Number 5. In my experience I have not seen any, I have tried to look for records, or agreements, or workshops. P & Z has workshops, we'd love for them to participate, is there any way we can be advised on what is going on, the status, who's proposing what. Is the City proposing this, is the developer proposing this, how do we know who's driving these issues?

Xavier Cervantes, Planning and Development Director stated we can reach out to them and try to set up a workshop.

Cmr. Cruz stated you guys are doing your job in meeting with the development, and I guess we're getting the streamline, but this is the proof that staff and drainage district can come to solutions, it doesn't have to be one side or one entity digging their feet in this. This shows that there's partnership, this shows that there's team work and cooperation. I want to say good job staff for doing that, it's unfortunate Alma can't be here, but after hearing some of the conversation, I'm going to say that you all did your due diligence.

Cmr. Garcia stated this is the statutory language Mr. Sossi was talking about. It says here for drainage note, for Drainage District # 5 "The State of Texas, County of Cameron, Cameron County Drainage District #5, hereby approves this subdivision on the condition that it does not warrant the adequacy of its drainage system in case of heavy rain fall and that it will not be called upon by present and future owners of any lot or lots in this subdivision to correct

any drainage or flooding problems on any of the lots of said subdivision. I think that's important to note.

Chrm. Consiglio stated on the subdivisions that you've worked on with drainage has that language been part of the plats you've done for drainage.

Cmr. Garcia stated on the subdivisions that I've done personally there's a model of subdivision rules and there's an extra plat which I would recommend that all of our staff adopt which gives direct responsibility for an entire section that says this subdivision has been approved by an engineer and an engineer's report.

Cmr. Lowry asked would you bring a copy of that language.

Cmr. Garcia stated I will provide a copy of that language for the record. It's on Carson Maps.

Chrm. Consiglio asked the language you read is that the exception or is that on every plat from the developments that you've done?

Cmr. Garcia stated on all of the ones I've done, it's a separate sheet that is recorded in the plat process.

Cmr. Cruz asked we had someone on public comment, saying he is very against this subdivision. Has staff considered these types of grievances and analyzed them, and are ok with still proceeding with development?

Kimberly Salinas, Assistant City Engineer, stated I'm not sure I didn't review the subdivision.

Cmr. Lowry made a motion to approve the subdivision on the recommendation of staff. Cmr. Keim seconded the motion. The motion passed unanimously.

3. Consider and possible action to recommend to the City Commission a variance to the City of Harlingen Code of Ordinances with regards to the sidewalk escrows required for the proposed Breezeway Subdivision, located at 2727N. 21st Street. Applicant: CASA Engineering, c/o Robert Leftwich.

Mr. Garcia submitted a form and he will be abstaining.

Chrm. Consiglio asked does he need to leave the room, I know in the past that was the practice.

Mark Sossi, City Attorney, stated he doesn't have to leave the room. The only thing that's required of him for a recusal is for him to not participate in the conversation and not to participate in the vote. He doesn't have to be physically absent.

Xavier Cervantes, Planning and Development Director summarized the following:

- This is a one lot subdivision on north 21st street, south of Vinson Road.
- It's a proposed apartment complex; the zoning is in place for the project.
- 24th street does not have curb and gutter.
- It's an older neighborhood, mostly residential homes; there is an apartment complex to the north.
- There are some sidewalks in the area. There is a sidewalk on Phoenix; it does not connect to this part of 21st street.
- We also have sidewalks on 21st street, between Rio Hondo and Phoenix, but this part also doesn't connect to 21st street.
- We have sidewalks along Vinson.
- There's an apartment complex on Vinson and 21st, that one has sidewalks along Vinson, but no sidewalks on 21st street.
- Staff recommends disapproval of the variance request, it does not comply with the findings in the Code of Ordinances to grant a variance, there is no undue hardship, and there are existing sidewalks south of Phoenix and an existing middle school.
- The Planning and Engineering Departments are recommending denial of the request.

Comr. Lowry stated just as a reminder, I know we recently did approve a variance, and that wasn't that long ago. The circumstance of that it was a rural community. Can you give a quick summary of maybe other variances we've had over the years, if we've had any other variances we have approved, I just want to be consistent.

Xavier Cervantes, Planning and Development Director stated for the last two years, no until a few months recently. You're right that was a very rural area, north of the City, very little development and no sidewalks in the area. This is a more urbanized area, there are some sidewalks in the area, there's potential for sidewalks the City could come in and build sidewalks, it's a different circumstance.

Comr. Lowry asked do we have any other requests or are those the only request we've had recently?

Robert Leftwich, the developer for Breezeway Subdivision spoke on the sidewalk variance request. Mr. Leftwich stated I just wanted to point out, I disagree, obviously you got a large portion of farm land right there adjacent to me. The fact is the street like you pointed out is not curb and gutter, the City has not invested any infrastructure money in that street and there's a relatively new apartment complex up to the north that's got 14 units and they received an escrow variance so there is precedent on that street. There are two subdivisions that have apartments, the one on Vinson does have sidewalks on Vinson, and the one on 21st street was given a variance. I contacted the Engineering department; the City doesn't even clean the ditches on that street. I have to do larger detention ponds on my property, and unlike the other subdivision where he's dedicating those detention ponds to the County and not going to take responsibility for them. I'm being asked to take care of my detention ponds. I'm learning this today; I thought that was the rule that if you put detention ponds you owned them as the developer. I own my detention ponds, I have to sign an agreement that I'm going to take care of them, and I'm going to mow them. The fact is the City has not done anything to that road in probably 50 years, because of that I have to do detention ponds, because there's not even a storm/drainage system on 21st street. Based on the fact that's basically a rural area that's still in the town, I think that you guys should really consider giving the variance, especially since you've already given the variance to the apartment complex that's up the street from me. They're not going to do the sidewalks; someone else is going to do them in 20 – 25 years. That's when the rest of the sidewalks might connect to the one I'm going to be paying for.

Comr. Cruz asked is what he said true about the apartment complex up the street.

Xavier Cervantes stated the Subdivision Ordinance was amended in 2019 to require more sidewalks. This complex was built before the ordinance was amended in 2019. In 2019 the ordinance was amended to require sidewalks in all perimeter streets, before that if the streets did not have curb and gutter, the ordinance did not require it. There was no requirement back then for a sidewalk along 21st street. Only Vinson had curb and gutter, only a sidewalk was required along Vinson, not required along 21st street because 21st street did not require it at that time.

Mr. Leftwich stated 21st street is a dead end.

Comr. Keim stated the red box that indicates that area, we're talking about sidewalks along that area.

Xavier Cervantes stated yes, the request is for a sidewalk, its escrows.

Comr. Keim asked what does that sidewalk connect to, any sidewalks on either side.

Xavier Cervantes stated at this time it will not connect to surrounding properties. There is potential if the City comes in with a sidewalk project, it could connect.

Comr. Cruz asked the City would pay for that sidewalk project.

Xavier Cervantes stated yes, sometimes we get grants we could use for sidewalks.

Mr. Leftwich stated I'd be the only one paying for sidewalks.

Cmr. Gamez asked in this case, like he made a comment about the street not having the curb and gutter. City of Harlingen doesn't do anything with that road?

Xavier Cervantes stated eventually the City has plans to improve the road and there will probably be a curb and gutter so it's a rural street.

Mr. Leftwich stated the school district has a dead end by the school, so it doesn't go all the way to Vinson.

Cmr. Gamez stated he mentioned that there are ditches and nobody cleans them.

Xavier Cervantes stated each property owner is responsible for maintaining their area to the edge of the asphalt, that's by ordinance.

Cmr. Gamez asked if they're not does the City go and give them a warning.

Xavier Cervantes, Planning and Development Director stated yes as a matter of fact there is a property over here that they don't mow the property so the City has to come in and mow it. What we do is we invoice the owner for the expense and if they don't pay the invoice we put a lean on their property.

Chrm. Consiglio asked this is an escrow.

Xavier Cervantes responded yes this is a variance to the sidewalk escrows.

Chrm. Consiglio asked the developers not putting in a sidewalk with the development at this time.

Xavier Cervantes stated not at this time. When they come in for the building permit for the project and he builds the sidewalk then he could get the escrows back. At this time to get the subdivision recorded he will only be required the escrows.

Chrm. Consiglio asked did you say get the escrows back.

Xavier Cervantes stated yes when he's in the building phase he will be required the sidewalk. Once the sidewalk is constructed he will be able to get his escrows back.

Mr. Leftwich stated I have to put an escrow up, then go pay for the sidewalk to get my escrow back.

Cmr. Lowry asked how big is this development. Is it going to be a 4 unit complex?

Mr. Leftwich stated it's going to be a 16 units there's 8 two story.

Cmr. Cruz stated you mentioned street improvements. Is there currently any timeline the City has when that possibly may come in line?

Xavier Cervantes stated I don't believe we have a project right now, but it's on the list probably 2 or 3 years down the road.

Chrm. Consiglio asked in the City timeline is 5 years, a 5 year timeline is that something that is near term or is 10 years near term. When you're talking about road improvements?

Xavier Cervantes stated yes within 5 years is near term.

Chrm. Consiglio asked does this road fall on that plan right now.

Xavier Cervantes stated I don't know.

Kimberly Salinas, Assistant City Engineer stated we would have to look at the plans for the future street improvement projects and we can let you know what year it's set to be improved on. At the moment I don't have it off the top of my head.

Cmr. Lowry stated first off I hate going against staff recommendations, but I am pro development and looking at this particular situation to me it looks like there are no sidewalks around that area. I'm fine with granting the variance.

Cmr. Keim stated I'm in agreement; I'm ready to make a motion.

Cmr. Cruz stated I have one more question. Have there been any talks with the school district, since we're going to have kids walking to school, in possibly sharing funds to propose a sidewalk or collaboration with that?

Xavier Cervantes stated to my knowledge no.

Cmr. Keim made a motion to approve the variance. Cmr. Lowry seconded the motion. The motion passed unanimously with a 5 – 0 vote to approve the variance. There was one abstention by Cmr. Garcia.

4. Request for a Special Use Permit to allow a Recycling Center to buy and sell recyclable items such as cardboard, paper, aluminum cans, and copper in a General Retail (GR) District located at 720 South F Street, bearing a legal description of Lots 36 – 43, Block 1, Harlingen Land & Investment Company Subdivision. Applicant: Jorge Casillas.

Xavier Cervantes, Planning & Development Director, summarized the following:

- We have an application for a Special Use Permit for a recycling facility at this property at the corner of Pierce and F Street.
- The former Hygeia building is located here.
- There's an existing ice cream place here.
- We did receive a petition in opposition from the neighborhood.
- We checked for the property owners, the ones marked in red and the ones marked in blue are property owners that signed the petition in opposition of the Special Use Permit.
- If you look at the area within 200 feet it comes out to 14.09% in opposition to the Special Use Permit.
- Staff recommends disapproval of the Special Use Permit it's not consistent with the surrounding lodges in the area.
- There are residential lodges to the north, south, and west.
- We believe it will negatively impact quality of life.
- Code Compliance recommends disapproval as the building is designated an unsafe structure.
- Fire Prevention Bureau also recommends disapproval they believe this type of business belongs in an industrial zoning not in a commercial zoning.

Cmr. Garcia asked is there any way they can work with the current recycling center on Commerce, if we're going to reject this.

Xavier Cervantes, Planning and Development Director stated recycling is good but we would like it in properties that fit those types of businesses. We prefer those types of businesses to be in industrial areas. We don't feel that's the right property for his business.

