CITY COMMISSION
AGENDA
SPECIAL MEETING
DECEMBER 30TH, 2019
@ 12:00 P.M.
CITY HALL, TOWN HALL, 2nd Floor
118 E. Tyler Street
Harlingen, Texas

Notice is hereby given that a Special Meeting of the Harlingen City Commission will be held Monday, December 30th, 2019 at 12:00 P.M., City Hall, Town Hall Meeting Room, 2nd Floor, 118 E. Tyler Street, Harlingen, Texas.

The Harlingen City Commission meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary’s Office at (956) 216-5001 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.

Call Open Meeting to Order

Citizen Communication / Input

1) Public hearing to consider an ordinance on first reading to rezone from Residential, Multi-Family (“M-2”) District to General Retail (“GR”) District for 37.803 acres out of Block 145, San Benito land and Water Company Subdivision, located on the north side of East Treasure Hills Boulevard west of FM 509. Applicant: Thomas Davidson of Nobleman Investments. Attachment (Planning & Zoning)

   a) Public hearing

   b) Consideration and possible action to approve an ordinance on first reading to rezone from Residential, Multi-Family (“M-2”) District to General Retail (“GR”) District for 37.803 acres out of Block 145, San Benito land and Water Company Subdivision, located on the north side of East Treasure Hills Boulevard west of FM 509.

I, the undersigned authority, do hereby certify that the above Notice of Meeting is a true and correct copy of said Notice and that said Notice was posted on the bulletin board of City Hall, a place convenient and readily accessible to the general public at all times and said Notice was posted on Friday, December 27th, 2019 at 9:30 a.m. at least 72 hours preceding the scheduled time of said meeting.

Dated this 27th day of December, 2019

[Signature]

For Amanda C. Elizondo, City Secretary
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: December 30, 2019

Agenda Item:
Public hearing and take action to consider an Ordinance on First Reading to rezone from Residential, Multi-Family (“M-2”) District to General Retail (“GR”) District for 37.803 acres out of Block 145, San Benito Land and Water Company Subdivision, located on the north side of East Treasure Hills Boulevard west of FM 509. Applicant: Thomas Davidson of Nobleman Investments

Prepared By: Xavier Cervantes, AICP
Title: Planning and Development Director
Signature: [Signature]

Brief Summary:

Project Timeline

- **December 9, 2019** – Application for rezoning submitted to the City (ATTACHMENT I and II).
- **December 12, 2019** – In accordance with Statute and local law, notice of the required public hearings was published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- **December 23, 2019** – Public hearing was conducted by the Planning and Zoning Commission (P&Z). The P&Z Commission recommended approval of the rezoning request by a 2 to 1 vote.
- **December 30, 2019** – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- **January 15, 2020** – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Residential, Multi-Family (“M-2”) District to General Retail (“GR”) District in order to lease the property to a construction company that would like to utilize the land as a home base during a two-year year period. A staging area is allowed in a GR District with an approved Specific Use Permit (SUP). If the rezoning is approved, the applicant would need to apply for a SUP, which would require public hearings and approval by the City Commission (ATTACHMENT III).

- The subject property is currently vacant. It has 1,230 feet of frontage along East Treasure Hills Boulevard and a depth of 1,320 feet. East Treasure Hills is a two lane with shoulders 44 ft. wide with curb and gutter paved street (ATTACHMENT IV AMD V). Treasure Hills Boulevard is not designated in the Thoroughfare Plan but it functions as a collector street.

- The surrounding properties are zoned Residential, Single Family (“R-1”) District to the...
north, General Retail ("GR") and Not Designated ("N") Districts to the south, Residential Single Family ("R-1") and Not Designated ("N") Districts to the east and General Retail ("GR") and Residential, Single Family ("R-1") Districts to the west (ATTACHMENT III). The surrounding land uses consists of single family homes and vacant land to the north, vacant land in agriculture use to the south, vacant land to the east, and single family homes and vacant residential lots to the west (ATTACHMENT V).

- The Future Land Use Plan (FLUP) component of the City of Harlingen One Vision One Harlingen Comprehensive Plan designates this area as low density residential. (ATTACHMENT VI).

- Although the requested rezoning is not consistent with the Future Land Use Plan, it is consistent with the General Retail ("GR") zoning to the southwest.

- To the present, the Planning and Zoning Department has received not received any objections from surrounding property owners in reference to the proposed rezoning request.

