CITY COMMISSION
AGENDA
December 19, 2018
@ 5:30 P.M.
CITY HALL, TOWN HALL
118 E. Tyler Street
Harlingen, Texas

Notice is hereby given that the above governmental body will hold a Regular Meeting on Wednesday, December 19, 2018 5:30 P.M. in City Hall, Town Hall Meeting Room, 2nd Floor, Harlingen, Texas.

City of Harlingen meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary's Office at (956) 216-5003 or write Post Office Box 2207, Harlingen, Texas 78550 at least 48 hours in advance of the meeting.

The Harlingen City Commission reserves the right, pursuant to Texas Government Code Chapter 551, Subchapter D, to enter into closed executive session on any item posted on the agenda if a matter is raised that is appropriate for closed discussion.

Invocation/Commissioner Ruben De La Rosa
Pledge of Allegiance/Welcome
1) Approval of Minutes
   a) Special Meeting of December 10, 2018

CONSENT AGENDA

The following items are of a routine or administrative nature. The Council has been furnished with background material on each item and/or it has been discussed at a previous meeting. All items will be acted upon by one vote, without being discussed separately, unless requested by a Commission member. Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

2a) Second and final reading to approve and adopt an ordinance for the renewal of the specific use permit issued to Tomas Diaz to allow a bar/lounge in a Light Industry ("LI") District located at 1510 N. Commerce Street, bearing a legal description of Lot 1, Block 1, Casa Blanca Subdivision. Applicant: Tomas Diaz. Attachment (Planning & Zoning)

b) Second and final reading to approve and adopt an ordinance for a specific use permit to allow an adult business (microblading studio) in a General Retail (GR) District located at 1046 N. 77 Sunshine Strip, bearing a legal description of Lot 15, Block 4, Crown Heights Subdivision. Applicant: Maricela Mendiola. Attachment (Planning and Zoning)

c) Second and final reading to approve and adopt an ordinance to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for 3.12 acres out of Block 103, 2.94 acres out of Block 118, and 8.79 acres out of Block 119, Harlingen Land and Water Company Subdivision; 0.5 acres out of Block 23, Briggs and Coleman Subdivision Survey 49; and Lot 1, Block 1, Galvez Subdivision; rezone from Not Designated ("N") District to
Residential, Multi-Family ("M-2") District for 3.79 acres out of Block 62, David and Stephenson Subdivision; and 13.98 acres out of Block 119, Harlingen Land and Water Company Subdivision; rezone from Not Designated ("N") District to General Retail ("GR") District for 10.80 acres out of Block 23, 6.2 acres out of Block 24, 3.73 acres out of Block 25, 3.30 acres out of Block 26, 3.35 acres out of Blocks 26 and 27, 8.12 acres out of Block 27, and 4.3 acres out of Block 28, Briggs and Coleman Subdivision Survey 49; 13.11 acres out of Block 58, and 6.67 acres out of Block 59, David and Stephenson Subdivision; and 12.91 acres out of Block 121, Harlingen Land and Water Company Subdivision; and rezone from Not Designated ("N") District to Light Industry ("LI") District for 9.83 acres out of Block 19, Cunningham Subdivision, all properties generally located between Expressway 77, and 25th Street, north of Phoenix Avenue. Applicant: City of Harlingen. Attachment (Planning and Zoning)

d) Consideration and possible action to approve a request from the City of Harlingen Convention and Visitors Bureau to close Fair Park Boulevard & "J" Street and Fair Park Boulevard & "L" Street from 8:00 a.m. to 6:00 p.m. on Monday, January 21, 2019 for their 2019 Winter Texan Appreciation Fiesta. Attachment (Police Dept.)

3) Consideration and possible action to reconsider the adoption of the Harlingen Convention Center Brand Logo. Attachment (Carlos Sanchez, Asst. City Manager)

4) Public hearing to consider an ordinance on first reading to rezone from Not Designated ("N") District to Residential, Mobile Home ("MH") District for 3.82± acres out of Lot 7, Block 147, San Benito Land and Water Company Subdivision; rezone from Not Designated ("N") District to Residential, Multi-Family ("M-2") District for 19.83 acres out of Block 66, Harlingen Land and Water Company Subdivision; 6.5 acres out of Lot 10, 5.0 acres out of Lot 11, 4.7 acres out of Lot 14, and 9.39 acres out of Lot 15, Block 147, San Benito Land and Water Company Subdivision; rezone from Light Industry ("LI") District to Residential, Multi-Family ("M-2") District for 7.55 acres out of Block 119, San Benito Land and Water Company Subdivision; rezone from Not Designated ("N") District to General Retail ("GR") District for 4.12 acres out of Block 27, and 4.32 acres out of Block 28, Briggs Coleman Subdivision Survey 49; Lot 1, Block 1, Coastal Bend Subdivision; 7.52± acres out of Block 57, 6.03 acres out of Block 68, 34.99 acres out of Block 90, 19.08 acres out of Block 91, Harlingen Land and Water Company Subdivision; 30.73 acres out of Block 49, Palmetal Company Subdivision; Lots 1-4, Rio Subdivision; Part of Lot 4, Block 1, Cameron County Juvenile Detention Center Subdivision; 8.35 acres out of Blocks 1 and 2, 4.95 acres out of Lot 2, 4.0 acres out of Lot 7, and 3.5 acres out of Lot 10, Block 147, and 7.91 acres out of Block 179, San Benito Land and Water Company Subdivision; and rezone from Not Designated ("N") District to Light Industry ("LI") District for 3.08 acres out of Block 91, Harlingen Land Water Company Subdivision, all properties generally located along Loop 499 east of 7th Street, and north of 77 Sunshine Strip between Camelot Drive and FM 509. Applicant: City of Harlingen. Attachment (Planning & Zoning)

a) Public Hearing

b) Consideration and possible action to approve an ordinance on first reading to rezone all the above mentioned properties to the different designation zones described above.
5) Consideration and possible action to grant a variance request with regards to the minimum lot depth for the proposed Mancha Subdivision, bearing a legal description of a 0.256 acre tract of land, more or less, out of Block 64, Lon C. Hill Subdivision, located on the west side of Hacienda Road, north of Morris Road. Applicant: Victor Banuelos of Centerline Surveying, c/o Margarita Diaz. Attachment (Planning & Zoning)

6) Public hearing to receive comments regarding the proposed voluntary annexation and to establish the initial zoning to General Retail ("GR") District for a 1.0+ acre of land being the North 50 feet of a 2.766 acre tract of land out of Block 54, David and Stephenson Subdivision, located on the west side of Briggs Coleman Road north of Loop 499. Applicant: John W. Drennan, c/o Troy Investment Company No.7, L.P. Attachment (Planning & Zoning)

7) Consideration and possible action to grant a variance request with regards to the sidewalk requirement for the proposed Storage Depot Subdivision, bearing a legal description of a 3.743 acre tract of land, more or less being all of Lot 2, Block 1, replat of Lots 1, 2 and 4 Stone Subdivision Phase II, and a 2.766 acre tract out of Block 54, David and Stephenson Subdivision, located on the north side of Loop 499, west of Briggs Coleman Rd. Applicant: Jack Brown of Brown, Leal & Associates, c/o Troy Investment Company No. 7, L.P. Attachment (Planning & Zoning)

8) Consideration and possible action to grant a variance with regards to the streetlight requirement for the proposed Storage Depot Subdivision, bearing a legal description of a 3.743 acre tract of land, more or less being all of Lot 2, Block 1, replat of Lots 1, 2 and 4 Stone Subdivision Phase II, and a 2.766 acre tract out of Block 54, David and Stephenson Subdivision, located on the north side of Loop 499, west of Briggs Coleman Rd. Applicant: Jack Brown of Brown, Leal & Associates, c/o Troy Investment Company No. 7, L.P. Attachment (Planning & Zoning)

9) Consideration and possible action to grant a variance with regards to the subdivision note requirement for sidewalks, bearing a legal description of a 38.673 acre tract of land more or less, same being 21.217 acres out of Block 4, Stuart Place Subdivision and 17.456 acres out of Stuart Place Resort Section 1 & Reserve, located on the north side of Queen Sago Drive, west of Knotty Pine Lane. Applicant: Jack Brown of Brown, Leal & Associates, c/o Sun Valley Enterprise. Attachment (Planning & Zoning)

10) Consideration and possible action to amend the Industrial District Agreement between the City and Cardone Industries approved on November 26, 2018.

11) Consideration and possible action to authorize the Harlingen Police Department to enter into a Memorandum of Understanding (MOU) with the Valley Aids Council (VAC) to provide NARCAN (Naxolone) training to selected members of the HPD Training Staff. Attachment (Police Dept.)

12) Board Appointments

Discussion and possible action regarding membership on any of the following listed board/entity:

a) Airport Board (0)
b) Animal Shelter Advisory Committee (1)
c) Audit Committee (Terms expire annually in June) (4)
d) Civil Service Commission
e) Community Development Advisory Board (2)
f) Construction Board of Adjustments (5)
g) Convention & Visitors Bureau (2)
h) Development Corporation of Harlingen, Inc.
i) Downtown Improvement District Board
j) Golf Course Advisory Board (1)
k) Harlingen Community Improvement Board
l) Harlingen Housing Authority Board
m) Harlingen Finance Corporation
n) Harlingen Proud Advisory Board (4)
o) Library Advisory Board
p) Mayor Wellness Council
q) Museum Advisory Board (1)
r) Parks Advisory Board
s) Planning & Zoning Advisory Board (1)
t) Senior Citizens Advisory Board (5)
u) Tax Increment Finance Board (7)
v) Utility Board of Trustees
w) Veterans Advisory Board (2)
x) Zoning Board of Adjustments (6)

Specifically, appointment or discussion and possible action to include appointment and/or removal of any position subject to appointment or removal by statute, ordinance, or bylaws.

13) Executive/Closed Session on the following items:

a) pursuant to Texas Gov't. Code Sec. 552.072 and 551.071 to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the City of Harlingen with a third person regarding the acquisition of real property for transit terminal expansion. (City Manager)

b) pursuant to Chapter 551, Sections 551.087, 551.071 and 551.072 of the Gov't. Code regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as Project Dream and to seek legal advice from the City Attorney regarding the subject matter. (City Manager)

c) pursuant to Section 551.071, Texas Gov't. Code to consult with the City Attorney in connection with the MPO Merger. (City Manager)

d) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Sections 551.087, 551.071 and 551.072 regarding commercial and financial information with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with ULA and to seek legal advice from the City Attorney regarding the subject matter. (City Manager)

e) pursuant to Chapter 551, Sections 551.087, 551.071 and 551.072 of the Texas Gov't Code regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives from the business prospect known as Project Liberty 2 and to seek legal advice from the City Attorney regarding the subject matter. (City Manager)
f) pursuant to Chapter 551, Sections 551.087, 551.071 and 551.072 of the Texas Gov’t Code regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives from the business prospect known as Project ITD2018 and to seek legal advice from the City Attorney regarding the subject matter. (City Manager)

14) Consideration and possible action to approve Item No. 13 (a) as discussed in executive session. (City Manager)

15) Consideration and possible action to approve Item No. 13 (d) as discussed in executive session. (City Manager)

16) Consideration and possible action to approve a Real Estate Contract with Cardone Industries, Inc. & SDC Texas, LLC. conveying title to approximately 65 acres back to the Development Corporation of Harlingen, Inc. and to approve the release of the Performance Agreement with Cardone Industries and SDC Texas, LLC. and authorizing the CEO/Manager and/or President to execute these agreements and effectuate the closing. (City Manager)

17) Consideration and possible action to approve HEDC entering into a Performance Agreement with Industrial Tool & Die Company, Inc. (City Manager)

18) Citizen Communication

I, the undersigned authority, do hereby certify that the above notice of meeting is a true and correct copy of said notice posted on the City’s bulletin board, City Hall, 118 E. Tyler Avenue, a place convenient and readily accessible to the general public at all times and said notice was posted on Friday, December 14th, 2018 at 6:00 p.m. at least 72 hours preceding the scheduled time of said meeting.

Dated this 14th day of December, 2018

Amanda C. Elizondo, City Secretary
SPECIAL MEETING

CITY COMMISSION

December 10, 2018

A Special Meeting of the Harlingen Elective Commission was held December 10, 2018 at 5:30 p.m., City Hall, Town Hall Meeting Room, 2nd Floor, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

MAYOR and COMMISSIONERS

Chris Boswell, Mayor
Michael Mezmar, Mayor Pro-Tern, District 3
Richard Uribe, City Commissioner, District 1
Tudor Uhlhorn, City Commissioner, District 2
Ruben De La Rosa, City Commissioner, District 4
Victor Leal, City Commissioner, District 5

STAFF PRESENT

Dan Serna, City Manager
Amanda C. Elizondo, City Secretary
Allison Bastian, Asst. City Attorney

Mayor Boswell called the meeting to order and announced the meeting was duly posted according to state law. The following proceedings were held:

1) Consideration and possible action to approve a resolution in accordance with the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") approving the issuance by the Arizona Industrial Development Authority of its Revenue Bonds, in one or more series, in an aggregate principal amount not to exceed $32,000,000 to finance costs of acquiring, designing, constructing and equipping a Convention Center Hotel for Provident Group-Harlingen Properties, LLC.

Dan Serna, City Manager stated that by approving the resolution, the City of Harlingen will not be issuing any bonds and will not be obligated or liable in any respect pertaining to the bonds. The bonds will be issued by the Arizona Industrial Development Authority pursuant to the laws of the State of Arizona and on behalf of the borrower. The bonds will not constitute an indebtedness or pledge of the City within the meaning of any constitutional or statutory provisions. The owners of the bonds will not be paid in whole or in part out of any funds raised or to be raised by taxation or any other revenues of the City. The development of the hotel adjacent to the Convention Center is required for the success of the Convention Center and to accomplish the goals and objectives with respect to the Hotel and Convention Center Project. The development of hotel will serve as a function of economic development and other public benefits. The City published the public notice in the newspaper as required by TEFRA and recommended approval of the resolution.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tern Mezmar to approve the resolution in accordance with the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") approving the issuance by the Arizona Industrial Development Authority of its Revenue Bonds, in one or more series, in an aggregate principal amount not to exceed $32,000,000 to finance costs of acquiring, designing, constructing and equipping a Convention Center Hotel for Provident Group-Harlingen Properties, LLC. Motion carried unanimously.
2) Consideration and possible action to approve a Resolution approving the execution of a Cooperation and Development Agreement in connection with the Provident Group-Harlingen Properties, LLC acquiring, designing, construction, and equipping a Convention Center Hotel for the benefit of the City.

Mr. Serna stated the intent of the resolution is to constitute a determination that the Hotel and Convention Center Project is a legitimate governmental burden and function, and has been proposed by the City to accomplished and alleviate its Governmental Burdens. The City hereby engages Provident Resources Group Inc., a Georgia nonprofit corporation (through its wholly-owned subsidiary Provident Group-Harlingen Properties LLC) to assist the City in lessening and achieving its Governmental Burdens, by owning, developing, construction, operating, managing and disposing of the Hotel for exclusive benefit of the City and execute and deliver the Development Agreement. Nothing in this resolution shall be construed to create any obligation or liability of the City in any respect whatsoever arising out of or pertaining to the bonds or their securing, or pertaining to the acquisition, development, construction and operation of the hotel and the payment of the cost incurred in connection therewith. The bonds will not constitute an indebtedness or pledge of the City within the meaning of any constitutional or statutory provisions, and the owners of the bonds will not be paid in whole or in part out of any funds raised by taxation or any other revenues of the City.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve a resolution approving the execution of a Cooperation and Development Agreement in connection with the Provident Group-Harlingen Properties, LLC acquiring, designing, construction, and equipping a Convention Center Hotel for the benefit of the City.

There being no further business to discuss, Mayor Boswell adjourned the meeting.

CITY OF HARLINGEN

__________________________
Chris Boswell, Mayor

ATTEST:

__________________________
Amanda C. Elizondo, City Secretary
ORDINANCE NO. 18---

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE THE RENEWAL OF THE SPECIFIC USE PERMIT TO TOMAS DIAZ TO ALLOW A BAR/LOUNGE IN A LIGHT INDUSTRY ("LI") DISTRICT LOCATED AT 1510 N. COMMERCE, BEARING A LEGAL DESCRIPTION OF LOT 1 BLOCK 1, CASA BLANCA SUBDIVISION.

SUBJECT TO: (1) OCCUPANCY LIMITED TO 120 PERSONS (2) PARKING LOT UPKEEP AND MAINTENANCE AND ADEQUATE LIGHTING THROUGHOUT ESTABLISHMENT (3) CONTINUAL PROVISION OF SECURITY GUARD DURING PEAK HOURS OF OPERATION (4) CONTINUAL PROVISION OF 30 DAY VIDEO RETENTION SURVEILLANCE SYSTEM (5) CONTINUAL COMPLIANCE CODE OF ORDINANCE CHAPTER 22, ARTICLE 3, SECTIONS 22-54 TO 22-66 SMOKING REGULATIONS (7) COMPLIANCE WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, HEALTH, FIRE AND POLICE DEPARTMENTS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

WHEREAS, the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen's Zoning Ordinance procedure, has recommended a specific use permit 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 specific use permit having been fully made and complied with as required by said Code of Ordinances 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 issued a specific use permit as indicated:

To issue the renewal of the Specific Use Permit to Tomas Diaz to allow a bar/lounge in a Light Industry (LI) District located at 1510 N. Commerce, bearing a legal description of Lot 1 Block 1, Casa Blanca Subdivision. Subject to: (1) Occupancy limited to 120 persons (2) Parking lot upkeep and maintenance and adequate lighting throughout establishment (3) Continual provision of security guard during peak hours of operation (4) Continual provision of 30 day video retention surveillance system (5) Continual compliance Code Of Ordinance Chapter 22, Article 3, Sections 22-54 to 22-66 Smoking Regulations (7) Compliance with requirements administered by the Planning, Building Inspections, Health, Fire and Police Departments prior to the issuance of a Certificate Of Occupancy.

The provisions prohibiting the violation of the Zoning Ordinance shall continue in full force and effect and apply to this amendment.

The specific use permit is made contingent upon a site plan, a true and correct copy of which is attached hereto and incorporated herein by reference as EXHIBIT “A”.

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 __________, 2018, 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
ATTEST:

_______________________________
Amanda C. Elizondo, City Secretary
EXHIBIT “A”
Site Plan
ORDINANCE NO. 18---

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT MARICELA MENDIOLA TO ALLOW AN ADULT BUSINESS (MICROBLADING STUDIO) IN A GENERAL RETAIL (GR) DISTRICT LOCATED AT 1046 N. 77 SUNSHINE STRIP, BEARING A LEGAL DESCRIPTION OF LOT 15, BLOCK 4, CROWN HEIGHTS SUBDIVISION, SUBJECT TO: (1) RESTRIPING COMMON PARKING AREA (2) OBTAINING AND MAINTAINING PROPER STATE PERMITS AND (3) COMPLYING WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, ENVIRONMENTAL HEALTH, FIRE PREVENTION, AND POLICE DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

WHEREAS, the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen’s Zoning Ordinance procedure, has recommended a specific use permit 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 specific use permit having been fully made and complied with as required by said Code of Ordinances 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 issued a specific use permit as indicated:

To issue a Specific Use Permit to Maricela Mendiola to allow an adult business (microblading studio) in a General Retail (GR) district located at 1046 N. 77 Sunshine Strip, bearing a legal description of Lot 15, Block 4, Crown Heights Subdivision, subject to: (1) Restriping common parking area (2) Obtaining and maintaining proper state permits and (3) complying with requirements administered by the Planning, Building Inspections, Environmental Health, Fire Prevention, and Police Departments; providing for publication and ordaining other matters related to the foregoing

The provisions prohibiting the violation of the Zoning Ordinance shall continue in full force and effect and apply to this amendment.