Jorge Casillas, the applicant for the Special Use Permit, stated my family has been in the recycling business for about 45 years in Mexico. I have 10 years here in the United States; I live in Park View Terrace. I want to start a recycling business here to focus on cardboard, and aluminum cans. Recycling for me is too far away from my house the one on Commerce. It's not a big business; a fork lift is the biggest machine I will use. I want to help the people, and I need to be close to the people that reproduce materials for recycling.

Chrm. Consiglio asked do you own the property or will you be a tenant.

Mr. Casillas stated no I want to rent.

Chrm. Consiglio opened the Public Hearing.

Mr. Terry Finch, the property owner at 806 W. Pierce, spoke on the Special Use Permit Request. We have some concerns with this property turning into a recycling center. We used to be residents of the City of Edinburg and we saw the way they handled their recycling center, they did a pretty good job, but it was more in tune with an industrial area. It wasn't right next to a bunch of homes. I feel and I think I feel for some of the people that are here in the area that a lot of the trash will not stay within the property confines of that building. They could also possibly prevent drainage issues for us in that area, and we know that it is a dilapidated building; it's a potential fire hazard and for us it would be an eye sore. It's an eye sore and it could potentially reduce the retail or resale of our properties.

Chrm. Consiglio asked there's a lot of people in the audience that may agree with this gentleman's comments. He asked for raised hands and understand how many people agree and if they'd like to come speak they can come speak on the item. Would that be acceptable?

Mark Sossi, City Attorney, stated absolutely.

Chrm. Consiglio asked if anyone would like to speak in support of the Special Use Permit.

Nicolas Cruz and Arturo Cruz, the property owners at 805 W. Pierce, spoke against the Special Use Permit. We've lived there are entire lives since 1963 and we're still there. We've worked with the inspectors because we own several properties in the area. Our concern is this is a major crime area for Harlingen. Nobody hears about it, nobody knows about it, because it's that dirty little secret nobody wants to talk about. What we're concerned about is if you bring in a recycling center it's going to make it easier for all of these little criminals to go sell our stuff, it's going to make it worse than it already is. I don't see a benefit of having a recycling center. In his point of view it makes it easier for us to go and sell our scrap, but I don't see how it makes easier for people that don't want to lose their scraps or lose their aluminum chairs, or copper wiring. This is an old neighborhood, there's a lot of copper and copper tubing. This belongs in an industrial area; you wouldn't want this in Treasure Hills or any nice part of town. We are strongly against this and there are several people from our neighborhood that are here because we don't want this. Please see it our way, because you wouldn't want this in your neighborhood.

Jose Sanchez, property owner at 916 W. Pierce, spoke in opposition of the Special Use Permit. I'm here because I'm opposed to the business, and I don't think it's fair. They have a lot of space all around Harlingen, why don't they put it in the middle of the City.

Veronica Rodriguez, property owner at 810 W. Pierce, my parents have lived there for 25 years, we've lived in Harlingen for 25 years. My concern is the same as my neighbors; we are not in agreement to put a business like that in this area. It will be a high traffic area, maybe not at first, but over time. Around there are a lot of criminals and we try to do the best we can. I don't feel safe if that happens. I bought the property because I want to build my house on there. I don't feel comfortable if you allow a business like that.

Chrm. Consiglio closed the Public Hearing.

Cmr. Garcia made a motion to follow staff recommendations and deny the Special Use Permit request. Cmr. Maldonado seconded the motion. The motion to deny the Special Use Permit Request passed unanimously.

5. Planning and Development Director's report by Xavier Cervantes, AICP, CPM, Planning and Development Director.

As you know we had the workshop last week, the next step is to have a public meeting. We would like to have the meeting Tuesday, February 15th after 5pm here in this room. It's a public meeting, only 3 from the board will be able to attend, because it's not a meeting of the Planning and Zoning Commission, it's a public meeting. We're going to invite the public, we're going to present the changes, take questions, and address the public.

Chrm. Consiglio asked are you not able to make a notice, because it's a public meeting there may be a majority of the P & Z commissioners available. I've seen that type of language before in other meetings.

Mark Sossi, City Attorney stated yes provided you provide a notice that there's going to be a meeting and there's a quorum, yes you can have that.

Gabriel Gonzalez, City Manager stated you can have a special meeting; the problem is if you don't get a quorum you can't have a meeting.

Chrm. Consiglio stated maybe through emails we can communicate that out and make sure we have a desire for more than just 3 of us showing up. I've been at every workshop; JV has, along with Anthony, and Mr. Gamez. There's a definitely a strong interest on this commission here to make sure we continue to make improvements on the plan. I'd hate to limit that to just 3.

Xavier Cervantes stated there's going to be a newspaper advertisement, there's going to be an email to developers and engineers announcing this meeting. We're going to have the new guide, the link in the advertisement and in the email so they can download it and review it.

Cmr. Garcia stated I'd like some clarification, because Gabe is saying we can make this an actual meeting so if we can make it an actual meeting that means on that day we can actually make a motion to implement some changes.

Xavier Cervantes stated it could be a workshop; you could give us direction on proposed changes.

Cmr. Garcia stated in the last workshop we gave direction already and I think we're ready to hear the first reading and make some baby step of recommendations.

Xavier Cervantes stated we could have the public meeting, we get the comments, and we could get some really good comments. We could have a workshop and then after that go through the adoption process.

Chrm. Consiglio stated I like the way the City conducts these workshops, I think you all do a great job and it does allow for a more free flow of comments and conversations. I don't want to prohibit by having the more standard meeting through this particular commission.

Cmr. Lowry stated one thing I want to suggest is whatever we do, I don't want to delay the process. I want to get this guide to a state that helps the developers. I think JV and I are in very similar alignment in that. I want to get a guide that is very clear and if we do it on the 14th I want to be able to make the changes with this group and with the developers that come in and whatever needs to be agreed upon, let's make it so we can move forward.

Xavier Cervantes stated we can have the workshop the following Thursday. We have the public meeting on Tuesday and that same week on Thursday we have a follow up workshop to evaluate the comments, make some changes we may need to make and then go to the adoption process.

Cmr. Garcia stated my only comment is we've already had 3 workshops recently about this and we just have kept having workshops. I think we need to take this to a higher level, to have it on the record, public comment, because there's also a lot less order in these workshops. I think we would have more order if we have a more standard type of meeting. We still have to go through the first reading, second reading, we also don't want to delay the process of taking our baby steps toward catching up to the rest of the Valley and doing some good things for our citizens. Do everything we can in our power to make this actual meeting and get some votes.

Cmr. Gamez stated to where we can amend or propose the proper guidance for the City of Harlingen.

Cmr. Lowry stated I like the idea having participation, I like the idea of having people show up engineers, architects, developers, if they don't show up that's on them. We need to be able to have that opportunity. I don't want to be stagnant; we need to move forward with whatever we're doing.

Cmr. Cruz stated I think these other entities that work with the City, giving them an invitation to participate, I highly recommend that.

Chrm. Consiglio stated I think we're marching towards a meeting of the P & Z to review the changes from the last workshop and have the developers, engineers, any interested party, realtors, I think a mortgage officer was there last time.

Cmr. Garcia stated you missed one key constituent here and its flood victims. Make sure to have flood victims here.

Xavier Cervantes stated it's going to be a special meeting of the Planning and Zoning Commission and at the same time a public meeting on Tuesday, February 15th. If everything goes well and we agree then we will schedule public hearings for the adoption of the new guide.

Cmr. Keim made a motion to adjourn the meeting. Cmr. Garcia seconded the motion. The motion passed unanimously.

Nick Consiglio, Chairman
Planning and Zoning Commission

PLANNING AND ZONING COMMISSION

February 15, 2022

The Special meeting of the Planning & Zoning Commission was held Tuesday, February 15, 2022, 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
Marcus Cruz	Commissioner
Jesse Gamez	Commissioner
JV Garcia	Commissioner

BOARD MEMBERS ABSENT:

Anthony Maldonado	Commissioner
Lars Keim	Commissioner

CITY STAFF PRESENT:

Xavier Cervantes	Planning and Development Director
Joel Olivo	Assistant Planning and Development Director
Soledad Núñez	Executive Secretary
Gabriel Gonzalez	City Manager
Craig Cook	Assistant City Manager
Alma Guerra	Deputy City Engineer
Kimberly Salinas	Assistant City Engineer
Anthony Troiani	Interim City Attorney

PLEDGE OF ALLEGIANCE/WELCOME

Chrm. Consiglio called the meeting to order on February 15, 2022 at 5:01 p.m. led the Pledge of Allegiance, and welcomed board members and the public to the meeting.

CITIZEN COMMUNICATION

Ron Lozano came up to speak. He stated, I just wanted to say quickly, sometimes changes are not our cup of tea but I think inevitably, even biblically we know that change is coming.

1. Presentation and public meeting regarding the proposed updates to the Subdivision Development Guide.

Xavier Cervantes, Planning and Development Director summarized the following:

- We've been working on this new Guide for several months.
- The Subdivision Development Guide is an extension of the Subdivision Ordinance.
- The first Guide was adopted on October 7th, 2020.
- The Guide sets infrastructure standards for new subdivision development within the City Limits and the ETJ.
- We've been working with the Planning and Zoning Commission for the past few months and making changes and upgrades and fixing some language.
- We've had a series of workshops and now we're ready to present the Guide to you.
- It's not a final, it's a draft version, and it's still a document that can be changed.
- The main intent of this new Guide is to minimize the flooding in new subdivisions during major rain events.
- All the changes in the new Guide are mainly drainage related.
- Amendment #1 – City staff recommends changing the drainage requirements for proposed new subdivisions between 1 and 25 acres in area to provide drainage for a 50 – year storm.
- The existing requirement is to provide drainage for a 25 – year storm.
- This is the biggest change in the new Guide.
- Amendment #2 – Language was removed regarding Drainage Study and Drainage Area Map (Sec. 109 – 323).
- Amendment #3 – The section titled “Discharge Limitations” was replaced with “Stormwater Mitigation” with clarifications and additional language (Sec. 109 – 323).
- Amendment #4 – Drainage Study – additional language was added (Sec. 109 – 324).

- Amendment #5 – Drainage Area Map was added with additional language (Sec. 109 – 325).
- This is a comparison of what we require compared to Cameron County, Hidalgo County, and other cities.
- The proposed amendments to the Guide are no more stringent for new Harlingen subdivisions less than 100 acres in area compared to what Hidalgo County Drainage District No. 1 requires.
- Hidalgo County Drainage District No. 1 covers all cities in Hidalgo County except Sullivan City, La Joya, and Hargill.
- The new Guide, if adopted by the City Commission, will only apply to new subdivision submittals for processing after the adoption of the new Guide.
- If we get a new submittal between the first reading of the ordinance and the second reading of the ordinance that will fall under the existing Guide.
- Once the new Guide is adopted in second reading, if adopted by the City Commission, anything new that comes in after that will fall under the regulations of the new Guide.

Cmr. Cruz stated I know that Hidalgo County Drainage District has their requirements, but I do know that some cities have tighter requirements than the drainage district. Just to put that on record, the cities themselves do have tighter requirements.

Xavier Cervantes stated, I know McAllen, Mission, Pharr, and Edinburg are getting together to come up with stricter requirements than Hidalgo County Drainage District No. 1. My understanding is that's still in process.