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

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<th>Staff Recommendation:</th>
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<td>Staff recommends approval.</td>
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| City Manager’s approval: | Yes | No | N/A |

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<th>Comments:</th>
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| 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:** 1901 Swezy Lane
- **Nearest Intersection:** E. Treasure Hills Blvd./Helen Moore Loop 509
- **Proposed** Subdivision Name: N/A
- **Lot:** ____________ Block: ____________
- **Existing Zoning Designation:** M-2 Fees, Multi-Family
- **Future Land Use Plan Designation:** General Retail District with a Special Use Permit for Light Industry Manufacturing

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

- **Applicant/Authorized Agent:** Thomas Davidson (Nobleman Investments)
  - **Phone:** 656-451-4711
  - **Fax:**
- **Email Address** (for project correspondence only): Thomas.Davidson@VantageBank
- **Mailing Address:** 1808 Hibiscus Ave.
  - **City:** McAllen
  - **State:** TX
  - **Zip:** 78501
- **Property Owner:** Same
  - **Phone:**
  - **Fax:**
- **Email Address** (for project correspondence only): 
- **Mailing Address:**
  - **City:**
  - **State:**
  - **Zip:**

Select appropriate process for which approval is sought. Attach completed checklist 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
- **PDD Request:** $250.00
- **License to Encroach:** $250.00
- **Preliminary Plat:** $100.00
- **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: Land owner proposes to lease the property to a construction company that will utilize the land as a home base during an approximate 2 year project. The company will be doing work on the nearby border wall and will use this land to park trailer/offices, trucks and material related to the project. The land is already improved with fencing and caliche to accommodate this use and has been used for this purpose in the recent past.

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:** 12/9/19

**Property Owner(s) Signature:** ___________________________ **Date:** 12/9/19

**Accepted by:** ___________________________ **Date:**
RE-ZONING REQUEST
SUBMITTAL CHECKLIST

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

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

☐ City and School Tax Certificates

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

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

- I understand that I am requesting an amendment to the City’s Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.

- I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:
  - A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing, and
  - Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.

- I understand that while all requirements for the submittal of a re-zoning request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.

Owner: ___________________________ Date: __________
Owner Address: 1806 Hibiscus Ave, McAllen, TX 78501
Phone/Fax: __________
Signature: ___________________________
Attachment II

PLAT SHOWING
37.803 ACRES OUT OF
LOTS ONE (1), TWO (2), SEVEN (7), AND EIGHT (8)
BLOCK ONE HUNDRED FORTY FIVE (145)
SAN BENITO LAND AND WATER COMPANY SUBDIVISION IN
CONCEPCION DE CARRITOS GRANT, ACCORDING TO THE MAP
OR PLAT THEREOF RECORDED VOLUME 1, PAGE 8, C.C.M.R.
CAMERON COUNTY, TEXAS
Request of Thomas Davidson of Nobleman Investments to rezone from Residential, Multi-Family ("M-2") District to General Retail ("GR") District for 37.803 acres out of Block 145, San Benito Land and Water Company Subdivision, located on the north side of East Treasure Hills Boulevard west of FM 509.

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

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 11.25.19.
Attachment IV

VIEW FROM THE SOUTH ON EAST TREASURE HILLS BLVD.
Future Land Use Map

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

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ORDINANCE NO. 19

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, MULTI-FAMILY ("M-2") DISTRICT TO GENERAL RETAIL (GR) DISTRICT FOR 37.803 ACRES OUT OF BLOCK 145, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, LOCATED ON THE NORTH SIDE OF EAST TREASURE HILLS BOULEVARD WEST OF 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 Residential, Multi-Family ("M-2") District to General Retail ("GR") District for 37.803 acres out of Block 145,
San Benito Land and Water Company Subdivision located on the north of East Treasure Hills Boulevard west of 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 ____________, 2019 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 of Thomas Davidson of Nobleman Investments to rezone from Residential, Multi-Family ("M-2") District to General Retail ("GR") District for 37.803 acres out of Block 145, San Benito Land and Water Company Subdivision, located on the north side of East Treasure Hills Boulevard west of FM 509.

Zoning Designations

- General Retail (GR)
- Multi Family Residential (M2)
- Mobile Home Residential (MHR)
- Not-Designated (N)
- Neighborhood Services (NS)
- Office (O)
- Planned Development (PD)
- Single Family Residential (R1)
- Duplex Residential (R2)
- Residential/Single Family/Rural Home (RPH)

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PUBLIC HEARING AND TAKE ACTION TO CONSIDER AND REQUEST TO REZONE FROM RESIDENTIAL, MULTI-FAMILY ("M-2") DISTRICT TO GENERAL RETAIL ("GR") DISTRICT FOR 37.803 ACRES OUT OF BLOCK 145, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, LOCATED ON THE NORTH SIDE OF EAST TREASURE HILLS BOULEVARD WEST OF FM 509.