The specific use permit is made contingent upon a site plan, a true and correct copy of which is attached hereto and incorporated herein by reference as EXHIBIT “A”.

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 ____________, 2018, 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
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN:
REZONING FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, SINGLE FAMILY ("R-1") DISTRICT FOR 3.12 ACRES OUT OF BLOCK 103, 2.94 ACRES OUT OF BLOCK 118, AND 8.79 ACRES OUT OF BLOCK 119, HARLINGEN LAND AND WATER COMPANY SUBDIVISION; 0.5 ACRES OUT OF BLOCK 23, BRIGGS AND COLEMAN SUBDIVISION SURVEY 49; AND LOT 1, BLOCK 1, GALVEZ SUBDIVISION; REZONE FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, MULTI-FAMILY ("M-2") DISTRICT FOR 3.79 ACRES OUT OF BLOCK 62, DAVID AND STEPHENSON SUBDIVISION; AND 13.98 ACRES OUT OF BLOCK 119 HARLINGEN LAND AND WATER COMPANY SUBDIVISION; REZONE FROM NOT DESIGNATED ("N") DISTRICT TO GENERAL RETAIL ("GR") DISTRICT FOR 10.80 ACRES OUT OF BLOCK 23, 6.21 ACRES OUT OF BLOCK 24, 3.73 ACRES OUT OF BLOCK 25, 3.30 ACRES OUT OF BLOCK 26, 3.35 ACRES OUT OF BLOCKS 26 AND 27, 8.12 ACRES OUT OF BLOCK 27, AND 4.3 ACRES OUT OF BLOCK 28, BRIGGS AND COLEMAN SUBDIVISION SURVEY 49; 13.11 ACRES OUT OF BLOCK 58, AND 6.67 ACRES OUT OF BLOCK 59, DAVID AND STEPHENSON SUBDIVISION; AND 12.91 ACRES OUT OF BLOCK 121, HARLINGEN LAND AND WATER COMPANY SUBDIVISION; AND REZONE FROM NOT DESIGNATED ("N") DISTRICT TO LIGHT INDUSTRY ("LI") DISTRICT FOR 9.83 ACRES OUT OF BLOCK 19, CUNNINGHAM SUBDIVISION, ALL PROPERTIES GENERALLY LOCATED BETWEEN EXPRESSWAY 77 AND 25TH STREET, NORTH OF PHOENIX AVENUE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

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

**BE IT ORDAINED BY THE CITY OF HARLINGEN**

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

Rezoning from Not Designated (“N”) District To Residential, Single Family (“R-1”) District for 3.12 acres out of Block 103, 2.94 acres out of Block 118, and 8.79 acres out of Block 119, Harlingen Land and Water Company Subdivision; 0.5 acres out of Block 23, Briggs and Coleman Subdivision Survey 49; and Lot 1, Block 1, Galvez Subdivision; rezone from Not Designated (“N”) District to Residential, Multi-Family (“M-2”) District for 3.79 acres out of Block 62, David and Stephenson Subdivision; and 13.98 acres out of Block 119 Harlingen Land and Water Company Subdivision; rezone from Not Designated (“N”) District to General Retail (“GR”) District for 10.80 acres out of Block 23, 6.21 acres out of Block 24, 3.73 acres out of Block 25, 3.30 acres out of Block 26, 3.35 acres out of Blocks 26 and 27, 8.12 acres out of Block 27, and 4.3 acres out of Block 28, Briggs and Coleman Subdivision Survey 49; 13.11 acres out of Block 58, and 6.67 acres out of Block 59, David and Stephenson Subdivision; and 12.91 acres out of Block 121, Harlingen Land and Water Company Subdivision; and rezone from Not Designated (“N”) District to Light Industry (“LI”) District for 9.83 acres out of Block 19, Cunningham Subdivision, all properties generally located between Expressway 77 and 25th Street, north of Phoenix Avenue.

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 ____________, 2018 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
Request to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for 3.12 acres out of Block 103, 2.94 acres out of Block 118, and 8.79 acres out of Block 119, Harlingen Land and Water Company Subdivision; 0.5 acres out of Block 23, Briggs and Coleman Subdivision Survey 49; and Lot 1, Block 1, Galvez Subdivision; rezone from Not Designated ("N") District to Residential, Multi-Family ("M-2") District for 3.79 acres out of Block 62, David and Stephenson Subdivision; and 13.98 acres out of Block 119, Harlingen Land and Water Company Subdivision; rezone from Not Designated ("N") District to General Retail ("GR") District for 10.80 acres out of Block 23, 6.21 acres out of Block 24, 3.73 acres out of Block 25, 3.30 acres out of Block 26, 3.36 acres out of Block 26 and 27, 8.12 acres out of Block 27, and 4.3 acres out of Block 28, Briggs and Coleman Subdivision Survey 49; 13.11 acres out of Block 58, and 6.67 acres out of Block 59, David and Stephenson Subdivision, and 12.91 acres out of Block 121, Harlingen Land and Water Company Subdivision; and rezone from Not Designated ("N") District to Light Industry ("LI") District for 9.83 acres out Block 19, Cunningham Subdivision, all properties generally located between Expressway 77 and 25th Street, north of Phoenix Avenue. Applicant: City of Harlingen.
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AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: December 19, 2018

Agenda Item:
Consider and take action to approve a request from the City of Harlingen Convention and Visitors Bureau to close Fair Park Boulevard & “J” Street and Fair Park Boulevard & “L” Street from 8:00 a.m. to 6:00 p.m. on Monday, January 21, 2019 for their 2019 Winter Texan Appreciation Fiesta.

Prepared By (Print Name): Jeffry A. Adickes
Title: Chief of Police
Signature:

Brief Summary:
Yohana Sanchez, Executive Secretary and Special Events, for the City of Harlingen Convention and Visitors Bureau, is requesting to close Fair Park Boulevard and “J” Street and Fair Park Boulevard and “L” Street from 8:00 a.m. to 6:00 p.m. on Monday, January 21, 2019 for their 2019 Winter Texan Appreciation Fiesta.

These closures will allow for placement of show cars and facilitate loading and unloading of vendors at the site and will also help to ensure the safety of the participants and visitors attending this event.

The Assistant Harlingen Fire Chief has reviewed the request and provided approval.

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: N/A

Finance Director’s approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:
Staff recommends approval.

For Street Closures ONLY, Fire Chief’s approval: X Yes ☐ No ☐ N/A

City Manager’s approval: ☐ Yes ☐ No ☐ N/A

Comments:

City Attorney’s approval: ☐ Yes ☐ No ☐ N/A

form revised 01/26/09
TO: Chief of Police
FROM: Officer Alicia Garcia #3118
DATE: November 13, 2018

RE: Street Closure Request

REQUESTOR: Yohana Sanchez, City of Harlingen Convention and Visitors Bureau
EVENT NAME: 2019 Winter Texan Appreciation Fiesta
DATE: Monday January 21, 2019
TIME: 1:00 pm-5:00 pm
LOCATION: Casa De Amistad, 1204 Fair Park Blvd., Harlingen, TX 78550

DESCRIPTION: The City of Harlingen Convention and Visitors Bureau, in partnership with other City Departments, will be hosting 2019 Winter Texas Appreciation Fiesta with the goal of welcoming back our Winter Texan Friends and promoting economic growth to the City of Harlingen. The following streets to be closed:

Fairpark & "J" Street
Fairpark & "L" Street

The City of Harlingen’s Convention and Visitors Bureau is requesting the above-mentioned intersections be approved for closing on the morning of Monday January 21, 2019 to allow for partners, and vendors to set up. Furthermore they are requesting 10 barricades be delivered at this location on Friday January 18, 2019 before 4:30 pm (please see attached map).

COMMENTS/NOTES: A copy of the map with the request streets to be closed will be included. If approved, barricades need to be dropped off by Streets Department on day specified by the request.

RECOMMENDATION: Approved/Disapprove

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<th>OFFICER / EMPLOYEE</th>
<th>SIGNATURE</th>
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Good Morning,

Convention and Visitors Bureau would like to request a street closure for our Winter Texan Appreciation Fiesta on January 21, 2019. The event will start at 1:00 p.m. and end at 5:00 p.m.

Please help us by closing Fair Park Blvd. (Front of Casa de Amistad and Harlingen Auditorium) the day of the event.

We will be having a car show park on the street.

If you have any questions please do not hesitate to contact our office.

Yohana Sanchez | Executive Secretary and Special Events
City of Harlingen-Convention and Visitors Bureau | 311 E. Tyler Ave. | Harlingen, Texas 78550 |
T. 956-622-5053 | C. 956-202-7884 | yohana@myharlingen.us www.myharlingen.us
Casa De Arnistad, 1204 Fair Park Blvd. Harlingen, Texas 78550

***NOTE: Request to close Fair Park Blvd/ N. "L" street and Fair Park Blvd./ N. "J" street in front of Casa De Arnistad and Harlingen Municipal Auditorium (please see red x's) ***
Pena, Frances

From: Alvarez, Eduardo
Sent: Thursday, December 6, 2018 9:07 AM
To: Pena, Frances
Subject: RE: STREET CLOSURE REQUEST - WINTER TEXAN APPRECIATION FIESTA

HFD has no issues with this street closure.

Thanks,
E. Alvarez
Asst. Fire Chief

From: Pena, Frances
Sent: Thursday, December 06, 2018 8:50 AM
To: Alvarez, Eduardo; Rubio, Roy; Henderson, Donna; Robles, Lile
Subject: STREET CLOSURE REQUEST - WINTER TEXAN APPRECIATION FIESTA

Good Morning Asst. Fire Chief Alvarez:

I would ask if you could please review the attached street closure request and provide your recommendation at your earliest convenience so that I can include as an agenda item at the next City Commission meeting; therefore, I will be needing your reply by no later than TODAY by 4:00 p.m., please.

Thank you for your assistance!
Frances Peña, Executive Admin. Assistant
Office of the Chief of Police Jeffry A. Adickes
HARLINGEN POLICE DEPT.
1018 Fair Park Blvd., Harlingen, TX 78550
(956) 216-5403 office / (956) 216-5408 fax
e-mail: francespena2@harlingenpolice.com

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### AGENDA ITEM
EXECUTIVE SUMMARY

**Meeting Date:** December 19, 2018

**Agenda Item:**
Consideration and possible action to reconsider the adoption of the Harlingen Convention Center brand logo.

**Prepared By (Print Name):** Carlos A. Sanchez, P.E.
**Title:** Assistant City Manager – External Services
**Signature:**

### Brief Summary:
BC Lynd, HILMY, in collaboration with Convention and Visitors Bureau (CVB) staff continue to develop a branding and marketing plan for the Harlingen Convention Center. At the October 16, 2018, the City Commission was presented a branding logo intended to be utilized as a unique identifier for the facility. The City Commission approved the logo and directed the marketing team was to move forward with its efforts. Staff is requesting that the City Commission consider the adoption of the City of Harlingen logo in lieu of logo prepared by the marketing team. The City of Harlingen's logo is a well-established and recognizable symbol of our community which will complement the value and quality standards of the Convention Center Facility.

### Funding (if applicable):
Are funds specifically designated in the current budget for the full amount □ Yes □ No*
*If no, specify source of funding and amount requested:

Finance Director's approval: □ Yes □ No □ N/A

### Staff Recommendation:
Staff is seeking direction from City Commission on selection of Convention Center Logo.

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

### Comments:

City Attorney's approval: □ Yes □ No □ N/A

*Form revised 04/29/09*
PRIMARY IDENTITY

This is the proposed primary identity for the Harlingen Convention Center.

The monoline "H" icon was inspired by the prominent arches that adorn the face of the building and the unique light fixtures in the grand lobby (see EX.1). The condensed logotype lends a contemporary aesthetic while also aiding in scaling due to the high number of characters in the name.

EX. 1
PLANNING AND ZONING COMMISSION

December 12, 2018

The regular meeting of the Planning & Zoning Commission was held at 5:33 p.m., Wednesday, December 12, 2018, at the City Hall/Town Hall located at 118 East Tyler Ave., Harlingen, Texas with the following present:

**Board Members Present:**
Tre Peacock
Donald Haire
Wayne Lowry
Daniel Martinez
David Wolf

Chairman
Commissioner
Commissioner
Commissioner
Commissioner

**Board Members Absent:**
Nick Consiglio

Vice Chairman

**City Staff Present:**
Rodrigo Davila
Joel Olivo
Albert Molina
Allan E. Garces
Dalia A. Anzaldua
Ponciano Longoria

Planning and Development Director
Planning and Zoning Manager
City Planner
City Planner
Executive Secretary for Planning and Zoning Department
City Engineer

**PLEDGE OF ALLEGIANCE/WELCOME**
Chrm. Peacock called the meeting to order December 12, 2018 at 5:33 p.m., led the Pledge of Allegiance and welcomed the board members.

**CITIZEN COMMUNICATION**
None

**Approval of the Minutes: Regular Meeting of November 14, 2018**
Cmr. Wolf motioned to approve the minutes with corrections stated. Cmr. Martinez seconded. The motion carried unanimously.

**CONSENT AGENDA**
All items listed below in the consent agenda considered routine or 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 and final plat of the proposed Captain Jack Subdivision, being 3.75 acres of land out of Black 17, Stuart Place Subdivision, out of Survey 42, located on the north side of Garrett Rd, west of Palm Blvd. Applicant: Dustin Moore of Moore Land Surveying, LLC, c/o Ramiro & Sylvia Resendez.

b. Consider take action to approve the final plat of the proposed Hutton Retail Center Subdivision, bearing a legal description of a replat of 2.936 acres being all of lots 1, 3, 4, 5,
6, and 7 Jewel Subdivision, on the north side of Loop 499 east of N 77 Sunshine Strip. Applicant: Kelly A. Heller-Vela of Melden & Hunt Inc, c/o Hutton Co Development, LP

c. Consider and take action to approve the final plat of the proposed Morning Dove Estates Phase II A Subdivision, being 5.20 acres out of Block 28, 29 & 30 Howard’s Dixieland Heights, out of Survey 44, located on the east side of Tucker Road north of Garrett Road. Applicant: Dustin Moore of Moore Land Surveying, LLC, c/o Ruben Salazar

d. Consider take action to approve the preliminary and final plat of the proposed Palm Court Subdivision, bearing a legal description of a tract of land containing 11.64 acres of land out of Block 7, Harlingen Land and Water Subdivision "B", located on the north side of S. Palm Court Blvd, east of Chester Park Road. Applicant: Albert Aldana of Aldana Engineering & Traffic Design, LLC, c/o Performance Charter School.

e. Consider take action to approve the preliminary plat of the proposed Rumfield Subdivision, bearing a legal description of 5.0 acres of land out of the South 5.0 acres of Block 14, Dougherty & Paillet Subdivision, located east of Perk Lane and North of Taylor Road. Applicant: Jose Medina of Ferris, Flinn & Medina, LLC, c/o Carol Sue Sechoves.

Cmr. Wolf motioned to approve the consent agenda. Cmr. Haire seconded the motion, which passed unanimously.

PUBLIC HEARING TO CONSIDER AND TAKE ACTION TO RECOMMEND TO THE CITY COMMISSION A VARIANCE REQUEST WITH REGARDS TO THE MINIMUM LOT DEPTH FOR THE PROPOSED MANCHA SUBDIVISION, BEARING A LEGAL DESCRIPTION OF A 0.256 ACRE TRACT OF LAND, MORE OR LESS, OUT OF BLOCK 64, LON C. HILL SUBDIVISION, LOCATED ON THE WEST SIDE OF HACIENDA ROAD, NORTH OF MORRIS ROAD. APPLICANT: VICTOR BANUELOS OF CENTERLINE SURVEYING, C/O MARGARITA DIAZ.

Mr. Molina summarized the following:

The subject property is currently undeveloped. It is located inside the City Limits, on the west side of Hacienda Road, north of Morris Road. The subdivision has a proposed dimension of 124 feet in width and 90 feet in depth. It meets the minimum requirements for square footage and for lot width, but does not meet the minimum depth requirement of 100 feet. The developer is requesting a variance from the City of Harlingen Code of Ordinances Section 109-124(b) and Section 111-118(3) with regards to the minimum lot depth of 100 feet. The surrounding land use consists of single family residential use in all directions. The surrounding properties to the north, east, and west are subdivided. The property to the south is unsubdivided. Staff recommends approval of the variance.

Chrm. Peacock asked if there were any questions for staff.

Cmr. Wolf asked if the total square acreage was .25 acre and if a septic tank would be placed on the lots.
Mr. Molina confirmed that the acreage was .25 acres and that the property owner does have an exemption to place a septic tank.

Cmr. Wolf motioned to approve the item. Cmr. Haire seconded the motion, which passed unanimously.

PUBLIC HEARING CONSIDER AND TAKE ACTION TO RECOMMEND TO THE CITY COMMISSION A VARIANCE REQUEST WITH REGARDS TO THE SIDEWALK REQUIREMENT FOR THE PROPOSED STORAGE DEPOT SUBDIVISION, BEARING A LEGAL DESCRIPTION OF A 3.743 ACRE TRACT OF LAND, MORE OR LESS BEING ALL OF LOT 2, BLOCK 1, REPLAT OF LOTS 1, 2 AND 4 STONE SUBDIVISION PHASE II, AND A 2.766 ACRE TRACT OUT OF BLOCK 54, DAVID AND STEPHENSON SUBDIVISION, LOCATED ON THE NORTH SIDE OF LOOP 499, WEST OF BRIGGS COLEMAN RD. APPLICANT: JACK BROWN OF BROWN, LEAL & ASSOCIATES, C/O TROY INVESTMENT COMPANY NO. 7, L.P.

Mr. Molina summarized the following:

The proposed subdivision is off of the Loop and should have a sidewalk because it faces an arterial street. On the north section of Loop 499, there are sidewalks from N 77 Sunshine Strip to Mont Park Drive (~0.37 miles). There are no sidewalks from Mont Park Drive to Morgan Blvd (~2.90 miles). Most of the properties on the north section of the Loop are undeveloped, so there are no sidewalks in those areas. For the properties that are developed, TxDOT would not allow sidewalks at the time. TxDOT has changed policies since then, and they currently do not have a hard stance on the matter. On the east section of the Loop, the City has received a grant to construct sidewalks from E Harrison Avenue to Rio Hondo Road. There are also existing sidewalks on the Loop in the TSTC area. The developer is requesting a variance from the City of Harlingen Code of Ordinances Section 109-124(f) with regards to the requirement of sidewalks on the subdivision side of all arterial streets. The Engineering Department has objection to the variance being granted. Staff recommends disapproval of the variance.

Chrm. Peacock asked if there were any questions for staff.

Cmr. Wolf asked if the requirement was just for Loop 499 or if it included Briggs Coleman as well.