Cmr. Cruz asked so the cities of Hidalgo County are themselves creating their own stricter policies.

Xavier Cervantes stated they can, but most of them are going by Drainage District No. 1. I know McAllen, Edinburg, Mission, and Pharr are getting together.

Cmr. Cruz stated I believe the City of Weslaco has slightly stricter requirements than the Drainage District.

Xavier Cervantes stated we'll reach out to them to get the information.

Chrm. Consiglio invited the audience to speak on the proposed changes for the Subdivision Development Guide.

Jack Brown of Brown, Leal, and Associates came up to speak. Mr. Brown asked if any of the local drainage districts were consulted with the amendments in the Guide.

Xavier Cervantes stated I'm not sure.

Alma Guerra, Deputy City Engineer, stated: I don't believe so these requirements are strictly for the City of Harlingen.

Mr. Brown asked were any of the local design engineers involved in development consulted about these changes.

Xavier Cervantes stated that's the purpose of this meeting.

Mr. Brown stated I kind of disagree with that; this is a public hearing not really a place for a private discussion. It's kind of like in the old westerns when they caught the purse thief we'll give him a public trial before we hang him. We're going to have a public hearing before we adopt this.

Xavier Cervantes stated we can meet with you to discuss this.

Mr. Brown stated I'm available any time to discuss this.

Cmr. Cruz asked Mr. Brown who are you representing?

Mr. Brown stated Brown, Leal, and Associates.

Cmr. Cruz asked do you represent Cameron County Drainage District #5?

Mr. Brown stated I am the Engineer for Drainage District #5 and Drainage District #3.

Cmr. Cruz asked are you representing them at this point.

Mr. Brown stated no I'm representing Brown, Leal, and Associates today.

Ron Lozano came to the podium to speak. Mr. Lozano stated sometimes people make million dollar mistakes and are forgiven, but regarding Mr. Cervantes' presentation I'm still unclear, the emphasis was this Drainage District in Hidalgo was the basis for some of these adjustments. To conclude Mr. Brown implied a good point, public hearings, and not private hearings with people you consider important.

Xavier Cervantes stated just to explain the process, the purpose of this meeting is to present the Guide and get comments and answer any questions you may have. If the Planning and Zoning Commission is happy with the Guide we have presented today, then we're going to go through the adoption process, and we will schedule public hearings. There will be a public hearing with the Planning and Zoning Commission and there will be a public hearing with the City Commission. We will reach out to Mr. Brown to see if he wants to have a separate meeting.

Alma Guerra, Deputy City Engineer asked Mr. Cervantes how many workshops have we had?

Xavier Cervantes, Planning and Development Director stated we've had three separate workshops.

Mr. Antonio Reyes, from Ferris, Flinn, and Medina came to the podium to speak. Mr. Reyes stated one of the concerns I have is the table you're referencing in the presentation, it lumps any subdivision between 1 acre and 100 acres together for 50 year detention. We see a lot of development within the City for smaller subdivisions, which would basically kill a project. The current standard has anywhere from 1 to 25 acre required at 25 year detention. I would recommend looking into modifying those requirements.

Cmr. Cruz stated I think we can all agree, there is no perfect subdivision ordinance anywhere, but we have to stay proactive and make changes. On top of that we're not denying development and there is no blanket ordinance that can do all of this. I do feel in certain situations, the issue of applying for variances and having staff review those variances and present them to the board whether they recommend them or not is a part of the variance process and will help development in the sense of those grey areas.

Xavier Cervantes stated we will reach out to Mr. Brown and set up a meeting with him this week.

Cmr. Garcia stated in a situation like that where we're having a private meeting, that's the point of having a public meeting so everyone can hear it and we can talk about it openly. I think the open meetings are what we're wanting. We need to put things on the record Xavier and for whatever reason people want to go into private and discuss specific concerns is exactly why we're here today is to talk about it openly. This is very important and I think we need to put it on the record; we're going to get persuaded to maybe put something on there for us to review and then here we are trying to review it, it's really hard to follow this. We need to know exactly what we're getting proposed.

Mr. Ron Lozano stated while I totally agree with that comment, I want to note that there seemed to be an accord between another person running for office in regard to private meetings. I already mentioned a mistake you're very well aware of, how much he's cost the City. Why should he merit a private meeting, maybe he doesn't know but you know.

Cmr. Garcia stated point of order Chairman, we need to get a point of order with the screaming back and forth.

Chrm. Consiglio closed the public comments. He also stated I think citizens can meet with City Staff for any reason at any point.

Xavier Cervantes stated yes I can create a report with any feedback for the board. If it's ok with the board we would like to proceed with the adoption for the new Guide. If it's ok with you, we're going to schedule public hearings and it's going to be the same document you have before you.

2. Discussion regarding the proposed updates to the Subdivision Development Guide.

Chrm. Consiglio stated I'd like to point out there's no actions, so there's no motions for consideration today other than a simple discussion.

Cmr. Lowry asked can we go back to that one slide a while back on what other cities are doing. I'm going to ask my friends, the engineers up here so I understand.

Cmr. Cruz asked can you explain that to us a little bit Alma.

Alma Guerra, Deputy City Engineer stated that column is talking about the public storm sewers located in streets or right of ways that could also be the capacity that is held within ditches owned by those entities or any type of right of way within that. That's about the infrastructure within right of way of those entities that could be streets, drainage channels, and ditches. One of the modifications we made as well for this Developers Guide is upsizing the public storm within subdivisions or within streets. We want to ensure public storm sewer pipes are able to hold the 25 year storm event.

Cmr. Lowry asked is that the Gold Standard and if it is why are we the only ones doing it.

Cmr. Garcia stated it's exceeding what the others currently have, which I would say Harlingen is taking a good lead effort for other cities in the Valley to follow and we don't already know what the cities of Mission, Combes, and McAllen are doing they may very well be adopting things like this.

Cmr. Garcia would like a quarterly review of the Subdivision Development Guide to see what is working and what is not.

Chrm. Consiglio asked does it really work that way in real life. If I'm going to develop and I'm looking at developing and we're changing quarterly how does that create continuity? How does that ensure what I'm developing, when the rules are changing constantly?

Cmr. Garcia stated it's not necessarily changing it, but we'll have this quarterly workshop/review and we'll make the necessary changes.

Chrm. Consiglio asked what do you think would change in a quarter.

Cmr. Garcia people want to talk about the last subdivision that was being built, what's working, what are the estimates. Everybody's asking how much does it cost? We had a gentleman over here say it's going to kill a subdivision. I'm the only one that has provided on the record cost estimates. I have yet to see any other engineer step up and submit cost estimates onto what it's going to cost. With that being said let's put it on paper for the benefit of the citizens of Harlingen who are flooding three, four times this year with minimal rainfall.

Cmr. Lowry asked how many subdivisions do we get that are less than 5 acres.

Xavier Cervantes, Planning and Development Director stated those are mainly commercial or replats. The average, your normal residential subdivisions we process are in the 20 to 40 acre range, but we do get commercial subdivisions those are one lot or a few lots. Sometimes we get smaller replats, smaller subdivisions for 5 acres. If it's a situation where they are having a hard time complying with the 50 year drainage requirements, they could apply for a variance and then they will make a presentation before you on why the required 50 year drainage is not logical for that specific situation. You hear from the applicant, you hear from City staff and then you will make a recommendation on the variance to City Commission.

Cmr. Gamez stated this is already working and we're not trying to change anything that isn't already in process and going back to that graph we're just saying this is what everybody else

is doing. I agree for change on these other subdivisions, we just passed we're still looking to protect the homeowner, we don't get anything out of it, we're looking for the homeowner not to incur any additional costs.

Xavier Cervantes stated we'll schedule public hearings. This will go before you on March 9th, there will be a public hearing, and on that day you will be making a formal recommendation to the City Commission to adopt the new Guide.

Cmr. Gamez stated before we adjourn, Mr. Cervantes I know on one of our last workshops we had we wanted to invite the drainage districts to our meeting. Have we heard any kind of feedback on that?

Xavier Cervantes stated we discussed reaching out to them for a workshop, I'm not sure if that has been done. We will reach out to them to try to set up a joint workshop.

Cmr. Gamez stated I'm bringing it to light because Mr. Brown kind of challenged us earlier and asked what are we doing with the drainage district areas, are they being told?

Xavier Cervantes stated we will look into that.

Cmr. Garcia stated just so you understand the changes we're making are going to help the drainage district. We don't have any mitigation coming out of our streets for a flood in our subdivisions.

Chrm. Consiglio adjourned the meeting.

Nick Consiglio, Chairman
Planning and Zoning Commission

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **February 23, 2022**

Agenda Item:

Consideration and possible action to recommend to the City Commission a variance to the City of Harlingen Code of Ordinances with regards to the sidewalk escrows required for the proposed Crockett Corner Subdivision, located at the northwest corner of Business Highway 83 and Baker Potts Road. Applicant: SWG, LLC, c/o Randy Winston.

Prepared By: Johanna Maldonado, CPM

Title: City Planner

Signature: *Johanna Maldonado*

Brief Summary:

Project Timeline

- March 18, 2021 – Original preliminary and final plat application and subdivision application submitted to the City
- April 07, 2021 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- November 18, 2021 – preliminary and final plat resubmitted to the City
- December 20, 2021 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- January 13, 2022 – preliminary and final plat resubmitted to the City
- January 26, 2022 – Variance application submitted to the City. (**ATTACHMENT I**).
- February 09, 2022 – Consideration of variance request by the Planning and Zoning Commission. Meeting cancelled due to lack of quorum.
- February 23, 2022 – Consideration of variance request by the Planning and Zoning Commission.
- March 2, 2022 – Consideration of variance request by the City 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. As per the ordinance the developer is required to escrow funds for sidewalks along Baker Potts Road along the boundary of the subdivision. The proposed subdivision is a 5-lot ranch style subdivision and each lot is approximately 5 acres. Each lot has frontage along Baker Potts Road
- Baker Potts Road is classified as a rural section road and does not have curb and gutters. There are no existing sidewalks on either side of Baker Potts Road between Business 83 Highway and Drury Road Street. In addition there are no sidewalks along Baker Potts Road south of Business Highway 83. (**ATTACHMENT II**).
- 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 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 planning and engineering departments are recommending denial of the request.

Funding (if applicable):

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

*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 Baker Potts Rd. Harlingen Tx, 78550 Nearest Intersection Business Hwy. 83/ Baker Potts Rd.
 (Proposed) Subdivision Name Crockett Corner Subdivision Lot _____ Block 33
 Existing Zoning Designation X and A Future Land Use Plan Designation R-1

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent SWG Engineering LLC Phone (956) 968-2194 FAX (956) 968-8300
 Email Address (for project correspondence only): jreyes@siglerwinstongreenwood.com
 Mailing Address 611 Bill Summers Intl Blvd City Weslaco State Tx Zip 78596
 Property Owner Randy Winston Phone (956) 968-2194 FAX (956) 968-8300
 Email Address (for project correspondence only): randy@siglerwinstongreenwood.com
 Mailing Address 611 Bill Summers Intl Blvd City Weslaco State Tx Zip 78596

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: Crockett Corner Subdivision is a 26.83 acres tract of land. This is located at the northwest corner of the intersection of Baker Potts Rd. and Business HWY83. This property being developed into a five (5) single family residential lots of 5.038 ac. average.