APPLICANT: THOMAS DAVIDSON OF NOBLEMAN INVESTMENTS

Mr. Olivo summarized the following:

- The applicant is requesting to rezone the subject property from Residential, Multi-Family ("M-2") District to General Retail ("GR") District in order to lease the property to a construction company that would like to utilize the land as a home base during a two-year period. A staging area is allowed in a GR District with an approved Specific Use Permit (SUP). If the rezoning is approved, the applicant would need to apply for a SUP, which would require public hearings and approval by the City Commission.

- The subject property is currently vacant. It has 1,230 feet of frontage along East Treasure Hills Boulevard and a depth of 1,320 feet. East Treasure Hills is a two lane with shoulders 44 ft. wide with curb and gutter paved street. Treasure Hills Boulevard is not designated in the Thoroughfare Plan but it functions as a collector street.

- The surrounding properties are zoned Residential, Single Family ("R-1") District to the north, General Retail ("GR") and Not Designated ("N") Districts to the south, Residential Single Family ("R-1") and Not Designated ("N") Districts to the east and General Retail ("GR") and Residential, Single Family ("R-1") Districts to the west. The surrounding land uses consists of single family homes and vacant land to the north, vacant land in agriculture use to the south, vacant land to the east, and single family homes and vacant residential lots to the west.

- The Future Land Use Plan (FLUP) component of the City of Harlingen One Harlingen Comprehensive Plan designates this area as low density residential.

- Although the requested rezoning is not consistent with the Future Land Use Plan, it is consistent with the General Retail ("GR") zoning to the southwest.

- To the present, the Planning and Zoning Department has received not received any objections from surrounding property owners in reference to the proposed rezoning request.

- Staff recommends approval of the request.

  Chr. Peacock asked the Board if there were any questions for staff.

  Chr. Peacock asked if the proposed use was temporary.

  Mr. Olivo responded that it was for a two year period.

  Chr. Peacock asked if the property needed to be rezoned.

  Mr. Olivo responded that the property needed to be rezoned to General Retail (GR) and a specific use permit would also be needed to allow the subject use. He added that a staging area is allowed in a GR District with an approved specific use permit. It is a two step process. The
rezoning is the first step in the process. If the rezoning is approved, the applicant would need to apply for a specific use permit, which would require approval of the P&Z Commission and City Commission. He further added that the difference between the proposed staging area versus the one that previously operated on this property is the previous one was doing construction near the subject property, which qualified under a construction trailer permit. The proposed new staging area is not doing any construction work on the property.

Vice Chr. Consiglio asked if the staging area will consist of pipes and other materials.

Mr. Olivo responded that it will consist of materials related to the construction of the border wall.

Chr. Peacock asked that once the staging area is complete, if the rezoning will remain General Retail District.

Mr. Olivo responded yes.

Mr. Cervantes added that the issue to look at is if makes sense to rezone the property to General Retail (GR). The rezoning is what is on the agenda today and not the staging area. He further added that the property to the south is already zoned General Retail (GR) and East Treasure Hill Boulevard is paved and acts as a collector roadway. He asked the board if a future commercial plaza made sense for the property and, if so, they could recommend approval to the rezoning request if desired.

Mr. Olivo added that it is paved 44 feet wide with curb and gutter.

Vice Chr. Consiglio asked if notices were sent to the required property owners.

Mr. Olivo responded yes.

Vice Chr. Consiglio asked if staff received any concerns from the surrounding property owners.

Mr. Olivo responded no.

Vice Chr. Consiglio asked what type of concerns/complaints did the City receive during the previous staging area that operated on that property.

Mr. Olivo responded that staff did not receive any concerns from property owners regarding the previous construction staging area. The previous construction staging area operated under a construction trailer permit, which didn’t require that property owners be notified.

Vice Chr. Consiglio clarified what type of complaints did the previous staging area receive while the construction company operated on site.

Mr. Gabriel Gonzalez responded that staff did not receive any complaints when the previous staging area was located at the site.

Chr Peacock opened the public hearing,
Thomas Davidson, the applicant and part owner of the property, stated that he and his partner have owned the property for twelve years. The intended use of the property is for multi-family use with possible commercial uses on the frontage of the property, which is still a few years away. He further added that they currently have a potential tenant for a construction staging area, which will be good for the City and everybody.

With no further comments, Chairman Peacock closed the public hearing.

Vice Chr. Consiglio made a motion to deny the request. The motion died due to lack of a second.

Cmr. Martinez made a motion to approve the rezoning request. The motion was seconded by Cmr. Camacho. The motion was approved with a 2 to 1 vote.