Mr. Molina stated that the entrance at Briggs Coleman was required as well but it appeared that the property owner had no objection as no variance had been filed for that area.

Cmr. Haire asked Mr. Molina to identify the area where the sidewalks would be constructed.

Mr. Molina demonstrated that the sidewalks would run along the property facing Loop 499 and along Briggs Coleman as well.

Cmr. Haire asked if any of the neighboring properties had sidewalks as well.
Mr. Molina responded that he was correct, neighboring properties did not have sidewalks due to TxDOT policies not allowing them. Since then policies have changed and they currently do not have a hard stance on the matter.

Chrm. Peacock asked if it was a possibility for the city to obtain another grant in the future for sidewalks.

Mr. Molina stated that was a question for the Engineering department.

Ponciano Longoria, City Engineer, addressed the board and advised that it was a possibility to obtain a grant for future sidewalks and infrastructures.

Chrm. Peacock stated that the reason he was asking was if there was no other developed land in the area then it would stand to reason that the developer should have the responsibility to install a sidewalk on their property. In this case, there is already developed land and there is no plan to go back and make property owners go and install sidewalks on their properties. Eventually, you will probably obtain a grant to build their sidewalks so it does not seem as fair to build other property owner’s sidewalks and require new developers to build their own.

Cmr. Lowry stated that he had similar concerns.

Cmr. Haire stated that he drove in that area out of curiosity and noted that there was not a sidewalk that runs perpendicular within a mile of that area and would need further convincing as to why the variance should be denied. With so much undeveloped property in between developed areas, who realistically would be using the sidewalks.

Mr. Davila stated that there was an ADA lawsuit that was issued to the city and policy has changed since that time prompting a requirement for sidewalks for new commercial developments. Part of the process is to require new development to be in compliance whereas in the past it was not a requirement. That is the purpose of obtaining grants now to bring already developed areas up to par with current policy. The policy does not make any specifications as to any surrounding properties that are already developed and do not have sidewalks, it just states that all new developments should include sidewalks.

Chrm. Peacock agreed on this stance if this was a brand new development with no other development around it, but there are already developed properties in the area and they don’t have them. It seems unfair to make a new development pay for installing a new sidewalk when in the future their neighboring properties will get them installed for free via grants.

Mr. Davila stated that we are always actively seeking grants but there was no timeline as to when or if that would happen in the future.

Cmr. Haire asked if the applicant was present.

Jack Brown, of Brown, Leal & Associates addressed the board. He feels that the board understood his position well and made a good argument for him. He wanted to note that on Briggs & Coleman, there was no curb and gutter except for a very small portion on the southeast corner of the lot. The purpose of the resubdivision is to allow additional storage unit development towards the back of the property and the front lot is being resubdivided to straighten out the property line and there are no plans,
currently, to develop anything on that lot. The northwest corner is the lot that is going to be developed now, the lot to the east of that is for open storage for boats and things of that nature and the lot on the far east has a building on it currently that is rented out. There are no plans currently for the frontage lot on Loop 499.

Cmr. Wolf asked Mr. Brown if there was going to be a sidewalk on Briggs Coleman.

Mr. Brown stated that there would be no sidewalk installed on Briggs Coleman because there was no curb and gutter.

Cmr. Haire asked Mr. Brown, ballpark, what the cost would be for the property owner to install a sidewalk.

Mr. Brown replied that he estimated it was around $16 a running foot with about 200 feet fronting the Loop with about 130 to 150 feet on the other side.

Chrm. Peacock stated that regardless of the development status of the property, the variance will give the property owner, whenever they are ready to develop the property, the right not to install a sidewalk. This does not appear to be the issue at hand. The issue is that there is already developed property surrounding this and it seems unfair to make him install a sidewalk for a resubdivision.

Cmr. Wolf motioned to approve the item. Cmr. Lowry seconded the motion, which passed unanimously.

PUBLIC HEARING CONSIDER AND TAKE ACTION TO RECOMMEND TO THE CITY COMMISSION A VARIANCE REQUEST WITH REGARDS TO THE STREETLIGHT REQUIREMENT FOR THE PROPOSED STORAGE DEPOT SUBDIVISION, BEARING A LEGAL DESCRIPTION OF A 3.743 ACRE TRACT OF LAND, MORE OR LESS BEING ALL OF LOT 2, BLOCK 1, REPLAT OF LOTS 1, 2 AND 4 STONE SUBDIVISION PHASE II, AND A 2.766 ACRE TRACT OUT OF BLOCK 54, DAVID AND STEPHENSON SUBDIVISION, LOCATED ON THE NORTH SIDE OF LOOP 499, WEST OF BRIGGS COLEMAN RD. APPLICANT: JACK BROWN OF BROWN, LEAL & ASSOCIATES, C/O TROY INVESTMENT COMPANY NO. 7, L.P.

Mr. Molina summarized the following:

The applicant is requesting a variance from the City of Harlingen Code of Ordinances Section 109-124(g) with regards to the requirement of streetlights at mid-block if the block exceeds 600 feet in length. The subject property is currently undeveloped. It is located inside the City Limits and has a proposed frontage of 200.00 feet on Loop 499. The midblock falls within the proposed subdivision. The variance request was reviewed by the Traffic Signals Maintenance Department who reported objection to the variance request as it does get dark in the area and there is no case history of variance approvals.
Chrm. Peacock asked if there were any questions for staff.

Cmr. Wolf agreed that there is a need for lighting in that area.

Cmr. Lowry commented that there is a lot of traffic in that area and there is a need for lighting.

Cmr. Haire stated that everyone who submits a subdivision has to add a streetlight, regardless of the number of lots in the proposed subdivision.

Jack Brown addressed the board and stated that the owner feels it is silly to place a streetlight in the middle of the block when there are no other street lights around. He feels it would be great and would look better if the city were to line the street with street lights. If it is required, he would put the light in. Once again, this is a resubdivision of an existing lot and it was not required at the time the original subdivision was created.

Cmr. Wolf motioned to approve item. Cmr. Lowry seconded the motion, which passed unanimously.

PUBLIC HEARING AND TAKE ACTION TO CONSIDER AND TAKE ACTION ON A VARIANCE REQUEST WITH REGARDS TO THE SUBDIVISION NOTE REQUIREMENT FOR SIDEWALKS, BEARING A LEGAL DESCRIPTION OF A 38.673 ACRE TRACT OF LAND, MORE OR LESS, SAME BEING 21.217 ACRES OUT OF BLOCK 4, STUART PLACE SUBDIVISION AND 17.456 ACRES OUT OF STUART PLACE RESORT SECTION 1 & RESERVE, LOCATED ON THE NORTH SIDE OF QUEEN SAGO DRIVE, WEST OF KNOTTY PINE LANE. APPLICANT: JACK BROWN OF BROWN, LEAL & ASSOCIATES, C/O SUN VALLEY ENTERPRISE.

Mr. Molina summarized the following:

The City has a subdivision requirement to have a plat note stating that additional sidewalks shall be required at time of construction. The developer is not required to install the sidewalks prior to the approval of the subdivision. The variance request is simply for the plat note. The rule is fairly recent and when the Woodland Oaks preliminary plat was first approved in 2013, it was not required at that time; however the applicant is amending that preliminary plat. Whenever an amendment, replat or a new subdivision is submitted, current rules are applied. The variance request was reviewed by the Engineering Department and they have reported an objection to the variance request because the purpose of the sidewalks is to create walkable neighborhoods and to promote a healthy lifestyle. The sidewalks in the existing phase will be taken care of by the City in the future and there really isn’t any undue hardship that would prevent the applicant from putting the plat note on the subdivision. Staff recommends disapproval of the variance.

Chrm. Peacock asked if there were any questions for staff.

Cmr. Wolf asked how many phases of the development were previously approved without sidewalks.

Mr. Molina stated that it was one final plat that was approved. Originally the preliminary plat had a few phases but the first section was the only one completed without sidewalks.
Cmr. Wolf asked if every new subdivision that comes in would be required to have sidewalks.

Mr. Molina replied that each subdivision will be required to have the plat note stating that the sidewalk would be required at time of construction. The construction of the sidewalk is not required immediately upon approval of the subdivision plat, it is upon construction of each individual lot in the subdivision.

Cmr. Haire asked if that meant that the homeowner would construct the sidewalk.

Mr. Molina replied that was correct.

Jack Brown addressed the board and stated he did not believe that the ordinance required sidewalks. The ordinance he downloaded from the City website has an exception “...except if adjacent to subdivision on both sides of arterials and within the subdivision and collectors within or adjacent”. It says nothing about sidewalks within a subdivision and he could find nothing about sidewalks required at the time of construction. He stated that it did state that “…additional sidewalks installed as required by staff or within 1,000 feet of a school.” Both adjoining streets, Queen Sago and Beckham are rural streets without curb and gutter and there will be no sidewalk there until such time that it is curbed and guttered. The resubdivision is to create larger, nicer lots within the subdivision. There will be fewer lots, but increasing their size and the developer would like to proceed with his development as currently planned. If he is required to construct sidewalks, he may choose to pull the amended plat and go with his original plan which had been approved without the sidewalk note requirement.

Mr. Wolf asked staff for clarification of ordinance by staff.

Mr. Davila stated that he was conferring with the Engineer and he did not recall at that time if it is part of the subdivision ordinance.

Mr. Brown stated he believed it was an internal policy.

Mr. Lowry stated he did not feel it was unreasonable to have sidewalks for every new subdivision. He felt it added to the Healthy Harlingen Initiative, curb appeal and ADA compliance. He understands that the impression is that the developer would then decide to go with the original plat instead, but he didn’t feel intimidated by that.

Kemp Dubea, property owner, addressed the board and stated that a portion of the area does not have sidewalks currently and if the next phase does have sidewalks installed then he feels that property owners will start calling the City and complaining that they do not have sidewalks. He feels it would create more hassle for himself and probably the City as well. The only reason why there was a change from the original plat to what is being proposed now is that he is including 15 acres that were originally designated for commercial use and there will be no apartment complexes there because his desire is to have the whole thing be part of the subdivision and single family housing. He feels he would have to go back with his original plan and the new proposed plan would be a nicer subdivision. If anyone has visited the current developed portion, you can see what it looks like currently. The cost for sidewalks is not a factor, it is the overall looks of the subdivision that is a factor.

Cmr. Haire asked Mr. Brown if he did not believe that the ordinance applies, then why is he applying for a variance.
Mr. Brown stated that staff has told him that it applies and the only way to get a decision is to ask for a variance.

Cmr. Wolf said that his only comment is that it seems like it is somewhat secluded, with no pass-through streets where cars would be going significantly fast through the streets to where it would create a safety issue. He tends to agree, he would like to see sidewalks everywhere, that being said, he lives in a subdivision where there are no sidewalks and does not feel unsafe and it does not stop him from walking.

Cmr. Lowry stated that there are a lot of homes that will be built and if all subdivisions now require a sidewalk to be built upon construction, he does not see a reason why it has to be changed.

Cmr. Haire stated that he has been in the subdivision numerous times and it is a nice area, well kept properties. He believes in being fair. If everyone else is going to be required to have sidewalks, then this subdivision should be required to as well upon being re-platted. We can’t pick and choose where to approve this, there needs to be consistency. If someone else were to build a subdivision and not want a sidewalk, there might be a precedent set for other developers to not want to as well.

Chrm. Peacock stated that he tends to agree with Cmr. Haire in that unlike Item 4, this is not some area that does not have any development nearby. There is an initial development already that does not have it but there is quite a bit that is forthcoming and if they all have it then it will leave a relatively small number that do not have sidewalks.

Cmr. Wolf asked if there was a variance granted for the first phase that would set a precedence.

Chrm. Peacock asked if it was even city property at the time of the initial development.

Mr. Olivo replied that there was no variance the first time around, it was just not a requirement. This property was within city limits at the time it was initially developed.

Cmr. Lowry motioned to deny the variance request, Cmr. Martinez seconded the motion. Upon vote, Cmr. Haire and Cmr. Lowry opposed the motion. Chrm. Peacock cast the deciding vote to deny the variance. Motion was denied by a 3-2 vote.

**PUBLIC HEARING AND TAKE ACTION TO CONSIDER AND TAKE ACTION ON A REQUEST TO REZONE FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, MOBILE HOME ("MH") DISTRICT FOR 3.82+ ACRES OUT OF LOT 7, BLOCK 147, SAN BENITO LAND AND WATER COMPANY SUBDIVISION**

**REZONE FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, MULTI-FAMILY ("M-2") DISTRICT FOR 19.83 ACRES OUT OF BLOCK 66, HARLINGEN LAND AND WATER COMPANY SUBDIVISION; 6.5 ACRES OUT OF LOT 10, 5.0 ACRES OUT OF LOT 11, 4.7 ACRES OUT OF LOT 14, AND 9.39 ACRES OUT OF LOT 15. BLOCK 147, SAN BENITO LAND AND WATER COMPANY SUBDIVISION;**
REZONE FROM LIGHT INDUSTRY ("LI") DISTRICT TO RESIDENTIAL, MULTI-FAMILY ("M-2") DISTRICT FOR 7.55 ACRES OUT OF BLOCK 119, SAN BENITO LAND AND WATER COMPANY SUBDIVISION;

REZONE FROM NOT DESIGNATED ("N") DISTRICT TO GENERAL RETAIL ("GR") DISTRICT FOR 4.12 ACRES OUT OF BLOCK 27, AND 4.32 ACRES OUT OF BLOCK 28, BRIGGS COLEMAN SUBDIVISION SURVEY 49; LOT 1, BLOCK 1, COASTAL BEND SUBDIVISION; 7.52+ ACRES OUT OF BLOCK 57, 6.03 ACRES OUT OF BLOCK 68, 34.99 ACRES OUT OF BLOCK 90, 19.08 ACRES OUT OF BLOCK 91, HARLINGEN LAND AND WATER COMPANY SUBDIVISION; 30.73 ACRES OUT OF BLOCK 49, PALMETAL COMPANY SUBDIVISION; LOTS 1-4, RIO SUBDIVISION; PART OF LOT 4, BLOCK 1, CAMERON COUNTY JUVENILE DETENTION CENTER SUBDIVISION; 4.35 ACRES OUT OF LOTS 1 AND 2, 4.95 ACRES OUT OF LOT 2, 4.0 ACRES OUT OF LOT 7, AND 3.5 ACRES OUT OF LOT 10, BLOCK 147, AND 7.91 ACRES OUT OF BLOCK 179, SAN BENITO LAND AND WATER COMPANY SUBDIVISION;

AND REZONE FROM NOT DESIGNATED ("N") DISTRICT TO LIGHT INDUSTRY ("LI") DISTRICT FOR 3.08 ACRES OUT OF BLOCK 91, HARLINGEN LAND AND WATER COMPANY SUBDIVISION. APPLICANT: CITY OF HARLINGEN

Mr. Olivo summarized the following:

This is a City initiated rezoning to rezone the Not Designated ("N") District properties, and properties not consistent with the current land use in the city. Most of the subject properties along the Loop or south of the Loop were annexed into the city limits and zoned Not Designated ("N") District in 1979 or prior to that date, with the exception of the properties north of 77 Sunshine Strip west of FM 509 which was annexed in 1958. This City initiated rezoning is consistent with the goals of the Harlingen Comprehensive Plan, which is to zone all the Not Designated properties in the City. This has been divided into 13 tracts to make it easier to review.

The surrounding properties for the area along the north side of Loop 499 (Tract 1) proposed for General Retail ("GR") District are zoned Not Designated (N) District to the south, and General Retail ("GR") to the east and west. North of the subject property is outside the city limits. For the properties along Vinson Avenue (Tract 2) proposed for Residential, Multi-Family ("M-2") District, the surrounding properties are zoned General Retail ("GR") District to the north, Residential, Single Family ("R-1") District to the south, and Not Designated ("N") District to the east and west. For the properties along Rio Hondo Road and Loop 499 (Tracts 3 and 4) proposed for General Retail ("GR") and Light Industry ("LI") Districts, the surrounding properties are zoned Planned Development ("PD") and Light Industry ("LI") Districts to the north, General Retail ("GR") and Light Industry ("LI") Districts to the south, Light Industry ("LI") District to the east and General Retail ("GR") District to the west. For the property along Loop 499 north of Washington Avenue, proposed for General Retail ("GR") District (Tract 5), the surrounding zonings are Light Industry ("LI") District to the north and east, and General Retail ("GR") District to the south and west. The surrounding zonings for the property proposed for Residential, Multi-Family ("M-2") District on Washington Avenue (Tract 6) are Residential, Single Family ("R-1") and Multi-Family ("M-2") District to the north, residential,
Multi-Family ("M-2") to the south, General Retail ("GR") District to the east and Residential, Single Family to the west. For the properties along East Harrison Avenue (Tracts 7 and 8) proposed for General Retail ("GR") District are General Retail ("GR") District to the north, Not Designated ("N") and General Retail ("GR") District to the south, Residential, Multi-Family ("M-2") to the east, and General Retail ("GR") District to the west. For the property along Tennessee Avenue (Tract 9) proposed for General Retail ("GR") District, the surrounding zonings are Residential, Single Family ("R-1") to the north, General Retail ("GR") to the south and east, and Office ("O") and General Retail ("GR") Districts to the west. The surrounding zonings for the properties along Whalen Road (Tract 10) proposed for Residential, Multi-Family ("M-2") District are Residential, Multi-Family ("M-2") District to the south, Not Designated ("N") District to the east, and General Retail ("GR") District to the west. South of the property is in San Benito city limits. For the property proposed for Residential, Mobile Home ("MH") District (Tract 11) on Kilgore Avenue, the surrounding zoning are General Retail ("GR") District to the north, and Not Designated ("N") District to the south, east and west. For the properties on Kilgore Avenue proposed for General Retail ("GR") District (Tract 12), the surrounding zonings are zoned General Retail ("GR") District to the north, and Not Designated ("N") District to the west. South and east of the properties is in San Benito city limits. The surrounding zoning for the properties proposed for General Retail ("GR") District on Haine Drive (Tract 13) are General Retail ("GR") District to the north, east and west, and Office ("O") District to the south. Surrounding land uses are generally consistent with the proposed rezonings.

The Future Land Use Plan (FLUP) component of the City of Harlingen Comprehensive Plan - One Vision, One Harlingen shows the property proposed for Residential, Mobile Home ("MH") (Tract 11) as medium density residential; the request is generally consistent with the Future Land Use Plan, and consistent with the current land use. The properties proposed for General Retail ("GR") District (Tracts 1, 3, 5, 7, 8, 9, 12 and 13) are shown as mostly mixed use and/or retail; the request is generally consistent with the Future Land Use Plan, and surrounding land use. The exception is for Tract 12, which shows part of the western area as medium density residential; however, the request is consistent with the current use of the property and adjacent land use. The properties proposed for Residential, Multi-Family ("M-2") District (Tracts 2, 6 and 10) are shown as mixed use for Tracts 2 and 6, and medium density residential for Tract 10. The request is generally consistent with the Future Land Use Plan and surrounding M-2 zoning.

Prior to initiating the city initiated rezoning process, property owners within a 200 ft. radius of the subject property received notification concerning the city initiated zoning study and were given one weeks to provide comments. Staff received two calls from property owners who expressed concern on the city initiated rezoning. The concern was in reference to the proposed M-2 zoning for a property on Whalen Road, and the other concern was in reference to the property on Washington Avenue. In addition, the said affected property owners also received notification concerning the public hearings for the subject city initiated rezoning request. To the present, Staff has received no objection.