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: JAN. 25. 2022

Property Owner(s) Signature: _____ Date: _____

Accepted by: _____ Date: _____

**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.

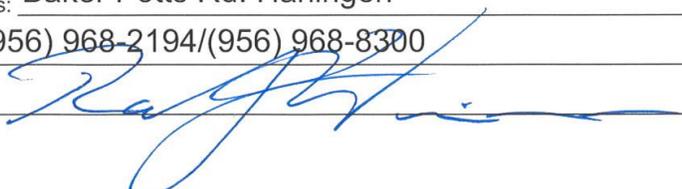
Complete

- 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.

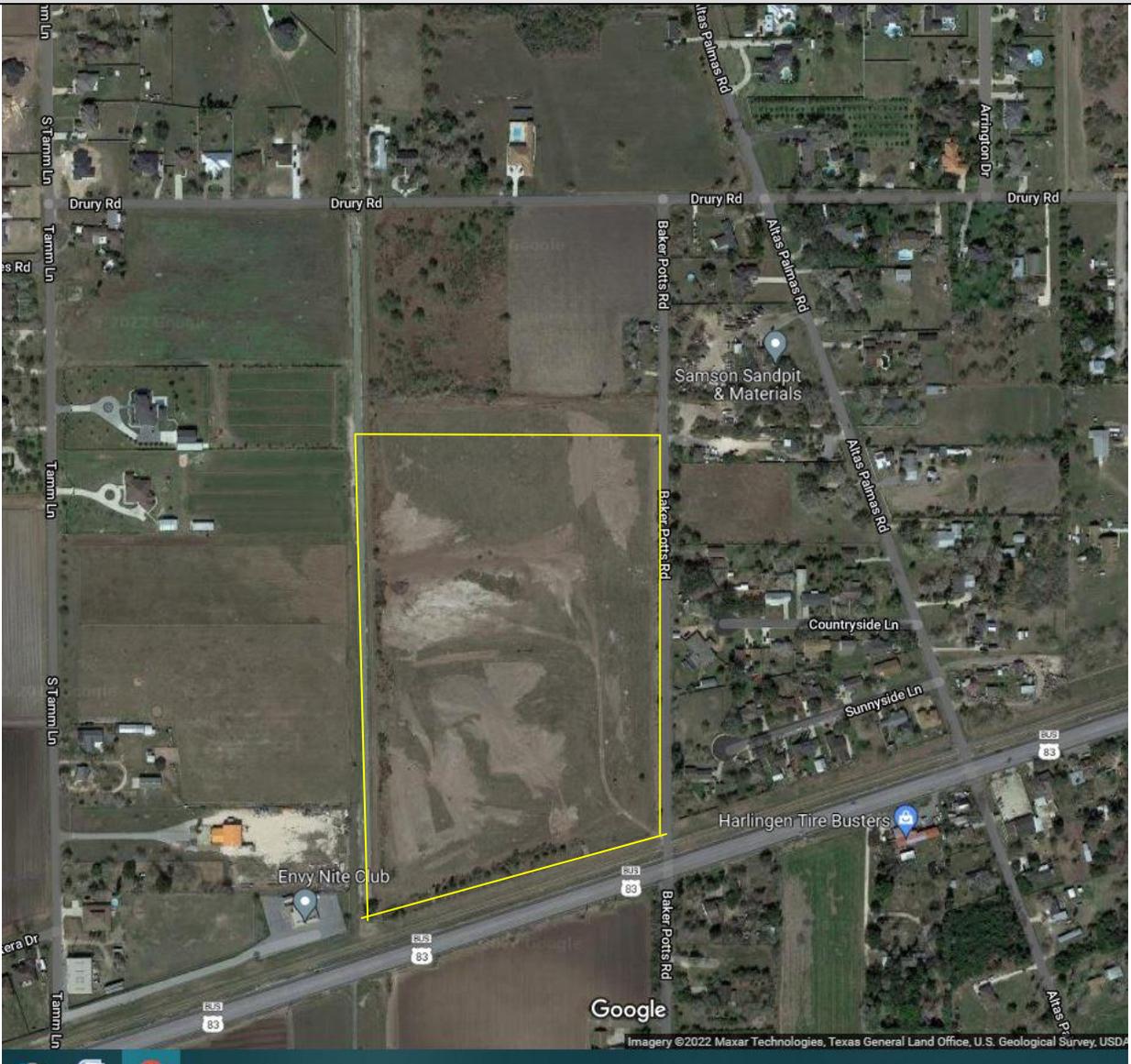
Owner: Randy Winston Date 1/25/2022

Owner Address: Baker Potts Rd. Harlingen

Phone/Fax: (956) 968-2194/(956) 968-8300

Signature: 

Attachment IV — Aerial and Street View Photos



**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **February 23, 2022**

Agenda Item:

Request to rezone from Residential, Single Family ("R-1") District to Residential, Multi-Family ("M-2") District for 1226 East New Hampshire Street, bearing a legal description of Lot 1, Block 1, New Hampshire Commercial Subdivision. Applicant: Fernando Russek.

Prepared By: Joel Olivo
Title: Assistant Planning and Development Director

Signature: *Joel Olivo*

Brief Summary:

Project Timeline

- January 18, 2022 – Application for rezoning submitted to the City. **(ATTACHMENT I and II)**.
- January 29, 2022 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- February 23, 2022- Public hearing and consideration of requested rezoning by the Planning and Zoning Commission (P&Z). Meeting cancelled due to lack of quorum.
- February 12, 2022 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- February 23, 2022- Public hearing and consideration of requested rezoning by the Planning and Zoning Commission (P&Z).
- March 2, 2022– Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- March 16, 2022 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Fernando Russek, the applicant and property owner, is requesting to rezone the subject property from Residential, Single Family ("R-1") District to Residential, Multi-Family ("M-2") District to develop condominiums on the subject property.
- The subject property is currently vacant. The irregular shaped lot has 363.67 feet of frontage on New Hampshire Street and a depth of 239.25 feet at its longest point. New Hampshire Street is a four lane 50.5 ft.-wide paved street with curb and gutter. **(ATTACHMENT III-V)**.
- The surrounding properties are zoned General Retail ("GR") District to the north and west, Residential, Multi-Family ("M-2") District to the south, and Residential,

Duplex ("R-2") District and General Retail ("GR") District to the east. **(ATTACHMENT VI)**. The surrounding land uses consist of vacant land to the north, south and west, and Livingway Family Church and lots developed with duplexes to the east. **(ATTACHMENT VII)**.

- The Future Land Use Plan component of the City of Harlingen Comprehensive Plan One Vision One Harlingen shows this area as medium density residential. Although the request is a higher residential density than shown on the Future Land Use Plan, it is generally consistent with the surrounding zoning and land use in the area. It also provides a transition from the General Retail ("GR") zoning to the east and west of the subject property. **(ATTACHMENT VIII)**.
- To the present, the Planning and Development Department has not received any calls from surrounding property owners in objection to the requested rezoning.

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.

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 Lot 1, Block 1, NEW HAMF Nearest Intersection Bussines 77
New Hampshire Commercial Subdivision
(Proposed) Subdivision Name _____ Lot _____ Block _____
Existing Zoning Designation R1 Single Family Future Land Use Plan Designation M 2 Multy-Family Resi

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Fernando A. Russek Phone (956)970-4005 FAX _____
Email Address (for project correspondence only): farjr1234@gmail.com
Mailing Address 1639 Sam Houston Dr. City Harlingen State Tx. Zip 78550
Property Owner Fernando A. Russek Phone (956)970-4005 FAX _____
Email Address (for project correspondence only): farjr1234@gmail.com
Mailing Address Same 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"/> Preliminary Construction Plans and Final Plat..... <u>\$150.00</u> |
| <input type="checkbox"/> Administrative Appeal (ZBA)..... <u>\$125.00</u> | <input type="checkbox"/> Minor Plat..... <u>\$100.00</u> |
| <input type="checkbox"/> Comp. Plan Amendment Request... <u>\$250.00</u> | <input type="checkbox"/> Re-Plat..... <u>\$250.00</u> |
| <input checked="" type="checkbox"/> Re-zoning Request..... <u>\$250.00</u> | <input type="checkbox"/> Vacating Plat..... <u>\$250.00</u> |
| <input type="checkbox"/> SUP Request/Renewal..... <u>\$250.00</u> | <input type="checkbox"/> Development Plat..... <u>\$50.00</u> |
| <input type="checkbox"/> Zoning Variance Request (ZBA)..... <u>\$250.00</u> | <input type="checkbox"/> Subdivision Variance Request..... <u>\$25.00 (each)</u> |
| <input type="checkbox"/> PDD Request..... <u>\$250.00</u> | <input type="checkbox"/> Right-of-Way / Utility Easement Abandonment..... <u>No Fee</u> |
| <input type="checkbox"/> License to Encroach..... <u>\$250.00</u> | |

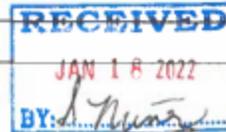
Please provide a basic description of the proposed project: The property is 2.53 Acres being Lot 1, Bloc
New Hampshire
like
commercial subd. ; The property has 463 lineal ft frontage to New Hampshire st. we wou
to develop acondominium that takes advantage of the existing Landsaping and the Arro
Park

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further cert 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: _____ Date: Jan 18, 22

Property Owner(s) Signature: _____ Date: Jan 18, 22

Accepted by: _____ Date: _____



**RE-ZONING 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

A metes and bounds description or survey plat of the tract(s) in which the re-zoning is requested.

A written statement describing the proposed use(s) of the subject property (can be provided on Master Application).

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:
 - A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing; and
 - 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 re-zoning request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.

Owner: Fernando A. Russek Date 11/24/21

Owner Address: 1639 Sam Houston Dr., Harlingen Tx. 78550

Phone/Fax: (956)970-4005

Signature: _____

Attachment II

City of Harlingen

11/24/2021

Planning and Developing Department

This Statement is to elaborate on the request for Re-zoning Lot 1, Block 1 of the New Hampshire Commercial Subdivision in Harlingen from R1 Single Family to M2 Multi-Family Residential, our plan is to develop a condominium that will take advantage of the natural Landscaping and the Arroyo Park next to it.

The Property is surrounded;

On the South neighbors an alley and on the other side of the alley Duplexes where built, also to the south neighbors the Livingway Family Church

To the East has 463 lineal ft fronting to New Hampshire St. and across the Street by General Retail zoned lots

To the North it neighbors the Mountain Bike Trail on the City Arroyo Park

To the West it neighbors and empty none subdivided land marked on the Planning and Development Department website zoned as M2, Multy-Family Residential.