Chrm. Peacock asked if there were any questions for staff.

Chrm. Peacock asked about Tract 10, proposed designation would be M2. If the property owner wanted to construct a duplex, would that be okay?
Mr. Olivo replied that duplexes were allowed in an M2 district.

Chrm. Peacock asked if that meant there was no need to zone this an R2.

Mr. Olivo said that R2 would be single family because most do not want apartments near their single family homes which is why the option for M2 came up.

Chrm. Peacock asked if that meant that we do not even know what the property owner’s thoughts on rezoning the property might be.

Mr. Olivo confirmed that was the case.

Cmr. Lowry asked about Tract 6.

Mr. Olivo stated that this was a multifamily. Areas around it are residential single family and multifamily use as well.

Cmr. Lowry asked if single family meant that they were small, garden home lots.

Mr. Olivo replied that they were 6,000 sq. ft. which is the minimum requirement for a single family home.

Cmr. Lowry suggested that in this case it be zoned to M2 so that if later the property owner wanted to build single family homes or duplexes they can avoid coming back at a later time to rezone.

Chrm. Peacock asked if there were any questions for staff. There being none from the board, he opened the matter for public hearing.

Melanie Dimas of 1920 Russell Lane, San Benito, Texas, addressed the board regarding the rezoning of Tract 10. She owns 7.2 acres of the property and would like to keep it as brush because the property is actively used in the yearly birding festival which she feels is a big draw for Harlingen every year. Being so close to the Arroyo and Hugh Ramsey park, if the property is zoned multifamily and an investor builds apartments in that area, it would not be advantageous for the wildlife in the area. The other side of the property has a large concrete culvert so there is no worry there. They are trying to keep the property as native as possible. It has never been farmed and is in its original state and they would like to keep it like that. If apartments were built up around it, it would change all of that.

Cmr. Lowry asked Mrs. Dimas to further identify her property on the aerial images provided.

Mrs. Dimas identified her property on the map and advised that it goes from the back of the VFW and extends nearly all the way to Helen Moore. There was a gentleman near her property that wanted to move in a few mobile homes which she believes started the rezoning for this property, but no one in the area wants that. She is worried about the portion that is near Whalen Road which she believes is currently being used in hay cultivation.

Cmr. Lowry asked if her property was the entire strip identified on the map. He asked what the structure was on the aerial.

Mrs. Dimas stated that it was the VFW.
Cmr. Lowry said it was the structure on the opposite side of the VFW.

Mrs. Dimas stated that Sierra Apartments and a nursing home were nearby, but they were on Haine Drive.

Cmr. Lowry said it was the area near the label “Proposed from... into GR” on the map.

Mrs. Dimas stated that it was in the back near Kilgore and access was from 77 Sunshine to Kilgore.

Cmr. Lowry asked what the building was.

Mrs. Dimas responded that it was a warehouse but there really wasn’t much activity there and the road did not extend that far. She was hoping that the property could be zoned something that would be less disruptive to the surrounding environment. Perhaps single family at this point and perhaps look back and assess the area 5 years later and see if it should change.

Cmr. Lowry stated that on the map it said from “N” to “GR” but the notes state it should be “M2”.

Mr. Olivo confirmed that the map should read “M2” and that it was a typo on the map.

Mrs. Dimas was concerned with the apartments and the other apartment complex nearby.

Chrm. Peacock asked if this was the same property that possibly could be a duplex residential.

Mr. Olivo confirmed that was the case. Future Land Use Plan shows this area as medium density residential so we are trying to be consistent with the plan.

Mrs. Dimas stated that it was single family all the rest of the way up the street, but that of course was San Benito.

Chrm. Peacock asked if it was zoned duplex residential, it would limit what could be placed on the property.

Mr. Olivo stated that was correct, either a duplex or a single family house.

Cmr. Haire asked if anyone had requested a rezone or if this was a city initiated rezone.

Mr. Olivo stated that it was a city initiated rezone which is part of the City’s comprehensive plan.

Cmr. Haire addressed Mrs. Dimas and advised that what she needed to understand was that the board applauds her conservation efforts but at the same time the board cannot prevent people from developing their own property. When the owner of the property gets ready to develop it, he will go before the board and ask for the property to be zoned to what he needs.

Mrs. Dimas stated that she was talking about her property. Most of Tract 10 is her property, out of Block 11 and 14. She detailed that all of Block 11 and a portion of Block 14 belong to her and have been in her family since the 70’s.
Cmr. Wolf asked if the Sierra Apartments back up to the drainage ditch.

Mrs. Dimas stated that the Sierra Apartments are on the other side of Whalen Road. The Reatas are on the corner and the culvert does separate her property from the apartments.

Chrm. Peacock asked Mr. Olivo if any other property owners came forward.

Mr. Olivo stated that there were only two objections received. One for this property and one for the property on Washington Street. With the current use of this property, even if it were to be rezoned, the use would still be allowed which should have minimal affect to her property.

Chrm. Peacock stated that even if we were to rezone now or if someone were to come back at a later time and rezone, it is consistent with the Future Land Use Plan.

Chrm. Peacock asked if anyone else had a comment for the board. As there was no further comment, he closed the item for public hearing.

Cmr. Wolf motioned to approve the item. Cmr. Martinez seconded the motion which passed unanimously.

Planning and Zoning Manager’s report by: Joel Olivo, Planning and Zoning Manager

Mr. Olivo summarized the following:
  a. Future Subdivisions Pending P&Z Commission Approval
  b. Status of Items considered at the November 14, 2018 P&Z Commission Meeting

Planning and Development Director’s report by: Rodrigo Davila, Planning and Development Director.

There was no Director’s Report.

Cmr. Wolf motioned to adjourn the meeting. Cmr. Haire seconded the motion. The meeting was unanimously adjourned.

______________________________
Tre Peacock, Chairman
Planning and Zoning Commission
Meeting Date: December 19, 2018

Agenda Item:
Public hearing and take action to consider an Ordinance on First Reading to rezone from Not Designated ("N") District to Residential, Mobile Home ("MH") District for 3.82± acres out of Lot 7, Block 147, San Benito Land and Water Company Subdivision; rezone from Not Designated ("N") District to Residential, Multi-Family ("M-2") District for 19.83 acres out of Block 66, Harlingen Land and Water Company Subdivision; 6.5 acres out of Lot 10, 5.0 acres out of Lot 11, 4.7 acres out of Lot 14, and 9.39 acres out of Lot 15, Block 147, San Benito Land and Water Company Subdivision; rezone from Light Industry ("LI") District to Residential, Multi-Family ("M-2") District for 7.55 acres out of Block 119, San Benito Land and Water Company Subdivision; rezone from Not Designated ("N") District to General Retail ("GR") District for 4.12 acres out of Block 27, and 4.32 acres out of Block 28, Briggs Coleman Subdivision Survey 49; Lot 1, Block 1, Coastal Bend Subdivision; 7.52± acres out of Block 57, 6.03 acres out of Block 68, 34.99 acres out of Block 90, 19.08 acres out of Block 91, Harlingen Land and Water Company Subdivision; 30.73 acres out of Block 49, Palmetal Company Subdivision; Lots 1-4, Rio Subdivision; Part of Lot 4, Block 1, Cameron County Juvenile Detention Center Subdivision; 4.35 acres out of Lots 1 and 2, 4.95 acres out of Lot 2, 4.0 acres out of Lot 7, and 3.5 acres out of Lot 10, Block 147, and 7.91 acres out of Block 179, San Benito Land and Water Company Subdivision; and rezone from Not Designated ("N") District to Light Industry ("LI") District for 3.08 acres out of Block 91, Harlingen Land and Water Company Subdivision, all properties generally located along Loop 499 east of 7th Street, and north of 77 Sunshine Strip between Camelot Drive and FM 509. Applicant: City of Harlingen

Prepared By: Rodrigo Davila, CPM
Title: Planning and Development Director
Signature:

Brief Summary:

Project Timeline

- December 1, 2018 – In accordance with Statute 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.
- December 12, 2018 – Public hearing was conducted on the requested rezoning by the Planning and Zoning Commission (P&Z). The P&Z Commission recommended approval by a 5 to 0 vote.
- December 19, 2018 – In accordance with Statute 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
- January 2, 2019 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- January 16, 2019 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.
This is a City initiated rezoning to rezone the Not Designated ("N") District properties, and properties not consistent with the current land use in the city. Most of the subject properties along the Loop or south of the Loop were annexed into the city limits and zoned Not Designated ("N") District in 1979 or prior to that date, with the exception of the properties north of 77 Sunshine Strip west of FM 509 which was annexed in 1998. This City initiated rezoning is consistent with the goals of the Harlingen Comprehensive Plan, One Vision, One Harlingen, which is to zone all the Not Designated properties in the City. (ATTACHMENT I-IHI).

The subject properties proposed for Residential, Multi-Family ("M-2") District are developed with single family residential use, or are vacant in agriculture use. Agriculture and single family residential uses are permitted in a M-2 District. The properties proposed for General Retail ("GR") District, consists of mostly vacant properties, with the exception of one of the properties on Kilgore Drive developed commercial use, one of the properties also on Kilgore Drive developed with institutional use, a property on East Haine Drive developed with residential use, and a property on the said East Haine Drive with a utility services use. The subject proposed for GR District consistent with the surrounding GR District zoning pattern. The property proposed for Light Industry ("LI") District is vacant, and consistent with the surrounding LI land use and zoning pattern on Loop 499. The proposed rezonings are generally consistent with how the properties are currently developed, and/or the surrounding zoning. (ATTACHMENT III-V).

The surrounding properties for the area along the north side of Loop 499 (Tract 1) proposed for General Retail ("GR") District are zoned Not Designated (N) District to the south, and General Retail ("GR") to the east and west. North of the subject property is outside the city limits. For the properties along Vinson Avenue (Tract 2) proposed for Residential, Multi-Family ("M-2") District, the surrounding properties are zoned General Retail ("GR") District to the north, Residential, Single Family ("R-1") District to the south, and Not Designated ("N") District to the east and west. For the properties along Rio Hondo Road and Loop 499 (Tracts 3 and 4) proposed for General Retail ("GR") and Light Industry ("LI") Districts, the surrounding properties are zoned Planned Development ("PD") and Light Industry ("LI") Districts to the north, General Retail ("GR") and Light Industry ("LI") Districts to the south, Light Industry ("LI") District to the east and General Retail ("GR") District to the west. For the property along Loop 499 north of Washington Avenue, proposed for General Retail ("GR") District (Tract 5), the surrounding zonings are Light Industry ("LI") District to the north and east, and General Retail ("GR") District to the south and west. The surrounding zonings for the property proposed for Residential, Multi-Family ("M-2") District on Washington Avenue (Tract 6) are Residential, Single Family ("R-1") and Multi-Family ("M-2") District to the north, Residential, Multi-Family ("M-2") to the south, General Retail ("GR") District to the east and Residential, Single Family to the west. For the properties along East Harrison Avenue (Tracts 7 and 8) proposed for General Retail ("GR") District are General Retail ("GR") District to the north, Not Designated ("N") and General Retail ("GR") District to the south, Residential, Multi-Family ("M-2") to the east, and General Retail ("GR") District to the west. For the property along Tennessee Avenue (Tract 9) proposed for General Retail ("GR") District, the surrounding zonings are Residential, Single Family ("R-1") to the north, General Retail ("GR") to the south and east, and Office ("O") and General Retail ("GR") Districts to the west. The surrounding zonings for the properties along Whalen Road (Tract 10) proposed for Residential, Multi-Family ("M-2") District are Residential, Multi-Family ("M-2") District to the north, Not Designated ("N") District to the east, and General Retail ("GR") District to the west. South of the property is in San Benito city limits. For the
property proposed for Residential, Mobile Home ("MH") District (Tract 11) on Kilgore Avenue, the surrounding zoning are General Retail ("GR") District to the north, and Not Designated ("N") District to the south, east and west. For the properties on Kilgore Avenue proposed for General Retail ("GR") District (Tract 12), the surrounding zones are zoned General Retail ("GR") District to the north, and Not Designated ("N") District to the west. South and east of the properties is in San Benito city limits. The surrounding zoning for the properties proposed for General Retail ("GR") District on Haine Drive (Tract 13) are General Retail ("GR") District to the north, east and west, and Office ("O") District to the south (ATTACHMENT III). Surrounding land uses are generally consistent with the proposed rezonings (ATTACHMENT IV-VIII).

The Future Land Use Plan (FLUP) component of the City of Harlingen Comprehensive Plan - One Vision, One Harlingen shows the property proposed for Residential, Mobile Home ("MH") (Tract 11) as medium density residential; the request is generally consistent with the Future Land Use Plan, and consistent with the current land use. The properties proposed for General Retail ("GR") District (Tracts 1, 3, 5, 7, 8, 9, 12 and 13) are shown as mostly mixed use and/or retail; the request is generally consistent with the Future Land Use Plan, and surrounding land use. The exception is for Tract 12, which shows part of the western area as medium density residential; however, the request is consistent with the current use of the property and adjacent land use. The properties proposed for Residential, Multi-Family ("M-2") District (Tracts 2, 6 and 10) are shown as mixed use for Tracts 2 and 6, and medium density residential for Tract 10. The request is generally consistent with the Future Land Use Plan and surrounding M-2 zoning (ATTACHMENT IX).

Prior to initiating the city initiated rezoning process, property owners within a 200 ft. radius of the subject property received notification concerning the city initiated zoning study and were given one weeks to provide comments. Staff received two calls from property owners who expressed concern on the city initiated rezoning. The concern was in reference to the proposed M-2 zoning for a property on Whalen Road, and the other concern was in reference to the property on Washington Avenue. In addition, the said affected property owners also received notification concerning the public hearings for the subject city initiated rezoning request. To the present, Staff has received no objection.

### Funding (if applicable):

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

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

Finance Director’s approval:  
\[ Yes \[ No \[ N/A

### Staff Recommendation:

Staff recommends approval.

City Manager’s approval:  
\[ Yes \[ No \[ N/A

### Comments:

City Attorney’s approval:  
\[ Yes \[ No \[ N/A

(form revised 04/29/09)
## Attachment I

### CITY OF HARLINGEN PLANNING AND ZONING DIVISION

#### MASTER APPLICATION

<table>
<thead>
<tr>
<th>PROPERTY INFORMATION: (Please PRINT or TYPE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address:</td>
</tr>
<tr>
<td>Nearest Intersection:</td>
</tr>
<tr>
<td>(Proposed) Subdivision Name:</td>
</tr>
<tr>
<td>See attached legal description: Lot: Block:</td>
</tr>
<tr>
<td>Existing Zoning Designation:</td>
</tr>
<tr>
<td>n</td>
</tr>
<tr>
<td>Future Land Use Plan Designation: M-2, mixed use and General Retail</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant/Authorized Agent:</td>
</tr>
<tr>
<td>City of Harlingen</td>
</tr>
<tr>
<td>Phone: (956) 216-570/FAX: 216-5265</td>
</tr>
<tr>
<td>Email Address (for project correspondence only):</td>
</tr>
<tr>
<td>Mailing Address:</td>
</tr>
<tr>
<td>City: Harlingen</td>
</tr>
<tr>
<td>State: TX</td>
</tr>
<tr>
<td>Zip: 78550</td>
</tr>
<tr>
<td>Property Owner:</td>
</tr>
<tr>
<td>City: Harlingen</td>
</tr>
<tr>
<td>Phone: FAX</td>
</tr>
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</tr>
<tr>
<td>Zip:</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Select appropriate process for which approval is sought. Attach completed checklists with this application.</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐Annexation Request........................................ No Fee</td>
</tr>
<tr>
<td>☐Administrative Appeal (ZBA)............................... $125.00</td>
</tr>
<tr>
<td>☐Comp. Plan Amendment Request............................ $250.00</td>
</tr>
<tr>
<td>☐Re-zoning Request.......................................... $250.00</td>
</tr>
<tr>
<td>☐SUP Request/Renewal........................................ $250.00</td>
</tr>
<tr>
<td>☐Zoning Variance Request (ZBA)........................... $250.00</td>
</tr>
<tr>
<td>☐PDD Request................................................ $250.00</td>
</tr>
<tr>
<td>☐License to Encroach........................................ $250.00</td>
</tr>
</tbody>
</table>

Please provide a basic description of the proposed project: City Initiated Rezoning of the described Not Designated Properties

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: 12/4/2018

Property Owner(s) Signature: [Signature] Date:

Accepted by: Date:
Public hearing and take action to consider a request to rezone the following:

Tract 1: rezone from Not Designated (“N”) District to General Retail (“GR”) District for 4.12 acres out of Block 27, and 4.32 acres out of Block 28, Briggs Coleman Subdivision Survey 49; Tract 2: rezone from Light Industry (“LI”) District to Residential, Multi-Family (“M-2”) District for 7.55 acres out of Block 119, San Benito Land and Water Company Subdivision; Tract 3: rezone from Not Designated (“N”) District to General Retail (“GR”) District for Lot 1, Block 1, Coastal Bend Subdivision; 34.99 acres out of Block 90, 19.08 acres out of Block 91, Harlingen Land and Water Company Subdivision; Tract 4: rezone from Not Designated (“N”) District to Light Industry (“LI”) District for 3.08 acres out of Block 91, Harlingen Land Water Company Subdivision; Tract 5: rezone from Not Designated (“N”) District to General Retail (“GR”) District for 6.03 acres out of Block 68, Harlingen Land and Water Company Subdivision; Tract 6: rezone from Not Designated (“N”) District to Residential, Multi-Family (“M-2”) District for 19.83 acres out of Block 66, Harlingen Land and Water Company Subdivision; Tract 7: rezone from Not Designated (“N”) District to General Retail (“GR”) District for 30.73 acres out of Block 49, Palmetal Company Subdivision; Tract 8: rezone from Not Designated (“N”) District to General Retail (“GR”) District for 7.25 ± acres out of Block 57, Harlingen Land and Water Company Subdivision; Tract 9: rezone from Not Designated (“N”) District to General Retail (“GR”) District for 7.91 acres out of Block 179, San Benito Land and Water Company Subdivision; Tract 10: rezone from Not Designated (“N”) District to Residential, Multi-Family (“M-2”) for 6.5 acres out of Lot 10, 5.0 acres out of Lot 14, and 9.39 acres out of Lot 15. Block 147, San Benito Land and Water Company Subdivision; Tract 11: rezone from Not Designated (“N”) District to Residential, Mobile Home (“MH”) District for 3.82± acres out of Lot 7, Block 147, San Benito Land and Water Company Subdivision; Tract 12: rezone from Not Designated (“N”) District to General Retail (“GR”) District for Part of Lot 4, Block 1, Cameron County Juvenile Detention Center Subdivision; 4.35 acres out of Lots 1 and 2, 4.95 acres out of Lot 2, 4.0 acres out of Lot 7, and 3.5 acres out of Lot 10, Block 147; Tract 13: rezone from Not Designated (“N”) District to General Retail (“GR”) District for Lots 1-4, Rio Subdivision; All properties generally located along Loop 499 east of 7th Street, and north of 77 Sunshine Strip between Tennessee Avenue and FM 509. Applicant: City of Harlingen.
Tract 1: Rezone from Not Designated (N) District to General Retail (GR) District for 4.12 acres out of Block 27 and 4.32 acres out of Block 28, Briggs Coleman Subdivision Survey 49. Applicant: City of Harlingen

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form revised 04/29/09
Tract 2: Rezone from Light Industry (LI) District to Residential, Multi-Family (M2) District for 7.55 acres out of Block 119, Harlingen Land and Water Company Subdivision. City of Harlingen: City of Harlingen

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form revised 04/29/09
Tract 3: Rezone from Not Designated (N) District to General Retail (GR) District for Lot 1, Block 1, Coastal Bend Subdivision, 34.99 acres out of Block 90, 19.08 acres out of Block 91, Harlingen Land and Water Company Subdivision. Applicant: City of Harlingen

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Tract 4: Rezone from Not Designated ("N") District to Light Industry ("LI") District for 3.08 acres out of Block 91, Harlingen Land Water Company Subdivision. Applicant: City of Harlingen

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Tract 5: Rezone from Not Designated (N) District to General Retail (GR) District for 6.03 acres out of Block 68, Harlingen Land and Water Company Subdivision. Applicant: City of Harlingen
Tract 6: Rezone from Not Designated (N) District to Residential, Multi-Family (M2) District for 19.83 acres out of Block 66, Harlingen Land and Water Company Subdivision. Applicant: City of Harlingen

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form revised 04/29/09
Attachment III cont.

Tract 7: Rezone from Not Designated (N) District to General Retail (GR) District for 30.73 acres out of Block 49, Palmetal Company Subdivision. Applicant: City of Harlingen

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form revised 04/29/09
Tract 8: Rezone from Not Designated (N) District to General Retail (GR) District for 7.25 acres out of Block 57, Harlingen Land and Water Company Subdivision.
Applicant: City of Harlingen
Tract 9: Rezone from Not Designated (N) District to General Retail (GR) District for 7.91 acres out of Block 179, San Benito Land and Water Company Subdivision. Applicant: City of Harlingen

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Tract 11: Rezone from Not Designated (N) District to Residential, Mobile Home ("MH") District for 3.82 acres out of Lot 7, Block 147, San Benito Land and Water Company Subdivision. Applicant: City of Harlingen.
Tract 12: Rezone from Not Designated (N) District to General Retail (GR) District for Part of Lots 3 and 4, Block 1, Cameron County Juvenile Detention Center Subdivision; 4.35 acres out of Lots 1 and 2, 4.95 acres out of Lot 2, 4.0 acres out of Lot 7, and 3.5 acres out of Lot 10, Block 147, San Benito Land and Water Company Subdivision. Applicant: City of Harlingen

Zoning Designations

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

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Tract 13: Rezone from Not Designated (N) District to General Retail (GR) District for Lots 1-4, Rio Subdivision. Applicant: City of Harlingen

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form revised 04/29/09
VIEW FROM THE SOUTHWEST OF PROPERTY PROPOSED FOR GR
NE corner of Loop 499 and Briggs Coleman Road

VIEW FROM THE SOUTH OF PROPERTY PROPOSED FOR M-2
Vinson Avenue west of 13th Street

form revised 04/29/09
VIEW FROM THE NORTH ON LOOP 499 AND RIO HONDO RD.
SE Corner Property Proposed for LI, and SW Corner Property Proposed for GR

VIEW FROM THE NORTH ON LOOP 499, NORTH OF GRIMES AVE.
PROPERTY PROPOSED FOR GR
Attachment VII

VIEW FROM THE EAST OF PROPERTY PROPOSED FOR M-2
Washington Avenue west of Loop 499

VIEW FROM THE SOUTH OF PROPERTY PROPOSED FOR M-2
Whalen Road south of Haine Dr.
Attachment VIII

VIEW FROM THE SOUTH OF PROPERTY PROPOSED FOR GR
Kilgore Dr. north of Business 77

VIEW FROM THE SOUTH OF PROPERTY PROPOSED FOR MH
Kilgore Drive north of Business 77
ORDINANCE NO. 18

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN:
REZONING FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, MOBILE HOME ("MH") DISTRICT FOR 3.82± ACRES OUT OF LOT 7, BLOCK 147, SAN BENITO LAND AND WATER COMPANY SUBDIVISION;
REZONE FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL MULTI-FAMILY("M-2") DISTRICT FOR 19.83 ACRES OUT OF BLOCK 66, HARLINGEN LAND AND WATER COMPANY SUBDIVISION;
REZONE FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL MULTI-FAMILY ("M-2") DISTRICT FOR 6.5 ACRES OUT OF LOT 10, 5.0 ACRES OUT OF LOT 11, 4.7 ACRES OUT OF LOT 14, AND 9.39 ACRES OUT OF LOT 15, BLOCK 147, SAN BENITO LAND AND WATER COMPANY SUBDIVISION;
REZONE LIGHT INDUSTRY ("LI") DISTRICT TO RESIDENTIAL MULTI-FAMILY ("M-2") DISTRICT FOR 7.55 ACRES OUT OF BLOCK 119, SAN BENITO LAND AND WATER COMPANY SUBDIVISION;
REZONE FROM NOT DESIGNATED ("N") DISTRICT TO GENERAL RETAIL ("GR") DISTRICT FOR 4.12 ACRES OUT OF BLOCK 27, AND 4.32 ACRES OUT OF BLOCK 28, BRIGGS COLEMAN SUBDIVISION SURVEY 49; LOT 1, BLOCK 1, COASTAL BEND SUBDIVISION; 7.52± ACRES OUT OF BLOCK 57, 6.03 ACRES OUT OF BLOCK 68, 34.99 ACRES OUT OF BLOCK 90, 19.08 ACRES OUT OF BLOCK 91, HARLINGEN LAND AND WATER COMPANY SUBDIVISION; 30.73 ACRES OUT OF BLOCK 49, PALMETAL COMPANY SUBDIVISION; LOTS 1-4, RIO SUBDIVISION, PART OF LOT 4, BLOCK 1, CAMERON COUNTY JUVENILE DENTENTION CENTER SUBDIVISION; 4.35 ACRES OUT OF LOTS 1 AND 2, 4.95 ACRES OUT OF LOT 2, 4.0 ACRES OUT OF LOT 7, AND 3.5 ACRES OUT OF LOT 10, BLOCK 147, AND 7.91 ACRES OUT OF BLOCK 179, SAN BENITO LAND AND WATER COMPANY SUBDIVISION; AND REZONE FROM NOT DESIGNATED ("N") DISTRICT TO LIGHT INDUSTRY ("LI") DISTRICT FOR 3.08 ACRES OUT OF BLOCK 91, HARLINGEN LAND AND WATER COMPANY SUBDIVISION, ALL PROPERTIES GENERALLY LOCATED ALONG LOOP EAST OF 7TH STREET, AND NORTH OF 77 SUNSHINE STRIP BETWEEN CAMELOT DRIVE AND FM 509; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING
WHEREAS, the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen’s Zoning Ordinance procedure, has recommended a change in the zoning classification for certain described real property in the City of Harlingen; and it is deemed to be in the best interest of the City of Harlingen in accordance with said recommendation of the Planning and Zoning Commission of the City, being the recommendation as hereinafter set forth; and public notice of such proposed rezoning having been fully made and complied with as required by said Zoning Ordinance and applicable laws of the State of Texas; and the City Commission of the City of Harlingen having held public hearings with reference thereto, being duly and thoroughly heard; and after consideration of the evidence presented, said City Commission is of the opinion that it is in the best interest of the City of Harlingen that said Code of Ordinances be amended as indicated, now, therefore,

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Rezoning from Not Designated ("N") District to Residential, Mobile Home ("MH") District for 3.82± acres out of Lot 7, Block 147, San Benito Land and Water Company Subdivision; rezone from Not Designated ("N") District to Residential, Multi-Family ("M-2") District for 19.83 acres out of Block 66, Harlingen Land and Water Company Subdivision; 6.5 acres out of Lot 10, 5.0 acres out of Lot 11, 4.7 acres out of Lot 14, and 9.39 acres out of Lot 15, Block 147, San Benito Land and Water Company Subdivision; rezone from Light Industry ("LI") District to Residential, Multi-Family ("M-2") District for 7.55 acres out of Block 119, San Benito Land and Water Company Subdivision; rezone from Not Designated ("N") District to General Retail ("GR") District for 4.12 acres out of Block 27, and 4.32 acres out of Block 28, Briggs Coleman Subdivision Survey 49; Lot 1, Block 1, Coastal Bend Subdivision; 7.52± acres out of Block 57, 6.03 acres out of Block 68, 34.99 acres out of Block 90, 19.08 acres out of Block 91, Harlingen Land and Water Company Subdivision; 30.73 acres out of Block 49, Palmetal Company Subdivision; Lots 1-4, Rio Subdivision; Part of Lot 4, Block 1, Cameron County Juvenile Detention Center Subdivision; 4.35 acres out of Lots 1 and 2, 4.95 acres out of Lot 2, 4.0 acres out of Lot 7, and 3.5 acres out of Lot 10, Block 147, and 7.91 acres out of Block 179, San Benito Land and Water Company Subdivision; and rezone from Not Designated ("N") District to Light Industry ("LI") District for 3.08 acres out of
Block 91, Harlingen Land and Water Company Subdivision, all properties generally located along Loop 499 east of 7th Street, and north 77 Sunshine Strip between Camelot Drive and FM 509.

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 ____________, 2018 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
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Tract 7: Rezone from Not Designated (N) District to General Retail (GR) District for 30.73 acres out of Block 49, Palmetal Company Subdivision. Applicant: City of Harlingen

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Tract 9: Rezone from Not Designated (N) District to General Retail (GR) District for 7.91 acres out of Block 179, San Benito Land and Water Company Subdivision. Applicant: City of Harlingen

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ORDINANCE NO. 18

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN:
REZONING FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, SINGLE FAMILY ("R-1") DISTRICT FOR 3.12 ACRES OUT OF BLOCK 103, 2.94 ACRES OUT OF BLOCK 118, AND 8.79 ACRES OUT OF BLOCK 119, HARLINGEN LAND AND WATER COMPANY SUBDIVISION; 0.5 ACRES OUT OF BLOCK 23, BRIGGS AND COLEMAN SUBDIVISION SURVEY 49; AND LOT 1, BLOCK 1, GALVEZ SUBDIVISION; REZONE FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, MULTI-FAMILY ("M-2") DISTRICT FOR 3.79 ACRES OUT OF BLOCK 62, DAVID AND STEPHENSON SUBDIVISION; AND 13.98 ACRES OUT OF BLOCK 119 HARLINGEN LAND AND WATER COMPANY SUBDIVISION; REZONE FROM NOT DESIGNATED ("N") DISTRICT TO GENERAL RETAIL ("GR") DISTRICT FOR 10.80 ACRES OUT OF BLOCK 23, 6.21 ACRES OUT OF BLOCK 24, 3.73 ACRES OUT OF BLOCK 25, 3.30 ACRES OUT OF BLOCK 26, 3.35 ACRES OUT OF BLOCKS 26 AND 27, 8.12 ACRES OUT OF BLOCK 27, AND 4.3 ACRES OUT OF BLOCK 28, BRIGGS AND COLEMAN SUBDIVISION SURVEY 49; 13.11 ACRES OUT OF BLOCK 58, AND 6.67 ACRES OUT OF BLOCK 59, DAVID AND STEPHENSON SUBDIVISION; AND 12.91 ACRES OUT OF BLOCK 121, HARLINGEN LAND AND WATER COMPANY SUBDIVISION; AND REZONE FROM NOT DESIGNATED ("N") DISTRICT TO LIGHT INDUSTRY ("LI") DISTRICT FOR 9.83 ACRES OUT OF BLOCK 19, CUNNINGHAM SUBDIVISION, ALL PROPERTIES GENERALLY LOCATED BETWEEN EXPRESSWAY 77 AND 25TH STREET, NORTH OF PHOENIX AVENUE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Rezoning from Not Designated ("N") District To Residential, Single Family ("R-1") District for 3.12 acres out of Block 103, 2.94 acres out of Block 118, and 8.79 acres out of Block 119, Harlingen Land and Water Company Subdivision; 0.5 acres out of Block 23, Briggs and Coleman Subdivision Survey 49; and Lot 1, Block 1, Galvez Subdivision; rezone from Not Designated ("N") District to Residential, Multi-Family ("M-2") District for 3.79 acres out of Block 62, David and Stephenson Subdivision; and 13.98 acres out of Block 119 Harlingen Land and Water Company Subdivision; rezone from Not Designated ("N") District to General Retail ("GR") District for 10.80 acres out of Block 23, 6.21 acres out of Block 24, 3.73 acres out of Block 25, 3.30 acres out of Block 26, 3.35 acres out of Blocks 26 and 27, 8.12 acres out of Block 27, and 4.3 acres out of Block 28, Briggs and Coleman Subdivision Survey 49; 13.11 acres out of Block 58, and 6.67 acres out of Block 59, David and Stephenson Subdivision; and 12.91 acres out of Block 121, Harlingen Land and Water Company Subdivision; and rezone from Not Designated ("N") District to Light Industry ("LI") District for 9.83 acres out of Block 19, Cunningham Subdivision, all properties generally located between Expressway 77 and 25th Street, north of Phoenix Avenue.

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 ____________, 2018 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
Request to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for 3.12 acres out of Block 103, 2.94 acres out of Block 118, and 8.79 acres out of Block 119, Harlingen Land and Water Company Subdivision; 0.5 acres out of Block 23, Briggs and Coleman Subdivision Survey 49; and Lot 1, Block 1, Galvez Subdivision; rezone from Not Designated ("N") District to Residential, Multi-Family ("M-2") District for 3.79 acres out of Block 62, David and Stephenson Subdivision; and 13.98 acres out of Block 119, Harlingen Land and Water Company Subdivision; rezone from Not Designated ("N") District to General Retail ("GR") District for 10.80 acres out of Block 23, 6.21 acres out of Block 24, 3.73 acres out of Block 25, 3.30 acres out of Block 26, 3.36 acres out of Block 26 and 27, 8.12 acres out of Block 27, and 4.3 acres out of Block 28; Briggs and Coleman Subdivision Survey 49; 13.11 acres out of Block 58, and 6.67 acres out of Block 59, David and Stephenson Subdivision, and 12.91 acres out of Block 121, Harlingen Land and Water Company Subdivision; and rezone from Not Designated ("N") District to Light Industry ("LI") District for 9.83 acres out of Block 19, Cunningham Subdivision, all properties generally located between Expressway 77 and 25th Street, north of Phoenix Avenue. Applicant: City of Harlingen.
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Request to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for 3.12 acres out of Block 103, 2.94 acres out of Block 118, and 8.79 acres out of Block 119, Harlingen Land and Water Company Subdivision; 0.5 acres out of Block 23, Briggs and Coleman Subdivision Survey 49; and Lot 1, Block 1, Galvez Subdivision; rezone from Not Designated ("N") District to Residential, Multi-Family ("M-2") District for 3.79 acres out of Block 62, David and Stephenson Subdivision; and 13.98 acres out of Block 119, Harlingen Land and Water Company Subdivision; rezone from Not Designated ("N") District to General Retail ("GR") District for 10.80 acres out of Block 23, 6.21 acres out of Block 24, 3.73 acres out of Block 25, 3.30 acres out of Block 26, 3.35 acres out of Block 26 and 27, 8.12 acres out of Block 27, and 4.3 acres out of Block 28, Briggs and Coleman Subdivision Survey 49; 13.11 acres out of Block 58, and 6.67 acres out of Block 59, David and Stephenson Subdivision, and 12.91 acres out of Block 121, Harlingen Land and Water Company Subdivision; and rezone from Not Designated ("N") District to Light Industry ("LI") District for 9.83 acres out Block 19, Cunningham Subdivision, all properties generally located between Expressway 77 and 25th Street, north of Phoenix Avenue. Applicant: City of Harlingen.
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AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: December 19, 2018

Agenda Item:
Consider and take action to grant a variance request with regards to the minimum lot depth for the proposed Mancha Subdivision, bearing a legal description of a 0.256 acre tract of land, more or less, out of Block 64, Lon C. Hill Subdivision, located on the west side of Hacienda Road, north of Morris Road. Applicant: Victor Banuelos of Centerline Surveying, c/o Margarita Diaz.

Prepared By: Rodrigo Davila, CPM
Title: Planning and Development Director
Signature: [Signature]

Brief Summary:
The developer is requesting a variance from the City of Harlingen Code of Ordinances Section 109-124(b) and Section 111-118(3) with regards to the minimum lot depth of 100 feet.

The subject property is currently undeveloped. It is located inside the City Limits, on the west side of Hacienda Road, north of Morris Road. The subdivision has a proposed dimensions of 124 feet in width and 90 feet in depth. It meets the minimum requirements for square footage and lot width, but does not meet the minimum depth requirement of 100 feet. (ATTACHMENT II).

The surrounding land use consists of single family residential use in all directions. The surrounding properties to the north, east, and west are subdivided. The property to the south is unsubdivided. (ATTACHMENT III).

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 4/5ths vote of the City Commission shall be required to override a recommendation for/or against the variance from P&Z Commission.

**Staff Recommendation:**

Staff recommends approval of the variance as:

1. The variance request complies with the findings outlined in Section 109-27(c) of the Code of Ordinances;
2. The subdivision is bounded by surrounding properties that are developed with single family residences, and is unable to acquire the additional property to meet the minimum lot depth required;

**Funding (if applicable):**

Are funds specifically designated in the current budget for the full amount for this purpose?  
*If no, specify source of funding and amount requested:

Finance Director's approval:  
City Manager's approval:  
City Attorney's approval:  

**Comments:**
CITY OF HARLINGEN PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

<table>
<thead>
<tr>
<th>Project Address</th>
<th>Nearest Intersection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacant Lot</td>
<td>Morris Rd &amp; Hacienda Rd</td>
</tr>
</tbody>
</table>

(Proposed) Subdivision Name: Mancha Subdivision
Lot Block:

Existing Zoning Designation: Residential
Future Land Use Plan Designation: Same

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

<table>
<thead>
<tr>
<th>Applicant/Authorized Agent</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Centerline Surveying</td>
<td>(956) 454-5785 FAX</td>
</tr>
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Email Address (for project correspondence only): centerlinesurvey@yahoo.com

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>Till W. Tyler</td>
<td>Harlingen</td>
<td>Tx</td>
<td>78550</td>
</tr>
</tbody>
</table>

Property Owner: Margarita Diaz
Phone: (956) 241-1354 FAX

Email Address (for project correspondence only): ________________________

Mailing Address: 28040 Morris Rd
City: Harlingen
State: Tx
Zip: __________

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

<table>
<thead>
<tr>
<th>Option</th>
<th>Fee</th>
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<tr>
<td>[] Administrative Appeal (ZBA)</td>
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<td>[] Comp. Plan Amendment Request</td>
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<td>[] Re-zoning Request</td>
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<tr>
<td>[] SUP Request/Renewal</td>
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<tr>
<td>[] Zoning Variance Request (ZBA)</td>
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<tr>
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<td>[] Vacating Plat</td>
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<tr>
<td>[] Development Plat</td>
<td>$100.00</td>
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<tr>
<td>[] Subdivision Variance Request</td>
<td>$25.00 (each)</td>
</tr>
</tbody>
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Please provide a basic description of the proposed project:
A. 0.750 ac. tract out of Block 64, Lou C. Hill Subdivision, City of Harlingen, Cameron County, Texas

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: Victor Briones
Date: 10-23-18

Property Owner(s) Signature: Margarita Diaz
Date: 10-23-18

Accepted by: ________________________ Date: ________________________

By: ________________________ Date: ________________________

RECEIVED
DECEMBER 8, 2018
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 plat is submitted to the City. (Section 7.1)
✓ 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 Section 7.1 of the Subdivision Ordinance, variances cannot be granted unless the Planning and Zoning Commission and/or City Commission finds that:
  o 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
  o The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
  o The granting of the variance will not be detrimental to the public health, safety, welfare, or injurious to other property in the area; and
  o 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 4/5-majority vote (a "super-majority") of the City Commission is required to reverse the decision of the Planning and Zoning Commission.