Attached to this statement are a copy of the current zoning of the area properties

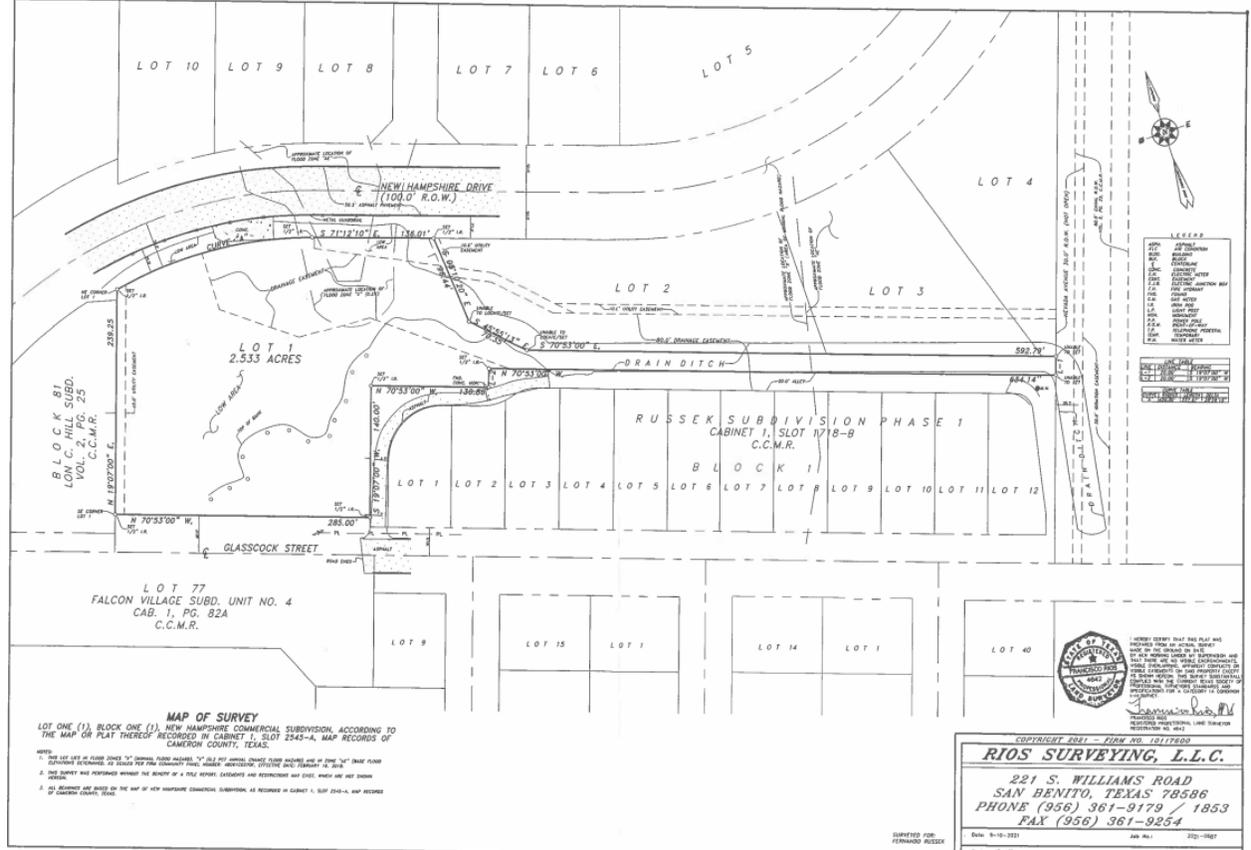
Thank you for your help


Fernando A Russek

farjr1234@gmail.com

(956) 970-4005

Attachment III



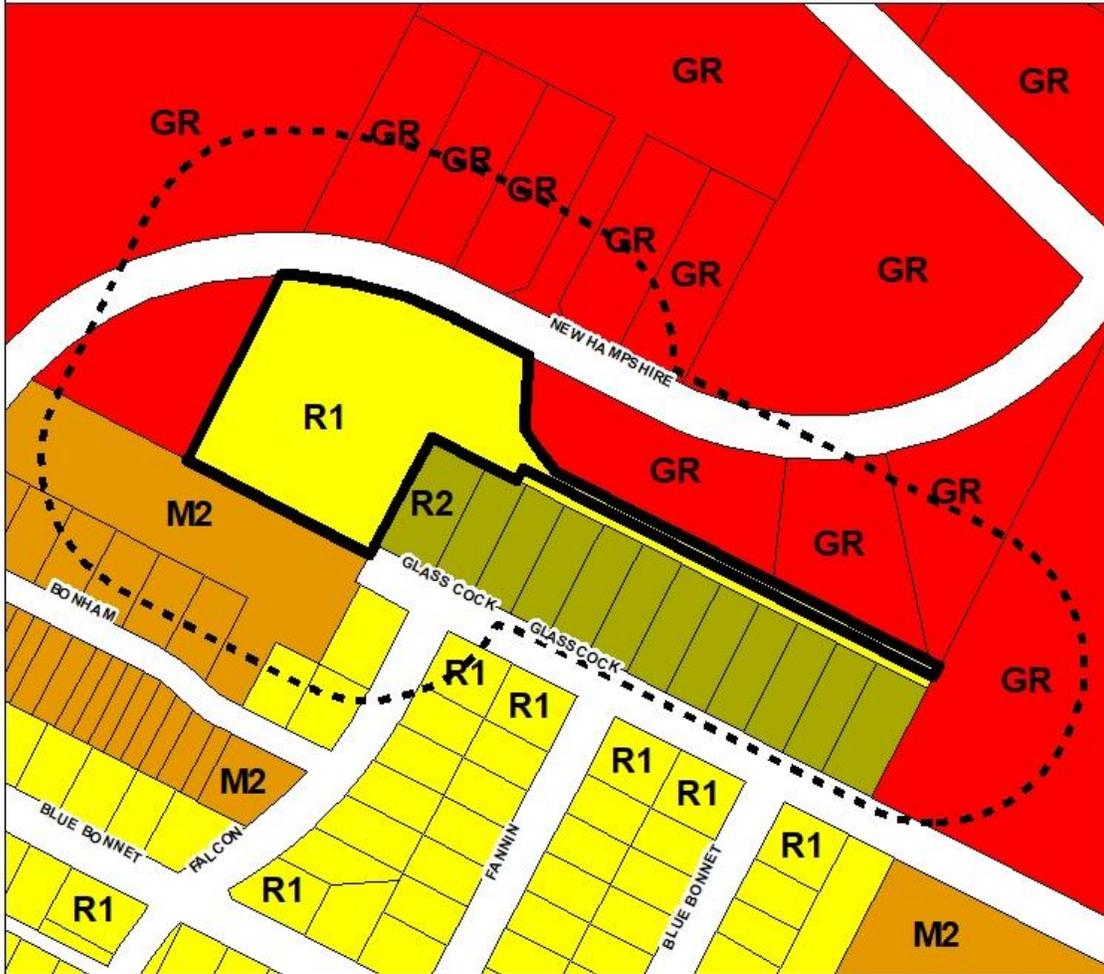
Attachment V



Attachment VI



Request to rezone from Residential, Single Family ("R-1") District to Residential, Multi-Family ("M-2") District for 1226 East New Hampshire Street, bearing a legal description of Lot 1, Block 1, New Hampshire Commercial Subdivision. Applicant: Fernando Russek.



Boundary lines

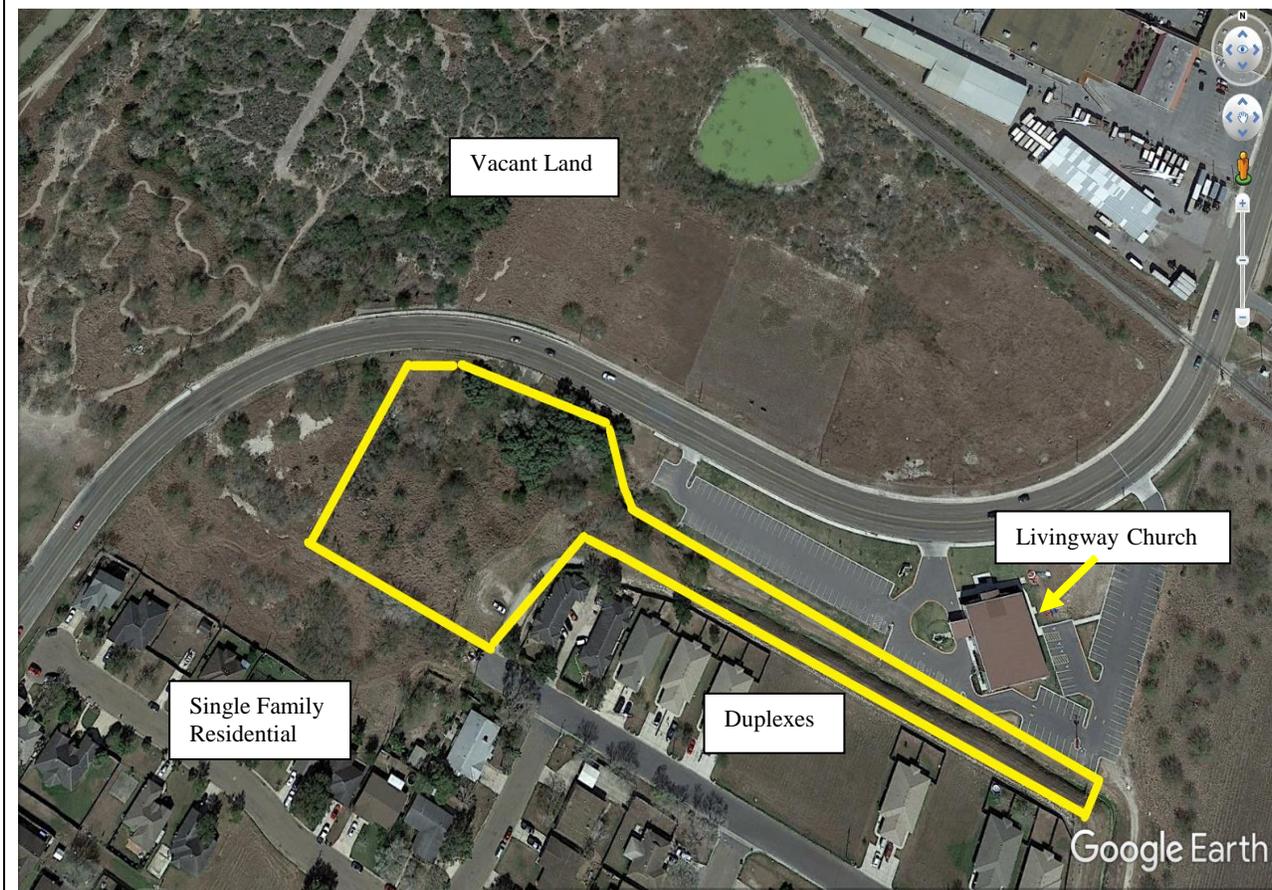
- Harlingen city limits.shp
- 200' Notification Boundary
- Subject Property

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)