Owner: Margarita Diaz Date: 11-29-18
Owner Address: 28040 Morris Rd. Harlingen, TX
Phone/Fax: (956) 241-1214
Signature: [Signature]
5. Location of City limits, extraterritorial jurisdiction (ETJ), and zoning district boundaries if within or contiguous to the proposed subdivision.

- Date of preparation, north arrow, and scale of plat. (Sec. 109-92.c.2.h)
- A number or letter to identify each lot, tract, and block. (Sec. 109-92.c.2.i)
- Building setback lines (if different from Zoning Ordinance). (Sec. 109-92.c.2.j)
- Vicinity map of not more than 1:2,000 showing existing streets, and city limit and/or ETJ boundary. (Sec. 109-92.c.2.k-l)
- Street system in compliance with the City of Harlingen's Long Range Thoroughfare Plan. (Sec. 109-124.c.1)
- Appropriate signature blocks for the following:
  1. Subdivider, record owner, lien holders, engineer and/or surveyor. (Sec. 109-92.c.2.m)
  2. All signature blocks required in "Exhibit F" of the Subdivision Ordinance. (Sec. 109-92.c.2.n-s)
  3. A signed statement from the appropriate drainage and/or irrigation district that the final plat has been approved by such entity. (Sec. 109-92.c.2.t)
  4. An engineer's statement of the minimum finished floor elevation based on average flood waters in the flood zone location, if applicable. (Sec. 109-92.c.2.u)

Plats shall not be scheduled for the Planning and Zoning Commission review unless items on this list are completed. I have read and understand in its entirety the City of Harlingen Code of Ordinances, Chapter 109-Subdivisions and understand that the requirements of a final plat are subject to the terms and conditions therein. This final plat checklist is used to insure compliance with the Ordinance and in some instances the City may require additional information for approval. An endorsement of this application checklist by the applicant shall be acknowledgment that all of the items on the above list have been submitted. I also understand that, pursuant to Sec. 111-87 of the City of Harlingen Code of Ordinances Chapter 111-Subdivisions, no building permit will be issued until the plat has been approved by the Planning and Zoning Commission and filed in the office of the County Clerk.

Project Name: **March Subdivision**

Owner: **Margarita Diaz**  
Date: **10-23-18**

Owner Address:  
28040 Morris Rd  
Harlingen, TX  
Signature: **Margarita Diaz**

Engineer/Surveyor: **Victor Borronecas**  
Date: **10-23-18**

Engineer/Surveyor Address:  
711 W. Tyler  
Harlingen, TX  
Signature: **Victor Borronecas**
November 30, 2018

City of Harlingen
Planning and Zoning

Centerline Surveying is requesting a variance on the size of the lot for proposed subdivision (Mancha), located in the City of Harlingen. The proposed subdivision is adjoined by La Hacienda Subdivision in which all lots have a septic systems. Currently the City of Harlingen is not providing sanitary sewer services to this area. To abide by the rules and regulation of Hallingen Water Works we need to proceed as a one lot subdivision. According to Harlingen Water Works if we create two lots or more our developer will be required to connect to the closest sanitary sewer line. The closest sanitary sewer line is at a great distance and would cost a significant amount of money to extend that my client is unable to provide. Our client wishes to install a septic system for the house she plans on building on this property. We appreciate your consideration with this matter and hope to be granted the variance. Thank you.

Victor Banuelos R.P.L.S.
Centerline Surveying
(956)454-5785
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: December 19, 2018

Agenda Item:
Public Hearing to receive comments regarding the proposed voluntary annexation and to establish the initial zoning to General Retail ("GR") District for a 1.0± acre of land being the North 50 feet of a 2.766 acre tract of land out of Block 54, David and Stephenson Subdivision, located on the west side of Briggs Coleman Road north of Loop 499. Applicant: John W. Drennan, c/o Troy Investment Company No. 7, L.P.

Prepared By: Rodrigo Davila, CPM
Title: Planning and Development Director
Signature: [Signature]

Brief Summary:

Project Timeline

- September 12, 2018 – Voluntary Annexation Request submitted to the City; application deemed incomplete (ATTACHMENT I AND II).
- September 20, 2018 – Metes and bounds description of annexation submitted; application deemed complete.
- October 3, 2018 – The City Commission approved a resolution directing staff to prepare a service plan for the annexation and to initiate proceedings.
- November 3, 2018 – In accordance with Statute and local law, notice of required public hearings (for the zoning and first public hearing for the annexation) published in the Valley Morning Star.
- November 14, 2018 – Public hearing to recommend a zoning designation of tract upon annexation by the Planning and Zoning Commission.
- November 24, 2018 – In accordance with Statute and local law, notice of required public hearings (for the zoning and first public hearing for the annexation) published in the Valley Morning Star.
- December 5, 2018 – First Public Hearing conducted by the City Commission
- December 8, 2018 – In accordance with Statute and local law, notice of second public hearing published in the Valley Morning Star.
- December 19, 2018 – Second Public Hearing before the City Commission
- January 2, 2019 – Consideration of annexation by the City Commission via First Ordinance Reading.
- January 16, 2019 – Pending approval of 1st ordinance reading, consideration of annexation by the City Commission via Second Ordinance Reading.

Summary

- In accordance with the Texas Local Government Code and the City Code of Ordinances, three public hearings are required as related to the voluntary annexation request. One public hearing is required before the Planning and Zoning Commission and two public hearings are required before the City Commission. This represents the second of two public hearings required before the City Commission.
- John W. Drennan, the applicant on behalf of Troy Investment Company No. 7, L.P has
requested the voluntary annexation of 1.0± acre of land. All of the subject property is outside, but adjacent to, the current city limits (ATTACHMENT II and III).

- The applicant is proposing to subdivide the subject property into a four lot commercial subdivision under the name of Storage Depot Subdivision. The applicant is proposing an expansion of their existing storage unit business. The proposed subdivision will consist of an existing recorded lot that has frontage on Loop 499, and a 2.76 acre tract of land adjacent to the north of the said lot. Within the said 2.76 acre tract is an existing 1,500 square ft. building. Part of the proposed subdivision (2.73 acres) is currently inside the city limits and the north 1.0 acre is located outside the city limits. The proposed subdivision will have frontage on Loop 499 and Briggs Coleman Road (ATTACHMENT IV and V).

- The developer will be responsible for all infrastructure provisions, including street development, street lights, water and wastewater services, storm sewer, and other requirements as specified under the subdivision regulations.

- Water and wastewater disposal for this subdivision is proposed to be provided through HWWS.

- Concurrent with the annexation, the subject property will be zoned to General Retail ("GR") District. The requested zoning is generally consistent with the Future Land Use Plan component of the City of Harlingen Comprehensive Plan One Vision One Harlingen, and consistent with the GR zoning pattern along Loop 499 (ATTACHMENT VI).

- The Draft Service Plan outlines the services to be provided within sixty (60) days after the effective date of annexation and the capital improvements that will begin construction within two and one-half (2-1/2) years of the effective date of the annexation (ATTACHMENT VII).

- The subject annexation will require three public hearings and two reading of the ordinance to annex the property. The above timeline delineates the annexation process.

---

**Funding (if applicable):**

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

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

Finance Director’s approval: [ ] Yes [ ] No [ ] N/A

**Staff Recommendation:**

Staff recommends conducting the public hearing. No action is required.

City Manager’s approval: [ ] Yes [ ] No [ ] N/A

**Comments:**

*form revised 04/29/09*
City Attorney’s approval: [✓] Yes ☐ No ☐ N/A

Attachment I
CITY OF HARLINGEN PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address: 20058 Briggs Coleman Nearest Intersection: Briggs Coleman & Loop 499

(Proposed) Subdivision Name: not platted Lot: Block: 

Existing Zoning Designation: not zoned Future Land Use Plan Designation: general retail

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent: Stephen M. Gano Phone: 956-838-1133 FAX: 956-838-1766

Email Address (for project correspondence only): sgano@oakcrestmgmt.com

Mailing Address: P.O. Box 3817 City: Brownsville State: TX Zip: 78523-3817

Property Owner: Troy Investment Company No. 7, L.P. Phone: 956-838-1133 FAX: 956-838-1766

Email Address (for project correspondence only):

Mailing Address: P.O. Box 3817 City: Brownsville State: TX Zip: 78523-3817

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

- ☑ Annexation Request: No Fee
- ☐ Administrative Appeal (ZBA): $125.00
- ☐ Comp. Plan Amendment Request: $250.00
- ☐ Re-zoning Request: $250.00
- ☐ SUP Request/Renewal: $250.00
- ☐ Zoning Variance Request (ZBA): $250.00
- ☐ PCD Request: $250.00
- ☐ Final Plat: $50.00
- ☐ Minor Plat: $100.00
- ☐ Re-plat: $250.00
- ☐ Vacating Plat: $50.00
- ☐ Development Plat: $100.00
- ☐ Subdivision Variance Request: $25.00 (each)

Please provide a basic description of the proposed project: The North approximately 50 feet of our property is outside the city limits. The entire tract needs to be inside the city limits for development purposes.

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: 9/12/18

Property Owner(s) Signature: ____________ Date: 9/12/18

Accepted by: ____________ Date: ____________

form revised 04/29/09
PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

TO THE MAYOR OF THE GOVERNING BODY OF CAMERON, TEXAS:

The undersigned owners of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby [if applicable: waive the requirement to be offered a development agreement pursuant to Section 43.035, and] petition your honorable Body to extend the present city limits so as to include as part of the City of Harlingen, Texas, the following described territory, to wit:

Described on Exhibit "A"

We certify that the above described tract of land is contiguous and adjacent to the City of Harlingen, Texas, is not more than one-half mile in width [only limited by Local Government Code Section 43.028], and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

Troy Investment Company No. 7, L.P.
By: Parkwood Enterprises, Inc., General Partner

By: [Signature]
John W. Drennan, President

THE STATE OF TEXAS
COUNTY OF CAMERON

BEFORE ME, the undersigned authority, on this day personally appeared John W. Drennan, President, of Parkwood Enterprises, Inc., General Partner of Troy Investment Company No. 7, L.P., known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 13th day of September, 2018.

OLMA RODRIGUEZ
My Notary ID # 128021228
Expires August 24, 2021

Notary Public in and for Cameron County, Texas.
The Northernmost 50' of a 2.766 acre tract of land, more or less, out Block Fifty Four (54), DAVID AND STEPHENSON SUBDIVISION, Cameron County, Texas as recorded in Volume 1, Page 2 of the Cameron County Map Records, said 2.766 acre tract of land being more particularly described as follows:

Commencing at the Northwest corner of said Block 54, said corner being on the Northwest corner of Montezuma Estates Subdivision as recorded in Cabinet 1, Slot 2438-B of the Cameron County Map Records;

Thence, South 00 degrees 03 minutes 00 seconds West, with the contiguous West line of said Block 54, and West line of said Montezuma Estates Subdivision, a distance of 490.79 feet to the Southwest corner of said Montezuma Estates Subdivision;

Thence, South 89 degrees 57 minutes 00 seconds East, with the South line of said Montezuma Estates Subdivision, a distance of 489.35 feet to a ½ inch steel rod previously set for the Northwest corner and Point of Beginning of the tract of land herein described;

Thence, continuing South 89 degrees 57 minutes 00 seconds East, with the South line of said Montezuma Estates Subdivision, at a distance of 860.21 feet passing a ½ inch steel rod set on the apparent West right of way line of Briggs-Coleman Road, a total distance of 876.61 feet to a point on the East line of said Block 54 for the Northeast corner of this tract;

Thence, South 00 degrees 15 minutes 45 seconds East, with the East line of said Block 54, a distance of 137.39 feet to a point for the Southeast corner of this tract;

Thence, North 89 degrees 57 minutes 00 seconds West, parallel to the North line of said Block 54, at a distance of 16.40 feet passing a ½ inch steel rod set on the apparent West right of way line of said Briggs-Coleman Road, a total distance of 877.36 feet to a ½ inch steel rod previously set for the Southwest corner of this tract, said corner being on the Northwest corner of Lot 2, Block 1, Replat of Lots 1, 2 and 4 Stone Subdivision Phase II as recorded in Cabinet 1, Slot 2897-B of the Cameron County map Records;

Thence, North 00 degrees 03 minutes 00 seconds East, parallel to the West line of said Block 54, a distance of 137.39 feet to the Point of Beginning and containing 2.766 acres of land, more or less.
Request for the voluntary annexation and establish the initial zoning to General Retail ("GR") District for a 1.0+/- acre of land being the North 50 feet of a 2.766 acre tract of land out of Block 54, David and Stephenson Subdivision, located on the west side of Briggs Coleman Road north of Loop 499. Applicant: John W. Drennan, c/o Troy Investment Company No. 7, L.P.

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 08/23/18.

form revised 04/29/09
A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.
See attached service plan
ORDINANCE NO. 18-

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN THROUGH ANNEXATION AND ESTABLISHING THE INITIAL ZONING TO GENERAL RETAIL ("GR") DISTRICT CONSISTING OF 1.0± ACRE TRACT OF LAND BEING THE NORTH 50 FEET OF A 2.755 ACRE TRACT OF LAND OUT OF BLOCK 54, DAVID AND STEPHENSON SUBDIVISION, LOCATED ON THE WEST SIDE OF BRIGGS COLEMAND ROAD NORTH OF LOOP 499; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

WHEREAS, it is deemed to be in the best interest of the City of Harlingen, Texas to consider the annexation and zoning of certain land area hereinafter described; and

WHEREAS, said land area is adjacent to and abutting upon the present city limits of the City of Harlingen, and is within the exclusive extra-territorial jurisdiction of the City of Harlingen; and

WHEREAS, the Elective Commission has heretofore held two public hearings at a meeting of the Elective Commission at the City Commission Room at City Hall, 118 E. Tyler Avenue, Harlingen, Texas on December 5, 2018 and December 19, 2018 pursuant to the provisions of Chapter 43, Texas Local Government Code, as amended; and

WHEREAS, at such hearings all interested persons were heard concerning the advisability of annexing and zoning such tracts of land; and

WHEREAS, such public hearing was duly conducted at the time and public place indicated above,

WHEREAS, the Elective Commission of the City of Harlingen, finds that the inclusion of such additional area will be of benefit to the City of Harlingen; now therefore
BE IT ORDAINED BY THE CITY OF HARLINGEN

That the corporate boundary limits of the City of Harlingen, Texas are hereby extended and as shown on Exhibit “A” pursuant to the provisions of Chapter 43, Texas Local Government Code to include the areas described as:

A 1.0± acre of land being the North 50 feet of a 2.766 acre tract of land out of Block 54, David and Stephenson Subdivision, located on the west side of Briggs Coleman Road north of Loop 499.

All of which property is located in Cameron County, Texas and said property lying adjacent to and abutting upon the current boundaries of the City of Harlingen, Texas and within the exclusive extraterritorial jurisdiction of the City of Harlingen; and

That the territory hereinabove described from shall be zoned upon annexation to General Retail (“GR”) and after the date hereof shall be subject to all the acts, ordinances, resolutions and regulations of the City of Harlingen, Texas and all ad valorem and other applicable taxes to the area.

A service plan prepared pursuant to Section 43.056 of Chapter 43, Texas Local Government Code providing for the extension of municipal services into the area hereby annexed is attached hereto as Exhibit “A”, and said service plan is hereby in all things approved and adopted. The area identified by the property description compromises a total of approximately 1.0± acres and is identified on the map attached to the service plan.

FINALLY ENACTED this _____ day of ____________, 2018 such date being the date of the second presentation of said Ordinance to the said Elective Commission. This Ordinance was finally enacted at a regular meeting of the Elective Commission of the City of Harlingen, Texas on
November 7, 2018 at which a quorum was present and which was held in accordance with TEXAS
GOVERNMENT CODE, CHAPTER 551, as amended.

CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:

Amanda Elizondo, City Secretary
DESCRIPTION OF TRACT:

A 1.0± acre of land being the North 50 feet of a 2.766 acre tract of land out of Block 54, David and Stephenson Subdivision, located on the west side of Briggs Coleman Road north of Loop 499.

PREPARED BY
CITY OF HARLINGEN PLANNING AND ZONING DEPARTMENT

DATE COMPLETED: October 4, 2018
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<td>Services to be Provided within 2-1/2 years</td>
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INTRODUCTION

In accordance with Chapter 43, Section 43.056, Texas Local Government Code, “governing body of the City proposing the annexation shall direct its planning or other appropriate department to prepare a service plan that provides for extension of municipal services into each area to be annexed”. It is for this reason that this plan has been prepared.

Texas Local Government Code Section 43.056(f), requires that a service plan may not: 1) require the creation of another political subdivision; 2) require a landowner in the area to fund the capital improvement necessary to provide municipal services in a manner inconsistent with Chapter 395 unless otherwise agreed to by the landowner; or 3) provide services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of the fire and police protection and emergency services provided within the corporate boundaries of the municipality before annexation.

The plan is divided into three sections that will illustrate the area proposed for annexation and explain the quality and quantity of services to be delivered to the proposed annexed area. The first section is a map of the area(s) to be annexed. The second and third sections consist of description of services that will be delivered within sixty (60) days after the effective date of annexation and the capital improvements that will begin construction within two and one-half (2 ½) years of the effective date of annexation.
Annexation Area Map

Annexation of 1.0 +/- acre of land being the north 50 feet of a 2.766 acres tract of land out of Block 54, David and Stephenson Subdivision

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 07/2018.
Services to be Provided within 60 days of Annexation

Fire:
The Harlingen Fire Department will provide fire protection immediately upon annexation utilizing present staff and equipment. Additional facilities, fire apparatus, and personnel will be requested as population and geographic size warrants.

Police:
Patrolling and on-call police protection available on effective date of annexation using present personnel and equipment. Patrol positions will be added when population warrants.

Solid Waste Collection:
City provided garbage collection services will be provided to all residential and commercial customers within the annexed areas in accordance with adopted city ordinances.

Brush and Debris collections services will be made available to all residential and commercial customers in accordance with adopted city ordinances within the annexed area. Within two years from the date of annexation, solid waste services provided by the City will become mandatory for all customers.

As per Texas Local Government Code Section 43.056, before the second anniversary of the date an area is included within the corporate boundaries of a municipality by annexation, the municipality may not prohibit the collection of solid waste in the area by a privately owned solid waste management service provider. After that time period, solid waste services provided by the City becomes mandatory.

Water and Wastewater:
Routine maintenance of city-owned water and wastewater facilities, if any, in the annexed area.