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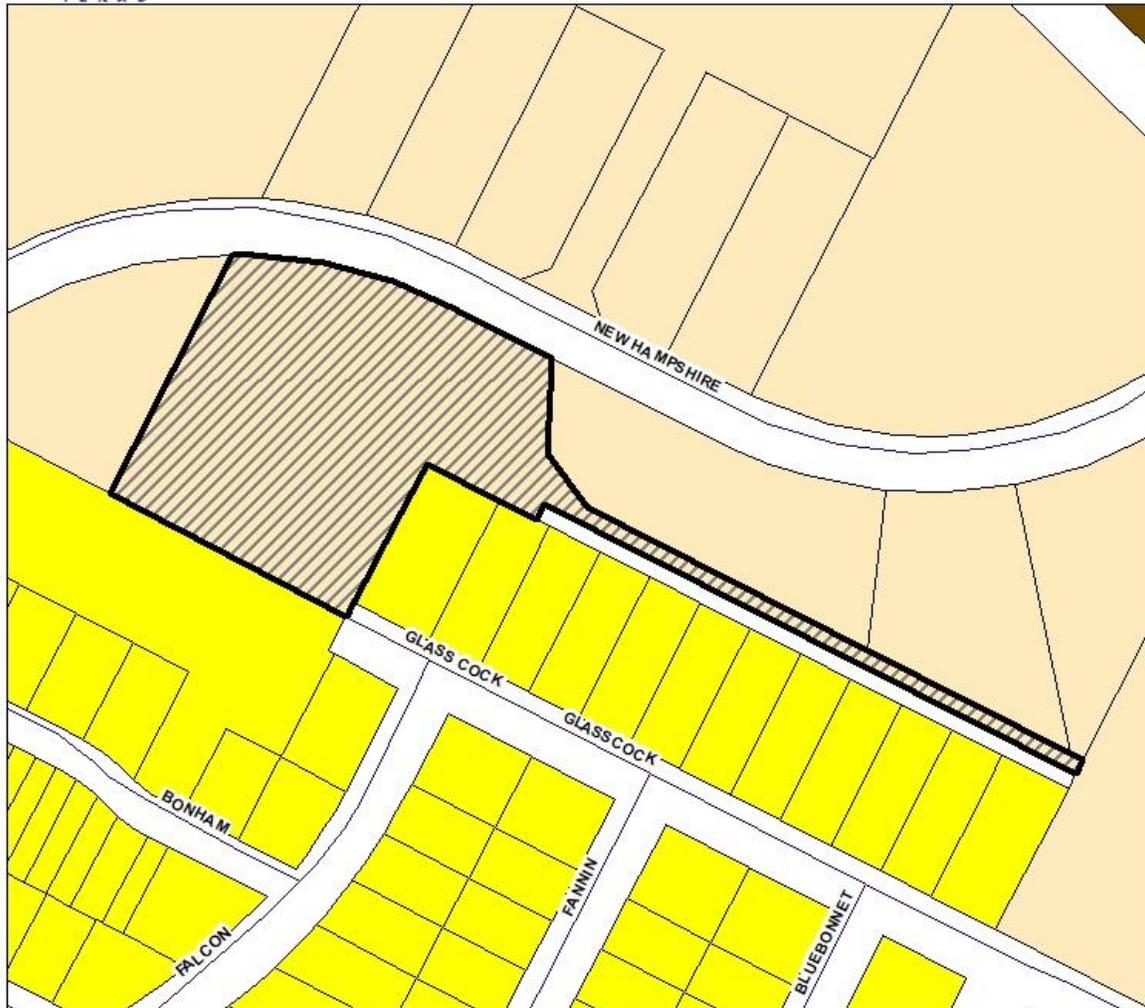
Attachment VII





Future Land Use Map

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



N

0 50 100
Feet

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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ORDINANCE NO. 22-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, SINGLE-FAMILY ("R-1") DISTRICT TO RESIDENTIAL, MULTI-FAMILY ("M-2") DISTRICT FOR 1226 EAST NEW HAMPSHIRE STREET, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 1, NEW HAMPSHIRE COMMERCIAL SUBDIVISION.

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 Residential, Single Family ("R-1") District to Residential, Multi-Family ("M-2") District for 1226 East New Hampshire Street, bearing a legal description of Lot 1, Block 1, New Hampshire Commercial Subdivision.

A copy of the Zoning Map constituting a part and parcel of the Code of Ordinances, as filed with the Building Inspection Inspector 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 by 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 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 _____, 2022 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: **February 23, 2022**

Agenda Item:

Public hearing and take action to consider a request to rezone from Residential, Single Family ("R-1") District to Residential, Duplex ("R-2") District for Lot 11, Block 2, Valley Estates Subdivision, located at 5914 Queen Sago Drive. Applicant: Rick Caballero

Prepared By: Joel Olivo
Title: Assistant Planning and Development Director

Signature: *Joel Olivo*

Brief Summary:

Project Timeline

- January 31, 2022 – Application for rezoning submitted to the City. **(ATTACHMENT I and II).**
- February 12, 2022 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- February 23, 2022- Public hearing and consideration of requested rezoning by the Planning and Zoning Commission (P&Z).
- March 2, 2022– Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- March 16, 2022 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Rick Caballero, the applicant and property owner, is requesting to rezone the subject property from Residential, Single Family ("R-1") District to Residential, Duplex ("D-2") District to develop a duplex on the subject property.
- The subject property is currently vacant. The property has 108 feet of frontage on Queen Sago Drive and 121 feet of frontage on North Taos Street. Queen Sago Drive and North Taos Street are two lane 22 ft.-wide rural section streets. **(ATTACHMENT III-V).**
- The surrounding properties are zoned Residential, Single Family ("R-1") District in all directions **(ATTACHMENT VI)**. The surrounding land uses consists of lots developed with single family residential homes and duplexes to the north and west, vacant land in agriculture use to the south, and lots developed with single family residential homes and one duplex to the east. **(ATTACHMENT VII).**
- The Future Land Use Plan component of the City of Harlingen Comprehensive Plan One Vision One Harlingen shows this area as low density residential. The

request is consistent with the Future Land Use Plan and consistent with the surrounding land uses in the area. **(ATTACHMENT VIII).**

- This subdivision was annexed into the City limits on November 19, 2008, and the existing duplexes were already constructed at the time of annexation.
- Section 211.004 of the Texas Local Government Code requires that zoning regulations must be adopted in accordance with the comprehensive plan.
- To the present, the Planning and Development Department has not received any calls from surrounding property owners in opposition to the requested rezoning.

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.

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 _____ Nearest Intersection Queen Sago & Toas
 (Proposed) Subdivision Name Valley Estates Lot 11 Block 2
 Existing Zoning Designation R1 Future Land Use Plan Designation Att R2 (duplex)

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Rick Caballero Phone 956-454-7305 FAX _____
 Email Address (for project correspondence only): rickcaballero@hotmail.com
 Mailing Address 610 Maco Dr. City Hgar State Tx. Zip 78550
 Property Owner Rick Caballero Phone 956-454-7305 FAX _____
 Email Address (for project correspondence only): rickcaballero@hotmail.com
 Mailing Address 610 Maco Dr. City Harlingen State Tx. Zip 78550

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

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

Please provide a basic description of the proposed project: This is a corner lot on a street which all buildings are duplex, also on my Deed it has a multi purpose

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: [Signature] Date: 1-24-22
 Property Owner(s) Signature: [Signature] Date: 1-24-22
 Accepted by: _____ Date: _____

Attachment I cont.

**RE-ZONING 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

A metes and bounds description or survey plat of the tract(s) in which the re-zoning is requested.

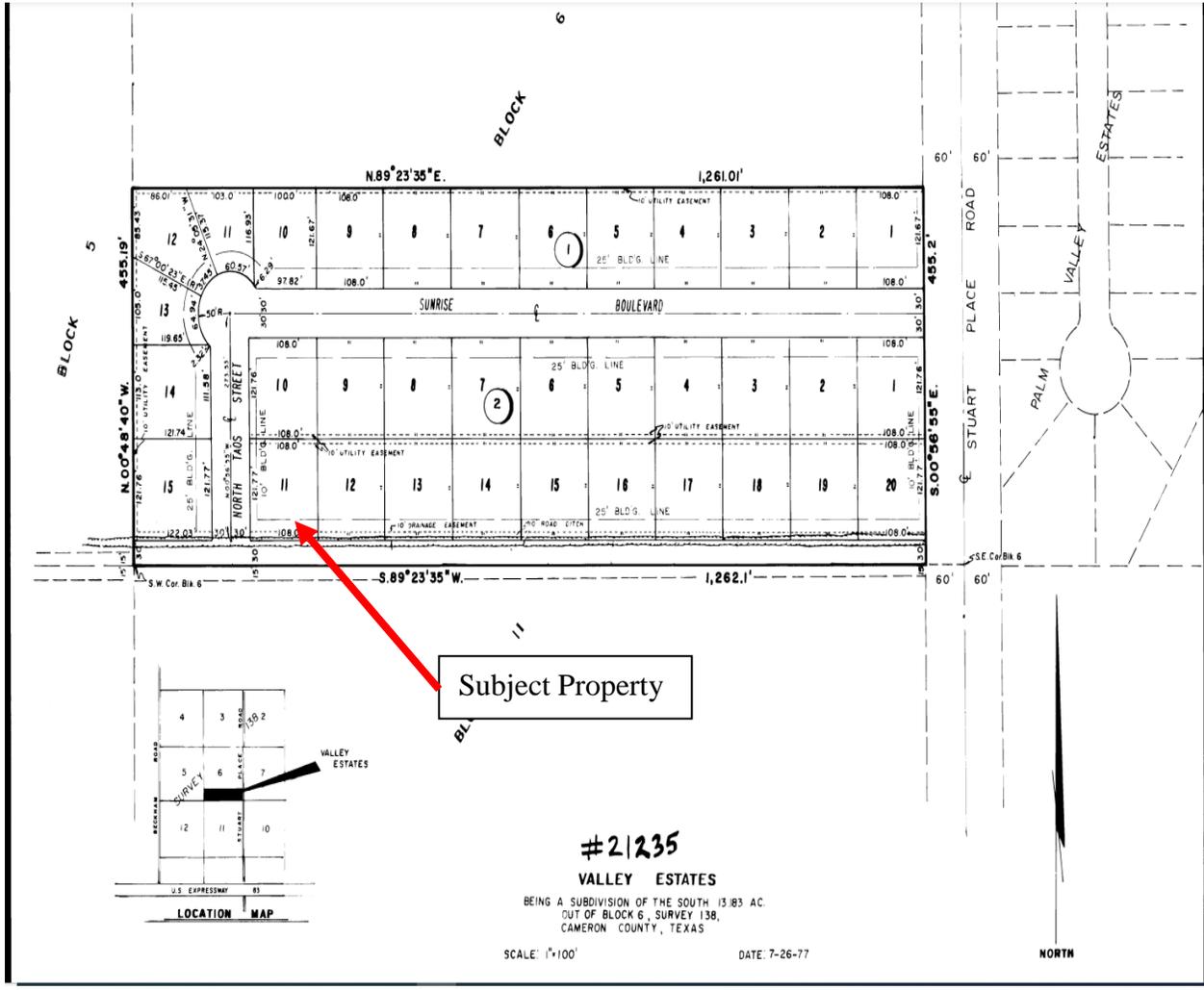
A written statement describing the proposed use(s) of the subject property (can be provided on Master Application).

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 re-zoning request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.

Owner: Rick Coballen Date: 1-24-22
Owner Address: 610 MACO DR. Harlingen, Tx. 78550
Phone/Fax: 956-454-7305
Signature: [Handwritten Signature]

Attachment II



Subject Property

#21235

VALLEY ESTATES

BEING A SUBDIVISION OF THE SOUTH 13.83 AC.
OUT OF BLOCK 6, SURVEY 138,
CAMERON COUNTY, TEXAS

SCALE: 1"=100'

DATE: 7-26-77

NORTH



Attachment III

View from the South on
Queen Sago Drive



Attachment IV

View from the East on
Queen Sago Drive



Attachment V

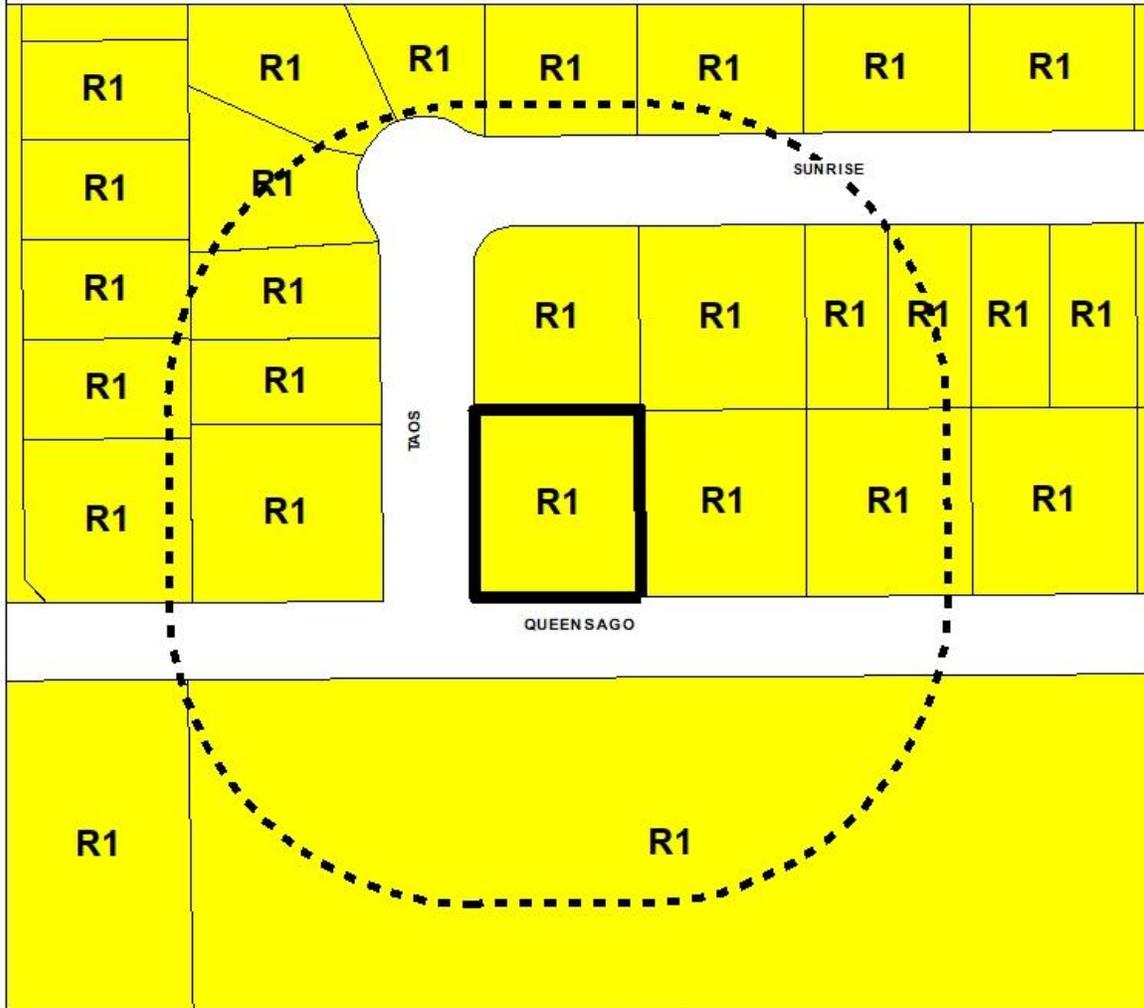
View from the West on
Queen Sago Drive



Attachment VI



Request to rezone from Residential, Single Family ("R-1") District to Residential, Duplex ("R-2") District for Lot 11, Block 2, Valley Estates Subdivision, located at 5914 Queen Sago Drive. Applicant: Rick Caballero



Boundary lines

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

Zoning Designations

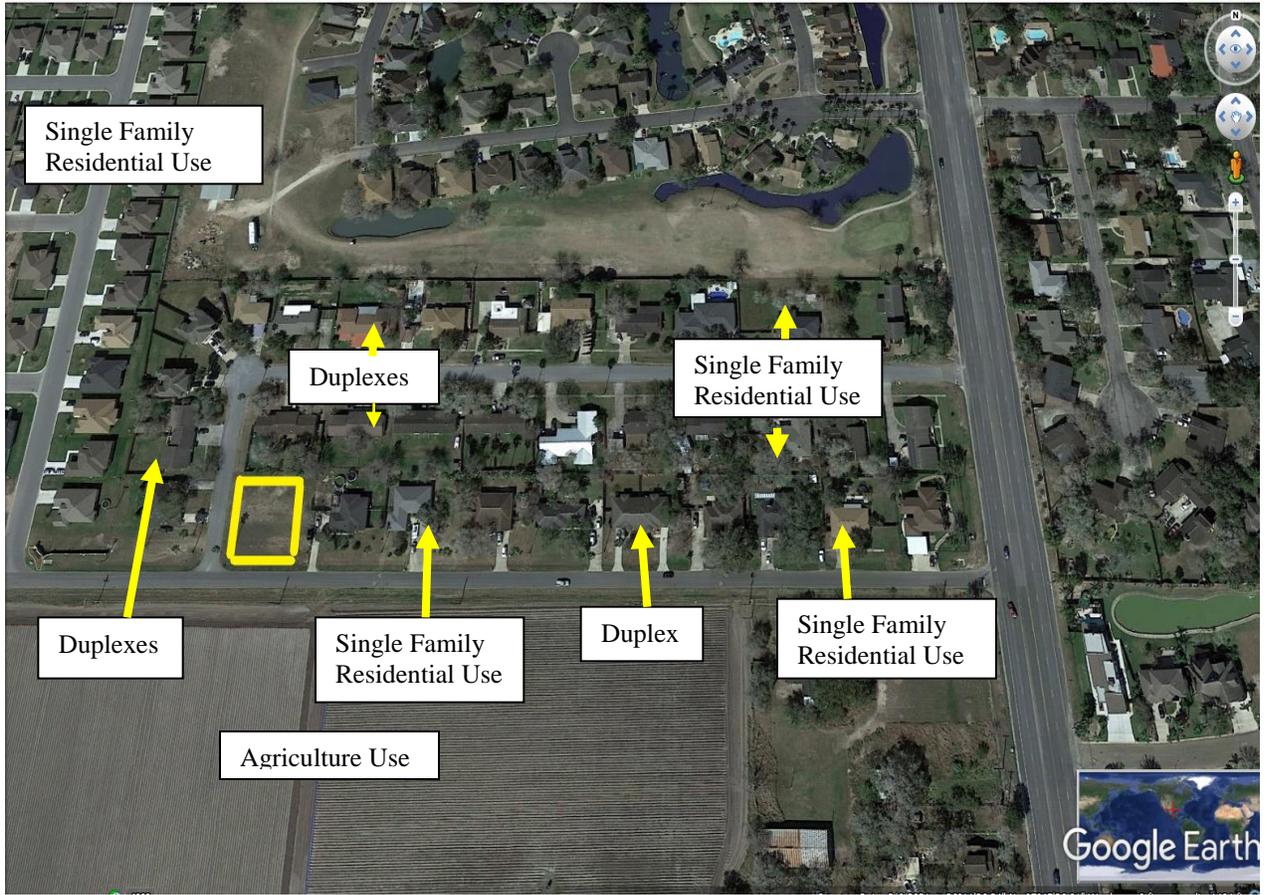
 General Retail (GR)	 Multi Family Residential (M2)	 Office (O)
 Heavy Industry (HI)	 Mobile Home Residential (MH)	 Planned Development (PD)
 Light Industry (LI)	 Not-Designated (N)	 Single Family Residential (R1)
 3/4 Plex Residential (M1)	 Neighborhood Services (NS)	 Duplex Residential (R2)
		 Residential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

Scale:
0 30 60 Feet

North Arrow:
N

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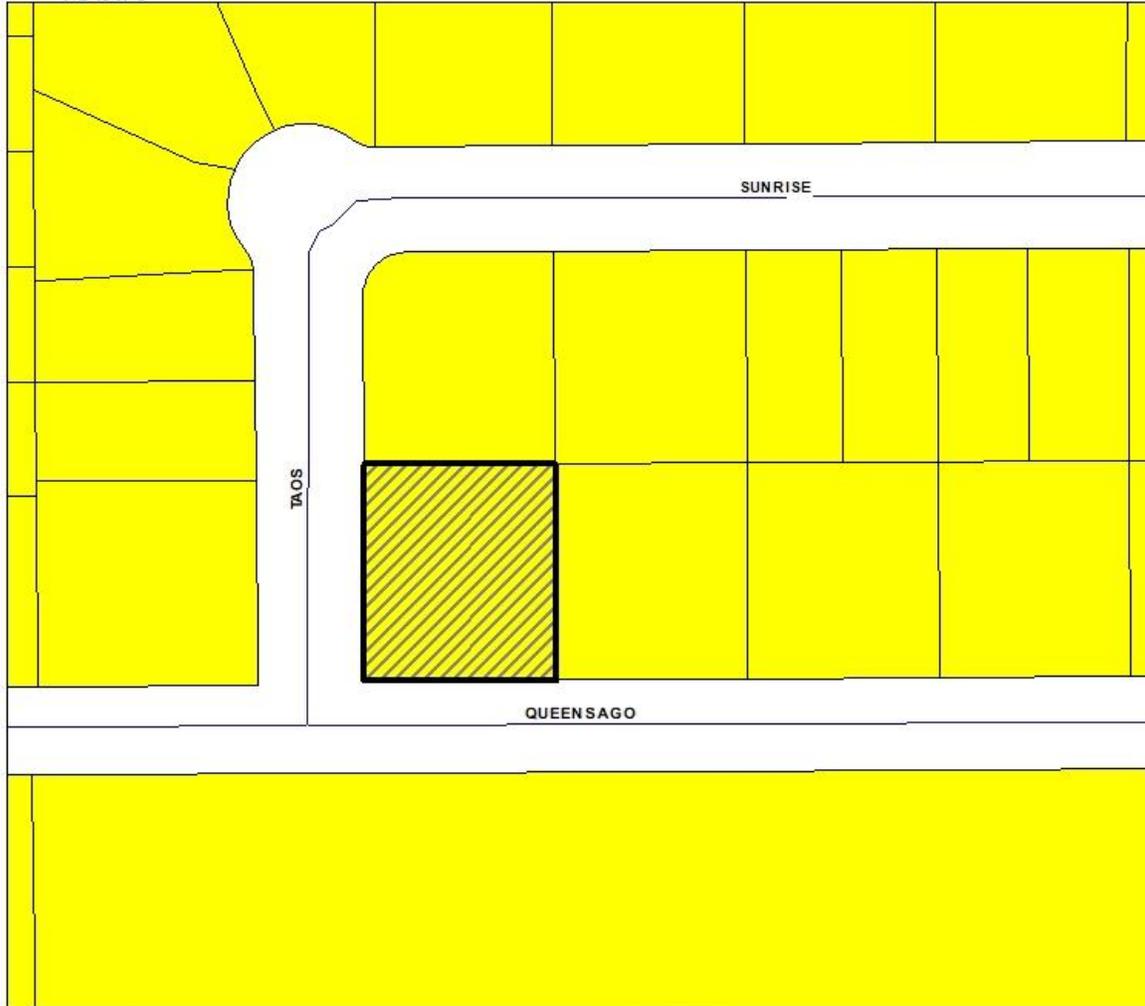
Attachment VII





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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**From the Office of
Xavier Cervantes, AICP, CPM
Planning and Development Director
956.216.5101**

To: Planning and Zoning Commission
Date: February 18, 2022
Subject: Proposed amendments to the Subdivision Ordinance regarding fire hydrant requirements for one-lot residential subdivisions

In the spirit of promoting the development of single-family homes in rural areas an exemption to not require the installation of a fire hydrant was adopted in the subdivision ordinance by the City Commission in the year 2011. In the same spirit of promoting the development of single family homes in similar areas staff is recommending extending the fire hydrant exemption to properties inside the city limits.