Water and wastewater facilities for domestic and commercial uses will be available at City rates according to policies of the Harlingen Waterworks Department from existing lines not within the service area of another water or wastewater utility on the effective date of annexation.

Streets and Street Lighting:
Public streets within the annexed area will be included into the street improvement program for routine maintenance on the same basis as presently occurs in the city. Maintenance of streets including the repair of hazardous potholes and measures necessary for traffic flow will begin within 60 days of the effective date of annexation. Unpaved streets will be graded as necessary on the same basis as presently occurs in the city.

Maintenance of traffic control devices will begin within 60 days of the effective date of annexation.
Operation and Maintenance of Parks, Playgrounds & Swimming Pools:
Access to all public parks, playgrounds, and swimming pools, immediately upon annexation.

Operation and Maintenance of Publicly Owned Facilities & Buildings:
Maintenance of any publicly owned facilities, buildings, or services will begin within 60 days of the effective date of annexation.

Capital Improvements to be Completed within 2 ½ Years of Annexation

Fire:
No capital improvement funds or equipment requested at this time. Additional facilities, fire apparatus, and personnel will be requested as population and geographic size warrants.

Police:
None at this time. Additional personnel and equipment will be requested as population and geographic size warrants.

Solid Waste Collection:
City provided garbage collection services will be provided to all residential and commercial customers within the annexed areas in accordance with adopted city ordinances. Brush and Debris collection services will be provided to all residential and commercial customers in accordance with adopted city ordinances within the annexed area.

As per the Texas Local Government Code Section 43.056, before the second anniversary of the date an area is included within the corporate boundaries of a municipality by annexation, the municipality may not prohibit the collection of solid waste in the area by privately owned solid waste management service provider. After that time period, solid waste collections service provided by the City becomes mandatory.

Water and Wastewater:
New water and wastewater lines of the Harlingen Waterworks will be extended to areas not within the service area of another water or wastewater utility by developers as land becomes subdivided in accordance with City and Waterworks ordinances and policies. Pursuant to V.T.C.A., Local Government Code Section 43.056(F)(2), landowners in the area are not required to fund capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 unless otherwise agreed to by the landowner.

Streets and Street Lighting:
Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other major improvements will be accomplished under the established policies of the city as need determines and upon development and subdivision of said areas.

Provision of additional street lighting as needed to be spaced similar to other similarly populated areas of Harlingen.
Traffic signals, street markings and other traffic control devices will be installed as need is established by appropriate study and traffic standards.

Street lighting is to be installed by developers according to city policies when land is subdivided.

Landowners in the area are not required to fund street and drainage capital improvements necessary to provide full municipal services that are inconsistent with V.T.C.A. Local Government Code Chapter 395 unless otherwise agreed to by the landowner.

**Parks, Playgrounds & Swimming Pools:**
None

**Publicly Owned Facilities & Buildings:**
None
Consider and take action to grant a variance with regards to the sidewalk requirement for the proposed Storage Depot Subdivision, bearing a legal description of a 3.743 acre tract of land, more or less being all of Lot 2, Block 1, replat of Lots 1, 2 and 4 Stone Subdivision Phase II, and a 2.766 acre tract out of Block 54, David and Stephenson Subdivision, located on the north side of Loop 499, west of Briggs Coleman Rd. Applicant: Jack Brown of Brown, Leal & Associates, c/o Troy Investment Company No. 7, L.P.

Prepared By: Rodrigo Davila, CPM
Title: Planning and Development Director
Signature:

**Project Timeline**
- October 05, 2018 – Original preliminary and final plat application and subdivision application submitted to the City
- October 17, 2018 – Subdivision reviewed by the Subdivision Review Committee.
- October 18, 2018 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- November 28, 2018 – Variance application submitted to the City. (ATTACHMENT I).
- December 12, 2018 – The P&Z Commission recommended approval by a 5 to 0 vote.
- December 19, 2018 – Consideration of variance request by the City Commission.

**Summary**
- The developer is requesting a variance from the City of Harlingen Code of Ordinances Section 109-124(f) with regards to the requirement of sidewalks on the subdivision side of all arterial streets.
- The subject property is currently undeveloped. It is located inside the City Limits, and has a proposed frontage of 200.00 feet on Loop 499 (150 foot ROW), and has a proposed frontage of 137.39 feet on Briggs Coleman Road (70 foot ROW). (ATTACHMENT II).
- The surrounding land use consists of single family residential use to the north, general retail use to the east and west, and undeveloped use to the south. The surrounding properties are subdivided. (ATTACHMENT III).
- On the north section of Loop 499, there are sidewalks from N 77 Sunshine Strip to Mont Park Drive (~0.37 miles). There are no sidewalks from Mont Park Drive to Morgan Blvd (~2.90 miles). Most of the properties on the north section of the Loop are undeveloped, so there are no sidewalks in those areas. For the properties that are developed, TxDOT would not allow sidewalks a the time. TxDOT has changed policies since then, and they currently do not have a hard stance on the matter.
- On the east section of the Loop, the City has received a grant to construct sidewalks from E
Harrison Avenue to Rio Hondo Road. There are also existing sidewalks on the Loop in the TSTC area

- The variance request was reviewed by the Engineering Department. The Engineering Department reported objection to the variance request. (ATTACHMENT IV).

- 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 4/5ths vote of the City Commission shall be required to override a recommendation for/or against the variance from P&Z Commission.

<table>
<thead>
<tr>
<th>Staff Recommendation:</th>
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<td>Staff recommends disapproval of the variance as:</td>
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<tr>
<td>1. The variance request does not comply with the findings outlined in Section 109-27(c) of the Code of Ordinances;</td>
</tr>
<tr>
<td>2. There is no undue hardship for the request;</td>
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<tr>
<td>3. The Engineering Department has objection to the variance being granted.</td>
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</tbody>
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<tr>
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<tr>
<td>Finance Director’s approval:</td>
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<tr>
<td>City Manager’s approval:</td>
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<tr>
<td>City Attorney’s approval:</td>
</tr>
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Comments:
CITY OF HARLINGEN PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)
Project Address 513 W. Loop 499 Nearest Intersection Briggs Coleman & Loop 499
(Proposed) Subdivision Name Storage Depot Subdivision Lot 1 - 4 Block 1
Existing Zoning Designation GR Future Land Use Plan Designation GR

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)
Applicant/Authorized Agent Brown, Leal & Associates Consulting Engineers Phone (956)428-4014 FAX N/A
Email Address (for project correspondence only): jbrown@blengineer.com
Mailing Address 1205 W. Jackson Street City Harlingen State Texas Zip 78550
Property Owner Troy Investment Company No. 7, L.P. Phone (281) 832-1643 FAX
Email Address (for project correspondence only): jbrown@blengineer.com
Mailing Address 1205 W. Jackson Street City Harlingen State Texas Zip 78550

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

<table>
<thead>
<tr>
<th>Process</th>
<th>Fee</th>
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<tbody>
<tr>
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<tr>
<td>Administrative Appeal (ZBA)</td>
<td>$125.00</td>
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<tr>
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<td>Subdivision Variance Request</td>
<td>$25.00 (each)</td>
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<tr>
<td>Sidewalks</td>
<td></td>
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</table>

Please provide a basic description of the proposed project: SEE ATTACHED

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: 10/5/2018

Property Owner(s) Signature: Date:

Accepted by: Date:
I, Stephen M. Gano authorized agent for Troy Investment Company No. 7, L.P. hereby authorize Jack L. Brown with Brown, Leal & Associates Consulting Engineers and/or their representatives to act on my behalf in any dealings and/or negotiations with reference to the property for the proposed Storage Depot Subdivision Plat.

Subscribed and sworn before me on this 28 day of September, 2018.

Signature of Notary
November 19, 2018

Planning & Zoning Department
502 E. Tyler Avenue
Harlingen, Texas 78550

Re: Storage Depot Variance Request

Dear Joel Olivo,

Storage Depot is requesting a variance be made for the requirement of construction of a sidewalk on Lot 1 that fronts Loop 499. Lot 1 is a replat of Stone Subdivision Phase II which was not required to construct a sidewalk. There are no sidewalks constructed along the North and South side of Loop 499 from North 21st Street to New Combes Hwy. That includes Lee Means Elementary School, Fire Station, Nursing Home, and a Church. In fact, there are no sidewalks at all in the vicinity of Lot 1 which would make Storage Depot the only lot to have a sidewalk if required. The City has the authority to construct sidewalks and assess the adjoining owners which would make more sense and make a usable section of a sidewalk.

Respectfully submitted,

Jack L. Brown, P.E.
Variance Request Routing Slip

| Applicant: | Jack Brown, P.E. (Brown, Leal, & Associates) |
| Phone No.: | (956) 428-4014 |
| Location:  | 513 W. Loop 499 (Briggs Coleman & Loop 499) |
| Project Description: | Sidewalks along Loop 499 |

| Department: | Engineering Department |
| Approval: | YES  X NO |

Comments:
The sidewalks for the subdivision along Loop 499 are required as per the subdivision requirements (Sect. 109-124 (f) (1)). Loop 499 is classified as a major arterial and will require sidewalk.

<table>
<thead>
<tr>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jack Brown</td>
<td>12/5/18</td>
</tr>
</tbody>
</table>
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: December 19, 2018

Agenda Item:
Consider and take action to grant a variance with regards to the streetlight requirement for the proposed Storage Depot Subdivision, bearing a legal description of a 3.743 acre tract of land, more or less being all of Lot 2, Block 1, replat of Lots 1, 2 and 4 Stone Subdivision Phase II, and a 2.766 acre tract out of Block 54, David and Stephenson Subdivision, located on the north side of Loop 499, west of Briggs Coleman Rd. Applicant: Jack Brown of Brown, Leal & Associates, c/o Troy Investment Company No. 7, L.P.

Prepared By: Rodrigo Davila, CPM
Title: Planning and Development Director
Signature: 

Brief Summary:

Project Timeline
- October 05, 2018 – Original preliminary and final plat application and subdivision application submitted to the City
- October 17, 2018 – Subdivision reviewed by the Subdivision Review Committee.
- October 18, 2018 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- November 28, 2018 – Variance application submitted to the City. (ATTACHMENT I).
- December 12, 2018 – The P&Z Commission recommended disapproval by a 5 to 0 vote.
- December 19, 2018 – Consideration of variance request by the City Commission.

Summary
- The developer is requesting a variance from the City of Harlingen Code of Ordinances Section 109-124(g) with regards to the requirement of streetlights at mid-block if the block exceeds 600 feet in length.

- The subject property is currently undeveloped. It is located inside the City Limits, and has a proposed frontage of 200.00 feet on Loop 499 (150 foot ROW), and has a proposed frontage of 137.39 feet on Briggs Coleman Road (70 foot ROW). There are existing street lights at the intersection of Loop 499 and Stone Creek Drive and at the intersection of Loop 499 and Briggs Coleman Rd. The block from Stone Creek Drive and Briggs Coleman Road is around 1,600 feet, and midblock would be around 800 feet. The midblock falls within the proposed subdivision (ATTACHMENT II).

- The surrounding land use consists of single family residential use to the north, general retail use to the east and west, and undeveloped use to the south. The surrounding properties are subdivided. (ATTACHMENT III).

- The variance request was reviewed by the Traffic Signals Maintenance Department who reported objection to the variance request.

- 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 4/5ths vote of the City Commission shall be required to override a recommendation for/or against the variance from P&Z Commission.

**Staff Recommendation:**

Staff recommends disapproval of the variance as:

1. The variance request does not comply with the findings outlined in Section 109-27(c) of the Code of Ordinances;
2. There is no undue hardship for the request and the length between existing street lights is significant;
3. There is no case history of a variance being granted for a street light in the area;
4. The Traffic Signals Maintenance Department has objection to the variance being granted.

**Funding (if applicable):**

<table>
<thead>
<tr>
<th>Are funds specifically designated in the current budget for this purpose?</th>
<th>Yes</th>
<th>No*</th>
</tr>
</thead>
</table>

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

<table>
<thead>
<tr>
<th>Finance Director’s approval:</th>
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<table>
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<tr>
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<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
</table>
# Attachment I—Application

## CITY OF HARLINGEN PLANNING AND ZONING DIVISION
### MASTER APPLICATION

**PROPERTY INFORMATION:** *(Please PRINT or TYPE)*

- **Project Address:** 513 W. Loop 499
- **Nearest Intersection:** Briggs Coleman & Loop 499
- **(Proposed) Subdivision Name:** Storage Depot Subdivision
- **Lot:** 1 - 4
- **Block:** 1
- **Existing Zoning Designation:** GR
- **Future Land Use Plan Designation:** GR

**OWNER/APPLICANT INFORMATION:** *(Please PRINT or TYPE)*

- **Applicant/Authorized Agent:** Brown, Leal 7 Associates Consulting Engineers
- **Phone:** (956) 428-4014
- **FAX:** N/A
- **Email Address:** (for project correspondence only): jbrown@blengineer.com
- **Mailing Address:** 1205 W. Jackson Street
- **City:** Harlingen
- **State:** Texas
- **Zip:** 78550

- **Property Owner:** Troy Investment Company No. 7, L.P.
- **Phone:** (281) 832-1643
- **FAX:** N/A
- **Email Address:** (for project correspondence only): jbrown@blengineer.com
- **Mailing Address:** 1205 W. Jackson Street
- **City:** Harlingen
- **State:** Texas
- **Zip:** 78550

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

<table>
<thead>
<tr>
<th>Process</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Annexation Request</td>
<td>No Fee</td>
</tr>
<tr>
<td>□ Administrative Appeal (ZBA)</td>
<td>$125.00</td>
</tr>
<tr>
<td>□ Comp. Plan Amendment Request</td>
<td>$250.00</td>
</tr>
<tr>
<td>□ Re-zoning Request</td>
<td>$250.00</td>
</tr>
<tr>
<td>□ SUP Request/Renewal</td>
<td>$250.00</td>
</tr>
<tr>
<td>□ Zoning Variance Request (ZBA)</td>
<td>$250.00</td>
</tr>
<tr>
<td>□ PDD Request</td>
<td>$250.00</td>
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<tr>
<td>□ License to Encroach</td>
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<tr>
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<td>□ Vacating Plat</td>
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<tr>
<td>□ Development Plat</td>
<td>$100.00</td>
</tr>
<tr>
<td>□ Subdivision Variance Request</td>
<td>$25.00 (each)</td>
</tr>
</tbody>
</table>

Please provide a basic description of the proposed project: SEE ATTACHED

---

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:** 10/5/2018

- **Property Owner(s) Signature:**
- **Date:**

- **Accepted by:**
- **Date:**

---
Troy Investment Company No. 7, L.P.

P. O Box 3817 • Brownsville, TX 78521-3817 • (956) 838-1133 • Fax (956) 838-1766

September 28, 2018

I, Stephen M. Gano authorized agent for Troy Investment Company No. 7, L.P., hereby authorize Jack L. Brown with Brown, Leal & Associates Consulting Engineers and/or their representatives to act on my behalf in any dealings and/or negotiations with reference to the property for the proposed Storage Depot Subdivision Plat.

[Signature]
Stephen M. Gano

Date: 9/28/18

Subscribed and sworn before me on this 28th day of September, 2018.

[Signature of Notary]
Oliuva Rodriguez
My Notary ID # 129021226
Expires August 24, 2021
November 19, 2018

Planning & Zoning Department
502 E. Tyler Avenue
Harlingen, Texas 78550

Re: Storage Depot Variance Request

Dear Joel Olivo,

Storage Depot is requesting a variance be made for the requirement of a street light on Lot 1 that fronts Loop 499. Storage Depot Lot 1 fronts Loop 499 and does not have a utility pole directly in front of the lot to place a street light. The businesses in the Stone Subdivision Replat Phase II to the East of this lot do not have any existing street lights nor was it required of this lot when it was originally platted in 2005, 2008, and 2011. To our knowledge, the ordinance has not changed in respect to street lights since the lot was originally platted.

Respectfully,

Jack L. Brown, P.E.
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: December 19, 2018

Agenda Item:
Consider and take action to grant a variance with regards to the subdivision note requirement for sidewalks, bearing a legal description of a 38.673 acre tract of land more or less, same being 21.217 acres out of Block 4, Stuart Place Subdivision and 17.456 acres out of Stuart Place Resort Section 1 & Reserve, located on the north side of Queen Sago Drive, west of Knotty Pine Lane. Applicant: Jack Brown of Brown, Leal & Associates, c/o Sun Valley Enterprise.

Prepared By: Rodrigo Davila, CPM
Title: Planning and Development Director
Signature:

Brief Summary:

Project Timeline
- November 02, 2018 – Original preliminary plat application and subdivision application submitted to the City
- November 21, 2018 – Subdivision reviewed by the Subdivision Review Committee.
- November 26, 2018 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- December 3, 2018 – Variance application submitted to the City. (ATTACHMENT I).
- December 12, 2018 – The P&Z Commission recommended disapproval by a 3 to 2 vote.
- December 19, 2018 – Consideration of variance request by the City Commission.

Summary
- The developer is requesting a variance from the City of Harlingen Code of Ordinances Section 109-124(f) with regards to the requirement of sidewalks the city staff deems necessary. The developer is required to have a plat note stating that sidewalks are required at the time of construction.

- The City has approved the ADA Transition Plan in October 2014 to provide accessibility for people with disabilities.

- The subject property is currently undeveloped. It is located inside the City Limits, on the north side of Queen Sago Drive, west of Knotty Pine Lane. The preliminary plat for Woodland Oaks Subdivision was previously approved in September 2013, which was before the subdivision note for a sidewalk was required. Phase I was developed, and now the remaining phases are being redesigned and replatted. Any new subdivisions, replats, or amendments must comply with the current subdivision rules. (ATTACHMENT II).

- The surrounding land use consists of single family residential use to the east, agricultural use to the north and south, and mobile home residential use to the west. The surrounding properties to the east and west are subdivided, and the properties to the north and south are unsubdivided. (ATTACHMENT III).

- The variance request was reviewed by the Engineering Department. The Engineering Department
reported objection to the variance request. They state that the continuity of the sidewalks with Phase I will be taken care of by the City in the future. The sidewalks are to create walkable neighborhoods to promote a healthy lifestyle. The rural section roadways surrounding the subdivision can be expanded in the future to include sidewalk. (ATTACHMENT IV).

- 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 4/5ths vote of the City Commission shall be required to override a recommendation for/or against the variance from P&Z Commission.

### Staff Recommendation:

Staff recommends disapproval of the variance as:

1. The variance request does not comply with the findings outlined in Section 109-27(c) of the Code of Ordinances;
2. There is no undue hardship for the request, as the requirement from the developer is to add a subdivision note to require a sidewalk at time of construction;
3. There is no obstruction which prevent the installation of the sidewalk; sidewalks also create a walkable neighborhood to promote a healthy lifestyle;
4. The Engineering Department has objection to the variance being granted.