The Fire Marshall has no objections since the plat notes as depicted in the subdivision ordinance would be required.

If the consensus of the board is to proceed public hearings will be scheduled on March 9 with you and March 16 with the City Commission towards the adoption of the subdivision ordinance amendment.

SECTION FROM THE EXISTING SUBDIVISION ORDINANCE

1. A description and basis of the flood zone(s) within the subdivision;
2. An engineer's statement of the minimum permissive finished floor elevation that will protect all habitable improvements from the 1% Annual Exceedance Probability (100-year) storm event in the flood zone location;
3. If any portion of the subdivision for any lots within a Special Flood Hazard Area, a note will be required indicating that a floodway development permit is required before any construction is to take place;
4. In residential subdivisions for any lots within 100 feet of a drainage inlet, a note on the plat shall indicate that the finished floor, for those specific lots, shall be 6 inches higher as compared to the other finished floors within the subdivision;
5. A description, location, and elevation of the benchmark used to establish vertical control for the subdivision;
6. The high and low ground elevations within the subdivision;
7. The basis of bearings and vertical datum;
8. A note describing the type of monuments set at interior corners;
9. Certificate of compliance with the requirements of the applicable Texas Local Government Code;
10. A description of setback requirements; and
11. A note requiring sidewalks at time of construction (if applicable, see section 109-124.f) and indicating a permit is required from the City of Harlingen prior to construction of sidewalks; and

v. Name, address, phone number, and firm number of the engineer and/or surveyor.

(d) *Additional content to be submitted.* Along with the plat, the following shall be submitted:

- (1) Subdivision Construction Plans as described further in section 109-128;
- (2) Proposed fills or other structure elevating techniques, levels, channel modifications, seawalls and other methods to overcome flood or erosion related hazards.
- (3) A nonrefundable plat review fee in the amount as established in the city fee schedule in chapter 18 of the City of Harlingen Code of Ordinances.
- (4) A Street lighting plan (existing and proposed) must be submitted that indicates placement of a standard streetlight at all street intersections, cul-de-sac ends and where a block exceeds 600 feet in length, mid-block lighting shall be required.
- (5) A fire hydrant plan which includes location of existing and proposed fire hydrants. Fire hydrants must be shown to create a coverage network of not more than 500-foot intervals measured along streets or other public access right-of-way for single-family residential subdivisions. (In all other subdivisions, this distance must be a 150-foot radius.) Standard hydrants shall be installed as per specifications of the state board of insurance and HWWWS.

Single-family homes may be considered in the ETJ on a one-lot subdivision on lots of one to 9.99 acres in size without a fire hydrant provided the property/homeowner agrees to and signs a notarized affidavit indemnifying and

holding the City of Harlingen harmless of any liability that might occur to the subject property, due to fire or any other incident that would require a fire hydrant to assist the City of Harlingen in dealing with the fire or incident. If such property owner has requested that a fire hydrant not be installed on the property, a note on the plat to that effect shall be required as notification to subsequent property owners of the absence of a fire hydrant.

(6) Written statements from the various utilities that they have reviewed the subdivision, that they can provide service and are prepared to do so when requested by the developer.

(7) Any restrictive covenants that will be imposed on the subdivision, complete with recording information, must be noted on the plat.

(8) Tax certificates showing that all property taxes have been paid in full up to the most recently-completed fiscal year.

(9) Documentation of any liens and encumbrances on the property subject to the plat.

a. The developer shall submit with the plat the opinion of an attorney, licensed to practice law in the State of Texas, showing any recorded liens and encumbrances affecting the title to said land as of the date of submission of the record plat for approval. A title commitment may be substituted for the attorney's opinion. Such opinion or title commitment may not be older than six months at the date of plat consideration by the Planning and Zoning Commission.

b. If any liens appear of record, the subordination of such liens to the plat and dedications contained therein shall be secured by the developer prior to final approval through a statement on the plat (see section 109-226, Exhibit F).

(10) Any drainage or street assessments, street sign deposits, street light deposits, or other fees due must be submitted prior to recording of the plat.

(11) Upon completion of Section 109.87.(a).(8) regarding acceptance of construction, a check payable to the county clerk in the amount of the recording fee for filing the plat (of subdivisions located inside city limits).

(12) A portable USB drive or other digital medium with the plat shall be submitted with control points for incorporation into the city map. Such submission shall be in the format designated by the Planning and Development Department.

(13) Stormwater Facility Maintenance Agreement and Maintenance Easement as required by the City Municipal Separate Storm Sewer System (MS4) permit and relevant ordinances.

(e) *Simultaneous submission.* Plats shall be simultaneously submitted by the applicant to the appropriate entities of the Subdivision Review Committee for review.

(f) *Approval time limit.*

(1) The plat approval shall remain in approved status for a period of 24 months from the date of the Planning and Zoning Commission's approval with conditions. The Director of Planning and Development is authorized to grant an extension if substantial infrastructure improvements can be demonstrated as substantially complete.

(g) *Recording of the plat.* After all plat conditions have been complied with, the Director of Planning and Development or other designated official shall cause the plat to be recorded with the Cameron County Clerk.

ORDINANCE NO. 22-_____

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES CHAPTER 109, SUBDIVISIONS, ARTICLE IV, SECTION 109-91(d), ADDITIONAL CONTENT TO BE SUBMITTED, BY ADDING A PROVISION WHICH ALLOWS PROPOSED ONE LOT SINGLE FAMILY RESIDENTIAL SUBDIVISIONS LOCATED INSIDE THE CITY LIMITS TO BE EXEMPT FROM FIRE HYDRANT REQUIREMENTS, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

WHEREAS, City of Harlingen proposes to establish consistency in the Subdivision Code of Ordinances for subdivisions inside the city limits and the ETJ by exempting the fire hydrant requirement for one lot single family residential subdivisions of one to 9.99 acres in size inside the city limits;

WHEREAS, The Planning and Zoning Commission has reviewed the proposed subdivision amendment and has recommended approval;

WHEREAS, the proposed amendment will assist to continue to allow the development of the rural areas of Harlingen;

WHEREAS, The City Commission of the City of Harlingen desires to amend the subdivision code of ordinances and finds that it is in the best interests of the citizens of Harlingen to amend the subdivision code of ordinances as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS, THAT:

SECTION I: That the City of Harlingen Code of Ordinances, Chapter 109, Subdivisions, Article IV, Section 109-91(d), is hereby amended by adding the language underlined (added) and deleting the language that is stricken through (~~stricken~~) to read in full as follows.

Sec. 109-91(d). – Additional content to be submitted.

(1) Subdivision Construction Plans as described further in section 109-128;

(2) Proposed fills or other structure elevating techniques, levels, channel modifications, seawalls and other methods to overcome flood or erosion related hazards.

(3) A nonrefundable plat review fee in the amount as established in the city fee schedule in chapter 18 of the City of Harlingen Code of Ordinances.

(4) A Street lighting plan (existing and proposed) must be submitted that indicates placement of a standard streetlight at all street intersections, cul-de-sac ends and where a block exceeds 600 feet in length, mid-block lighting shall be required.

(5) A fire hydrant plan which includes location of existing and proposed fire hydrants. Fire hydrants must be shown to create a coverage network of not more than 500-foot intervals measured along streets or other public access right-of-way for single-family residential subdivisions. (in all other subdivisions, this distance must be a 150-foot radius.) Standard hydrants shall be installed as per specifications of the state board of insurance and HWWS.

Single-family homes may be considered in the [city limits and](#) ETJ on a one-lot subdivision on lots of one to 9.99 acres in size without a fire hydrant provided the property/homeowner agrees to and signs a notarized affidavit indemnifying and holding the City of Harlingen harmless of any liability that might occur to the subject property, due to fire or any other incident that would require a fire hydrant to assist the City of Harlingen in dealing with the fire or incident. If such property owner has requested that a fire hydrant not be installed on the property, a note on the plat to that effect shall be required as notification to subsequent property owners of the absence of a fire hydrant.

(6) Written statements from the various utilities that they have reviewed the subdivision, that they can provide service and are prepared to do so when requested by the developer.

(7) Any restrictive covenants that will be imposed on the subdivision, complete with recording information, must be noted on the plat.

(8) Tax certificates showing that all property taxes have been paid in full up to the most recently-completed fiscal year.

(9) Documentation of any liens and encumbrances on the property subject to the plat.

a. The developer shall submit with the plat the opinion of an attorney, licensed to practice law in the State of Texas, showing any recorded liens and encumbrances affecting the title to said land as of the date of submission of the record plat for approval. A title commitment may be substituted for the attorney's opinion. Such opinion or title commitment may not be older than six months at the date of plat consideration by the Planning and Zoning Commission.

b. If any liens appear of record, the subordination of such liens to the plat and dedications contained therein shall be secured by the developer prior to final approval through a statement on the plat (see section 109-226, Exhibit F).

(10) Any drainage or street assessments, street sign deposits, street light deposits, or other fees due must be submitted prior to recording of the plat.

(11) Upon completion of Section 109.87.(a).(8) regarding acceptance of construction, a check payable to the county clerk in the amount of the recording fee for filing the plat (of subdivisions located inside city limits).

(12) A portable USB drive or other digital medium with the plat shall be submitted with control points for incorporation into the city map. Such submission shall be in the format designated by the Planning and Development Department.

(13) Stormwater Facility Maintenance Agreement and Maintenance Easement as required by the City Municipal Separate Storm Sewer System (MS4) permit and relevant ordinances.

SECTION II: That the City Secretary of the City of Harlingen, Texas is hereby authorized and directed to cause a true copy of the caption of this ordinance to be published in a newspaper having general circulations in the City of Harlingen, Cameron County, Texas.

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 _____, 2022, 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

HARLINGEN FIRE PREVENTION BUREAU

502 E. Tyler • Harlingen Texas • 78550

To: Xavier Cervantes
From: Juan Saucedo, Jr.
Date: February 4, 2022
Re: Fire Hydrant Exemption Letter Changes

I have no objections to the changes proposed by Mr. Cervantes to the fire hydrant exemption letter noted in proposed ordinance.

Please contact me if you have any questions regarding this matter.

Thank you,



Juan Saucedo Jr., Fire Marshal
Harlingen Fire Department

DATE: February 23, 2022

**PLANNING AND ZONING COMMISSION
EXECUTIVE SUMMARY**

I. AGENDA ITEM:

Staff Report B: Future projects scheduled before the P&Z and City Commission.

II. BRIEF OVERVIEW:

ITEM	P&Z DATE	STATUS
Consideration of a variance with regard to the sidewalk escrows for Breezeway Subdivision, located at 2721 N. 21 st Street. Applicant: Robert Leftwich	1/26/2022	<ul style="list-style-type: none">• 2/2/2022 – City Commission approved the variance.
Request for a Special Use Permit to allow a recycling center to buy and sell recyclable items such as cardboard, paper, aluminum cans, and copper in a GR District located at 720 S. “F” Street. Applicant: Jorge Casillas	1/26/2022	<ul style="list-style-type: none">• 2/2/2022 – City Commission denied Special Use Permit request.

TITLE: Assistant Planning and Development Director

DEPARTMENT: Planning & Development