### Funding (if applicable):

<table>
<thead>
<tr>
<th>Are funds specifically designated in the current budget for the full amount for this purpose?</th>
<th>Yes</th>
<th>No*</th>
</tr>
</thead>
</table>

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

<table>
<thead>
<tr>
<th>Finance Director’s approval:</th>
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<th>No</th>
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</tr>
</thead>
<tbody>
<tr>
<td>City Manager’s approval:</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Comments:**

<table>
<thead>
<tr>
<th>City Attorney’s approval:</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
</table>

*2*
### Property Information

- **Project Address:**
- **Nearest Intersection:** Anzures & Clearview Dr.
- **(Proposed) Subdivision Name:** Southwest Lakes, Phase 1
- **Existing Zoning Designation:** R-1
- **Future Land Use Plan Designation:** R-1

### Owner/Applicant Information

- **Applicant/Authorized Agent:** Brian Leal (for correspondence only); Brian@hcmr.com
- **Mailing Address:** P.O. Box 1385, City Harlingen, State TX, Zip 78550
- **Property Owner:** Sun Valley Enterprise
- **Mailing Address:** 1602 Teal Ave., City Harlingen, State TX, Zip 78550

### Select Appropriate Process

- **Annexation Request:** No Fee
- **Additional Appeal (ZBA):** $125.00
- **Comp. Plan Amendment Request:** $250.00
- **Re-zoning Request:** $250.00
- **SUP Request/Renewal:** $250.00
- **Zoning Variance Request (ZBA):** $250.00
- **PDD Request:** $250.00

### Fee Check

- **Preliminary Plat-Amended:** $100.00
- **Final Plat:** $50.00
- **Minor Plat:** $100.00
- **Re-plat:** $250.00
- **Vacating Plat:** $50.00
- **Vacating Plat:** $100.00
- **Development Plat:** $50.00

### Fee

- **Subdivision Variance Request:** $25.00 (each)

### Basic Description of Proposed Project

- **Project:** Phase II = 21 Single Family Lots
- **Location:** off of Clearview Drive

### Certification

- **Applicant's Signature:** [Signature]
- **Date:** 11-2-18
- **Property Owner(s) Signature:** [Signature]
- **Date:** [Date]
- **Accepted by:** [Signature]
- **Date:** [Date]
November 29, 2018

Planning & Zoning Department
502 E. Tyler Avenue
Harlingen, Texas 78550

Re: Amended Woodland Oaks Preliminary Variance Request

Dear Joel Olivo,

Woodland Oaks is requesting a variance be made to the requirement for construction of sidewalks on the Amended Preliminary Plat. Woodland Oaks Phase I was not required to construct sidewalks and when the existing streets of Phase I are extended through Phase II there will only be sidewalks in part of the Subdivision making the neighborhood look unfinished. Connections to any future sidewalks is not likely as there is a drain ditch that runs along the West side of the Subdivision and Stuart Place Country Club Golf Course is to the North and East. The adjoining streets, Queen Sago and Beckham Road are both rural sections with no current plans to upgrade. With that being said, all future Phases of this Subdivision will have sidewalks that lead nowhere.

Additionally, this is an Amended Preliminary Plat changing the design of the lots and streets only, the boundary of the subdivision remains the same, therefore, we feel that we should be able to move forward with the future Phases under the same rules that were applied on the original preliminary plat of this Subdivision.

Respectfully submitted,

Jack L. Brown, P.E.
Attachment II—Reduced Original Preliminary Plat

[Map Image]

[General Notes]

[Scale: 1"=2000]
Variance Request Routing Slip

Applicant: Jack Brown, P.E. (Brown, Leal, & Associates)  
Phone No.: (956) 428-4014  
Location: Woodland Oaks Phase II (Queen Sago & Clear View Drive)  
Project Description: Phase II Sidewalks

Department: Engineering Department  
Approval: YES X NO

Comments:
The sidewalks for the residential lots for Phase II will be required at time of construction. The continuity of the sidewalks with Phase I will be taken care of by the City in the future. The sidewalks are to create walkable neighborhoods to promote a healthy lifestyle. The rural section roadways surrounding the subdivision can be expanded in the future to include sidewalk.

Signature ___________________________ Date 12/5/18
**AGENDA ITEM**
**EXECUTIVE SUMMARY**

**Meeting Date:** December 19, 2018

**Agenda Item:** Consideration and possible action to amend the Industrial District Agreement between the City and Cardone Industries approved on November 26, 2018.

**Prepared By (Print Name):** Gabriel Gonzalez  
**Title:** Assistant City Manager  
**Signature:**

**Brief Summary:**  
The Industrial Development Agreement initially approved on November 26, 2018 contained provisions that have since been removed by both parties. Cardone Industries Inc. is the sixth company to sign their Industrial Development Agreement. Payments will be paid on the current value of the facility. As part of the Agreement, the following conditions will apply.

1) The City will not annex the property for the 7 year term of the Agreement.
2) During this term, the City will provide police and fire protection, will charge the water and sewer rates as if they were located within the city limits and provide other services available to industries within the city.
3) The company will pay 100% of the fair market value of the property as certified by the Cameron County Appraisal District as of July 20th of the prior year.
4) After the 7 year term, the City may annex the property under the voluntary annexation procedures.

Staff recommends approval of the Agreement.

| **Funding (if applicable):** |
| Are funds specifically designated in the current budget for the full amount | Yes | No*  
*If no, specify source of funding and amount requested: N/A  
Finance Director’s approval: | Yes | No | N/A  

| **Staff Recommendation:** |
| Approval |  
For Street Closures ONLY, Fire Chief’s approval: | Yes | No | N/A  
City Manager’s approval: | Yes | No | N/A  

**Comments:**

City Attorney’s approval: Yes | No | N/A
THIS INDUSTRIAL DISTRICT AGREEMENT ("Agreement") is made and entered into on the date hereinafter written by and between the CITY OF HARLINGEN, TEXAS, a home-rule municipal corporation of Cameron County, Texas 78550, acting through its Mayor as authorized by its Elective Commission, (hereinafter referred to as “CITY”) and CARDONE INDUSTRIES, INC. a corporation organized in Pennsylvania, and GLH, L.P. a Delaware limited partnership (hereinafter collectively referred to as “COMPANY”).

WHEREAS, it is the intention of CITY and COMPANY to enter this Agreement which shall constitute a non-annexation agreement for the property commonly known as 5810 E. Harrison Ave., Harlingen TX and designated as Lot One (1), Block One (1), FRUIT OF THE LOOM SUBDIVISION NO. 1, Cameron County, Texas, according to the map or plat thereof recorded in Cabinet 1, Slots 917-B, 918-A, and 918-B, Map Records, Cameron County, Texas ("Subject Property"); and

WHEREAS, the Subject Property is located in the extraterritorial jurisdiction of the City of Harlingen; and

WHEREAS, Texas Local Government Code Section 42.044 provides for the creation of industrial districts within the extraterritorial jurisdiction of cities; and

WHEREAS, the City Commission of the City of Harlingen adopted Resolution No. 81R-36 dated October 21, 1981 designating a part of its extraterritorial jurisdiction as an industrial district; and
WHEREAS, it is to the mutual advantage of industries and municipalities to cooperate whenever possible for the general advancement of the affected population because orderly economic growth raises the standard of living and otherwise improves the quality of life for the community as a whole; and

WHEREAS, the City Commission of the City of Harlingen is of the opinion that commercial industrial and manufacturing industries should compensate the City proportionately, recognizing their use of municipal services, and realizing that industries derive a benefit, both direct and indirect from municipal services,

NOW THEREFORE, the CITY and COMPANY, in consideration of the agreements exchanged herein do hereby contract as follows:

1) City agrees that all of the land and improvements thereon owned, used, occupied, leased, rented, or possessed by COMPANY within the Subject Property and designated by Resolution No. 81R-36 as an industrial district shall continue its extraterritorial status as an industrial district and shall not be annexed by CITY during the seven (7) year term of this agreement ("Term of this Agreement").

2) CITY further agrees that during the Term of this Agreement, CITY shall furnish to COMPANY police protection, fire protection, and such other services in the same manner furnished to other industries located within the city limits of Harlingen. It is specifically understood that water rates and sewer rates will be the same as the industrial published rates charges within the city limits.

3) COMPANY agrees to pay CITY on or before April 1 of each year during the Term of this Agreement, a payment in lieu of taxes ("PILOT"), the first of such
PILOT payments to be made on April 1, 2019, in an amount calculated on the basis of the following formula:

   a) Calculate 100% of the fair market value of all real and personal property and improvements owned by COMPANY constituting or located on the "Subject Property" as established by the Certified Cameron Appraisal District tax rolls as of July 20th of the year prior to each payment year, and reduce said fair market value by 100% of all exemptions and exclusions available under applicable law (such as the freeport tax exemption). This is the "ADJUSTED VALUE".

   b) The PILOT will be the ADJUSTED VALUE multiplied by one hundred percent (100%) of the CITY's tax rate on all taxable property.

4) If any portion of the Subject Property is located within CITY's corporate limits, that portion shall be subject to the normal tax treatment applicable to land of its type located within CITY.

5) CITY and COMPANY further agree that CITY may terminate this Agreement, annex the "Subject Property", and tax all real and personal property and improvements located on the "Subject Property", at 100% of its appraised value (subject to all exemptions and exclusions available under applicable law) in the event COMPANY fails to timely make any PILOT payment (or any substitute for the PILOT payment) as and when required by this Agreement.

6) If Company is involved in a contest concerning the accuracy of the appraisal of the real and personal property located on the "Subject Property", COMPANY will make
the PILOT payment required under this Agreement for the amount of the Appraisal not contested.

7) CITY AND COMPANY hereby mutually agree that venue for any suit arising under this Agreement shall be in a court of appropriate jurisdiction in Cameron County, Texas.

8) Upon the expiration of this AGREEMENT, CITY's agreement not to annex the Subject Property shall terminate and COMPANY shall be considered by virtue of this AGREEMENT to have petitioned CITY to annex the Subject Property, and CITY may annex the Subject Property pursuant to the procedures applicable to voluntary annexations. COMPANY agrees that it shall execute any additional instruments that may be necessary to effectuate the voluntary annexation.

[Remainder of page left intentionally blank]
WITNESS OUR HAND IN DUPLICATE ORIGINALS THIS _____day of
_____________, 2018.

CARDONE INDUSTRIES, INC.
BY: _______________________
ITS _______________________

ATTEST:

___________________________
ITS: _______________________

GLH. L.P.
By: GLH, LLC its sole general partner
By: _________________________
Its: _________________________

ATTEST:

___________________________
Its: _________________________

CITY OF HARLINGEN
BY: _______________________
       Chris Boswell, Mayor

ATTEST:

___________________________
CORPORATE ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF CAMERON §

BEFORE ME, the undersigned authority on this day personally appeared Chris Boswell, Mayor of the City of Harlingen, Texas, a municipal corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed, in the capacity herein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS _____ day of ____________________, 2018.

______________________________
Notary Public, State of Texas
My Commission Expires: ______________

CORPORATE ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILADELPHIA §

BEFORE ME, the undersigned authority on this day personally appeared ____________________________, ____________________________ of CARDONE INDUSTRIES, INC. a Pennsylvania corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed, in the capacity herein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS _____ day of ____________________, 2018.

______________________________
Notary Public, Commonwealth of Pennsylvania
My Commission Expires: ______________
ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILADELPHIA §

BEFORE ME, the undersigned authority on this day personally appeared
______________________________, ___________________ of GLH, LLC, the sole general
partner of GLH, L.P., a Delaware limited partnership, known to me to be the person
whose name is subscribed to the foregoing instrument, and acknowledged to me that he
executed the same for the purpose and consideration therein expressed, in the capacity
herein stated and as the act and deed of said limited partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS ______ day of
_____________________, 2018.

_________________________________________________________________
Notary Public, Commonwealth of Pennsylvania
My Commission Expires: ____________________
**EXECUTIVE SUMMARY**

Meeting Date: December 19, 2018

**Agenda Item:**
Consider and take action to authorize the Harlingen Police Department to enter into a Memorandum of Understanding (MOU) with the Valley AIDS Council (VAC) to provide NARCAN (Naxolone) training to selected members of the HPD Training Staff.

<table>
<thead>
<tr>
<th>Prepared By (Print Name):</th>
<th>Jeffry A. Adickes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td>Chief of Police</td>
</tr>
<tr>
<td>Signature:</td>
<td></td>
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</table>

**Brief Summary:**
The Harlingen Police Department would like to enter into a Memorandum of Understanding (MOU) with the Valley AIDS Council (VAC). Through this agreement, the VAC will provide basic NARCAN training for select HPD Training Officers, who will then be responsible for training all HPD Officers assigned to carry and administer NARCAN (Naloxone) kits. The ability to deploy NARCAN will allow the Harlingen Police Department to aid with the reduction of fatalities resulting from opioid overdoses through the training of departmental personnel and deployment of Naloxone (NARCAN) kits.

**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:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
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**Staff Recommendation:**
Recommend approval

City Manager's approval:

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<th>Yes</th>
<th>No</th>
<th>N/A</th>
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**Comments:**

City Attorney's approval:

<table>
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<tr>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
</table>
MEMORANDUM OF UNDERSTANDING

VALLEY AIDS COUNCIL &
CITY OF HARLINGEN, TEXAS POLICE DEPARTMENT

This agreement is entered into between the Valley AIDS Council, TO WIT: (hereinafter known as "VAC") and the CITY OF HARLINGEN, TO WIT: THE HARLINGEN POLICE DEPARTMENT (hereinafter known as "HPD").

Through this agreement, it is sought to provide basic NARCAN training for HPD Training Officers, who will then be responsible for training HPD Officers assigned to carry and administer NARCAN (Naloxone) kits.

Therefore, HPD and the VAC do hereby agree as follows regarding provision of the aforementioned training program.

GOALS AND OBJECTIVES OF THE PARTNERSHIP

The goals and objectives of this partnership between HPD and the VAC are to:

• It is the goal Harlingen Police Department to aid with the reduction of fatalities resulting from opioid overdoses through the training of departmental personnel and deployment of Naloxone (NARCAN) kits.

• No Officer will administer Naloxone until the Officer has successfully completed the training provided by the Training Division. Use of Naloxone will conform to current policy and techniques as approved and taught by the Training Division, and as provided by law.

• Provide quality NARCAN (Naloxone) training to selected HPD training Staff.

ROLES AND RESPONSIBILITIES

The Roles and Responsibilities of each party to this agreement are as follows:

VAC

• Provide, at no cost, quality NARCAN (Naloxone) training for selected HPD Training Staff members.

• Schedule, coordinate and conduct NARCAN training for selected HPD Training Staff.

• Utilize VAC instructional staff, facilities, equipment and support staff, as appropriate for the initial training of the HPD Training Staff.

• Provide the opportunity to transfer lesson plans, learning objectives, media visual training material and all handouts to HPD for training of additional personnel.

• Provide the Harlingen Police Department with a copy of the "Release of Liability and Statement" form for every student, if applicable.
HARLINGEN POLICE DEPARTMENT

- Provide housing/office space for all lesson plans, learning objectives and any and all media visual training material in conjunction with any NARCAN training.
- HPD Training staff who receive the initial NARCAN training from VAC staff will then be responsible for training all additional HPD employees who will carry and deploy NARCAN (Naloxone) kits.

HOLD HARMLESS AGREEMENT

The VAC agrees to hold the HPD and the City of Harlingen, Texas, harmless from any and all claims arising out of acts or omissions of the LRGVDC during any NARCAN training classes and activities.

The HPD agrees to hold the Valley AIDS Council (VAC) harmless from any and all claims arising out of acts or omissions of HPD during any NARCAN training classes or activities.

The HPD agrees to hold the Valley AIDS Council (VAC) harmless from any and all claims arising out of acts or omissions of HPD during any NARCAN training classes or activities provided by HPD Training staff.

This section does not apply to, nor has any effect in, Workers Compensation claims filed against either party by that party's personnel, resulting out of acts or omissions during any NARCAN training classes and activities.

INSTRUCTIONAL STANDARDS OF COMPLIANCE

VAC maintains the right to review or modify, as needed, training calendar, curriculum, lesson plans and/or instructors as needed or required.

MEMORANDUM OF UNDERSTANDING AMENDMENTS

The parties agree that this agreement is given and accepted upon the expressed condition that it cannot, in any manner, be changed, altered, varied, or modified unless such modification, change, or alteration shall be in writing and executed by both parties.

This agreement may be amended by mutual written agreement of both parties and terminated by either party giving not less than thirty (30) days written notice prior to the proposed effective date of the proposed amendment or termination.

The effective start date of this agreement is the ______ day of ________________, 2018

Dan Serna, City Manager
City of Harlingen, Texas

ATTEST:

Amanda C. Elizondo, City Secretary

Oscar Raul Lopez
Vice President of Policy, Advocacy, Education & Communications
Valley AIDS Council

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MEMORANDUM OF UNDERSTANDING

VALLEY AIDS COUNCIL
&
CITY OF HARLINGEN, TEXAS POLICE DEPARTMENT

This agreement is entered into between the Valley AIDS Council, TO WIT: (hereinafter known as "VAC") and the CITY OF HARLINGEN, TO WIT: THE HARLINGEN POLICE DEPARTMENT (hereinafter known as "HPD").

Through this agreement, it is sought to provide basic NARCAN training for HPD Training Officers, who will then be responsible for training HPD Officers assigned to carry and administer NARCAN (Naloxone) kits.

Therefore, HPD and the VAC do hereby agree as follows regarding provision of the aforementioned training program:

GOALS AND OBJECTIVES OF THE PARTNERSHIP

The goals and objectives of this partnership between HPD and the VAC are to:

- It is the goal Harlingen Police Department to aid with the reduction of fatalities resulting from opioid overdoses through the training of departmental personnel and deployment of Naloxone (NARCAN) kits.
- No Officer will administer Naloxone until the Officer has successfully completed the training provided by the Training Division. Use of Naloxone will conform to current policy and techniques as approved and taught by the Training Division, and as provided by law.
- Provide quality NARCAN (Naloxone) training to selected HPD training Staff.

ROLES AND RESPONSIBILITIES

The Roles and Responsibilities of each party to this agreement are as follows:

VAC

- Provide, at no cost, quality NARCAN (Naloxone) training for selected HPD Training Staff members.
- Schedule, coordinate and conduct NARCAN training for selected HPD Training Staff.
- Utilize VAC instructional staff, facilities, equipment and support staff, as appropriate for the initial training of the HPD Training Staff.
- Provide the opportunity to transfer lesson plans, learning objectives, media visual training material and all handouts to HPD for training of additional personnel.
- Provide the Harlingen Police Department with a copy of the "Release of Liability and Statement" form for every student, if applicable.
HARLINGEN POLICE DEPARTMENT

- Provide housing/office space for all lesson plans, learning objectives and any and all media visual training material in conjunction with any NARCAN training.

- HPD Training staff who receive the initial NARCAN training from VAC staff will then be responsible for training all additional HPD employees who will carry and deploy NARCAN (Naloxone) kits.

HOLD HARMLESS AGREEMENT

The VAC agrees to hold the HPD and the City of Harlingen, Texas, harmless from any and all claims arising out of acts or omissions of the LRGVDC during any NARCAN training classes and activities.

The HPD agrees to hold the Valley AIDS Council (VAC) harmless from any and all claims arising out of acts or omissions of HPD during any NARCAN training classes or activities.

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The effective start date of this agreement is the ______ day of ________, 2018.

_________________________
Dan Serna, City Manager
City of Harlingen, Texas

ATTEST:

_________________________
Amanda C. Elizondo, City Secretary

_________________________
Oscar Raul Lopez
Vice President of Policy, Advocacy, Education & Communications
Valley AIDS Council